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State Clearinghouse No. 2022070481

6TH CYCLE HOUSING ELEMENT UPDATE: CEQA FINDINGS AND STATEMENT OF OVERRIDING CONSIDERATIONS REGARDING THE FINAL ENVIRONMENTAL IMPACT REPORT

County of Contra Costa

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**CEQA FINDINGS
AND STATEMENT OF OVERRIDING CONSIDERATIONS
REGARDING THE
FINAL ENVIRONMENTAL IMPACT REPORT
FOR THE
CONTRA COSTA COUNTY HOUSING ELEMENT UPDATE
STATE CLEARINGHOUSE NO. 2022070481**

Exhibit A

I. INTRODUCTION

The California Environmental Quality Act (CEQA) requires that a number of written findings be made by the lead agency in connection with certification of an environmental impact report (EIR) prior to approval of the project pursuant to Sections 15091 and 15093 of the CEQA Guidelines and Section 21081 of the Public Resources Code. This document provides the findings required by CEQA. The potential environmental effects of the proposed 6th Cycle Contra Costa County Housing Element Update have been analyzed in a Draft Environmental Impact Report (DEIR) (State Clearinghouse [SCH] 2022070481) dated February 2023. A Final EIR has also been prepared that incorporates the DEIR and contains comments received on the DEIR, responses to the individual comments, revisions to the DEIR including any clarifications based on the comments and the responses to the comments, and the Mitigation Monitoring and Reporting Program (MMRP) for the proposed project. This document provides the findings required by CEQA for approval of the proposed project.

A. Statutory Requirements for Findings

The CEQA (Pub. Res. Code §§ 21000, *et seq.*) and the State CEQA Guidelines (Guidelines) (14 Ca. Code Regs §§ 15000, *et seq.*) promulgated thereunder, require the environmental impacts of a project be examined before a project is approved. Specifically, regarding findings, Guidelines Section 15091 provides:

- (a) No public agency shall approve or carry out a project for which an EIR has been certified which identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding. The possible findings are:
 - 1. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.
 - 2. Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.
 - 3. Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained

workers, make infeasible the mitigation measures or project alternatives identified in the final EIR.

- (b) The findings required by subsection (a) shall be supported by substantial evidence in the record.
- (c) The finding in subdivision (a)(2) shall not be made if the agency making the finding has concurrent jurisdiction with another agency to deal with identified feasible mitigation measures or alternatives. The finding in subsection (a)(3) shall describe the specific reasons for rejecting identified mitigation measures and project alternatives.
- (d) When making the findings required in subdivision (a)(1), the agency shall also adopt a program for reporting on or monitoring the changes which it has either required in the project or made a condition of approval to avoid or substantially lessen significant environmental effects. These measures must be fully enforceable through permit conditions, agreements, or other measures.
- (e) The public agency shall specify the location and custodian of the documents or other material which constitute the record of the proceedings upon which its decision is based.
- (f) A statement made pursuant to Section 15093 does not substitute for the findings required by this section.

The “changes or alterations” referred to in Section 15091(a)(1) above, that are required in, or incorporated into, the project which mitigate or avoid the significant environmental effects of the project, may include a wide variety of measures or actions as set forth in Guidelines Section 15370, including:

- (a) Avoiding the impact altogether by not taking a certain action or parts of an action.
- (b) Minimizing impacts by limiting the degree or magnitude of the action and its implementation.
- (c) Rectifying the impact by repairing, rehabilitating, or restoring the impacted environment.
- (d) Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action.
- (e) Compensating for the impact by replacing or providing substitute resources or environments, including through permanent protection of such resources in the form of conservation easements.

Regarding a Statement of Overriding Considerations, Guidelines Section 15093 provides:

- (a) CEQA requires the decision-making agency to balance, as applicable, the economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits, of a proposed project against its unavoidable environmental risks when determining whether to approve the project. If the specific economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits, of a proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered “acceptable.”
- (b) When the lead agency approves a project which will result in the occurrence of significant effects which are identified in the final EIR but are not substantially lessened, the agency shall state in writing the specific reasons to support its action based on the final EIR and/or other information in the record. The statement of overriding considerations shall be supported by substantial evidence in the record.
- (c) If an agency makes a statement of overriding considerations, the statement should be included in the record of the project approval and should be mentioned in the notice of determination. This statement does not substitute for, and shall be in addition to, findings required pursuant to Section 15091.

B. Certification

Having received, reviewed, and considered the Final EIR for the Contra Costa County Housing Element Update, as well as other information in the record of proceedings on this matter, Contra Costa County Board of Supervisors adopts the following Findings and Statement of Overriding Considerations (Findings), in its capacity as the legislative body for Contra Costa County (County), which is the CEQA Lead Agency. The Findings set forth the environmental and other bases for current and subsequent discretionary actions to be undertaken by the County and responsible agencies for the implementation of the proposed project.

Pursuant to State CEQA Guidelines Section 15090(a), the Contra Costa County Board of Supervisors certifies that the Final EIR:

- (1) Was completed in compliance with CEQA;
- (2) Was presented to the Board of Supervisors, and the Board reviewed and considered the information contained in the Final EIR, prior to adopting the 6th Cycle Contra Costa County Housing Element Update; and
- (3) Reflects the County’s independent judgement and analysis.

In addition, pursuant to California Public Resources Code Section 21081 and State CEQA Guidelines Section 15091, the Contra Costa County Board of Supervisors certifies that one of the following findings can be made for each significant environmental impact identified in the Final EIR:

- (1) Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant environmental effect as identified in the Final EIR.

- (2) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.
- (3) Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the Final EIR.

C. Project Environmental Report and Discretionary Actions

The Final EIR addresses the direct, indirect, and cumulative environmental effects of construction and operation activities associated with the proposed project. The Final EIR provides the environmental information necessary for the County to make a final decision on the requested discretionary actions for all phases of the proposed project. The Final EIR was also intended to support discretionary reviews and decisions by other responsible agencies. Discretionary actions to be considered by the County may include, but are not limited to, the following:

- Certify that the Final EIR for the proposed project has been completed in compliance with CEQA, and reflects the independent judgement and analysis of the County; find that the Board of Supervisors has reviewed and considered the information contained in the Final EIR prior to approving the proposed project; adopt the Mitigation Monitoring and Reporting Program, finding that the Mitigation Monitoring and Reporting Program is adequately designed to ensure compliance with the mitigation measures during proposed project implementation; and determine that the significant adverse effects of the proposed project either have been reduced to an acceptable level, or are outweighed by the specific overriding considerations of the proposed project as outlined in the CEQA Findings and Statement of Overriding Considerations, as set forth herein.
- Approve the proposed project and related discretionary actions needed.

II. PROCEDURAL COMPLIANCE WITH CALIFORNIA ENVIRONMENTAL QUALITY ACT

The County published a DEIR on February 3, 2023. The Final EIR has been prepared in accordance with CEQA and the CEQA Guidelines, as amended. As authorized in State CEQA Guidelines Section 15084(d)(2), the County retained a consultant to assist with the preparation of the environmental documents. County staff from multiple departments, representing the Lead Agency, have directed, reviewed, and modified where appropriate all material prepared by the consultant. The Final EIR reflects the County's independent analysis and judgement. The key milestones associated with the preparation of the DEIR are summarized below. As presented below, an extensive public involvement and agency notification effort was conducted to solicit input on the scope and content of the DEIR and to solicit comments on the results of the environmental analysis presented in the DEIR.

A. Public Notification and Outreach

In conformance with CEQA, the State CEQA Guidelines, and the Contra Costa County CEQA Guidelines, the County conducted an extensive environmental review of the proposed project.

- Completion of a Notice of Preparation (NOP) on July 27, 2022, titled “Notice of Preparation and Notice of Public Scoping Meeting” for the Contra Costa Housing Element Update Environmental Impact Report (EIR). A public scoping meeting was conducted on August 15, 2022, and the public comment period for the NOP closed on August 26, 2022.
- The County re-issued the NOP because substantial changes were made to the County’s Housing Sites Inventory that were not previously included in the original NOP. The new revised NOP was published on December 19, 2022. The comment period for the re-issued NOP was from December 19, 2022, to January 18, 2023.
- Both NOPs were sent to interested persons and organizations, sent to the State Clearinghouse in Sacramento for distribution to public agencies, posted at the County’s website, and published in the *[local newspaper]*, and posted at the Contra Costa County Clerk’s office.
- Preparation of a DEIR, which was made available for a 45-day public review period beginning February 3, 2023, and ending March 20, 2023. The scope of the DEIR was determined based on the CEQA Guidelines Appendix G Checklist, and comments received in response to the NOP. The Notice of Availability (NOA) for the DEIR was sent to interested persons and organizations, sent to the State Clearinghouse in Sacramento for distribution to public agencies, posted at the County’s website, and published in the Contra Costa Times on February 3, 2023. The NOA was posted at the Contra Costa County Clerk’s office on February 3, 2023.
- Preparation of a Final EIR, including the responses to comments to the DEIR. The Final EIR was released for a 10-day agency review period prior to certification of the Final EIR.
- Public hearings on the proposed project.

In summary, the County conducted all required noticing and scoping for the proposed project in accordance with Section 15083 of the CEQA Guidelines, and conducted the public review for the DEIR, which exceeded the requirements of Section 15087 of the CEQA Guidelines.

B. Final Environmental Impact Report and Proceedings

The County prepared a Final EIR, including Responses to Comments to the DEIR. The Final EIR/Response to Comments contains comments on the DEIR, responses to those comments, and, revisions to the DEIR. A total of 48 comment letters were received. Of the 48 comment letters, three letters were from public agencies, and 45 letters were from individuals.

None of the comment letters resulted in the need to modify the environmental analysis in the DEIR.

The Final EIR found that prior to mitigation, implementation of the proposed project would result in potentially significant impacts to air quality, biological resources, cultural and tribal resources, geology and soils, greenhouse gas emissions, hazards and hazardous materials, mineral resources, noise, transportation, and wildfire. Impacts to air quality, biological resources, cultural and tribal resources, greenhouse gases, hazards and hazardous materials, noise, and wildfire would remain significant and unavoidable, and no feasible mitigation measures were available. The County prepared a Statement of Overriding Considerations (see Section B, *Project Benefits in Support of the Statement of Overriding Considerations*, below)

for the following impacts which were found to be significant and unavoidable:

Air Quality

- **Impact 5.3-2:** Short-term construction activities associated with the proposed project would result in a cumulatively considerable net increase of criteria pollutants for which the project region is in non-attainment under applicable federal or State ambient air quality standards.
- **Impact 5.3-3:** Buildout of the proposed project would result in a cumulatively considerable net increase of criteria pollutants for which the project region is in non-attainment under applicable federal or State ambient air quality standards.

Biological Resources

- **Impact 5.4-1:** Development of the proposed project could impact sensitive species in the County.

Cultural and Tribal Resources

- **Impact 5.5-1:** Development of the project could impact an identified historic resource.

Greenhouse Gas Emissions

- **Impact 5.8-1:** Implementation of the proposed project is projected to result in emissions that would exceed the unincorporated County's GHG reduction target established under Executive Order S-03-05 or progress toward the State's carbon neutrality goal.

Hazards and Hazardous Materials

- **Impact 5.9-5:** Development on sites located in designated Very High Fire Hazard Severity Zones could expose structures and/or residences to fire danger.

Noise

- **Impact 5.13-1:** Construction activities would result in temporary noise increases in the vicinity of the proposed project.
- **Impact 5.13-2:** Project implementation would generate a substantial traffic noise increase on local roadways and could locate sensitive receptors near rail in areas that exceed established noise standards.

Wildfire

- **Impact 5.18-2:** If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, future projects, due to slope, prevailing winds, and other factors, could exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of wildfire.

The public can view searchable agendas for scheduled Board of Supervisors meetings and access agenda-related County information and services directly on the following website: <https://www.contracosta.ca.gov/4664/Board-Meeting-Agendas-and-Videos>.

The Final EIR document will be posted for viewing and download with the previously posted DEIR prior to the County's consideration of the Final EIR and proposed project recommendations on the County's website.

A date for consideration of the Final EIR and proposed project recommendations at the Board of Supervisors was set for the proposed project and notice of the meeting was provided consistent with the Brown Act (Government Code Sections 54950 et seq.). The Board of Supervisors will take testimony on the proposed project and may continue on its calendar to a subsequent meeting date in its discretion.

C. Custodian and Location of Records

The documents and other materials that constitute the administrative record for the County's actions related to the proposed project are at the Contra Costa County Department of Conservation and Development (30 Muir Road, Martinez, CA 94564). The Contra Costa County Department of Conservation and Development is the custodian of the administrative record for the proposed project. Copies of these documents, which constitute the record of proceedings, are and at all relevant times have been and will be available upon request of the Contra Costa County Department of Conservation and Development. The DEIR can also be found at Contra Costa County libraries – El Sobrante Branch, Central Branch, and Brentwood Branch. Additionally, the documents are available online at: <https://www.contracosta.ca.gov/8525/Housing-Element-Update>. This information is provided in compliance with Public Resources Code Section 21081.6(a)(2) and Guidelines Section 15091(e).

D. Project Location

Contra Costa County covers 716 square miles, making it the eighth smallest county in California by land area. It borders Alameda County to the south and San Joaquin County to east. It is also adjacent to Solano County to the north, separated by the San Pablo Bay, Carquinez Strait and Suisun Bay. The San Francisco Bay borders the County to the west, which is followed by Marin County and San Francisco County to the west. Regional connectivity to the County is provided by Interstate 580 (I-580) via the Richmond-San Rafael Bridge, Interstate 80 (I-80), Interstate 680 (I-680), State Route 4 (SR-4) and State Route 24 (SR-24).

E. Project Objectives

The following objectives for Contra Costa County Housing Element Update will aid decision makers in their review of the proposed project and associated environmental impacts:

- Adopt the 6th Cycle Housing Element by February 2023.
- Provide a list of potential housing sites to meet the regional housing needs allocation (RHNA).
- Determine if there are significant environmental issues that would preclude future decisions to consider land use designation and/or zone changes for sites identified for housing in the 6th Cycle Housing Element.

F. Project Description

The proposed project will require that the County redesignate land to meet the Regional Housing Needs Allocation (RHNA) of 7,610 total housing units. The County also intends to comply with No-

Net-Loss (Gov. Code Section 65863) through identifying a surplus of sites available to meet its RHNA allocation. In total, the County's surplus unit capacity is 2,485 units. To meet this requirement, the County must redesignate up to approximately 560 acres of land. The proposed project would require changes in land use designations for sites that currently allow residential uses but would need to be redesignated to allow for increased residential density, in addition to sites with designations that do not currently allow residential density and would need to be redesignated to allow residential development. The Housing Element Update also includes an additional 92 acres of land that do not require a designation or zone change but are counted toward the County's RHNA.

III. CALIFORNIA ENVIRONMENTAL QUALITY ACT FINDINGS

A. Format

Section 15091 of the CEQA Guidelines requires that a Lead Agency make a finding for each significant effect for the proposed project. This section summarizes the significant environmental impacts of the proposed project, describes how these impacts are to be mitigated, and discusses various alternatives to the proposed project, which were developed to reduce the remaining significant environmental impacts. All impacts are considered potentially significant prior to mitigation unless otherwise stated in the findings.

This remainder of this section is divided into the following subsections:

Section B, Findings on “No Impact” and “Less Than Significant Impacts,” presents environmental issues, as identified in Chapter 5 of the DEIR, which would result in no impact or less than significant impacts.

Section C, Findings on Impacts Mitigated to Less Than Significant, presents significant impacts of the proposed project that were identified in Chapter 5 of the DEIR, the mitigation measures identified in the Mitigation Monitoring Program, and the rationales for the findings.

Section D, Significant and Unavoidable Impacts that Cannot be Mitigated to Below the Level of Significance, presents significant impacts of the proposed project that were identified in the DEIR, the mitigation measures identified in the Mitigation Monitoring Program, the findings for significant impacts, and the rationales for the findings.

Section IV, Alternatives to the proposed project, presents alternatives to the proposed project and evaluates them in relation to the findings set forth in Section 15091(a)(3) of the State CEQA Guidelines, which allows a public agency to approve a project that would result in one or more significant environmental effects if the project alternatives are found to be infeasible because of specific economic, social, or other considerations.

Section V, Statement of Overriding Considerations, presents a description of the proposed project’s significant and unavoidable adverse impacts and the justification for adopting a statement of overriding considerations.

Section VI, Findings on Responses to Comments on the DEIR and Revisions to the Final EIR, presents the County’s findings on the response to comments and revisions to Final EIR, and decision on whether a recirculated DEIR is necessary or not.

Summary of Environmental Impacts

Based on the NOP and DEIR, the following is a summary of the environmental topics considered to have no impact, a less than significant impact, a less than significant impact with incorporation of mitigation measures, or a significant and unavoidable impact.

Less Than Significant Impact or No Impact, No Mitigation Required

- Aesthetics (Impact 5.1-1, Impact 5.1-2, Impact 5.1-3)
- Agriculture and Forestry Resources (Impact 5.2-1, Impact 5.2-2, Impact 5.2-3)
- Air Quality (Impact 5.3-1, Impact 5.3-5, Impact 5.3-6)
- Biological Resources (Impact 5.4-4)
- Energy (Impact 5.6-1, Impact 5.6-2)
- Geology and Soils (Impact 5.7-1, Impact 5.7-2, Impact 5.7-3, Impact 5.7-4)
- Greenhouse Gas Emissions (Impact 5.8-2)
- Hazards and Hazardous Materials (Impact 5.9-1, Impact 5.9-2-, Impact 5.9-3)
- Hydrology and Water Quality (Impact 5.10-1, Impact 5.10-2, Impact 5.10-3, Impact 5.10-4)
- Land Use and Planning (Impact 5.11-1, Impact 5.11-2)

- Noise (Impact 5.13-4)
- Population and Housing (Impact 5.14-1, Impact 5.14-2)
- Public Services and Recreation (Impact 5.15-1, Impact 5.15-2, Impact 5.15-3, Impact 5.15-4, Impact 5.15-5)
- Transportation (Impact 5.16-1, Impact 5.16-2, Impact 5.16-3)
- Utilities and Service Systems (Impact 5.17-1, Impact 5.17-2, Impact 5.17-3, Impact 5.17-4, Impact 5.17-5)
- Wildfire (Impact 5.18-3, Impact 5.18-4)

Less Than Significant Impact with Mitigation Incorporated

- Air Quality (Impact 5.3-4)
- Biological Resources (Impact 5.4-2, Impact 5.4-3)
- Cultural and Tribal Resources (Impact 5.5-2, Impact 5.5-3, Impact 5.5-4)
- Geology and Soils (Impact 5.7-5)
- Hazards and Hazardous Materials (Impact 5.9-4)
- Mineral Resources (Impact 5.12-1)
- Noise (Impact 5.13-3)
- Transportation (Impact 5.16-4)
- Wildfire (Impact 5.18-1)

Significant and Unavoidable Impact

- Air Quality (Impact 5.3-2, Impact 5.3-3)
- Biological Resources (Impact 5.4-1)
- Cultural and Tribal Resources (Impact 5.5-1)
- Greenhouse Gas Emissions (Impact 5.8-1)
- Hazards and Hazardous Materials (Impact 5.9-5)
- Noise (Impact 5.13-1, Impact 5.13-2,
- Wildfire (Impact 5.18-2)

B. Findings on “No Impact” and “Less Than Significant Impacts”

The County determined that the proposed project would have no impact or less than significant impacts, including direct, indirect, and cumulative impacts, for the environmental issues summarized below. The rationale for the conclusion that no significant impact would occur in each of the issue areas is based on the environmental evaluation in the listed topical EIR sections in Chapter 5 of the DEIR.

CEQA Guidelines Section 15901 states that an EIR may not be certified for a project that has one or more significant environmental effects unless one of three findings is made for each significance effect. Since the following environmental issue areas were determined to have no impact or a less than significant impact, no findings for these issues are required.

1. Aesthetics

Impact 5.1-1: Development in accordance with the proposed project would not substantially alter or damage scenic vistas or substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway. [Thresholds AE-1 and AE-2]

Parcels identified in Table 3-3, *Residential Sites with Increasing Allowable Density*, of the DEIR, as requiring an increase in density from an existing residential designation could have larger buildings occupying a larger percentage of the parcel. This could result in less area between the building and the property line resulting in less landscape area and views between buildings. Increase density often results in larger overall building size that would be obvious from the public street and may be larger than existing surrounding buildings.

Parcels identified in Table 3-4, *Non-Residential Sites Proposed to Allow Residential Units*, of the DEIR, that are designated non-residential (e.g., commercial, public and semi-public, and industrial) would be redesignated for residential uses could also impact views of scenic resources. Parcels that are currently designated public and semi-public, single-family, mixed use, and open space that would result in a decrease in density which would allow for more views of visual resources compared to what the existing designations would allow. Furthermore, there are 12 housing sites within a ¼ mile of two National Historic Places/Landmarks— Memorial Hall and William.

Nonetheless, all development in the County must comply with policies that govern visual resources, such as the County’s General Plan policies, Zoning Code, and building and design standards which would ensure new development complements existing development. Additionally, the proposed project would be required to comply with the development standards in the County Ordinance Code, such as Chapter 814-2, which governs hillside development. Additionally, the Urban Limit Line standards (65/35 Standard) would ensure that urban development is limited to 35 percent of the County’s land area and that the remaining 65 percent of land area would be preserved for agriculture, open space, wetlands, parks, and other non-urban uses. Therefore, public vistas and scenic resources from publicly accessible locations in the County would not be adversely impacted.

The majority of the lands surrounding these freeways are currently developed with a variety of uses, including residential; several housing parcels are adjacent or within proximity to scenic routes such as I-680. As all parcels included in Table 3-3 and Table 3-4 are within the ULL and are contemplated as having urban development styles including larger buildings, landscaping, and reduced views of the horizon from adjacent roadways. Development consistent with the proposed project is anticipated to reduce views from scenic highways on individual parcels, however the urban nature of the development would be similar to existing conditions. As some form of development was anticipated on all parcels in Table 3-3 and Table 3-4 and all General Plan policies, ordinances, and development standards would apply to future development, impacts would be less than significant.

Finding. The proposed project would have a less than significant direct, indirect, and cumulative impact relating to scenic vistas or substantially damage scenic resources. Accordingly, no changes or alterations to the proposed project were required to avoid or substantially lessen any significant environmental impacts under those thresholds.

Impact 5.1-2: Buildout in accordance with the proposed project would alter visual appearance in the County but would not substantially degrade its existing visual character or quality. [Threshold AE-3].

The proposed project identifies sites that the County may redesignate land to residential uses in order to meet their RHNA. Although new development would alter the visual appearance of the County, portions of the County are developed with urban and suburban uses. Further, the sites shown in Table 3-3, *Residential Sites with Increasing Allowable Density* and Table 3-4, *Non-Residential Sites Proposed to Allow Residential Units*, are within the ULL adopted by the County and would be anticipated to develop over time. Adherence to County ordinances regarding development, lighting, and landscaping is required of all development. Compliance with development regulations is verified prior to issuance of a building permit and is therefore not reliant upon future CEQA action. As all properties were within the ULL, and all projects must comply with design regulations of the County, the proposed project would not substantially degrade the visual character or quality of the County.

Finding. The proposed project would have a less than significant direct, indirect, and cumulative impact relating to the visual character or quality. Accordingly, no changes or alterations to the proposed project were required to avoid or substantially lessen any significant environmental impacts under those thresholds.

Impact 5.1-3: The proposed project would not generate substantial light and glare. [Thresholds AE-4]

The two major causes of light pollution are glare and spill light. Spill light is caused by misdirected light that illuminates outside the intended area. Glare is light that shines directly or is reflected from a surface into a viewer's eyes. Spill light and glare impacts are effects of a project's exterior lighting on adjoining uses and areas.

Sources of light in the County include building lighting (interior and exterior), security lighting, sign illumination, sports fields lighting, and parking area lighting. These sources of light and glare are mostly associated with residential, commercial, and industrial uses, as well as larger community parks. Other

sources of nighttime light and glare include streetlights, vehicular traffic along surrounding roadways, and ambient lighting from surrounding communities.

Future development could increase nighttime light and glare as a result of additional housing, including sites that are currently designated agriculture/open space that would be redesignated for residential uses. Additionally, the redesignation and rezoning of land to accommodate housing would introduce new sources of light into areas where less light is currently anticipated. All new development are required to comply with the lighting standards of the County Ordinance in Chapter 76-4, Modifications, which requires that lighting fixtures be installed, controlled or directed so that the light will not glare or be blinding to pedestrians or vehicular traffic or on adjoining property. Additionally, landscaping, walls, and fences would be constructed as part of future projects that would further reduce light and glare spillover. Through the compliance of the County Ordinance Code and site-planning/design standards pertaining to light and glare, any potential spillover would be minimized, and the impact considered less than significant.

Finding. The proposed project would have a less than significant direct, indirect, and cumulative impact relating to light and glare. Accordingly, no changes or alterations to the proposed project were required to avoid or substantially lessen any significant environmental impacts under those thresholds.

2. Agriculture and Forestry Resources

Impact 5.2-1: The proposed project would convert approximately 22.86 acres of California Resource Agency designated Prime Farmland of Local Importance to residential land use. [Threshold AG-1]

Figure 5.2-2, *Designated Farmland within Contra Costa*, of the DEIR, shows that Prime Farmland and Farmland of Local Importance is primarily located in the eastern portion of the County. Three of the proposed housing sites (APNs: 003-120-008, 003-120-009 and 011-220-039) are located on parcels designated farmland. Although these proposed housing sites are on designated farmland, development could be allowed. The General Plan includes policies that require future urban development to be designated within the ULL, such as Policy 8-30 and Policy 8-31. These designated sites are all within the ULL, which would allow for high levels of residential development than its agricultural counterparts outside the ULL. As outlined in the General Plan and Zoning Code, certain intensities of residential uses are allowed within agricultural land use districts, and future development would be required to comply with standards and regulations in the Zoning Code. Following the 65/35 Land Preservation Plan, and agricultural zoning regulations outlined in the Zoning Code, future housing development under the Housing Element Update will not impact designated agricultural land.

Finding. The proposed project would have no direct, indirect, and cumulative impact relating to Prime Farmland of Local Importance. Accordingly, no changes or alterations to the proposed project were required to avoid or substantially lessen any significant environmental impacts under those thresholds.

Impact 5.2-2: The proposed project could potentially require a zone change/general plan amendment from agriculture designation to residential use and/or conflict with an existing Williamson contract. [Threshold AG-2, AG-3, AG-4]

The Housing Sites Inventory includes sites designated as agricultural as shown in Table 3-3, *Residential Sites with Increasing Allowable Density*, of the DEIR, and Table 3-4, *Non-Residential Sites Proposed to Allow Residential Units*, of the DEIR. These proposed sites allow for residential uses; however, the proposed project would change the allowable density. The proposed project would not significantly impact agricultural designation because of the residential density since the zone district already allows for residential use.

While none of the parcels included in Table 3-4 are designated agriculture or within an active Williamson Act Contract, there is always a potential for land being used for agricultural purposes to be converted into residential uses. However, as all future development under the Housing Element Update must comply with the ULL standards (65/35 urban/rural standards), and all parcels in Table 3-3, 3-4, and 3-5, *Suitably Designated/Zoned Sites*, are within the ULL, the proposed project would not result in the cancellation of Williamson Act contracts or conflict with any agricultural land use designation. The proposed project would not impact the existing agricultural designations to residential use.

Finding. The proposed project would have a no direct, indirect, and cumulative impact related to Williamson contract. Accordingly, no changes or alterations to the proposed project were required to avoid or substantially lessen any significant environmental impacts under those thresholds.

Impact 5.2-3: The proposed project could potentially result in other agricultural impact not related to above. E.g., diminish available water quality and supply for agricultural uses. [Threshold AG-5]

While the specific sites intended for redesignation are not known, all the parcels in Tables 3-3, 3-4, and 3-5, of the DEIR, are within the ULL on lands intended for some form of development in the Land Use Element of the General Plan. The sites in Tables 3-3, 3-4, and 3-5 are distributed throughout the County as shown in Figure 5.2-2, *Designated Farmland within Contra Costa*, of the DEIR, which spreads the impact over a large geographic area. Further, the development of homes, and in particular multiple family homes, would require connection to municipal water provider(s). Water connections are regulated by Section 414-4.2 of the County Ordinance Code, the purpose of which is to "...provide protection of the county's groundwater sources from degradation that could result from inadequately constructed, defective, or improperly abandoned wells, to provide for regulation of small water systems in accordance with federal standards as mandated by the state, and to require submission of tentative subdivision maps and building permit applications to the health officer for him to review the availability of an approved water supply prior to recordation of final maps and issuance of building permits."

Construction activities can increase urban runoff containing nutrients, sediments, and toxic contaminants polluting nearby water streams impacting agricultural uses. Increase in future residential housing will bring in more residents which can contribute to urban runoff. However, the following would help avoid or mitigate potential impacts to agricultural lands. For example, Chapter 74-6.012, states a drainage plan for development projects is required to determine methods to reduce runoff.

The drainage plan must include provisions to stop erosion of exposed soil into drainages such as covering of stockpiles, jute-bales and silt fencing, frequent watering, and replanting to prevent both wind and rain erosion. Through compliance with County Ordinance Code, sediment and erosion of material would not leave any project site and would not affect available water quality or supply for agricultural uses. The General Plan also includes Policy 8-34 which requires future urban developments to establish effective buffers between the project and land planned for agricultural uses. Therefore, the environmental impacts for this project during construction and operation would be less than significant.

Finding. The proposed project would have a less than significant direct, indirect, and cumulative impact related to other agricultural impacts. Accordingly, no changes or alterations to the proposed project were required to avoid or substantially lessen any significant environmental impacts under those thresholds.

3. Air Quality

Impact 5.3-1: Implementation of the proposed project would not conflict with or obstruct implementation of the BAAQMD Clean Air Plan. [Threshold AQ-1]

The General Plan is an important factor in local agency project review by linking local planning and individual projects to the 2017 Clean Air Plan. It fulfills the CEQA goal of informing decision makers of the environmental efforts of the project and provides ongoing information to determine if they are contributing to clean air goals in the Bay Area.

The Bay Area Air Quality Management District (BAAQMDM) requires a consistency evaluation of a plan with its current AQMP measures. This evaluation considers project consistency with the AQMP, including the project's primary goals, applicable control measures, and whether the project disrupts or hinders implementation of AQMP control measures. The project vehicle miles traveled (VMT) or vehicle trip must also increase less than or equal to the projected population increase.

Bay Area Air Quality Management District 2017 Clean Air Plan Goals

2017 Clean Air Plan are to attain the State and federal ambient air quality standards (AAQS), reduce population exposure and protect public health in the Bay Area, reduce GHG emissions, and protect the climate. Furthermore, the 2017 Clean Air Plan lays the groundwork for reducing GHG emissions in the Bay Area to meet the state's 2030 GHG reduction target and 2050 GHG reduction goal.

Attain Air Quality Standards

BAAQMD's 2017 Clean Air Plan strategy is based on regional population and employment projections in the Bay Area compiled by ABAG, which are based in part on cities' general plan land use designations. These demographic projections are incorporated into Plan Bay Area. Demographic trends incorporated into Plan Bay Area determine VMT in the Bay Area, which BAAQMD uses to forecast future air quality trends. The SFBAAB is currently designated a nonattainment area for O₃, PM_{2.5}, and PM₁₀ (State AAQS only).

The proposed project will induce population and housing growth due to the RHNA requirement to identify development sites for potential housing. While the land use amendments and zoning ordinance revisions would indirectly induce growth, the provisions of the housing units are much needed and mandated by the State. Therefore, the population projections of the proposed project would be consistent with regional projections. The emissions resulting from potential future development associated with the proposed project are included in BAAQMD projections, and future development accommodated under the proposed project would not hinder BAAQMD's ability to attain the California or National AAQS. Accordingly, impacts would be less than significant.

Reduce Population Exposure and Protect Public Health

Buildout of the proposed project could result in new sources of toxic air contaminants (TAC)s and PM_{2.5}. Stationary sources, including smaller stationary sources (e.g., emergency generators and boilers) are subject to review by BAAQMD as part of the permitting process. Adherence to BAAQMD permitting regulations would ensure that new stationary sources of TACs do not expose populations to significant health risk. Mobile sources of air toxics (e.g., truck idling) are not regulated directly by BAAQMD. However, residential development associated with the proposed project would not generate truck traffic. Furthermore, individual development projects would be required to achieve the incremental risk thresholds established by BAAQMD. Thus, implementation of the proposed project would not result in introducing new sources of TACs that on a cumulative basis, could expose sensitive populations to significant health risk. Therefore, impacts would be less than significant.

Reduce GHG Emissions and Protect the Climate

Consistency of the proposed project with State, regional, and local plans adopted for the purpose of reducing GHG emissions are discussed under Impact 5.8-2 in Section 5.8, *Greenhouse Gas Emissions*, of this DEIR. Future development allowed by the proposed project would be required to adhere to statewide measures that have been adopted to achieve the GHG reduction targets of AB 32 and SB 32, and a trajectory consistent with the carbon neutrality targets of Executive Order B-55-18. The proposed is consistent with regional strategies for infill development identified in Plan Bay Area 2050 and the Contra Costa County Climate Action Plan. While Impact 5.8-1, of the DEIR, identifies that the proposed project would generate a substantial increase in emissions, Impact 5.8-2, of the DEIR, identifies that the proposed project is consistent with state, regional and local plans to reduce GHG emissions. Therefore, the proposed project is consistent with the goal of the 2017 *Clean Air Plan* to reduce GHG emissions and protect the climate, and the impact would be less than significant.

2017 Clean Air Plan Control Measures

Table 5.3-8, *Control Measures from the BAAQMD 2017 Clean Air Plan*, of the DEIR, identifies the control measures included in the 2017 *Clean Air Plan* that are required by BAAQMD to reduce emissions for a wide range of both stationary and mobile sources. As shown in Table 5.3-8, the proposed project would not conflict with the 2017 *Clean Air Plan* and would not hinder BAAQMD from implementing the control measures in the 2017 *Clean Air Plan*. Accordingly, impacts would be less than significant.

Regional Growth Projections for VMT and Population

Future potential development allowed by the proposed project would result in additional sources of criteria air pollutants. Growth accommodated by the proposed project could occur throughout the 2030 buildout. BAAQMDs approach to evaluating impacts from criteria air pollutants generated by a plan's long-term growth is done by comparing population estimates to the VMT estimates. This is because BAAQMDs AQMP plans for growth in the SFBAAB are based on regional population projections identified by ABAG and growth in VMT identified by Contra Costa Transportation Authority. Changes in regional, community-wide emissions in the project area could affect the ability of BAAQMD to achieve the air quality goals in the AQMP. Therefore, air quality impacts for a plan-level analysis are based on consistency with the regional growth projections. Table 5.3-9, *Comparison of the Change in Population and VMT in the County of Contra Costa*, of the DEIR, compares the projected increase in population with the projected increases in total VMT.

As stated, BAAQMD's AQMP requires that the VMT increase by less than or equal to the projected population increase from the proposed project (e.g., generate the same or less VMT per population). In addition, because the 2017 Clean Air Plan utilized growth projections based, in part, on cities' general plan land use designations, the growth rate in VMT compared to service population is evaluated between buildout under the proposed project and buildout under the currently allowed under the Housing Element.

VMT estimates based on data provided by Fehr & Peers, were calculated for the County of Contra Costa. As shown in Table 5.3-9, implementation of the proposed project would result in a slight increase for daily VMT by 377,375 vehicle miles per day in the unincorporated County (about 12 percent increase) but lead to a lower VMT per capita than under existing conditions (approximately 0.5 percent lower decrease). Thus, the proposed project would be consistent with the goals of the 2017 Clean Air Plan and impacts would be less than significant.

Finding. The proposed project would have a less than significant direct, indirect, and cumulative impact related to the implementation of an applicable air quality plan. Accordingly, no changes or alterations to the proposed project were required to avoid or substantially lessen any significant environmental impacts under those thresholds.

Impact 5.3-5: Operational-phase emissions associated with the proposed project would not expose sensitive receptors to substantial pollutant concentrations. [Threshold AQ-3]

Implementation of the proposed project would cause or contribute to elevated pollutant concentration levels, exposing sensitive receptors. Residential uses are not land uses that generate TACs or localized PM_{2.5}, but new land uses consistent with the proposed project could generate new sources of criteria air pollutants and TACs in the County associated with CO hotspots.

CO Hotspots

Areas of vehicle congestion have the potential to create pockets of CO, called hotspots. These pockets have the potential to exceed the State 1-hour standard of 20 ppm or the 8-hour standard of 9.0 ppm.

Since CO is produced in the greatest quantities from vehicle combustion and does not readily disperse into the atmosphere, adherence to AAQS is typically demonstrated through an analysis of localized CO concentrations. Hotspots are typically produced at intersections, where traffic congestion is highest because vehicles queue for longer periods and are subject to reduced speeds.

The Contra Costa Transportation Authority congestion management program (CMP) must be consistent with the ABAG/MTC's Plan Bay Area, which is updated periodically. An overarching goal of the Plan Bay Area 2050 is to concentrate development in areas where there are existing services and infrastructure rather than allocate new growth in outlying areas where substantial transportation investments would be necessary to achieve the per capita passenger vehicle VMT and associated GHG emissions reductions.

The proposed project would be consistent with the overall goals of the Plan Bay Area 2050. Additionally, the proposed project would not hinder the capital improvements outlined in the CMP. Thus, the proposed project would not conflict with the Contra Costa Transportation Authority CMP. Furthermore, under existing and future vehicle emission rates, a project would have to increase traffic volumes at a single intersection by more than 44,000 vehicles per hour—or 24,000 vehicles per hour where vertical and/or horizontal mixing is substantially limited—in order to generate a significant CO impact. The proposed project would not increase traffic volumes at affected intersections by more than BAAQMD screening criteria of 44,000 vehicles per hour or 24,000 vehicles per hour where vertical and/or horizontal mixing is substantially limited. Therefore, overall, the proposed project would not have the potential to substantially increase CO hotspots at intersections in the County and vicinity. Overall, these components of the proposed project would contribute to reducing congestion and associated emissions. Localized air quality impacts related to mobile-source emissions would therefore be less than significant.

Finding. The proposed project would have a less than significant direct, indirect, and cumulative impact related to exposing sensitive receptors to substantial pollutant concentrations during the operational phase of the proposed project. Accordingly, no changes or alterations to the proposed project were required to avoid or substantially lessen any significant environmental impacts under those thresholds.

Impact 5.3-6: The proposed project would not result in other emissions (such as those leading to odors) adversely affecting a substantial number of people. [Threshold AQ-4]

Construction-Related Odors

During construction activities of future developments in the County, construction equipment exhaust and application of asphalt and architectural coatings would temporarily generate odors. Any construction-related odor emissions would be temporary and intermittent. Additionally, noxious odors would be confined to the immediate vicinity of the construction equipment. By the time such emissions reach any sensitive receptor sites, they would be diluted to well below any level of air quality concern, and impacts would be less than significant.

Operational-Related Odors

Buildout permitted under the proposed project would not include odor-generating uses, such as composting, greenwaste, and recycling operations; food processing; and painting/coating operations, because these are types of uses are often found in the commercial and/or industrial areas. Increase in residential uses would not generate substantial odors that would affect a substantial number of people. During operation, residences could generate odors from cooking. However, odors from cooking are not substantial enough to be considered nuisance odors that would affect a substantial number of people. Furthermore, nuisance odors are regulated under BAAQMD Regulation 7, Odorous Substances, which requires abatement of any nuisance generating an odor complaint. In addition, odors are also regulated under BAAQMD Regulation 1, Rule 1-301, Public Nuisance. Compliance with BAAQMD Regulation 7 would ensure that odor impacts associated with the proposed project are minimized to less than significant.

Finding. The proposed project would have a less than significant direct, indirect, and cumulative impact related to odors. Accordingly, no changes or alterations to the proposed project were required to avoid or substantially lessen any significant environmental impacts under those thresholds.

4. Biological Resources

Impact 5.4-4: The proposed project would not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance, adopted habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan. [Thresholds B5 and B-6]

The East Contra Costa County HCP/NCCP seeks to avoid conflict between conservation and economic development by providing an opportunity to preserve the County's diverse ecosystems, unique species, and scenic landscapes while clearing regulatory obstacles to continued economic development and growth. Additionally, the County has Urban Limit Line standards (Chapter 82-1 of the Municipal Code) which state that urban development in the County is limited to 35 percent of the County land area and the remaining 65 percent is to remain for non-urban uses. Furthermore, Chapter 816-6 of the Municipal Code provides for the preservation of certain protected trees in the County on public and private property.

In addition to compliance with the East Contra Costa County HCP/NCCP, the Urban Limit Line standards, and the Tree Preservation Ordinance, future development under the proposed project would be required to comply with the policies of the General Plan that protect sensitive biological resources. Therefore, future development under the proposed project would be required to comply with applicable policies and plans governing biological resources in the County, and impacts would be less than significant.

Finding. The proposed project would have a less than significant direct, indirect, and cumulative impact related to any local or ordinance protecting biological resources, or an adopted Habitat Conservation Plan, or Natural Community Conservation Plan. Accordingly, no changes or alterations

to the proposed project were required to avoid or substantially lessen any significant environmental impacts under those thresholds.

5. Energy

Impact 5.6-1: Implementation of the proposed project would not result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation.

Short-Term Construction Impacts

Development projects constructed under the proposed project would create temporary demands for electricity. Natural gas is not generally required to power construction equipment, and therefore is not anticipated during construction phases. Electricity use would fluctuate according to the phase of construction. Additionally, it is anticipated that most electric-powered construction equipment would be hand tools (e.g., power drills, table saws, compressors) and lighting, which would result in minimal electricity usage during construction activities.

Development projects would also temporarily increase demands for energy associated with transportation. Transportation energy use depends on the type and number of trips, VMT, fuel efficiency of vehicles, and travel mode. Energy use during construction would come from the transport and use of construction equipment, delivery vehicles and haul trucks, and construction employee vehicles that would use diesel fuel or gasoline. The use of energy resources by these vehicles would fluctuate according to the phase of construction and would be temporary. It is anticipated that most off-road construction equipment, such as those used during demolition and grading, would be gas or diesel powered. In addition, all operation of construction equipment would cease upon completion of project construction. Furthermore, the construction contractors would be required to minimize nonessential idling of construction equipment during construction in accordance with the California Code of Regulations Title 13, Chapter 9, Article 4.8, Section 2449. Such required practices would limit wasteful and unnecessary energy consumption. Also, future projects within County would be similar to projects currently in development within Contra Costa County. Overall, there would be no unusual project characteristics anticipated that would necessitate the use of construction equipment that would be less energy efficient than at comparable construction sites in other parts of California. Therefore, short-term construction activities that occur as a result of implementation of the proposed project would not result in inefficient, wasteful, or unnecessary fuel consumption.

Long-Term Impacts During Operation

Operation of potential future development accommodated under the proposed project would create additional demands for electricity and natural gas compared to existing conditions. Operational use of electricity and natural gas would include heating, cooling, and ventilation of buildings; water heating; operation of electrical systems; use of on-site equipment and appliances; lighting; and charging electric vehicles. Land uses accommodated under the proposed project would also result in additional demands for transportation fuels (e.g., gasoline, diesel, compressed natural gas, and electricity) associated with on-road vehicles.

Nontransportation Energy

Electrical service to the County is provided by PG&E and MCE through connections to existing off-site electrical lines and new on-site infrastructure. As shown in Table 5.6-3, *Year 2030 Forecast Electricity Consumption, by year 2030*, of the DEIR, electricity use in Contra Costa County would increase by 13,207,240 kWh/year, or approximately 5 percent, from existing conditions. As shown in Table 5.6-4, *Year 2030 Forecast Natural Gas Consumption*, of the DEIR, existing natural gas use in the County totals 30,100,640 therms annually. By 2030, natural gas use in the County would increase by 3,472,100 therms annually, or approximately 12 percent, from existing conditions to a total of 33,572,740 therms per year.

While the electricity and natural gas demand for the County would increase compared to existing conditions, developments accommodated under the proposed project would be required to comply with the current and future updates to the Building Energy Efficiency Standards and California Green Building Standards Code (CAL Green), which would contribute in reducing the energy demands shown in Tables 5.6-3 and 5.6-4. New and replacement buildings in compliance with these standards would generally have greater energy efficiency than existing buildings. It is anticipated that each update to the Building Energy Efficiency Standards and CAL Green will result in greater building energy efficiency and move closer toward buildings achieving zero net energy.

In addition to the Building Energy Efficiency Standards and CAL Green, the Housing Element Update includes a policy to increase energy efficiency and reduce wasteful, inefficient use of energy resources.

- **Policy HE-P8.1:** Participate in State and Bay Area regional efforts to reduce energy consumption.

Encouraging sustainable and energy-efficient building practices and using more renewable energy strategies will further reduce energy consumption within the County and move closer toward achieving zero net energy.

Transportation Energy

The growth accommodated under the proposed project would consume transportation energy from the use of motor vehicles (e.g., gasoline, diesel, compressed natural gas, and electricity). Table 5.6-5, *Operation-Related Annual Fuel Usage: Net Change from Existing*, of the DEIR, shows the net change in VMT, fuel usage, and fuel efficiency under forecast year 2030 proposed project conditions from existing baseline year 2019 conditions.

As shown in Table 5.6-5, when compared to existing baseline year 2019 conditions, the proposed project would result in an increase in VMT for gasoline-, compressed natural gas-, and electric-powered vehicles, but not for diesel-powered vehicles. Although annual VMT would increase for gasoline-powered vehicles by 46,703,823 miles, gasoline fuel usage would decrease. The decrease in fuel usage for gasoline-powered vehicles and large increase in VMT and fuel usage for electric-powered vehicles are primarily based on the assumption in EMFAC that a greater mix of light-duty automobiles would be electric-powered in future years based on regulatory (e.g., Advanced Clean Cars) and consumer trends.

The overall VMT as shown in the table would be primarily attributable to the overall growth associated with the proposed project compared to existing conditions. As discussed in

Section 5.14, *Population and Housing*, of the DEIR, the proposed project would induce population and housing growth due to RHNA requirement to identify development sites for potential housing. While the land use amendments and zoning ordinance revisions would indirectly induce growth, the provisions of the housing units are much needed and mandated by the State. Therefore, the proposed project would not exceed the growth projections in SCAG's RTP/SCS growth forecasts for this region. Additionally, fuel efficiency of vehicles under year 2030 conditions would improve compared to existing baseline year. The improvement in fuel efficiency would be attributable to regulatory compliance (e.g., I standards), resulting in new cars that are more fuel efficient and the attrition of older, less fuel-efficient vehicles. The IE standards are not directly applicable to residents or land use development projects, but to car manufacturers. Thus, residents of Contra Costa County do not have direct control in determining the fuel efficiency of vehicles manufactured and that are made available. However, compliance with I CAFE standards by car manufacturers would ensure that vehicles produced in future years have greater fuel efficiency and would generally result in an overall benefit of reducing fuel usage by providing the population of the County more fuel-efficient vehicle options. Furthermore, while the demand in electricity would increase under the proposed project, in conjunction with the regulatory (i.e., Renewables Portfolio Standard, SB 350, and SB 100) and general trend toward increasing the supply and production of energy from renewable sources, it is anticipated that a greater share of electricity used to power electric vehicles would be from renewable sources in future years (e.g., individual photovoltaic systems, purchased electricity from PG&E, and/or purchased electricity from MCE that is generated from renewable sources).

In addition to regulatory compliance that would contribute to more fuel-efficient vehicles and less demand in fuels, the Housing Element Update includes policies that will contribute to minimizing overall VMT, and thus fuel usage associated with the Unincorporated County. The following Housing Element Update policy focus on minimizing VMT through land use and transportation planning efforts that work in conjunction including:

- **Policy HE-P2.2:** Encourage and promote the production of housing in close proximity to public transportation and services.

Collectively, the policies and action listed would minimize overall VMT, and thus fuel usage associated with potential future development in Contra Costa County. Furthermore, the proposed project would locate infill development of housing units to meet the housing needs within Contra Costa region, thus contributing to reduced energy use from the transportation sector. Therefore, this could result in shorter distances traveled between where people work and live and to amenities.

IFinding. The proposed project would have a less than significant direct, indirect, and cumulative impact related to wasteful, inefficient, or unnecessary consumption of energy resources. Accordingly, no changes or alterations to the proposed project were required to avoid or substantially lessen any significant environmental impacts under those thresholds.

Impact 5.6-2: Implementation of the proposed project would not conflict with or obstruct a State or local plan for renewable energy or energy efficiency.

California Renewables Portfolio Standard Program

The state's electricity grid is transitioning to renewable energy under California's RPS Program. Renewable sources of electricity include wind, small hydropower, solar, geothermal, biomass, and biogas. In general, California has RPS requirements of 33 percent renewable energy by 2020 (SB X1-2), 40 percent by 2024 (SB 350), 50 percent by 2026 (SB 100), 60 percent by 2030 (SB 100), and 100 percent by 2045 (SB 100). SB 100 also establishes RPS requirements for publicly owned utilities that consist of 44 percent renewable energy by 2024, 52 percent by 2027, and 60 percent by 2030. The statewide RPS requirements do not directly apply to individual development projects, but to utilities and energy providers such as PG&E, whose compliance with RPS requirements would contribute to the State of California objective of transitioning to renewable energy. In addition, the Board of Supervisors voted to go Deep Green 100 percent renewable (all power which customers buy comes from 100 percent non-polluting wind and solar power) with MCE for the majority of the County's accounts. Even if customers in the County were to opt-out of the Deep Green program, and therefore receive all their electricity from PG&E, 33 percent of PG&E's electricity is generated from renewable energy since 2017. By 2030, PG&E is set to meet the State's new 60 percent renewable energy mandate set forth in SB 100.

The land uses accommodated under the proposed project would be required to comply with the current and future iterations of the Building Energy Efficiency Standards and CALGreen. Furthermore, as described for impact discussion 5.6-1, the proposed project includes Housing Element policies which would support the statewide goal of transitioning the electricity grid to renewable sources. The net increase in energy demand associated with implementation of the proposed project would be within the service capabilities of MCE and PG&E and would not impede their ability to implement California's renewable energy goals. Therefore, implementation of the proposed project would not conflict with or obstruct implementation of California's Renewables Portfolio Standard program, and impact would be less than significant.

Finding. The proposed project would have a less than significant direct, indirect, and cumulative impact related to conflicting with a State or local plan for renewable energy or energy efficiency. Accordingly, no changes or alterations to the proposed project were required to avoid or substantially lessen any significant environmental impacts under those thresholds.

6. Geology and Soils

Impact 5.7-1: The proposed project would not 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, mudslides, or other similar hazards. [Threshold G-1i, G-1ii, G-1iii and G-1iv]).

Surface Rupture of a Fault

Approximately 9.6 acres included in the proposed HEU's sites inventory are located in Alquist-Priolo Earthquake Fault Zones. These include five parcels in the East Richmond Heights community that are located within the fault zone boundary of the Hayward Fault. Two of these parcels on Arlington Boulevard overlie an inferred fault trace, as seen on Figure 5.7-4, *East Richmond Heights Fault Hazard*, of the DEIR. These parcels are currently designated for public/semi-public uses but would be redesignated under the HEU and subsequent General Plan Update as Mixed Use (MU) which would allow a maximum of up to 276 units to be built across the five parcels.

As required by the Alquist-Priolo Act Fault Zoning Act, the approval of projects within Earthquake Fault Zones must be in accordance with the policies and criteria established by the Surface Mining and Geology Board (SMGB) (CPRC, Division 2, Chapter 7.5, Section 2623 (a)). SMGB regulations require that fault investigation reports be prepared by a professional geologist registered in the State of California. Additionally, the Seismic Hazards Mapping Act requires projects for human-occupancy that are within mapped fault zones to obtain a site-specific geotechnical report prior to the issuance of individual grading permits and each new development would be required to retain a licensed geotechnical engineer to design new structures to withstand probable seismically induced ground shaking. General Plan Safety Element Policy 10-14 also requires geotechnical reports for all sites in areas of suspected faulting. Development on these parcels would also be regulated by Safety Element Policy 10-12 which prohibits the development of structures for human occupancy on active fault traces. Safety Element Policy 10-13 requires the design and location of buildings on or near fault traces to be modified in order to mitigate risk. Additionally, Housing Element Policy HE-P8.3 calls for locating all below market-rate developments outside of mapped hazard zones identified in the County's Health and Safety Element, which would include fault zones.

Furthermore, all new development in California is subject to the seismic design criteria of the California Building Code (CBC), which requires that all improvements be constructed to withstand anticipated ground shaking from regional fault sources. The CBC standards require all new developments to be designed consistent with a site specific, design-level geotechnical report, which would be fully compliant with the seismic recommendations of a California-registered professional geotechnical engineer. Adherence to the applicable CBC requirements, the Alquist-Priolo Fault Zoning Act, and the Seismic Hazards Mapping Act would ensure that the HEU's implementation would not directly or indirectly cause substantial adverse effects, including the risk of loss, injury, or death involving strong seismic ground shaking. Compliance with state and local regulations would therefore mitigate impacts due to rupture of known fault to less than significant.

Ground Shaking

Due the location and underlying geology of Contra Costa County, all future development under the HEU would likely be subject to strong seismic ground shaking. Several policies in the current Safety Element help to mitigate impacts from ground shaking. Policy 10-1 requires that the severe earthquake hazard in the County is recognized, and that this recognition is reflected in the County's development review and other programs. Policy 10-2 requires that significant land use decisions be based on a

thorough evaluation of geologic-seismic and soils conditions. Policy 10-3 requires structures for human occupancy to be designed to perform satisfactorily under earthquake conditions. Policy 10-4 requires geologic-seismic and soil studies as a precondition for authorizing public or private construction in areas prone to severe ground shaking. Policy 10-9 similarly requires geologic and seismic reports to be submitted prior to major land developments in areas prone to ground shaking. Additionally, all future residential development would be required to conform to CBC requirements/standards established to prevent significant damage due to ground shaking during seismic events. Adhering to these requirements would make impacts associated with ground shaking less than significant.

Liquefaction

As shown on Figure 5.7-2, *Liquefaction Hazard Zones*, of the DEIR, several areas of the County are susceptible to liquefaction hazards. These areas include locations with housing sites that could potentially be redesignated and/or rezoned as part of the HEU to accommodate residential development or increased residential densities. General Plan Safety Element policies 10-18, 10-19, 10-20, and 10-21 address development in areas prone to liquefaction hazards and help to mitigate the risks posed by liquefaction. Policy 10-18 discourages urban and suburban development in liquefaction-prone areas; Policy 10-19 requires, to the extent practicable, that structures intended for high occupancy are not sited in areas with high liquefaction potential; Policy 10-20 requires that structures in areas of high liquefaction potential are designed to minimize the risk of damage due to liquefaction; and Policy 10-21 states that approval of development projects in areas of high liquefaction potential are contingent on the submittal of all necessary geologic and engineering studies. Housing Element Policy HE-P8.3 would also help to mitigate risk for potential below market-rate developments. Additionally, all future residential development would be required to conform to CBC requirements/standards established to prevent significant damage due to ground shaking during seismic events. Therefore, impacts associated with liquefaction would be considered less than significant.

Landslides

As shown on Figure 5.7-3, *Landslide Susceptibility Areas*, of the DEIR, large areas of the County with hill terrain are susceptible to landslides including areas with housing sites. The County restricts development on open hillsides and ridgelines and generally prohibits development on hillsides above a 26 percent grade, as referenced in Section 82-1.016, *Hillside Protection* of the County's code. Compliance with CBC requirements, including implementation of recommendations provided in site-specific geotechnical reports would reduce or avoid impacts related to landslides. Safety Element policies 10-22, 10-23, 10-24, 10-25, 10-26, 10-30 address and help to mitigate impacts to landslides and unstable geologic conditions on residential development. For example, Policy 10-22 requires that slope stability be a primary consideration for urban development. Policy 10-24 requires urban/suburban development on slopes over 15 percent be evaluated prior to approval. Furthermore, Housing Element Policy HE-P8.3 would also help to mitigate risk for potential below-market rate developments. Implementation of the HEU would not directly or indirectly result in adverse effects related to landslides, and the impact would be less than significant.

Finding. The proposed project would have a less than significant direct, indirect, and cumulative impact related to geological hazards. Accordingly, no changes or alterations to the proposed project

were required to avoid or substantially lessen any significant environmental impacts under those thresholds.

Impact 5.7-2: Development under the proposed project would not result in substantial soil erosion or the loss of topsoil. [Threshold G-2]

Development of the sites included within the proposed HEU sites inventory would involve soil disturbance, construction, and operation of developed land uses that could be subject to unstable soils conditions. However, as previously noted, the HEU is a policy-level document and does not include any development proposals or development entitlements that would directly result in the construction or expansion of any new residential development.

Any new development that would require the disturbance of one or more acres during construction would be subject to the requirements of the National Pollutant Discharge and Elimination System (NPDES) General Permit for Stormwater Discharge Associated with Construction and Land Disturbance Activities (Construction General Permit). The NPDES permit requires the preparation and implementation of a Storm Water Pollution Prevention Plan (SWPPP), which would include Best Management Practices (BMPs) designed to control and reduce soil erosion. The BMPs may include dewatering procedures, storm water runoff quality control measures, watering for dust control, and the construction of silt fences, as needed.

Both state and local regulations would effectively mitigate construction stormwater runoff impacts from development under the HEU. Contra Costa Ordinance Code Section 716-4.202 requires standard erosion control practices to be implemented for all construction. Conservation Element Policies 8-67 and 8-68 require the development of sites with either a slope above 26 percent or high erosion potential identified in the soil survey to include erosion control measures. Open Space Element Policy 9-11 similarly requires high-quality engineering of slopes to avoid soil erosion and states that development on open hillsides shall be restricted. Implementation of these state and local requirements would effectively ensure that future projects would not violate any water quality standards or waste discharge requirements from construction activities, and impacts would be less than significant.

Finding. The proposed project would have a less than significant direct, indirect, and cumulative impact related to substantial soil erosion or the loss of topsoil. Accordingly, no changes or alterations to the proposed project were required to avoid or substantially lessen any significant environmental impacts under those thresholds.

Impact 5.7-3: Development under the proposed project would not subject people or structures to hazards from unstable soil conditions. [Thresholds G-3 and G-4]

Future residential development on unstable or expansive soils could create substantial risks to life or property and result in adverse impact such as on- or off-site landslides, lateral spreading, subsidence, liquefaction, or collapse. Figure 5.7-2, *Liquefaction Hazard Zones*, of the DEIR, shows the areas of the County with mapped liquefaction hazard. Several sites in the HEU inventory are located in areas that experience liquefaction. Figure 10-8 in Chapter 10, Safety Element, of the current General Plan shows the areas in the County that have experienced subsidence which includes areas with proposed Housing Element inventory sites. The proposed HEU includes sites that could be redesignated and rezoned in

areas of the County subject to these hazards. However, compliance with the CBC; General Plan Safety Element Policies 10-5, 10-8, 10-18, 10-21, 10-48, and 10-49; Ordinance Code Section 94-4.420, which requires the preparation of a preliminary soil report to accompany a tentative parcel for a subdivision as well as section 716-2.418 of the code, which requires soil investigation for all development, would identify potential for hazards related to soil conditions on individual development sites so the project can be designed to reflect site-specific geologic and soils conditions and prevent risks due to lateral spreading, subsidence, liquefaction, or collapse. Housing Element Policy HE-P8.3 would also help to mitigate risk for potential below-market rate developments. Therefore, impacts will be less than significant.

Finding. The proposed project would have a less than significant direct, indirect, and cumulative impact related to unstable soil conditions. Accordingly, no changes or alterations to the proposed project were required to avoid or substantially lessen any significant environmental impacts under those thresholds.

Impact 5.7-4: Development under the proposed project would connect to existing sewer lines or comply with state and local regulations for on-site septic tanks [Threshold G-5].

Most new development would connect to existing sewer lines, and on-site septic tanks and alternative wastewater disposal systems would be rare, if allowed at all. Any new development that would include the utilization of a septic tank or alternative wastewater disposal system, would be regulated by the Contra Costa Health Services Environmental Health Division. Obtaining a permit would be required prior to the construction of any septic tank or alternative wastewater disposal system, and each system would be constructed within the parameters of the State Water Resources Control Board (SWRCB) Water Quality Control Policy for Siting, Design, Operation, and Maintenance of Onsite Wastewater Treatment Systems, as well as the Contra Costa County Health Officer Regulations for Sewage Collection and Disposal. As this procedure would be required prior to construction of any and all septic tanks and alternative wastewater disposal systems, all new developments would be subject to these state and local requirements. Proper soils are essential for installation and maintenance of septic tank and alternative wastewater disposal systems; compliance with these state and local requirements would ensure that impacts related to adequate soils for supporting such systems is less than significant.

Finding. The proposed project would have a less than significant direct, indirect, and cumulative impact related to alternative wastewater disposal systems. Accordingly, no changes or alterations to the proposed project were required to avoid or substantially lessen any significant environmental impacts under those thresholds.

7. Greenhouse Gas Emissions

Impact 5.8-2: Implementation of the proposed project would not conflict with an applicable plan, policy, or regulation of an agency adopted for the purpose of reducing GHG emissions. [Thresholds GHG-2]

CARB Scoping Plan

The California Air Resources Board (CARB) Scoping Plan is applicable to state agencies but is not directly applicable to cities/counties and individual projects (i.e., the Scoping Plan does not require local jurisdictions to adopt its policies, programs, or regulations to reduce GHG emissions). However, new regulations adopted by the State agencies from the Scoping Plan result in GHG emissions reductions at the local level. So local jurisdictions benefit from reductions in transportation emissions rates, increases in water efficiency in the building and landscape codes, and other statewide actions that affect a local jurisdiction's emissions inventory from the top down. Statewide strategies to reduce GHG emissions include the LCFS and changes in the corporate average fuel economy standards.

Project GHG emissions shown in Table 5.8-6, *GHG Emissions Forecast*, of the DEIR, includes reductions associated with statewide strategies that have been adopted since AB 32 and SB 32. Development projects accommodated under the proposed project are required to adhere to the programs and regulations identified by the Scoping Plan and implemented by state, regional, and local agencies to achieve the statewide GHG reduction goals of AB 32, SB 32, and Executive Order B-55-18. Future development projects would be required to comply with these state GHG emissions reduction measures because they are statewide strategies. For example, new buildings associated with land uses accommodated by implementing the proposed project would be required to meet the CALGreen and Building Energy Efficiency Standards in effect at the time when applying for building permits. Furthermore, as discussed under the discussion for Impact 5.8-1, of the DEIR, the General Plan and proposed project includes goals, policies, and programs that would help reduce GHG emissions and therefore help achieve GHG reduction goals. Implementation of the proposed project would not obstruct implementation of the CARB Scoping Plan, and impacts would be less than significant.

ABAG/MTC's Plan Bay Area

Plan Bay Area is the Bay Area's regional transportation plan to achieve the passenger vehicle emissions reductions identified under SB 375. Plan Bay Area 2050 is the current SCS for the Bay Area, which was adopted October 21, 2021.

In addition to significant transit and roadway performance investments to encourage focused growth, Plan Bay Area 2050 directs funding to neighborhood active transportation and complete streets projects, climate initiatives, lifeline transportation and access initiatives, safety programs, and PDA planning. In Contra Costa County, a number of PDAs and TPAs have been designated in the unincorporated portion of the County.

As identified previously, the proposed project will locate suitable areas in the Contra Costa region where infill of housing can occur. Thus, the project would be consistent with the overall goals of *Plan Bay Area 2050* in concentrating new development in locations where there is existing infrastructure and

transit. Therefore, the proposed project would not conflict with the land use concept plan in *Plan Bay Area 2050* and impacts would be less than significant.

Furthermore, as discussed in Section 5.14, *Population and Housing*, of the DEIR, implementation of the proposed project would induce population and housing growth necessary to meet the population growth and housing needs in the unincorporated County. Thus, the proposed project would provide more housing for residents to both live and work in the County instead of commuting to other areas, which would contribute to minimizing VMT and reducing VMT per service population. Therefore, the proposed project would not interfere with ABAG's/MTC's ability to implement the regional strategies in Plan Bay Area, and impacts would be less than significant.

Contra Costa County CAP

The Contra Costa CAP was adopted in 2015 and includes GHG reduction strategies to achieve the GHG reduction goals of AB 32.

The CAP has set five goals: energy efficiency, renewable energy, land use and transportation, solid waste, and water conservation. The energy efficiency goal requires adherence to the Building and Energy Efficiency Standards under Title 24 and other additional requirements adopted by the County in January 2022. The renewable energy goal requires adherence to the 2021 Standards, which expands solar photovoltaic and battery storage requirements. The land use and transportation goal states to increase land use densities near transportation corridors. The solid waste goal requires adhering to AB 34, which increases waste diversion, and AB 1826, which requires multi-family residential dwellings to divert organic waste. The water conservation goal would require water-efficient plumbing and landscaping per the California Building Code and the State Model Water Efficient Landscape Ordinance (WELO).

Therefore, the proposed project would not interfere with the ability to implement the local strategies in Contra Costa County CAP, and impacts would be less than significant.

Finding. The proposed project would have a less than significant direct, indirect, and cumulative impact related to an applicable plan, policy, or regulations regarding GHG emissions. Accordingly, no changes or alterations to the proposed project were required to avoid or substantially lessen any significant environmental impacts under those thresholds.

8. Hazards and Hazardous Materials

Impact 5.9-1: Implementation of the proposed project, including construction and operation activities, could involve the transport, use, and/or disposal of hazardous materials; however, compliance with existing local, state, and federal regulations would ensure impacts are minimized. [Thresholds H-1, H-2, and H-3].

The proposed HEU does not propose construction or other development; rather, it provides capacity for future housing development consistent with State Housing Element Law and the RHNA for Contra Costa County. Demolition and construction activities associated with future housing development facilitated by the HEU could require transport of hazardous materials (e.g., asbestos-

containing materials, lead based paint, and/or contaminated soils). This transport would be limited in duration. Residential development sites within the County are not expected to transport, use, store, or dispose of substantial amounts of hazardous materials, with the exception of common residential-grade hazardous materials such as household cleaners and paint, among others. There are also a variety of existing regulatory processes, including General Plan Public Services and Facilities Element Policies 7-104, 7-105, 7-114, and 7-135; Safety Element Policies 10-62, 10-65, 10-66, 10-67, and 10-69 as well as Chapter 450-2, Chapter 450-6, Chapter 84-63 and Chapters 450-2, 450-6 and 84-63 of the County Ordinance Code, that would serve to minimize these potential impacts through the review for hazardous material contamination in soil, soil vapor, or groundwater and an assessment for hazardous building materials which could, upon disturbance during construction, be released to the environment or, upon future occupation, cause a hazard to the public due to exposure to hazardous materials above the applicable regulatory exposure limits. For example, policies Policy 10-67 states that in order to provide for public safety, urban and suburban development should not take place in areas where they would be subject to safety hazards from oil and gas wells. Development near oil and gas wells should meet recognized safety standards.

Impacts associated with hazardous materials would be dependent on the location of future residential development and the nature of surrounding land uses. Any future residential development proposals as a result of the implementation of the HEU would require project-specific environmental evaluation under the California Environmental Quality Act in order to determine that any potential impact are less than significant in regard to hazardous materials, and project approval would be considered in accordance with local policies and regulations, including the General Plan and the County Ordinance Code.

Finding. The proposed project would have a less than significant direct, indirect, and cumulative impact related to the routine transport, use, or disposal of hazardous materials. Accordingly, no changes or alterations to the proposed project were required to avoid or substantially lessen any significant environmental impacts under those thresholds.

Impact 5.9-2: Implementation of the proposed project could facilitate residential development of a site that is on a list of hazardous materials sites. [Threshold H-4].

As indicated in the Existing Conditions subsection, there are multiple sites identified in the County that have remaining contamination in either soil, groundwater, and/or soil vapor. These sites may include sites that are pursuant to Government Code 65962.5; burn dump sites; active, abandoned, or closed landfills; areas with historic or current agriculture; or areas with petroleum contamination. As described in Impact 5.9-1, there are a variety of existing and proposed regulatory processes that would serve to minimize potential impacts through the review for hazardous material contamination in soil, soil vapor, or groundwater and an assessment for hazardous building materials which could, upon disturbance during construction, be released to the environment or, upon future occupation, cause a hazard to the public due to exposure to hazardous materials above the applicable regulatory exposure limits. Additionally, the proposed Housing Element Policy HE-P8.3 aims to prevent the location of below market-rate developments in mapped hazard areas identified in the County Health and Safety Element.

Under implementation of the proposed HEU, development may be located on or near a site such as those pursuant to Government Code 65962.5; burn dump sites; active, abandoned or closed landfills; areas with historic or current agriculture; or areas with petroleum contamination. However, any development, redevelopment, or reuse on or next to any of these sites would require environmental site assessment by a qualified professional to ensure that the relevant projects would not disturb hazardous materials on any of the hazardous materials sites or plumes of hazardous materials diffusing from one of the hazardous materials sites, and that any proposed development, redevelopment, or reuse would not create a substantial hazard to the public or the environment. Phase I Environmental Site Assessments are also required for land purchasers to qualify for the Innocent Landowner Defense under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) and to minimize environmental liability under other laws such as RCRA. Properties contaminated by hazardous substances are also regulated at the local, state, and federal level and are subject to compliance with stringent laws and regulations for investigation and remediation. For example, compliance with the CERCLA, RCRA, California Code of Regulations, Title 22, and related requirements would remedy all potential impacts caused by hazardous substance contamination. Therefore, development of Housing Element Inventory Sites would result in a less than significant impact upon compliance with existing laws and regulations.

Finding. The proposed project would have a less than significant direct, indirect, and cumulative impact related to being located on or near hazardous listed sites. Accordingly, no changes or alterations to the proposed project were required to avoid or substantially lessen any significant environmental impacts under those thresholds.

Impact 5.9-3: The HEU includes sites located in the vicinity of an airport or within the jurisdiction of an airport land use plan. [Threshold H-5].

Airport-related hazards are generally associated with aircraft accidents, particularly during take-off and landing. Airport operation hazards include incompatible land uses, power transmission lines and tall structures that penetrate airspace operational areas, visual distractions, and wildlife hazards (e.g. bird strikes). In accordance with state law, the Contra Costa County Airport Land Use Commission adopted an Airport Land Use Compatibility Plan (ALUCP) in December 2000. The ALUCP sets land use compatibility and design criteria applicable to all development, including residential, which are within a certain distance from one of the County's two public airports. The proposed Housing Element Update sites inventory includes several sites in the Vine Hill community that are within two miles of the Buchanan Airport, as shown in Figure 5.9-1, *Buchanan Airport Safety Zones*, of the DEIR. A portion of one of the sites is in the Airport's Safety Zone 4 which restricts development to no more than four habitable floors above ground. Additionally, as shown on Figure 5.9-2, *Byron Airport Safety Zones*, of the DEIR, two sites in the Byron area that would be redesignated to a residential high-density designation may fall within the Byron Airport's Safety Zone D, which restricts building height up to 100 feet.

Any future residential development proposals that may result after the update would require project-specific environmental evaluation under the California Environmental Quality Act in order to determine that any potential impact are less than significant in regard to nearby airports, and project approval would be considered in accordance with local policies and regulations, including the ALUC Plan, the General Plan policies from the Transportation and Circulation Element listed in Section,

5.9.1.1, and Chapter 86.4, Airport Zoning, of County Ordinance Code. Therefore, impacts are less than significant.

Finding. The proposed project would have a less than significant direct, indirect, and cumulative impact related to development within an airport land use plan. Accordingly, no changes or alterations to the proposed project were required to avoid or substantially lessen any significant environmental impacts under those thresholds.

9. Hydrology and Water Quality

Impact 5.10-1: Potential development associated with the proposed project could result in erosion and water quality impacts to downstream surface water. Compliance with the requirements of the SWRCB's Construction General Permit and implementation of BMPs during construction and compliance with the MS4 permit and implementation of stormwater control measures during operations would minimize the potential for water quality impacts. [Threshold HYD-1].

Construction Impacts

Clearing, grading, excavation, and other construction activities have the potential to impact water quality due to soil erosion and increases in the amount of silt and debris carried in runoff. Additionally, the use of construction materials such as fuels, solvents, and paints may present a risk to surface water quality. The refueling and parking of construction vehicles and other equipment on-site during construction may result in oil, grease, or related pollutant leaks and spills that could discharge into the storm drain system.

To minimize these potential impacts, each housing site that disturbs one acre or more of land would require compliance with the Construction General Permit (CGP) Water Quality Order 2009-0009-DWQ (as amended by Order No. 2010-0014-DWQ and 2012-006-DWQ), which includes the preparation and implementation of a SWPPP. A SWPPP requires the incorporation of BMPs to control sediment, erosion, and hazardous materials contamination of runoff during construction and prevent contaminants from reaching receiving water bodies. The CGP also requires that prior to the start of construction activities, the project applicant must file PRDs with the SWRCB, which includes a Notice of Intent, risk assessment, site map, annual fee, signed certification statement, and SWPPP. The construction contractor is required to maintain a copy of the SWPPP at the site and implement all construction BMPs identified in the SWPPP during construction activities. Prior to the issuance of a grading permit, the project applicant is required to provide proof of filing of the PRDs with the SWRCB and Contra Costa County.

Submittal of the PRDs and implementation of the SWPPP throughout the construction phase of the future housing sites would address anticipated and expected pollutants of concern from construction activities. As a result, water quality impacts associated with construction activities would be less than significant.

Operational Impacts

Residential development has the potential to generate pollutants, such as nutrients, pesticides, sediment, trash and debris, oxygen demanding substances, oil and grease, and pathogens. These

pollutants could eventually end up in stormwater discharged from the site and impact downstream watercourses. However, development proposed under the Housing Element would be subject to the Municipal Regional Stormwater NPDES Permit (MRP, MS4 permit) issued by the San Francisco Bay Regional Water Quality Control Board (RWQCB), which was recently updated and reissued in May 2022. Project applicants would also need to comply with the requirements outlined in the Contra Costa County Water Program) CCCWP's *Stormwater C.3 Guidebook*. The guidebook is updated periodically to reflect the latest MS4 permit requirements; therefore, future development under the Housing Element update would need to comply with the latest thresholds listed for the area and the reissuance of the MS4 permit.

All projects that create or replace at least 2,500 square feet of impervious surface must submit a Stormwater Control Plan and incorporate at least one of the control measures listed in CCCWP's Stormwater C.3 Guidebook..

For projects considered Regulated Projects under the latest MS4 permit, a Stormwater Control Plan (SCP) must be prepared that incorporates low impact design (LID) features. The SCP must include site design features that protect natural resources, source control measures that reduce pollutants in stormwater, and stormwater treatment measures that temporarily retain and treat stormwater on-site prior to discharge to the storm drain system. The project applicant must also prepare an Operation and Maintenance Plan that details how the stormwater treatment measures will be inspected and maintained and provide a maintenance agreement that “runs with the land” for perpetuity.

Project types and area thresholds for Regulated Projects are outlined in Provision C.3.2 in the MS4 permit issued in May 2022. Prior to July 1, 2023, approved projects that create or replace more than 10,000 square feet of impervious surface are considered Regulated Projects. In addition, Regulated Project are also those with at least 10,000 square feet for single-family homes and 5,000 square feet for other new development and redevelopment projects, unless exempt.

In addition, projects that create and/or replace one acre or more of impervious surfaces must comply with the hydromodification requirements of the MS4 permit, unless exempted. This requires the design and construction of stormwater treatment measures that also provide flow and volume control so that post-project runoff does not exceed pre-project rates and durations.

As part of the statewide mandate to reduce trash within receiving waters, the County is required to adhere to the requirements of the California Trash Amendments and is also required to adhere to Provision C.10 of the San Francisco Bay MS4 permit. The requirements include the installation and maintenance of trash screening devices at all public curb inlets, grate inlets, and catch basin inlets or control measures for full trash capture equivalency. The trash screening devices must be approved by the SWRCB.

Therefore, with the implementation of these State and local requirements in conjunction with compliance to Contra Costa County policies, development pursuant to the Housing Element Update would not violate any water quality standards or waste discharge requirements for both construction and operational phases, and impacts would be less than significant.

Finding. The proposed project would have a less than significant direct, indirect, and cumulative impact related to water quality. Accordingly, no changes or alterations to the proposed project were required to avoid or substantially lessen any significant environmental impacts under those thresholds.

Impact 5.10-2: Development associated with proposed project would increase impervious surfaces which would reduce the amount of stormwater available for recharge but would not substantially deplete groundwater supplies or interfere substantially with groundwater recharge. [Threshold HYD-2]

Groundwater Use

Four of the groundwater basins within Contra Costa County are categorized as very low priority basins and there is no groundwater withdrawal from these basins for municipal water supply. EBMUD and the Contra Costa Water District (CCWD) are the main water purveyors in Contra Costa County. EBMUD's service area is generally in the western portion of the County and CCWD encompasses most of central and northeastern Contra Costa County.

Although EBMUD does pump groundwater from the Santa Clara Valley – East Bay Plain groundwater basin, most of its water supply (85-95 percent) is from surface water sources. Because of saltwater intrusion issues, there are no municipal groundwater wells in the northern tip of this groundwater basin, where potential new housing units could be located. Therefore, implementation of the Housing Element Update would not have a significant impact on groundwater supply in this basin. CCWD's water supply primarily is surface water from contracts with the Central Valley Project (CVP). CCWD does not pump groundwater to meet its demands.

The City of Pittsburg pumps a small amount of groundwater from two municipal wells, which tap into the Pittsburg Plain groundwater basin. But most of their water supply (85 to 95 percent) is from surface water sources. There are no new housing units planned that would be served by the Dublin-San Ramon Water District, which is within the Livermore Valley groundwater basin. The Diablo Water District, which obtains approximately 20 percent of its total supply from groundwater wells that tap into the San Joaquin Valley-East Contra Costa groundwater basin. However, according to the 2020 UWMP, there is a surplus of water to meet its demands under normal, single-dry years, and multiple-dry years. Therefore, new housing units within its service area would not impact groundwater supply. Byron and Discovery Bay in eastern Contra Costa County have small community systems that rely on groundwater, but additional housing units in these areas would not substantially impact groundwater supplies. In addition, the Contra Costa County Ordinance Code details regulations to meet water supply demands for new housing construction. Ordinance 81-56 § 1, states any property needing water for domestic purposes shall demonstrate an approved water supply and obtain written approval from the health officer for such development.

Groundwater Recharge

Although new projects pursuant to the Housing Element Update would increase the amount of impervious surfaces and could potentially impact groundwater recharge, these projects would be required to implement BMPs and LID measures, which include on-site infiltration, where feasible. The MS4 permits and the CCCWP Stormwater C.3 Guidebook require site design measures, source control measures, stormwater treatment measures, and hydromodification measures to be included in a SCP

that must be submitted and approved by the County. These measures minimize the impact of impervious surfaces by including permeable pavement, drainage to landscape areas and bioretention areas, and the collection of rooftop runoff in rain barrels or cisterns. These measures would increase the potential for groundwater recharge and have a less than significant impact on groundwater levels.

Therefore, the proposed project would not significantly interfere with groundwater recharge, nor would the project substantially deplete groundwater supplies. Thus, impacts would be less than significant.

Finding. The proposed project would have a less than significant direct, indirect, and cumulative impact related to groundwater supplies. Accordingly, no changes or alterations to the proposed project were required to avoid or substantially lessen any significant environmental impacts under those thresholds.

Impact 5.10-3: Development associated with the proposed project would not alter the course of a stream or river but would increase the amount of impervious surfaces, which could impact stormwater runoff rates and volumes. However, this would not result in i) substantial erosion or siltation on- or off-site; ii) increased runoff that would result in flooding on- or off-site; iii) increased runoff that would exceed the capacity of existing or planned storm drain systems or provide substantial additional sources of polluted runoff; or iv) impede or redirect flood flows. [Threshold HYD-3] [Threshold HYD-4].

Erosion and Siltation

The proposed project would result in new housing units and changes in land use that would result in an increase in impervious surfaces. This, in turn, could result in an increase in stormwater runoff, higher peak discharges to drainage channels, and the potential to cause erosion or siltation in drainage swales and streams. Increases in tributary flows can exacerbate creek bank erosion or cause destabilizing channel incision.

All potential new development pursuant to the Housing Element Update would be required to implement construction-phase BMPs as well as post-construction site design, source control measures, and treatment controls in accordance with the requirements of the CGP, the MS4 Permit, and the CCCWP Stormwater C.3 Guidebook. Typical construction BMPs include silt fences, fiber rolls, catch basin inlet protection, water trucks, street sweeping, and stabilization of truck entrance/exits. Each new development or redevelopment project that disturbs one or more acre of land would be required to prepare and submit a SWPPP to the SWRCB that describes the measures to control discharges from construction sites.

Once potential future development projects have been constructed, there are C.3 requirements in the MS4 permit for new development or redevelopment projects that must be implemented and include site design measures, source control measures, LID, and stormwater treatment measures that address stormwater runoff and would reduce the potential for erosion and siltation. Site design measures include minimizing impervious surfaces; conserving the natural areas of the site as much as possible; and protecting slopes and channels from erosion. LID measures include the use of permeable pavements, directing runoff to pervious areas, and the construction of bioretention areas. The SCP must also include operation and maintenance procedures and an agreement to maintain any stormwater

treatment and control facilities for perpetuity. Compliance with these regional and local regulatory requirements will ensure that erosion and siltation impacts from new housing development projects would be less than significant.

Flooding On- or Off-Site

New housing units and changes in land uses could result in increases in impervious surfaces, which in turn could result in an increase in stormwater runoff, higher peak discharges to drainage channels, and the potential to cause nuisance flooding in areas without adequate drainage facilities. However, all potential future development must comply with the requirements of the MS4 Permit and the CCCWP Stormwater C.3 Guidebook. Regulated projects must implement BMPs, including LID BMPs and site design BMPs, which effectively minimize imperviousness, temporarily detain stormwater on-site, decrease surface water flows, and slow runoff rates. Projects that create and/or replace one acre of impervious surface must also adhere to the hydromodification requirements of the CCCWP Stormwater C.3 Guidebook to ensure that post project runoff does not exceed pre-project runoff. Adherence to these regulatory requirements would minimize the amount of stormwater runoff from proposed housing projects. Therefore, the projects pursuant to the Housing Element Update would not result in flooding on- or off-site and impacts would be less than significant.

Stormwater Drainage System Capacity

As stated in the impact discussions, an increase in impervious surfaces with new housing units could result in increases in stormwater runoff, which in turn could exceed the capacity of existing or planned stormwater drainage systems. All potential future development and redevelopment projects would be required to comply with the MS4 permit requirements and follow the CCCWP Stormwater C.3 Guidebook when designing on-site stormwater treatment facilities. The hydrology study and SCP for each project is subject to County review to verify that the on-site storm drain systems and treatment facilities can accommodate stormwater runoff from the site and would not exceed the capacity of downstream drainage systems at the point of connection. Also, construction of flood control facilities and implementation of the C.3 provisions for new development, which include LID design and bioretention areas, would minimize increases in peak flow rates and runoff volumes, thus reducing stormwater runoff to the storm drain system. With implementation of these regulatory requirements, there would not be a significant increase in stormwater runoff to the existing storm drain systems.

Also, new development pursuant to the Housing Element Update would not create substantial additional sources of polluted runoff. During the construction phase, projects would be required to prepare SWPPPs, thus limiting the discharge of pollutants from the site. During operation, projects must implement BMPs and LID measures that minimize the amount of stormwater runoff and associated pollutants.

With implementation of these control measures and regulatory provisions to limit runoff from new development sites, the Housing Element Update would not result in significant increases in runoff that would exceed the capacity of existing or planned storm drain facilities, and the impact is less than significant.

Redirecting Flood Flows

Some of the proposed housing sites in the area around the north and the eastern portion of Contra Costa County are within the 100-year floodplain. Future development in these areas would be subject to Contra Costa County's Floodplain Management Ordinance. Prior to the start of construction or development within a Flood Hazard Area (i.e., 100-year floodplain or coastal high hazard area), the County requires project applicants to apply for a Floodplain Permit from the Public Works Department and construct new development in accordance with the standards of construction in Article 82-28.1002. The standards of construction vary depending on where the proposed structure but typically requires that the finished floor be elevated at least one to two feet above the base flood elevation. Prior to occupancy of any building, proof that a Letter of Map Revision (LOMR) and an elevation certificate has been submitted to FEMA must be provided to the County. Compliance with FEMA's National Flood Insurance Program requirements and the County's floodplain requirements would ensure that new construction does not impede or redirect flood flows and impacts would be less than significant.

Flooding, Tsunamis, and Seiches

Given that Contra Costa County has never been impacted by a tsunami, the risk of flooding and the release of pollutants due to a tsunami event is unlikely. Tsunami hazards in San Francisco Bay and San Pablo Bay are much smaller than along the Pacific Coast, because the bays are enclosed bodies of water. Due to the infrequent nature of tsunamis and relatively low predicted tsunami wave heights in the area, the County is reasonably safe from tsunami hazards. Also, the County's Floodplain Ordinance includes requirements for development within coastal high-hazard areas, which include tsunami zones. In addition, there are various precautions and warning systems that would be implemented by the County in the event of a tsunami. As discussed previously, seiches are unlikely to occur because tsunamis have frequencies too short to resonate within the San Pablo and San Francisco Bay.

Therefore, compliance with the FEMA and County regulatory requirements regarding construction in 100- year floodplains and the unlikelihood of tsunamis or seiches impacting new housing units, the potential for the release of pollutants from these events is minimal and impacts would be less than significant.

Finding. The proposed project would have a less than significant direct, indirect, and cumulative impact related to erosion and siltation, flooding, stormwater drainage, redirecting flood flows, tsunamis, and seiches. Accordingly, no changes or alterations to the proposed project were required to avoid or substantially lessen any significant environmental impacts under those thresholds.

Impact 5.10-4: The proposed project would not conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan. [Threshold HYD-5].

Adherence to the Construction General Permit, the MS4 permit, and the CCCWP Stormwater C.3 Guidebook would ensure that surface and groundwater quality are not adversely impacts during construction and operation of development pursuant to the Housing Element Update. As a result, site development would not obstruct or conflict with implementation of the San Francisco RWQCB's and the Central Valley RWQCB's Water Quality Control Plans (Basin Plans).

There are three groundwater basins within Contra Costa County that have groundwater sustainability plans (GSPs). Neither EBMUD nor the City of Hayward are pumping groundwater from the Santa Clara Valley – East Bay Plain groundwater subbasin. The Livermore Valley groundwater subbasin is managed by the Zone 7 Water Agency, which submitted an Alternative GSP. The groundwater basin is not in critical overdraft conditions, and the 2021 Alternative GSP demonstrates that the basin has continued to operate within its sustainable yield over a period of at least 10 years. The San Joaquin Valley – East Contra Costa groundwater subbasin is not in critical overdraft and does not show any signs of over-pumping. In addition, the water purveyors within the Contra Costa County service area rely primarily on surface water, which accounts for more than 80 percent of their water supply. Therefore, the addition of 20,417 maximum allowable units scattered throughout Contra Costa County would not obstruct or conflict with any groundwater management plans.

Finding. The proposed project would have a less than significant direct, indirect, and cumulative impact related to conflicting with the implementation of a water quality control plan or sustainable groundwater management plan. Accordingly, no changes or alterations to the proposed project were required to avoid or substantially lessen any significant environmental impacts under those thresholds.

10. Land Use and Planning

Impact 5.11-1: Project implementation would not physically divide an established community.

Division of an established community common occurs as a result of development and construction of physical features that constitute a barrier to easy and frequent travel between two or more constituent parts of a community. For example, a large freeway structure with few crossings could effectively split a community. Likewise, geographic features could similarly affect the community, such as the development of a large residential project on the opposite side of a river from the existing community.

The project does not propose project-specific development. Future residential development associated with the proposed project would occur on several parcels of land designated for residential and non-residential use across the County. The proposed project would result in parcels that would either have an increase in density or no density changes, compared to existing conditions.

The proposed General Plan Update would change the designations and zoning of the proposed housing sites, and this EIR evaluates the sites using the proposed general plan land use designations as currently under consideration. Compliance with the General Plan and Municipal Code would ensure that future residential development would not divide an established community and would be compatible with surrounding uses. Therefore, impacts would be less than significant.

Finding. The proposed project would have a less than significant direct, indirect, and cumulative impact related to the division of an established community. Accordingly, no changes or alterations to the proposed project were required to avoid or substantially lessen any significant environmental impacts under those thresholds.

Impact 5.11-2: Project Implementation would not conflict with applicable plans adopted for the purpose of avoiding or mitigating an environmental effect. [Threshold LU-2]

ABAG

RHNA

To demonstrate housing resources for the extremely low-income, very low-income, and low-income housing categories, HCD requires that the County provide enough vacant land to accommodate at least 7,610 housing units, as seen in Table 3-1, *2023-2031 Regional Housing Needs Allocation (RHNA)*. Existing land uses as established in the current Land Use Element of the General Plan consist of a variety of residential, commercial, office, industrial, agricultural, and recreational/open space uses. To meet the RHNA obligations and to further the goals of the overall general plan update, the County is considering changes to land use designations and densities. Therefore, the implementation of the proposed project would not conflict with the RHNA allocations for the County, as the increase in housing units would help the County with meeting its required allocation. Impacts would be less than significant.

Plan Bay Area 2050

Plan Bay Area 2050 is a 30-year plan that charts a course for a Bay Area that is affordable, connected, diverse, healthy, and vibrant for all residents through 2050 and beyond. Thirty-five strategies comprise the heart of the Plan to improve housing, the economy, transportation, and the environment. Table 5.11-1, *Plan Bay Area 2050 Consistency Analysis – Housing Strategies*, of the DEIR, shows the proposed project’s consistency with the housing strategies of Plan Bay Area 2050. As shown in Table 5.11-1, the proposed project would be consistent with the Plan Bay Area 2050 housing strategies. Therefore, impacts would be less than significant.

General Plan Update

Moreover, the proposed General Plan Update would change the designations and zoning of the proposed housing sites, and this EIR evaluates the sites using the proposed general plan land use designations as currently under consideration. Upon adoption of the General Plan Update, the proposed project would be consistent with the proposed General Plan. Impacts would be less than significant.

Finding. The proposed project would have a less than significant direct, indirect, and cumulative impact related to conflicting with land use plans. Accordingly, no changes or alterations to the proposed project were required to avoid or substantially lessen any significant environmental impacts under those thresholds.

11. Noise

Impact 5.13-4: Implementation of the proposed project could expose future residents to excessive levels of airport-related noise. [Threshold N-3].

Aircraft noise in the county is typically characterized as occasional, and the majority of flights served by the Buchanan Field Airport and Byron Airport are for recreational purposes. Pursuant to Section 21096 of the Public Resources Code, the lead agency must consider whether the project will result in a safety hazard or noise problem for persons using the airport or for persons residing or working in the project area. Future housing development or redevelopment uses could be located in areas that exceed the 60 dBA CNEL as a result of implantation of the proposed project. However, the following current General Plan Policies would reduce impacts to a less than significant impact:

Policy 11-1 and Policy 11-4 require new projects to meet acceptable exterior noise level standards and provide an interior DNL of 45 dB or less.

Finding. The proposed project would have a less than significant direct, indirect, and cumulative impact related to exposure of future residents to excessive levels of airport-related noise. Accordingly, no changes or alterations to the proposed project were required to avoid or substantially lessen any significant environmental impacts under those thresholds.

12. Population and Housing

Impact 5.14-1: The proposed project would directly result in population growth in the Plan Area. [Threshold P-1].

As part of the Housing Element Update (HEU), Contra Costa County is proposing to redesignate/rezone approximately 548 acres of land to meet its RHNA. The Housing Element Inventory sites that are evaluated in this DEIR have been identified as potential sites to meet the County's RHNA and may not all be redesignated as they are shown in Tables 3-3, 3-4, and 3-5 in Chapter 3, *Project Description*, of the DEIR. While the Housing Element itself is a planning document and would not contribute unplanned growth within the 21 unincorporated communities of the County with identified Housing Element Inventory sites, the growth that could occur if all sites are developed to 100 percent capacity is shown in Table 5.14-7, *Housing Element Update Proposed Maximum Units*, of the DEIR. This scenario is highly conservative as it is unlikely that 100 percent of sites would be developed at 100 percent of their capacity.

As shown in Table 5.14-7, the combined total of all sites the Housing Element Sites Inventory would allow for 20,417 units maximum allowable units under the Maximum Unit scenario. The population added to each community is based on the 2010 Census Table P-17 average persons per household for each community. The estimated increase in population under Maximum Units scenario is approximately 63,471 residents. The conservative estimate (Maximum Units scenario) assumes that all residents are new residents to the County though a portion of the project residents may be existing city residents who decide to relocate to the project site.

As shown in Table 5.14-6, *Summary of the Unincorporated Contra County's Projected Growth (5-Year Increments)*, of the DEIR, the unincorporated population of Contra Costa is projected to increase to 199,105 people

by 2040, which represents an increase of 19.92 percent from the 2020 population of 166,030. The proposed project could result in the development of housing units accommodating an additional 63,471 residents. When added to the incorporated County's 2022 population of 176,941, the resulting population of the unincorporated County would be 240,412 residents, an increase of 41,307 residents above ABAG 2040 projection. However, due to the State's housing shortage, additional housing units are needed across the State to meet demand. In 2019, Governor Newsom signed several bills aimed to address the need for more housing, including the Housing Crisis Act of 2019 (Senate Bill 330). The proposed project addresses the need for additional housing to accommodate population growth in Contra Costa County. Implementation of the HEU would result in additional housing, though impacts would be less than significant

Finding. The proposed project would have a less than significant direct, indirect, and cumulative impact related to population growth. Accordingly, no changes or alterations to the proposed project were required to avoid or substantially lessen any significant environmental impacts under those thresholds.

Impact 5.14-2: The proposed project would not result in the displacement of people and/or housing. [Threshold P-2].

The sites in the Housing Element's Sites Inventory were selected based on land availability and capacity. The factors considered to choose these sites consisted of many elements including but not limited to, vacancy status, City ownership, site size, proximity to existing residential services, and amenities, few or limited physical constraints, expressed property owner interest, and community input received. These sites are distributed across the County within 21 unincorporated communities and are primarily infill. While 97 of the 529 parcels in the inventory are non-vacant, proposed redesignations and rezoning would contribute a net increase in housing units. The HEU would not displace people or housing as it would contribute additional housing on sites that are vacant or increase housing density in residential zones.

Additionally, the proposed project includes policies aimed at preventing displacing people and homes as well as provision of affordable housing options. For example, Policy HE-P1.4 states to maintain a condominium conversion ordinance aimed at mitigating the impacts to displaced tenants and ensuring the quality of the units being sold to homeowners. Also, Policy HE-P1.5 states to preserve existing affordable housing developments at risk of converting to market-rate housing through bond refinancing and other mechanisms. The policies and goals outlined in the HEU would help to prevent people and homes from being displaced with the implementation of new housing sites in Contra Costa County.

Furthermore, according to the RHNA for the 2023 to 2031 Housing Element Cycle, the County's share of regional housing needs is a total of approximately 7,610 new units. The proposed project would increase the number of allowable housing units in Contra Costa County by approximately 20,417 maximum allowable units, thereby increasing the County's housing supply. The HEU's inventory sites presents suitable areas in Contra Costa County where infill of housing units can occur. The inventory sites coupled with the proposed HEU policies would not displace people or housing but increase the number of housing units in the County.

Finding. The proposed project would have a less than significant direct, indirect, and cumulative impact related to the displacement of existing people or housing. Accordingly, no changes or alterations to the proposed project were required to avoid or substantially lessen any significant environmental impacts under those thresholds.

13. Public Services and Recreation

Impact 5.15-1: The proposed project could introduce new structures and residents into the CCCFPD, HRPD, SRVFD, and the Crockett-Carquinez Fire Protection District's service boundaries, thereby increasing the requirement for fire protection facilities and personnel. [Threshold FP-1]

While no specific development proposals are directly associated with the Housing Element Update, theoretical development would result in an increase in population of up to 63,4711 based on the maximum number of units allowed on each parcel that the County is considering for redesignation and rezoning. The increase in population as a result of the HEU would be expected to generate the typical range of service calls, including fire, emergency medical service, and other incidents. New fire personnel, vehicles, and equipment would be required to provide adequate response times to serve future development. Therefore, the CCCFPD's, HRPD, SRVFD, and Crockett-Carquinez FPD's respective costs to maintain equipment and facilities and to train and equip personnel would also increase. However, the additional personnel and materials costs would likely be gradual as the increase in population as a result of development under the HEU would occur incrementally over time.

In accordance with General Plan Policy 4-2 and Implementation Measure 10-au, which are discussed under the regulatory section of Section 5.15.1.1, of the DEIR, project applicants and the County would be required to ensure that there are adequate fire services at the time that specific development projects are proposed. As such, it would be possible to assess the need for additional fire and emergency medical service personnel and equipment and address these needs to ensure that adequate fire service response time standards are maintained. However, as a matter of information, if and when the construction or expansion of facilities to accommodate additional personnel or equipment should become necessary, CEQA review, General Plan provisions, Ordinance Code regulations, and payment of impact fees would all be required. Additional fire facilities are not expected to be required to serve the population as a result of the HEU however the Board of Supervisors will continue to monitor service needs and construct facilities as needed over time. The impact on fire protection and emergency medical response services would be less than significant.

Finding. The proposed project would have a less than significant direct, indirect, and cumulative impact related to the need for new or physically altered fire protection facilities. Accordingly, no changes or alterations to the proposed project were required to avoid or substantially lessen any significant environmental impacts under those thresholds.

Impact 5.15-2: The proposed project could introduce new structures and residents into the Contra Costa Office of the Sheriff's service boundaries, thereby potentially

**increasing the requirement for police protection facilities and personnel.
[Threshold PP-1].**

While no specific development proposals are directly associated with the HEU, theoretical development would result in an increase in population and thus an increase in demand for police protection services from the Contra Costa County Sheriff's Office. As discussed in Section 4.15.2.1, the Police Department has 720 sworn officers. The staffing ratio of patrol deputies serving the population in the unincorporated part of the County per 1,000 residents in 2020 was 1.06. With the potential addition of up to an estimated 63,471 residents under the HEU, there would be an increase in calls for service which may require additional police personnel. Future development is expected to generate the typical range of service calls. Additional police personnel, vehicles, and equipment would likely be required to provide adequate response times to serve future growth. Therefore, the County's costs to maintain equipment and facilities and to train and equip personnel would also increase. However, the additional personnel and materials costs would likely be gradual as the increase in population would occur incrementally over time.

Several policies and programs implemented by the County would ensure that development under the HEU would be provided police services and contribute to the funding of such services. General Plan Public Facilities/Services Element Policy 7-57 provides a framework for evaluating the potential impact of development on the delivery of police protection services. Additionally, Growth Management Policy 4-2 requires that levels of service are met before a development is approved. Land Use Policy 3-5 reiterates policy 4-2, requiring that the County's growth management standards for services be met before building permits are issued. Public Facilities/Services Element Implementation Measure 7-aq requires that in developing areas the Sheriff protection service standard be achieved by creation of a County Service Area and special tax and/or creation of a Mello Roos Community Facilities District that generates special tax revenue to support additional increments of Sheriff patrol necessary to meet the adopted service standard. The County also levies land development impact fees to fund police services.

As such, it would be possible to assess the need for additional police personnel and equipment and address these needs to ensure that the law enforcement response time standards in the community are maintained. However, as a matter of information, if and when the construction or expansion of facilities to accommodate additional personnel or equipment could become necessary, CEQA review, General Plan provisions, Ordinance Code regulations, and payment of impact fees would all be required. Therefore, the impact on police protection services would be less than significant.

Finding. The proposed project would have a less than significant direct, indirect, and cumulative impact related to the need for new or physically altered police facilities. Accordingly, no changes or alterations to the proposed project were required to avoid or substantially lessen any significant environmental impacts under those thresholds.

Impact 5.13-3: Buildout of the proposed project could generate new students who would impact the school enrollment capacities of area schools and result in the need

for new and/or expanded school facilities, the construction of which could result in environmental impacts.

Of the 529 sites included in the Housing Element Sites Inventory, 376 sites are proposed to allow an increase in their allowable density. If all parcels in the Housing Element sites inventory were to redesignated as noted in Tables 3-3, 3-4, and 3-5 of Chapter 3, *Project Description*, and then developed to their maximum allowable capacity (as explained in Impact 5.15-1), the resulting dwelling units would be expected to generate a maximum of 6,1132 students across all school districts in the County that contain Housing Element sites, or an average of 764 students per year over the eight-year life cycle of this Housing Element. Table 5.15-7, *Students Added to School Districts*, of the DEIR, shows an estimate of the number of students that would be added to each district based the average of on each district's respective single-family and multiple-family school generation factors and the maximum units that would be allowed on the Housing Element Inventory sites that are within the boundaries each district. It should be noted that this analysis is conservative as it operates under the assumption that not only will all sites be redesignated as specified in the Housing Element and developed to their maximum allowable density, but that all students generated by these developments will attend schools in the district in which each site is located. Some students may attend non-public schools or schools within districts that are not evaluated in this analysis.

As shown in Table 5.15-7, no school districts' capacities will be exceeded as a result of the potential units allowed under the proposed HEU, with the exception of three districts, West Contra Costa USD, Martinez Unified SD, and Liberty Union High SD, which currently have enrollments that exceeds their capacities. The students added by the development of units under the HEU could exacerbate school capacity issues if the facilities of these two districts are not updated. Byron Union Elementary SD and John Swett USD do not have publicly available data for their respective district capacities. To estimate the number of students that could be added from development in these districts, student generation factors were derived using the methods described in the first footnote of Table 5.15-7.

Existing funding mechanisms would lessen potential impacts related to an increase in the student population. As detailed in Section 5.15.3.1, of the DEIR, all districts in the County are funded through the payment of development fees pursuant to SB 50/Government Code Section 65995 and County Ordinance 812. These fees are required to be paid by future development prior to issuance of building permits and would be used to offset the impact of the number of new students generated by the anticipated population increase resulting from the redesignating and rezoning program. According to SB 50, payment of these fees constitutes adequate mitigation related to impacts to school facilities.

Furthermore, a school district and a development have the option of entering into various alternative mitigation agreements to ensure the timely construction of school facilities to house students from new residential development. The primary financing mechanism authorized in these mitigation agreements is the formation of a community facilities district, pursuant to the Mello-Roos Community District Act of 1982. In lieu of an alternative mitigation agreement, state-mandated school facilities fees, which help maintain adequate school facilities and levels of service may also reduce potential impacts. Ultimately, the provision of schools is the responsibility of the school district. SB 50 provides that the statutory fees found in the Government and Education Codes are the exclusive means of considering and mitigating for school impacts. Imposition of the statutory fees constitutes full and complete mitigation (Government Code Section 65995[b]).

The existing regulatory setting, including funding mechanisms, would ensure that potential impacts to school facilities and services with implementation of the HEU would be less than significant. Furthermore, the General Plan includes goals and policies to maintain adequate levels of service for schools. Therefore, impacts would be less than significant.

Finding. The proposed project would have a less than significant direct, indirect, and cumulative impact related to the need for new or physically altered school facilities. Accordingly, no changes or alterations to the proposed project were required to avoid or substantially lessen any significant environmental impacts under those thresholds.

Impact 5.15-4: Buildout of the proposed project could generate new residents in the County and result in the need for new and/or expanded library facilities, the construction of which could result in environmental impacts. [Threshold LS-1].

Implementation of the HEU would result in the potential for increased demand for library services within the County to the extent that expansion and construction of new facilities could be required. Under the conservative assumption that all sites included in the Housing Element sites inventory would be redesignated and rezoned as presented in Tables 3-3, 3-4, and 3-5 of Chapter 3, *Project Description* of this DEIR and then developed to their maximum capacity, the resulting population added to the County would be approximately 63,471. Policy 7-159 in the Public Facilities Element of the General Plan states that services provided by the County Library System shall be maintained and improved by providing adequate funding for ongoing operations, and by providing new library facilities to meet the needs of County residents, particularly in growing areas where library service standards are not being met.

Future development would generate new tax revenues and funding sources for the Contra Costa Library System consist of property taxes, state assistance, and revenue from fines, fees, and other miscellaneous revenue. Furthermore, development or expansion of libraries would be subject to the County's policies that protect environmental resources including environmental review and impact mitigation per CEQA. Impacts associated with development of new libraries are therefore determined to result in less than significant impacts.

Finding. The proposed project would have a less than significant direct, indirect, and cumulative impact related to new or physically altered library facilities. Accordingly, no changes or alterations to the proposed project were required to avoid or substantially lessen any significant environmental impacts under those thresholds.

Impact 5.15-5: The proposed project could generate additional residents that would increase the use of existing park and recreational facilities but would not require the immediate provision of new and/or expanded recreational facilities. [Thresholds R-1 and R-2].

The proposed project includes an inventory of 529 parcels that the County will consider redesignating and rezoning in order meet its 6th Cycle RHNA allocation. This action would likely increase the number of residential units built in the County by 2031. If all parcels in the Housing Element sites inventory were to be developed to their maximum allowable capacity, the resulting dwelling units would be

expected to generate a maximum of 63,471 new residents throughout various areas of the unincorporated county.

The anticipated increase in population in twenty communities in the County would result in an increase in demand for recreational facilities in these areas. Additionally, increases in population in areas that currently do not have adequate recreational facilities would have the potential to accelerate deterioration of existing facilities from intensified overuse. As discussed in section 5.15.5.1, of the DEIR, almost all local parks and recreation providers in the County do not provide enough parks and recreation facilities to meet the County's four acres per 1,000 residents standard (Open Space Element, Goal 9-K). Development of the sites in the Housing Element Sites Inventory would increase the amount of residents in many service districts and county service areas including R-7, Ambrose Recreation and Parks District, M-17, M-16, R-10, Pleasant Hill Parks and Recreation District, Crockett Community Services District, Discovery Bay Community Services District, and EBPRD.

With the exception of Pleasant Hill Recreation and Parks District and EBPRD, these listed parks and recreation providers do not currently provide enough facilities to meet their demand as detailed in the 2021 MSR. To offset impacts from future development, all new projects must adhere to County Code Division 720, Ordinance No. 2007-17 which collects impact fees from new development to fund the County's parks and recreation services. The County's continued implementation of park improvement and development projects would ensure that the adequate amount of parkland would be available. Each recreation and parks district and community service district (of those that provide parks and recreation services) also collect revenue from property taxes, assessments and service charges to fund improvement, which in turn would serve to reduce the potential for deterioration of existing facilities. General Plan Growth Management Policy 4-2 and Implementation Measures 4-l and 4-o would also mitigate impacts to parks and recreation services. Adherence to existing regulations would reduce impacts to less than significant.

Furthermore, it should be noted that while the service capacities of local parks and recreation providers are exceeded by current demand, the total acreage of all park facilities provided in the County meet and exceed the County's goal. As noted in the Existing Conditions section, there are a variety of parks and recreation providers in the County including the recreation and parks districts, county service areas and community service districts, EBPRD, EBMUD, CCWD, the California State Parks System, and other County operated facilities. When considered together, the acreage per 1,000 residents, using the Census 2020 estimate of 1,147,788 residents in the County, is 94 acres per 1,000 residents. While this calculation includes facilities that are meant to service the region or state in addition to the County's population, it shows that the County currently exceeds its overall service goal of four acres per 1,000 residents. The projected maximum increase of 63,471 new residents under the HEU would decrease this service ratio to 89 acres per 1,000 residents, which still meets the County's standard.

Finding. The proposed project would have a less than significant direct, indirect, and cumulative impact related to new or expanded recreational facilities. Accordingly, no changes or alterations to the proposed project were required to avoid or substantially lessen any significant environmental impacts under those thresholds.

14. Transportation

Impact 5.16-1: Implementation of the proposed project would not conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities. [Threshold T-1].

The proposed Housing Element Update does not include site specific designs showing driveway locations and therefore there are no specific details to review and assess impacts on pedestrian, bicycle, and transit facilities. As part of the standard development review process, the County would require all future development of identified Housing Element inventory sites to go through a review of pedestrian, bicycle, and transit facilities in the area surrounding the individual development project to ensure that future developments do not conflict with existing or planned facilities supporting those travel modes. All pedestrian, bicycle, and transit facilities proposed would be designed using the appropriate County design standards. Any request to modify or develop new transit, bicycle, and pedestrian facilities would be subject to and designed in accordance with all applicable General Plan policies. In particular, the Transportation and Circulation Element provides a number of goals and policies that encourage and enforce consistency with or adherence to the County's various plans, programs, and ordinances for new development. Transportation and Circulation Element Policy 5-2 states that appropriately planned circulation system components shall be provided to accommodate development compatible with policies identified in the Land Use Element and Policy 5-4, which states that development shall be allowed only when transportation performance criteria are met and necessary facilities and/or programs are in place or committed to be developed within a specified period of time. As individual development proposals under the Housing Element would be evaluated for consistency with the County's plans including the CMP, CTP, and CBPP, as well as comply with ordinances such as the TDM program, the impact of implementing the HEU would be less than significant.

Finding. The proposed project would have a less than significant direct, indirect, and cumulative impact related to conflicting with a program, plan, ordinance, or policy addressing the circulation system. Accordingly, no changes or alterations to the proposed project were required to avoid or substantially lessen any significant environmental impacts under those thresholds.

Impact 5.16-2: Implementation of the proposed project would/not conflict or be inconsistent with CEQA Guidelines § 15064.3, subdivision (b). [Threshold T-2]

The County's Transportation Analysis Guidelines describe County's recommended methodology for compliance with the requirements of Senate Bill 743 (SB 743) regarding analysis of vehicle miles traveled (VMT) for land use projects that are subject to the CEQA.

As described in the Transportation Analysis Guidelines, there are four screening criteria that can be applied to screen projects out of conducting project level VMT analysis.

1. Projects that generate or attract fewer than 110 daily vehicle trips or, projects of 10,000 square feet or less of non-residential space or 20 residential units less, or otherwise generating less than 836 VMT per day.
2. Residential, retail, office projects, or mixed-use projects proposed within ½ mile of an existing major transit stop or an existing stop along a high quality transit corridor.

3. Residential projects (home-based VMT) at 15% or below the baseline County-wide home-based average VMT per capita, or employment projects (employee VMT) at 15% or below the baseline Bay Area average commute VMT per employee in areas with low VMT that incorporate similar VMT reducing features (i.e., density, mix of uses, transit accessibility).
4. Public facilities (e.g. emergency services, passive parks (low-intensity recreation, open space), libraries, community centers, public utilities) and government buildings.

The VMT modeling used to evaluate emission impacts from VMT in Section 5.8, *Greenhouse Gas Emissions*, of the DEIR, used the buildout assumptions of the upcoming General Plan Update which can be seen on the first page of Appendix 5.3-1, *Air Quality and Greenhouse Gas Emissions Data*, in a table titled Land Use Statistics- Contra Costa County. While these buildout estimates assume a 38 percent growth for housing units and 39 percent growth for population between 2019 and 2040, the model shows, that VMT/person in the County will decrease within this period by 11 percent. While this model reflects assumptions made for the General Plan Update, it can be assumed that because growth under the Housing Element must comply with General Plan, that the growth pattern of the sites selected for the Housing Element will match that of the assumptions made in this model.

The sites selected by the County as potential sites to meet its RHNA are primarily in infill locations within existing residential communities. The proposed project would potentially redesignate 376 sites from nonresidential uses to residential uses or increase the residential densities of sites that currently allow residential development. According to the Office of Planning and Research (OPR) Guidelines on Evaluating Transportation Impacts in CEQA, residential and office projects that are located in areas with low VMT, and that incorporate features such as density, mix of uses, transit accessibility, will tend to exhibit lower VMT. Additionally, 204 of the 529 sites in the sites inventory, or 38 percent, have been chosen as sites to accommodate lower-income housing by the County. These sites would be targeted for affordable housing development and as stated in the OPR Guidelines, “adding affordable housing to infill locations generally improves jobs-housing match, in turn shortening commutes and reducing VMT... In areas where existing jobs housing match is closer to optimal, low-income housing generates less VMT than market- rate housing. Therefore, a project consisting of a high percentage of affordable housing may be a basis for the lead agency to find a less-than-significant impact on VMT.”

While the VMT generated by all potential projects pursuant to the Housing Element has not been evaluated, it can be assumed that the growth pattern created by development of the Housing Element Inventory sites would not increase the VMT per capita due to its focus on infill, increasing density, and promoting affordability. Furthermore, the VMT per capita modeled for the General Plan Update shows a decrease by 2040, indicating that the development within the County over the next eight years will reflect that of the Housing Element which focuses on VMT decreasing growth. VMT impacts of individual projects will be evaluated or screened based on CCTA’s guidelines as site-specific development proposals are submitted. Therefore, implementation of the Housing Element Update would have less than significant impacts with regards to VMT.

Finding. The proposed project would have a less than significant direct, indirect, and cumulative impact related to VMT thresholds for Contra Costa County. Accordingly, no changes or alterations to the proposed project were required to avoid or substantially lessen any significant environmental impacts under those thresholds.

Impact 5.16-3: Implementation of the proposed would not substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment). [Threshold T-3]

Subsequent projects under the HEU, including any new roadway, bicycle, pedestrian, and transit infrastructure improvements, would be subject to, and designed in accordance with County standards and specifications which address potential design hazards including sight distance, driveway placement, and signage and striping. Additionally, any new transportation facilities or improvements to such facilities associated with subsequent projects would be constructed based on industry design standards and best practices consistent with the County's ordinance code, building design and inspection requirements, in addition to any applicable community-based transportation plans. The County's evaluation of projects' access and circulation will incorporate analysis with respect to County standards for vehicular level of service and queuing, as well as for service to pedestrians, bicyclists, and transit users. Therefore, the HEU would result in a less-than significant impact to transportation hazards.

Finding. The proposed project would have a less than significant direct, indirect, and cumulative impact related to an increase in hazards due to a geometric design feature. Accordingly, no changes or alterations to the proposed project were required to avoid or substantially lessen any significant environmental impacts under those thresholds.

15. Utilities and Service Systems

Impact 5.17-1: Sewer and wastewater treatment systems are adequate to meet project requirements. [Thresholds U-1 (part) and U-3].

The Housing Element Update (HEU) will allow for approximately 20,417 additional maximum housing units, which would result in an increase in population of approximately 63,471 people. The HEU can impact the wastewater treatment and collection's level of service. However, the proposed housing sites are allocated throughout the entire county thus the level of service would not substantially impact any singular wastewater treatment or collection system. All the housing sites identified in the inventory are within established wastewater and collection services and are likely to be able to access water and wastewater services. Depending on where the housing sites will be located, the level of service from a wastewater treatment and collection agencies will need to be evaluated for treatment capacity, ability to treat increased wastewater generation, and accordance with RWQB objectives. Furthermore, the Municipal Code details regulations and provisions relating to collecting and discharging of any sewage effluent. As noted in Chapter 420-2, before any new development can be built, the developer must first secure a permit from the board of supervisors. Article 420-6.4 of this chapter also details the requirements for a sanitary sewer to be considered available for connection to a structure requiring sewage disposal. Therefore, before any proposed housing sites in the HEU inventory can be built, the developer will need to go through the proper procedures and approval set forth in the Ordinance Code.

Finding. The proposed project would have a less than significant direct, indirect, and cumulative impact related to new or expanded wastewater treatment facilities. Accordingly, no changes or alterations to the proposed project were required to avoid or substantially lessen any significant environmental impacts under those thresholds.

Impact 5.17-2: Water supply and delivery systems are adequate to meet project requirements. [Thresholds U-1 (part) and U-2].

The additional 20,417 housing units proposed by the HEU would result in approximately 63,471 people under maximum allowable density scenario. According to the CCWD Urban Water Management Plan, the CCWD's service area population was projected to be 788,640 persons in 2045. The increase in population associated with the proposed project would represent 8 percent of the CCWD's population projections by 2045. The CCWD's UWMP projected future potable water demands based on population projections and the water use target of 148 gallons per capita per day (gpcd). Based on the water use target and the increase in population, the proposed project would increase future water demand by 9,393,708 gpd by 2045.

According to the EBMUD Urban Water Management Plan, the Contra Costa population within the EBMUD service area is projected to serve 552,000 persons in 2040. This increase in population would represent 11.5 percent of the EBMUD's population projections. The EBMUD's UWMP water use target is 166 gallons per capita per day (gpd). The proposed project would increase future water demand by 10,536,186 gpd by 2040.

Although the proposed project would result in an increase in water demand, the proposed project would not require additional entitlements or a substantial expansion or alteration water supplies that would result in a physical impact to the environment. Furthermore, complying with the County Ordinance Code and Public Services and Facilities Element in the General Plan will result in less than significant impacts.

Finding. The proposed project would have a less than significant direct, indirect, and cumulative impact related to water supplies available to serve the project and future development. Accordingly, no changes or alterations to the proposed project were required to avoid or substantially lessen any significant environmental impacts under those thresholds.

Impact 5.17-3: Existing and/or proposed facilities would be able to accommodate project-generated solid waste. [Threshold U-4]

Because the HEU is a policy document and does not propose any development, evaluation of proposed housing sites impact on solid wastes services will depend on the location of the sites and thus the applicable entity providing the solid waste services. Implementation of the proposed project could result in new homes and residents which will generate solid waste and require disposal and recycling. Solid waste services for the project area are currently provided by the various public agencies. The proposed project is expected to contribute to solid waste generation which could impact the level of service provided by the applicable entities.

During construction, future development projects would comply with CAL Green requirements, specifically recycling and/or salvaging for reuse a minimum of 65 percent of nonhazardous construction and demolition waste generated during most "new construction" projects. Section 74-4.006, Amendments to CGBSC, amends Section 5.408.1, *Construction waste management*, to include 2019 CAL Green requirements.

During operations, future projects would comply with Section 418-20.2-6, Mandates on organic waste generators, of the County Ordinance Code, which require commercial and multifamily residential land uses to have recycling and organic waste recycling. Pursuant to SB 1383, future residents would be required to separate organic and recyclable materials from trash and subscribe to collection service from a waste hauler or self-haul material to an appropriate facility for diversion. Contra Costa County will impose penalties for non-compliance with SB 1383 starting January 1, 2024. All new development proposed under the proposed project such as the addition of new solid waste facilities would be subject to subsequent project-level CEQA review. Construction activities would be required to comply with all federal, state, and local management and reduction statutes and regulations related to solid waste, and impacts would be less than significant.

Finding. The proposed project would have a less than significant direct, indirect, and cumulative impact related to new or expansion of solid waste facilities. Accordingly, no changes or alterations to the proposed project were required to avoid or substantially lessen any significant environmental impacts under those thresholds.

Impact 5.17-4: The proposed project would comply with federal, state, and local statutes and regulations related to solid waste. [Threshold U-5]

Approval of the HEU, as a policy document, would not change or interfere with federal, state, or local regulations, and would not provide any goals, policies, or programs that would result in an inadequate capacity of solid waste collection providers or facilities. Furthermore, all residential development on any of the identified development sites will be required to comply with all federal, state, and local laws regarding the proper disposal of waste. This impact would therefore be considered less than significant.

Finding. The proposed project would have a less than significant direct, indirect, and cumulative impact related to compliance with federal, state, and local management and reduction statutes and regulations related to solid waste. Accordingly, no changes or alterations to the proposed project were required to avoid or substantially lessen any significant environmental impacts under those thresholds.

16. Wildfire

Impact 5.18-3: If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, future projects could require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines, or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment. (Threshold W-3).

Buildout under the proposed project would result in additional infrastructure, such as roadways, transmission lines, and other utilities, in order to serve new residential development. Fuel breaks and emergency water sources would also be required to comply with State and local development regulations. These types of improvements would involve temporary construction and result in changes to the existing built environment. The installation and operation of new above-ground power transmission lines would create a higher risk of exacerbating wildfire risks compared to other infrastructure. However, the CPUC requires maintenance of vegetation around power lines, strict wire-to-wire clearances, annual inspections of above-ground power lines, and the preparation of fire prevent

plans for above-ground power lines in high fire-threat districts. These measures would reduce the reduce the wildfire risks associated with the installation and maintenance of power lines.

Any residential development in the wildfire prone areas of Contra Costa County would also be required to comply with building and design standards in the California Building Code and California Fire Code, which include provisions for fire resistant building materials, the clearance of debris, and fire safety requirements during demolition and construction activities. Public Resources Code Section 4291 also requires vegetation around buildings or structures must maintain defensible space within 100 feet of a structure and an ember resistant zone within 5 feet of a structure. Additionally, SRA and Very High Fire Hazard Severity Zone Fire Safe Regulations would prevent structures from being placed within 30 feet of a roadway, reducing the potential for new roadways to exacerbate wildfire risks. These measures, along with policies and actions in the General Plan Health and Safety Element and Public Facilities and Services Element for constructing homes with fire resistant materials, landscaping with irrigated or fire-resistant materials, and requiring review by fire protection agencies for adequate water supplies, road design, and building design would minimize wildfire risks associated with the installation and maintenance of infrastructure.

Such infrastructure and maintenance activities would also be required to comply with the adopted State regulations, Contra Costa County Ordinance Code standards, and General Plan policies and actions to mitigate the impact of infrastructure on the environment. Therefore, impacts would be less than significant.

Finding. The proposed project would have a less than significant direct, indirect, and cumulative impact related to infrastructure maintenance/installation that could exacerbate fire risk. Accordingly, no changes or alterations to the proposed project were required to avoid or substantially lessen any significant environmental impacts under those thresholds.

Impact 5.18-4: The project would not expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes. (Threshold W-4).

Wildfires on hillsides can create secondary hazards in the form of flooding and landslides. Wildfires on steep slopes can burn the vegetation that stabilizes the slope and create hydrophobic conditions that prevent the ground from absorbing water. This can lead to landslides, debris flows, and flooding.

As discussed in Section 5.10, *Hydrology and Water Quality*, of the DEIR, Contra Costa County contains lands within the 100- year, 200-year, and 500-year floodplain. As shown in Figure 5.10-3, *FEMA 100-Year and 500-Year Flood Zones*, of the DEIR, floodplains are primarily located along creeks, canals, shorelines, and low-lying lands in the Sacramento-San Joaquin Delta. Many flood-prone areas are not, however, located within High or Very High Fire Hazard Severity Zones or WUI areas.

As discussed in Section 5.7, *Geology and Soils*, of the DEIR, landslide prone areas are located throughout the County, with many of the moderate to high landslide potential areas coinciding with high or Very High Fire Hazard Severity Zones. Many of the high landslide potential areas are located on the steep slopes of the Diablo Mountain Range, creating overlapping landslide prone areas in the steep mountain

ranges. This overlap may cause areas outside of a landslide susceptible zone to be affected by runoff, post-fire slope instability, or drainages changes following a wildfire.

Potential future development under the Housing Element Update could contribute to post-fire slope instability or drainage changes upstream. However, proposed Housing Element Policy HE-P8.3 requires locating below market-rate housing development outside of mapped hazard zones as identified in the Health and Safety Element. This does not prevent other residential development from being located in mapped hazard zones. Additionally, all new development in the county is required to comply with State and local regulations, such as the California Building Code, California Fire Code, and Contra Costa County Ordinance Code, which have provisions to reduce downslope or downstream landslides and flooding. For example, Section 1803 of the 2019 California Building Code requires a geotechnical investigation that must assess existing landslide susceptibility on a project site. Contra Costa County Ordinance Code, Title 7, Article 716, Grading, also requires a grading permit issued by a building inspector to control excavating, grading, earthwork construction, including fills or embankments and related work, ultimately minimizing slope instability. Furthermore, as discussed in Impact Discussion WILD-2, all potential future development within wildfire prone areas in Contra Costa County would be required to comply with SRA and Very High Fire Hazard Severity Zone Fire Safe Regulations, Public Resources Code Section 4291, and the California Fire Code. These regulations would ensure fire resilient structures and properties, and therefore would reduce the potential for post-wildfire flooding or landslides downstream or downslope.

New development complying with state and local regulations would not expose people or structures to downslope landslides or downstream flooding due to post-fire hazards. Furthermore, as identified in Impact Discussions WILD-1 and WILD-2, development under the proposed project must also comply with Contra Costa County Emergency Operations Plan, Hazard Mitigation Plan, and Community Wildfire Protection Plan. All future development, regardless of the location, is required to comply with adopted local, regional, and State plans and regulations addressing wildfire prevention which would minimize risks of post-fire hazards. As such, compliance with these policies and regulatory requirements would ensure impacts from postfire instability would be less than significant.

Finding. The proposed project would have a less than significant direct, indirect, and cumulative impact related to exposing people or structures to significant fire risks. Accordingly, no changes or alterations to the proposed project were required to avoid or substantially lessen any significant environmental impacts under those thresholds.

C. Findings on Significant Environmental Impacts that Can Be Mitigated to Less Than Significant

The following summary describes impacts of the proposed project that, without mitigation, would result in significant adverse impacts. Upon implementation of the mitigation measures provided in the DEIR, these impacts, from Chapter 5, would be considered less than significant.

1. Air Quality

Impact 5.3-4: Construction activities associated with the proposed project could expose sensitive receptors to substantial pollutant concentrations. [Threshold AQ-3]

Construction Community Risk and Hazards

Future construction under the proposed project would temporarily elevate concentrations of TACs and DPM in the vicinity of sensitive land uses during construction activities. Since the details regarding future construction activities are not known at this time, due to this analysis being conducted at a GPU Program level—including phasing of future individual projects, construction duration and phasing, and preliminary construction equipment—construction emissions are evaluated qualitatively in accordance with BAAQMD’s plan-level guidance. Subsequent environmental review of future development projects would be required to assess potential impacts under BAAQMD’s project-level thresholds. However, construction emissions associated with the proposed project could exceed BAAQMD’s project level and cumulative significance thresholds for community risk and hazards. Therefore, construction-related health risk impacts associated with the proposed project are considered significant.

Mitigation Measures:

The following mitigation measure was included in the DEIR and the Final EIR and is applicable to the proposed project.

- **Mitigation Measure AQ-3.** Applicants for construction within 1,000 feet of residential and other sensitive land use projects (e.g., hospitals, nursing homes, day care centers) in the unincorporated County, as measured from the property line of the project to the property line of the source/edge of the nearest travel lane, shall submit a health risk assessment (HRA) to the County Department of Conservation and Development prior to future discretionary project approval. The HRA shall be prepared in accordance with policies and procedures of the Office of Environmental Health Hazard Assessment (OEHHA) and the BAAQMD. The latest OEHHA guidelines shall be used for the analysis, including age sensitivity factors, breathing rates, and body weights appropriate for children ages 0 to 16 years. If the HRA shows that the incremental cancer risk exceeds ten in one million (10E-06), PM_{2.5} concentrations exceed 0.3 µg/m³, or the appropriate noncancer hazard index exceeds 1.0, the applicant will be required to identify and demonstrate that mitigation measures are capable of reducing potential cancer and non-cancer risks to an acceptable level (i.e., below ten in one million or a hazard index of 1.0), including appropriate enforcement mechanisms. Measures to reduce risk may include, but are not limited to:
 - Use of construction equipment rated as US EPA Tier 4 Interim for equipment of 50 horsepower or more.
 - Use of construction equipment fitted with Level 3 Diesel Particulate Filters for all equipment of 50 horsepower or more.
 - Measures identified in the HRA shall be included in the environmental document and/or incorporated into the site development plan as a component of the proposed

project. Prior to issuance of any construction permit, the construction contractor shall ensure that all construction plans submitted to the Department of Conservation and Development clearly show incorporation of all applicable mitigation measures.

Finding:

Changes or alterations have been required in, or incorporated into, the proposed project that avoid or substantially lessen the significant environmental effect as identified in the DEIR. These changes are identified in the form of the mitigation measure above. The Contra Costa County hereby finds that implementation of the mitigation measure is feasible, and the measure is therefore adopted.

Rationale for Finding:

Mitigation Measure AQ-3 would ensure that future construction within 1,000 feet of sensitive receptors submit a health risk assessment showing that the document has been prepared in accordance with policies and procedures of the OEHHA and BAAQMD, and requires mitigation be provided if the health risk assessment shows that the incremental cancer risk exceeds ten in one million (10E-06), PM_{2.5} concentrations exceed 0.3 µg/m³, or the appropriate noncancer hazard index exceeds 1.0. Therefore, Mitigation Measure AQ-3 would reduce impacts to air quality less than significant.

2. Biological Resources

Impact 5.4-2: Development of the proposed project could impact sensitive natural communities, including wetland and riparian habitats. [Thresholds B-2 and B-3]

The County includes various wetland and riparian habitats. Wetlands, especially marshes scattered along the County's shoreline, have been awarded substantial legal and policy protection. Riparian habitats can be found in Wildcat Creek, Siesta Valley, Briones Hills, Las Trampas and Rocky Ridges, among other places. Channels, creeks, bays, and reservoirs can be found through the County.

As indicated in Table 5.4-1, *Inventory of Significant Ecological Resources Areas of Contra Costa County*, and Table 5.4-2, *Plant and Wildlife Species of Concern in Contra Costa County*, of the DEIR, shows there are several species that are found in wetland and riparian habitats. The General Plan policies, as well as Mitigation Measures BIO-1 and BIO-2 would prevent impacts on special status species by requiring pre-construction surveys and obtaining take permits from appropriate agencies. Mitigation Measure BIO-3 would require a connectivity evaluation for future projects. Compliance with these mitigation measures would ensure no net loss of waters of the United States or waters of the state. Consequently, impacts on sensitive natural communities would be less than significant with mitigation incorporated.

Mitigation Measures:

The following mitigation measure was included in the DEIR and the Final EIR and is applicable to the proposed project.

- **Mitigation Measure BIO-1:** Prior to the issuance of a building permit, any project that involves the removal of habitat must consider if any special status species (e.g., Threatened or Endangered species, CNPS List 1B and 2 plants, or species protected under Section 15380 of CEQA) are

potentially present on the project site and nearby vicinity, and if the project impacts could be considered significant by the County. If potential habitat is present in an area, focused surveys shall be conducted prior to construction activities in order to document the presence or absence of a species on the project site and nearby vicinity. Botanical surveys shall be conducted during the appropriate blooming period for a species. If no special status species are found on the project site or nearby vicinity, no additional action is warranted, with the exception of projects subject to the East Contra Costa County HCP/NCCP where subsequent actions are required even if no special status species are found onsite. If special status species are found, appropriate mitigation would be required in coordination with the County, consistent with its performance criteria of mitigating lost habitat at a ratio no less than one to one (one acre restored for every acre impacted), or as required by the ECCC HCP/NCCP or the wildlife agencies. Projects shall be required to implement the mitigation plan through a Mitigation Monitoring and Reporting Program.

- **Mitigation Measures BIO-2:** Prior to issuance of the first action and/or permit which would allow for site disturbance (e.g., grading permit), a detailed mitigation plan shall be prepared, and take permits shall be obtained, by a qualified biologist for approval by the County, the USFWS, and CDFW shall include: (1) the responsibilities and qualifications of personnel to implement and supervise the plan; (2) site selection; (3) site preparation and planting implementation; (4) a schedule; (5) maintenance plan/guidelines; (6) a monitoring plan; and (7) long-term preservation requirements. Projects shall be required to implement the mitigation plan as outlined within the Plan.

Any permanent impacts to sensitive natural communities shall be mitigated for at a 3:1 ratio by acreage and temporary impacts shall be restored on-site at a 1:1 ratio by acreage. If onsite mitigation is infeasible, habitat shall be compensated by the permanent protection of habitat at the same ratio through a conservation easement and through the preparation and funding of a long-term management plan. Oak trees shall be replaced at the following ratios:

- 3:1 replacement for trees 5 to 8 inches diameter at breast height (DBH)
 - 5:1 replacement for trees greater than 8 inches to 16 inches DBH
 - 10:1 replacement for trees greater than 16-inch DBH, which are considered old-growth oaks
- Habitat compensation shall also be required for wetland and stream impacts. The project shall obtain permits from the Regional Water Quality Control Board and Army Corps of Engineers pursuant to the Clean Water Act, and the California Department of Fish and Wildlife pursuant to Section 1602 of the Fish and Game Code.
 - **Mitigation Measure BIO-3.** Prior to the issuance of a building permit, the County shall require a habitat connectivity/wildlife corridor evaluation for future development that may impact existing connectivity areas and wildlife linkages. This evaluation shall be conducted by a qualified biologist. The results of the evaluation shall be incorporated into the project's biological report required in Mitigation Measure BIO-1. The evaluation shall also identify project design features that would reduce potential impacts and maintain habitat and wildlife movement. To this end, the County

shall incorporate the following measures, to the extent practicable, for projects impacting wildlife movement corridors:

- Adhere to low density zoning standards
- Encourage clustering of development
- Avoid known sensitive biological resources and sensitive natural communities
- Provide shielded lighting adjacent to sensitive habitat areas
- Encourage development plans that maximize wildlife movement
- Provide buffers between development and wetland/riparian areas
- Protect wetland/riparian areas through regulatory agency permitting process
- Encourage wildlife-passable fence designs (e.g., 3-strand barbless wire fence) on property boundaries.
- Encourage preservation of native habitat on the remainder of developed parcels
- Minimize road/roadway development to help prevent loss of habitat due to roadkill and habitat loss
- Use native, drought-resistant plant species in landscape design
- Encourage participation in local/regional recreational trail design efforts

Finding:

Changes or alterations have been required in, or incorporated into, the proposed project that avoid or substantially lessen the significant environmental effect as identified in the DEIR. These changes are identified in the form of the mitigation measure above. The Contra Costa County hereby finds that implementation of the mitigation measure is feasible, and the measure is therefore adopted.

Rationale for Finding:

Mitigation Measures BIO-1 would require projects to determine if any special status species are present, conduct focused surveys, and implement mitigation plan through Mitigation Monitoring and Reporting Program. Mitigation Measure BIO-2 would prevent impacts on special status species by requiring pre-construction surveys and obtaining take permits from appropriate agencies. Mitigation Measure BIO-3 would require a connectivity evaluation for future projects. Therefore, Mitigation Measure BIO-1, BIO-2, and BIO-3 would reduce impacts to biological resources to less than significant.

Impact 5.4-3: Development pursuant to the proposed project could adversely impact wildlife movement in and surrounding the County. [Threshold B-4]

As the County has large areas of open space lands and water bodies scattered throughout, these areas may provide wildlife movement corridors. A number of bird species are known to occur within the

County. Under the proposed project, these birds could be impacted due to future development and removal of vegetation that could be used for nesting. The Migratory Bird Treaty Act administered by the USFWS governs the taking, killing, possession, transportation, and importation of migratory birds, their eggs, parts, and nests. It prohibits the take, possession, Import, export, transport, sale purchase, barter, or offering of these activities, except under a valid permit or as permitted in the implementing regulations. In addition, California law, particularly relevant statutes in the Fish and Game Code, provide protections for birds and their active nests by prohibiting the:

- Take of any bird, mammal, fish, reptile, or amphibian, take, possess, or needlessly destroy the nest or eggs of any bird, take, possess, or destroy any bird of prey, take or possess any fully protected bird species, or take any nongame bird.
- The Migratory Bird Treaty Act and the California Endangered Species Act prohibit the taking or possession of migratory nongame birds, unless they have an Incidental Take Permit or equivalent authorization from California Department of Fish and Wildlife (CDFW).

Development in existing open space and undeveloped areas of the County could result in habitat fragmentation and constrain wildlife movement. Additionally, development under the proposed project would comply with the policies of the General Plan pertaining to the protection of wildlife which would reduce impacts. In addition, to avoid conflicts with the MBTA, Mitigation Measures BIO-3 and BIO-4 would reduce potentially significant impacts to less than significant.

Mitigation Measures:

The following mitigation measure was included in the DEIR and the Final EIR and is applicable to the proposed project.

- See Mitigation Measure BIO-3.
- **Mitigation Measure BIO-4.** Construction activities involving vegetation removal shall be conducted between September 16 and March 14. If construction occurs inside the peak nesting season (between March 15 and September 15), a preconstruction survey (or possibly multiple surveys) by a qualified biologist is required prior to construction activities to identify any active nesting locations. If the biologist does not find any active nests within the project site, the construction work shall be allowed to proceed. If the biologist finds an active nest within the project site and determined that the nest may be impacted, the biologist shall delineate an appropriate buffer zone around the nest, and the size of the buffer zone shall depend on the affected species and the type of construction activity. Any active nests observed during the survey shall be mapped on an aerial photograph. Only construction activities (if any) that have been approved by a biological monitor shall take place within the buffer zone until the nest is vacated. The biologist shall serve as a construction monitor when construction activities take place near active nest areas to ensure that no inadvertent impacts on these nests occur. Results of the preconstruction survey and any subsequent monitoring shall be provided to the CDFW, USFWS, and the County.

Finding:

Changes or alterations have been required in, or incorporated into, the proposed project that avoid or substantially lessen the significant environmental effect as identified in the DEIR. These changes are identified in the form of the mitigation measure above. The Contra Costa County hereby finds that implementation of the mitigation measure is feasible, and the measure is therefore adopted.

Rationale for Finding:

Mitigation Measure BIO-3 would require a connectivity evaluation for future projects. Mitigation Measure BIO-4 would reduce impacts associated with vegetation removal that could be used for nesting birds.. Therefore, Mitigation Measures BIO-3 and BIO-4 would reduce impacts to biological resources to less than significant.

3. Cultural and Tribal Resources

Impact 5.5-2: Development of the project could impact archaeological resources. [Thresholds C-2]

Implementation of the proposed project could result in a substantial adverse change in the significance of an archaeological resource, as well as the potential disturbance of currently undiscovered archaeological resources on future development sites. Therefore, this impact is potentially significant.

Mitigation Measures:

The following mitigation measure was included in the DEIR and the Final EIR and is applicable to the proposed project.

- **Mitigation Measure CUL-2.** Prior to construction activities, the future project applicant shall retain a qualified archaeologist to monitor all ground-disturbing activities in an effort to identify any unknown archaeological resources. If cultural resources are discovered during ground disturbing activities, all ground disturbance activities within 50 feet of the find shall be halted until a meeting is convened between the developer, archaeologist, tribal representatives, and the Director of the Conservation and Development Department. At the meeting, the significance of the discoveries shall be discussed and after consultation with the tribal representatives, developer, and archaeologist, a decision shall be made, with the concurrence of the Director of the Conservation and Development Department, as to the appropriate mitigation (documentation, recovery, avoidance, etc.) for the cultural resources.

Finding:

Changes or alterations have been required in, or incorporated into, the proposed project that avoid or substantially lessen the significant environmental effect as identified in the DEIR. These changes are identified in the form of the mitigation measure above. The Contra Costa County hereby finds that implementation of the mitigation measure is feasible, and the measure is therefore adopted.

Rationale for Finding:

Mitigation Measure CUL-2 would ensure applicants retain a qualified archaeologist prior to construction and that appropriate mitigation is provided if cultural resources are discovered during ground disturbance. Therefore, Mitigation Measure CUL-2 would reduce impacts to cultural resources to less than significant.

Impact 5.5-3: Grading activities could potentially disturb human remains. [Thresholds C-3]

In the unlikely event that human remains are discovered during grading or construction activities within these sites, compliance with State law (Health and Safety Code § 7050.5) would be required. These requirements are imposed on any construction activity in which human remains are detected, and include the following provisions:

- There shall be no further excavation or disturbance of the site or nearby area reasonably suspected to overlie adjacent human remains until:
 - The County coroner is 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 NAHC shall identify the person or person it believes to be most likely descended from the deceased Native American;
 - The most likely descendant may make recommendations to the landowner or the person responsible for the excavation work, for means of treating or disposing of which appropriate dignity the human remains and any associated grave goods as provided in Public Resources Code § 5097.98 (PRC § 5097.98); or
 - 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 and future subsurface disturbance pursuant to PRC § 5097.9I).
 - The NAHC is unable to identify a most likely descendant.
 - The most likely descendant is identified by the NAHC, fails to make a recommendation within 48 hours of being granted access to the site; or
 - The landowner or his authorized representative reject the recommendation of the descendant, and mediation by the NAHC fails to provide measures acceptable to the landowner.

Mitigation Measures:

The following mitigation measure was included in the DEIR and the Final EIR and is applicable to the proposed project.

- **Mitigation Measure CUL-3.** It is understood by all parties that unless otherwise required by law, the site of any burial of Native American human remains or associated grave goods shall not be disclosed and shall not be governed by public disclosure requirements of the California Public Records Act. The Coroner, pursuant to the specific exemption set forth in California Government Code 6254(r), and Lead Agencies, will be asked to withhold public disclosure information related to such reburial, pursuant to the specific exemption set forth in California Government Code 6254(r).
- **Mitigation Measure CUL-4.** If human remains are encountered, State Health and Safety Code Section 7050.5 states that no further disturbance shall occur until the County Coroner has made the necessary findings as to the origin. Further, pursuant to Public Resources Code Section 5097.98(b) remains shall be left in place and free from disturbance until a final decision as to the treatment and disposition has been made. If the County Coroner determined the remains to be Native American, the Native American Heritage Commission shall be contacted within the period specified by law (24 hours). Subsequently, the Native American Heritage Commission shall identify the “most likely descendant.” The most likely descendant shall then make recommendations and engage in consultation concerning the treatment of the remains as provided in Public Resources Code Section 5097.98.

Finding:

Changes or alterations have been required in, or incorporated into, the proposed project that avoid or substantially lessen the significant environmental effect as identified in the DEIR. These changes are identified in the form of the mitigation measure above. The Contra Costa County hereby finds that implementation of the mitigation measure is feasible, and the measure is therefore adopted.

Rationale for Finding:

Mitigation Measure CUL-3 would protect Native American human remains by ensuring that site of any burial of Native American human remains or associated grave goods shall not be disclosed, and the Coroner and Lead Agencies withhold public disclosure information. In addition Mitigation Measure CUL-4 would require human remains to be left in place until a final decision is made, and if they are identified as Native American remains, then the Native American Heritage Commission must identify “he "most likely descen”ant" and make recommendations. Therefore, Mitigation Measure CUL-3 and CUL-4 would reduce impacts to cultural resources to less than significant level.

Impact 5.5-4: The proposed project could cause a substantial adverse change in the significance of a tribal cultural resource that is listed or eligible for listing in the California Register of Historical Resources or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or a resource determined to be significant pursuant to criteria set forth in subdivisI (c) of Public Resources Code § 5024.1. [Threshold TCR-1]

In accordance with AB 52 and SB 18 requirements, the County sent invitation letters to representatives of the Native American contacts provided by the NAHC on January 15, 2021, formally inviting tribes to consult with the County on the upcoming General Plan Update. Some of the land use changes

proposed with the General Plan update will help meet the RHNA needs of the Housing Element will be implemented.

The Confederated Villages of Lisjan Nation Tribe requested consultation and consulted with the County in November of 2021 regarding the draft goals, policies and actions of the General Plan Update. During this process, the Lisjan Tribe provided comments and edits for the General Plan in addition to mitigation measures that have been incorporated into the proposed project as mitigation measures TCR-1 through TCR-4. No further consultation was requested from the Tribe.

Future development could include ground disturbing activities that may have sensitive tribal cultural resources. Grading and construction activities of undeveloped areas or redevelopment that requires more intensive soil excavation than needed for the existing development could potentially cause disturbance to tribal cultural resources by potentially unearthing previously unknown/unrecorded tribal cultural resources.

Mitigation measures TCR-1 through TCR-4 require tribal monitoring at all potentially sensitive project sites, and the cultural resources agreement will include a process for the disposition of any finds associated with the project. The County will work with the tribe to address any artifacts unearthed during construction in accordance with the mitigation measures. By working with the tribe and following the mitigation measures, impacts to tribal cultural resources will be less than significant.

Mitigation Measures:

The following mitigation measure was included in the DEIR and the Final EIR and is applicable to the proposed project.

- **Mitigation Measure TCR-1.** Prior to the issuance of grading permits for projects on previously undisturbed sites or as directed by the County, future project applicants are required to enter into a cultural resources' treatment agreement with the culturally affiliated tribe. This agreement will address the treatment and disposition of cultural resources and human remains that may be impacted as a result of the development of a project on a Housing Element site, as well as provisions for tribal monitors. The applicant must provide a copy of the cultural resources treatment agreement to the County prior to issuance of a grading permit. If cultural resources are discovered during the project construction, all work in the area shall cease and a qualified archaeologist and representatives of the culturally affiliated tribe shall be retained by the project sponsor to investigate the find and make recommendations as to treatment and mitigation.
- **Mitigation Measure TCR-2.** A qualified archaeological monitor will be present project sites that require ground disturbance of previously undisturbed land or as required by the County and will have the authority to stop and redirect grading activities, in consultation with the culturally affiliated tribe and their designated monitors, to evaluate the significance of any archaeological resources discovered on the property.
- **Mitigation Measure TCR-3.** Tribal monitors from the culturally affiliated tribe shall be allowed to monitor all grading, excavation, and groundbreaking activities, including archaeological surveys, testing, and studies, for applicable projects, including projects on previously undisturbed sites or as directed by the County. All monitoring activities are to be compensated by the project applicant.

- **Mitigation Measure TCR-4.** The landowner agrees to relinquish ownership of all cultural resources, including all archaeological artifacts that are found on the project site and project vicinity, to the culturally affiliated tribe for proper treatment and disposition.

Finding:

Changes or alterations have been required in, or incorporated into, the proposed project that avoid or substantially lessen the significant environmental effect as identified in the DEIR. These changes are identified in the form of the mitigation measure above. The Contra Costa County hereby finds that implementation of the mitigation measure is feasible, and the measure is therefore adopted.

Rationale for Finding:

Mitigation measures TCR-1 requires project applicants to enter into cultural resources' treatment agreement with a culturally affiliated tribe prior to issuance of grading permits, and provide a copy to the County if cultural resources are discovered during construction. Mitigation Measure TCR-2 and TCR-3 require qualified archaeological monitors to be present at project sites to evaluate archaeological resources, and tribal monitors to monitor all grading, excavation, and groundbreaking activities. TCR-4 requires landowners to relinquish ownership of cultural resources found to tribes for proper treatment. Therefore, Mitigation Measure TCR-1 through TCR-4 would reduce impacts to tribal cultural resources to less than significant.

4. Geology and Soils

Impact 5.7-5: Development under the proposed project could directly or indirectly destroy a unique paleontological resource or unique geologic feature. [Threshold G-6].

Contra Costa County is underlain by a number of distinct geologic rock units (i.e., formations) with varying paleontological sensitivities. According to the United States Geological Survey (USGS), 24 percent of the County is underlain by quaternary alluvium and marine deposits of the Pleistocene to Holocene eras which generally have lower paleontological sensitivity due their young age. Additionally, 18 percent of the County is underlain by Plio-Pleistocene and Pliocene loosely consolidated deposits, 15 percent by Miocene marine rocks, and 14 percent by upper cretaceous marine rocks. These geologic units typically have higher paleontological sensitivity based on their rock type which is primarily sandstone and shale.

The HEU sites that are proposed to be redesignated/rezoned would contain varying levels of paleontological sensitivity and would require site-specific investigations by a professional paleontologist to determine the potential of such resources to be present on site. Excavations could occur in association with development of these sites that could affect paleontological resources buried at greater depths. Therefore, it is possible that project-related ground-disturbing activities could uncover previously unknown paleontological resources within or adjacent to the sites included in the County's Housing Element sites inventory. Unanticipated and accidental paleontological discoveries during project implementation have the potential to affect significant paleontological resources. However, implementation of Mitigation Measures GEO-1 and GEO-2 would require site-specific analysis of paleontological resources and would reduce potential impacts to paleontological resources to less than significant.

Mitigation Measures:

- **Mitigation Measure GEO-1.** Prior to issuance of a grading permit for any future project that requires ground disturbance (i.e., excavation, grading, trenching, etc.) to depths of 6 or more feet in previously undisturbed geologic deposits, the project will undergo a CEQA-level analysis to determine the potential for a project to encounter significant paleontological resources, based on a review of site-specific geology and the extent of ground disturbance associated with each project. The analysis shall include, but would not be limited to:

- 1) a paleontological records search,
- 2) geologic map review, and
- 3) peer-reviewed scientific literature review.

If it is determined that a site has the potential to disturb or destroy significant paleontological resources, a professional paleontologist (meeting the Society of Vertebrate Paleontology [SVP] standards), will be retained to recommend appropriate mitigation to reduce or avoid significant impacts to paleontological resources, based on project-specific information. Such measures could include, but would not be limited to:

- 1) preconstruction worker awareness training,
- 2) paleontological resource monitoring, and
- 3) salvage of significant paleontological resources.

- **Mitigation Measure GEO-2.** In the event of any fossil discovery, regardless of depth or geologic formation, ground disturbing activities shall halt within a 50-foot radius of the find until its significance can be determined by a qualified paleontologist. Significant fossils shall be recovered, prepared to the point of curation, identified by qualified experts, listed in a database to facilitate analysis, and deposited in a designated paleontological curation facility in accordance with the standards of the Society of Vertebrate Paleontology. The repository shall be identified, and a curatorial arrangement shall be signed prior to collection of the fossils.

Finding:

Changes or alterations have been required in, or incorporated into, the proposed project that avoid or substantially lessen the significant environmental effect as identified in the DEIR. These changes are identified in the form of the mitigation measure above. The Contra Costa County hereby finds that implementation of the mitigation measure is feasible, and the measure is therefore adopted.

Rationale for Finding:

Mitigation Measure GEO-1 requires a paleontologist be retained to provide appropriate mitigation if the site is determined to have the potential to disturb significant paleontological resources. Mitigation Measure GEO-2 requires ground-disturbing activities within 50 feet of a fossil discovery to halt until its significance can be determined; the find will be curated in accordance with the standards of the

Society of Vertebrate Paleontology. As such Mitigation Measures GEO-1 and GEO-2 would reduce potential impacts to paleontological resources to less than significant.

5. Hazards and Hazardous Materials

Impact 5.9-4: Development under the proposed project could affect the implementation of an emergency responder or evacuation plan. [Threshold H-6].

While the HEU is a policy-level document and does not include any specific development proposals, future development pursuant to policies included in the HEU would result in construction activities that could temporarily affect roadways as a result of lane closures or narrowing for roadway and/or utility improvements. This could affect emergency response times or evacuation routes. The proposed HEU would also increase the number of people who may need to evacuate the Planning Area in the event of an emergency.

To address such impacts, the County has adopted and continually updates an LHMP. The LHMP reduces injury, loss of life, property damage, and loss of services from natural disasters and provides a comprehensive analysis of the natural and human-caused hazards that threaten the County, with a focus on mitigation. This allows the County to remain eligible to receive additional federal and state funding to assist with emergency response and recovery, as permitted by the federal Disaster Mitigation Act of 2000 and California Government Code Sections 8685.9 and 65302.6, and it complements the efforts undertaken by the Safety Element. The LHMP complies with all requirements under the federal Disaster Mitigation Act of 2000 and received approval from the Federal Emergency Management Agency (FEMA) in 2018. In addition to the LHMP, the County implements an Emergency Operations Plan (EOP) and Community Wildfire Protection Plan (CWPP) to address emergency response and wildfire mitigation planning. Contra Costa County also participates in implementing regional plans including the Bay Area Multi-Jurisdictional Hazard Mitigation Plan to provide the framework for responding to major emergencies or disasters.

However, as noted in Section 5.18, *Wildfire*, in Impact 5.18-1, of the DEIR, construction of new development or redevelopment could cause a temporary impairment of an evacuation route due to road closure during construction activities, and therefore create a significant impact with regard to emergency access and evacuation access. This would be limited to the duration of the construction period and direct impacts of construction would be evaluated during the project environmental review process or permit review process by applicable Fire Protection District; however, a temporary impact could still occur on single access roadways or evacuation constrained areas where there is limited ingress and egress. Implementation of Mitigation Measure WILD-1 would reduce impacts to less than significant.

Mitigation Measures:

Mitigation Measure WILD-1: Project applicants for development in a Very High Fire Hazard Severity Zone or WUI area shall prepare a Traffic Control Plan to ensure that construction equipment or activities do not block roadways during the construction period. The Traffic Control Plan shall be submitted to the applicable Fire Protection District for review and approval prior to issuance of building permits

Finding:

Changes or alterations have been required in, or incorporated into, the proposed project that avoid or substantially lessen the significant environmental effect as identified in the DEIR. These changes are identified in the form of the mitigation measure above. The Contra Costa County hereby finds that implementation of the mitigation measure is feasible, and the measure is therefore adopted.

Rationale for Finding:

Mitigation Measure WILD-1 requires applicants to develop a Traffic Control Plan to ensure construction equipment or activities do not block roadways during the construction period. As such, Mitigation Measure WILD-1 would reduce impacts potential impacts associated with evacuation plans to less than significant.

6. Mineral Resources

Impact 5.12-1: Implementation of the proposed project could result in the loss of availability of a known mineral resource. [Thresholds M-1 and M-2].

As shown in Figure 5.12-1, *Mineral Resource Zones and Resource Sectors*, of the DEIR, the County includes several significant or potentially significant mineral resource areas designated by SMARA. As part of the Housing Element Update (HEU), the County is proposing the potential redesignation of several sites that overlie mapped MRZ-2 and MRZ-3 areas, including those in the communities of Rodeo, Vine Hill, and Bay Point. MRZ-2 designated areas are areas where adequate information indicates that significant mineral deposits are present, or where it is judged that a high likelihood exists for their presence. MRZ-3 designated areas are assumed to contain mineral deposits, the significance of which cannot be evaluated.

As seen on Figure 8-4 in the County’s Conservation Element, the mineral resources considered to be of local importance include crushed rock near Mt. Zion, on the north side of Mt. Diablo, in the Concord area; shale in the Port Costa area; and sand and sandstone deposits, mined from several locations, but focused in the Byron area of southeast County. No Housing Element sites overlie these areas. Therefore, the proposed project would not result in the loss of availability of locally important mineral resources.

Development projects in the County would be required to comply with Chapter 88-11 of the County Ordinance Code which implements the Surface Mining and Reclamation Act. This ordinance aims protect significant mineral resources from the intrusion of incompatible land uses. However, because the Housing Element Sites Inventory contains sites in designated MRZ-2 and MRZ-3 areas, residential development on these sites would contribute to the loss of availability of a known mineral resource of value to the region and the residents of the state. However, implementation of Mitigation Measure MIN-1, which requires the County geologist to site-specific determinations of mineral resource value, would reduce impacts to less than significant.

Mitigation Measures:

- **Mitigation Measure MIN-1.** Pursuant to the Public Resources Code, the Surface Mining and Reclamation Act, Chapter 9, Article 4, Section 2762(e), prior to the issuance of grading permit on

lands classified by the State Geologist as MRZ-3 or MRZ-2, the County Geologist shall make a site-specific determination as to the site's potential to contain or yield important or significant mineral resources of value to the region and the residents of the State of California.

- If it is determined by the County Geologist that lands classified as MRZ-3 have the potential to yield significant mineral resources which may be of “regional or statewide significance” and the proposed use is considered “incompatible” (as defined by Section 3675 of Title 14, Article 6, of the California Code of Regulations) and could threaten the potential to extract said minerals, the future project applicant(s) shall prepare an evaluation of the area in order to ascertain the significance of the mineral deposit located therein. This site-specific mineral resources study shall be performed to, at a minimum, document the site's known or inferred geological conditions; describe the existing levels of development on or near the site which might preclude mining as a viable adjacent use; and analyze the state standards for designating land as having “regional or statewide significant” under the Surface Mining and Reclamation Act. The results of such evaluation shall be transmitted to the State Geologist and the State Mining and Geological Board (SMGB).
- Should significant mineral resources be identified, the future project applicant(s) shall either avoid said resource or shall incorporate appropriate findings subject to a site-specific discretionary review and CEQA process

Finding:

Changes or alterations have been required in, or incorporated into, the proposed project that avoid or substantially lessen the significant environmental effect as identified in the DEIR. These changes are identified in the form of the mitigation measure above. The Contra Costa County hereby finds that implementation of the mitigation measure is feasible, and the measure is therefore adopted.

Rationale for Finding:

Mitigation Measure MIN-1 requires the County Geologist to make a site-specific determination as to the potential of lands classified by the State Geologist as MRZ-3 or MRZ-2 to contain or yield important or significant mineral resources of value to the region and residents of California. The results of the evaluation must be transmitted to the State Geologist and the State Mining and Geological Board (SMGB). If significant mineral resources are identified, the future project applicant must either avoid said resource or incorporate appropriate findings.. As such Mitigation Measure MIN-1 would reduce potential impacts of mineral resources to less than significant.

7. Noise

Impact 5.13-3: Individual construction developments for future housing may expose sensitive uses to excessive levels of groundborne vibration. [Threshold N-2]

Construction Vibration Impacts

Construction activity at projects within the plan area would generate varying degrees of ground vibration, depending on the construction procedures and equipment. Operation of construction

equipment generates vibrations that spread through the ground and diminish with distance from the source. The effect on buildings in the vicinity of the construction site varies depending on soil type, ground strata, and receptor-building construction. The results from vibration can range from no perceptible effects at the lowest vibration levels, to low rumbling sounds and perceptible vibrations at moderate levels, to slight structural damage at the highest levels. Vibration from construction activities rarely reaches the levels that can damage structures but can achieve the audible and perceptible ranges in buildings close to the construction site. Table 5.13-11, *Vibration Levels for Construction Equipment*, of the DEIR, lists reference vibration levels for construction equipment.

As shown in Table 5.13-11, vibration generated by construction equipment has the potential to be substantial, since it has the potential to exceed the FTA criteria for architectural damage. (E.g., 0.12 inches per second [in/sec] PPV for fragile or historical resources, 0.2 in/sec PPV for nonengineered timber and masonry buildings, and 0.3 in/sec PPV for engineered concrete and masonry.) Construction details and equipment for future project-level developments under the proposed project are not known at this time but may cause vibration impacts. As such, this would have a potentially significant impact.

Operational Vibration Impacts

Operational vibration is typically associated with commercial and industrial uses which can generate varying levels of groundborne vibration, depending on operational procedures and equipment. Other sources of groundborne vibration include rail traffic and subways. The proposed project would allow for the future development of residential uses which would not generate significant levels of operational vibration. Therefore, impacts would be less than significant.

Rail Vibration Impacts

Placement of new receptors near existing or future rail right-of-way could expose people to substantial vibration levels, depending on the proximity to rail alignments and depending on the type of rail and daily frequency of service. Regarding rail vibration, it is extremely rare for operations to cause substantial or even minor cosmetic damage to buildings. However, due to the programmatic nature of this analysis, specific distances from transit types to future residential uses cannot be determined at this time because project-specific details are unknown. Therefore, this impact would be potentially significant.

Mitigation Measures:

- **Mitigation Measure N-2.** Prior to issuance of a building permit for a project requiring pile driving during construction within 135 feet of fragile structures, such as historical resources, 100 feet of non-engineered timber and masonry buildings (e.g., most residential buildings), or within 75 feet of engineered concrete and masonry (no plaster); or a vibratory roller within 25 feet of any structure, the future project applicant shall prepare a noise and vibration analysis to assess and mitigate potential noise and vibration impacts related to these activities. This noise and vibration analysis shall be conducted by a qualified and experienced acoustical consultant or engineer. The vibration levels shall not exceed Federal Transit Administration (FTA) architectural damage thresholds (e.g., 0.12 inches per second [in/sec] peak particle velocity [PPV] for fragile or historical resources, 0.2 in/sec PPV for non-engineered timber and masonry buildings, and 0.3 in/sec PPV for engineered concrete and masonry). If vibration levels would exceed this threshold, alternative

uses such as drilling piles as opposed to pile driving and static rollers as opposed to vibratory rollers shall be used. If necessary, construction vibration monitoring shall be conducted to ensure vibration thresholds are not exceeded.

- **Mitigation Measure N-3.** New residential projects (or other noise-sensitive uses) located within 200 feet of existing railroad lines shall be required to conduct a groundborne vibration and noise evaluation consistent with Federal Transit Administration (FTA)-approved methodologies.
- **Mitigation Measure N-4.** During the project-level California Environmental Quality Act (CEQA) process for industrial developments under the General Plan Update or other projects that could generate substantial vibration levels near sensitive uses, such as residential uses, a noise and vibration analysis shall be conducted to assess and mitigate potential noise and vibration impacts related to the operations of that individual development. This noise and vibration analysis shall be conducted by a qualified and experienced acoustical consultant or engineer and shall follow the latest CEQA guidelines, practices, and precedents.

Finding:

Changes or alterations have been required in, or incorporated into, the proposed project that avoid or substantially lessen the significant environmental effect as identified in the DEIR. These changes are identified in the form of the mitigation measure above. The Contra Costa County hereby finds that implementation of the mitigation measure is feasible, and the measure is therefore adopted.

Rationale for Finding:

Mitigation Measure N-2 requires project applicants to prepare a noise and vibration analysis to assess and mitigate potential noise and vibration impacts related to pile driving during construction of projects that are located within 135 feet of fragile structures. If vibration levels exceed the FTA threshold, alternative uses such as drilling piles as opposed to pile driving and static rollers as opposed to vibratory rollers shall be used. Mitigation Measure N-3 requires a groundborne vibration and noise evaluation consistent with FTA approved methodologies for residential projects located within 200 feet of a railroad. Mitigation Measure N-4 requires a noise and vibration analysis for industrial projects near sensitive uses, such as residential uses, to be conducted to assess and mitigate potential noise and vibration impacts associated with operations. Implementation of Mitigation Measures N-2 through N-4 would reduce potential vibration impacts to less than significant.

8. Transportation

Impact 5.16-4: Development associated with the proposed project could temporarily result in inadequate emergency access. [Threshold T-3]

The County maintains roadway networks in the unincorporated communities, and such networks would provide access to new development sites under the Housing Element. in accordance with industry design standards including the County's Standard Plans for General Road Work and applicable development would be subject to the requirements of Division 722, Fire Code, of the County's Ordinance Code. Adherence to such standards would generally ensure that the physical network would be free of obstructions to emergency responders. Emergency access to new development sites

proposed under the HEU would be subject to review by the County and responsible emergency service agencies, thus ensuring the projects would be designed to meet all emergency access and design standards.

Adopted emergency response plans and emergency evacuation plans are discussed in Chapter 18, Wildfire, and include the Contra Costa County Emergency Operations Plan (EOP). As described in Section 5.18 under Impact 5.18-1, of the DEIR, development under the HEU would be required to adhere to the EOP and a number of other County and state regulations. However, as noted in Impact 5.18-1, even with these requirements, construction of new development or redevelopment could cause a temporary impairment of an evacuation route due to road closure during construction activities. For areas of the County subject to increased fire hazard risk and limited evacuation access, impacts would be significant. This would be limited to the duration of the construction period and direct impacts of construction would be evaluated during the project environmental review process or permit review process by applicable Fire Protection District; however, a temporary impact could still occur on single access roadways or evacuation constrained areas where there is limited ingress and egress. While this analysis pertains to evacuation access, there is the potential that the impacts described in Impact 5.18-1 could affect the access of emergency vehicles and services in addition to emergency access for evacuation. Because construction for projects could temporarily result in inadequate emergency access would make impacts potentially significant.

Mitigation Measures:

See Mitigation Measure WILD-1.

Finding:

Changes or alterations have been required in, or incorporated into, the proposed project that avoid or substantially lessen the significant environmental effect as identified in the DEIR. These changes are identified in the form of the mitigation measure above. The Contra Costa County hereby finds that implementation of the mitigation measure is feasible, and the measure is therefore adopted.

Rationale for Finding:

Mitigation Measure WILD-1 requires applicants to develop a Traffic Control Plan to ensure construction equipment or activities do not block roadways during the construction period. As such, Mitigation Measure WILD-1 would reduce potential impacts associated with evacuation plans to less than significant.

9. Wildfire

Impact 5.18-1: Buildout of the proposed project would not substantially impair an adopted emergency response plan or emergency evacuation plan. [Threshold W-1]

Adopted emergency response plans and emergency evacuation plans include those discussed under Section 5.18.1.1, Regulatory Framework, of the DEIR, include the Contra Costa County Emergency Operations Plan. The proposed project would result in a significant impact if it would substantially impair the implementation of this plan.

Any potential development under the proposed project would be required to integrate the Emergency Operations Plan as necessary into development to continue its facilitation in evacuation for the people in wildfire prone areas. Buildout under the proposed project would not result in substantial changes to the circulation patterns or emergency access routes in the County that would conflict with or require changes to the Emergency Operations Plan. Additionally, future development within the SRA, WUI, or Very High Fire Hazard Severity Zones would be required to comply with the SRA and Very High Fire Hazard Severity Zone Fire Safe Regulations, the California Building Code, the California Fire Code, and the Contra Costa County Code or Ordinances, which have maximum requirements for lengths of single access roads, minimum widths of roadways, and vegetation fuel management around roadways. Furthermore, to ensure emergency services in the County are not impaired by future development, all future development projects would be reviewed and approved by the applicable Fire Protection District prior to project approval. In accordance with the California Fire Code and Public Facilities and Services Element Implementation Measure 7-au, which states that fire protection agencies must review projects to ensure adequate water supply, road widths, and structures are built to state and local standards; therefore future projects' site design would be required to comply with fire access requirements.

However, even with these requirements, construction of new development or redevelopment could cause a temporary impairment of an evacuation route due to road closure during construction activities, and therefore, impacts would be significant. This would be limited to the duration of the construction period and direct impacts of construction would be evaluated during the project environmental review process or permit review process by applicable Fire Protection District; however, a temporary impact could still occur on single access roadways or evacuation constrained areas where there is limited ingress and egress.

Mitigation Measure:

See Mitigation Measure WILD-1

Finding:

Changes or alterations have been required in, or incorporated into, the proposed project that avoid or substantially lessen the significant environmental effect as identified in the DEIR. These changes are identified in the form of the mitigation measure above. The Contra Costa County hereby finds that implementation of the mitigation measure is feasible, and the measure is therefore adopted.

Rationale for Finding:

Mitigation Measure WILD-1 requires applicants to develop a Traffic Control Plan to ensure construction equipment or activities do not block roadways during the construction period. As such, Mitigation Measure WILD-1 would reduce potential impacts associated with evacuation plans to less than significant.

D. Significant and Unavoidable Impacts that Cannot Be Mitigated to Below the Level of Significance

The following describes the unavoidable adverse impacts of the proposed project where either mitigation measures were found to be infeasible, or the mitigation measures are under the control of another lead agency. The following impact would remain significant and unavoidable:

1. Air Quality

Impact 5.3-2: Short-term construction activities associated with the proposed project would result in a cumulatively considerable net increase of criteria pollutants for which the project region is in non-attainment under applicable federal or State ambient air quality standards. [Threshold AQ-2].

Construction

Construction activities would temporarily increase criteria air pollutant emissions within the SFBAAB. The primary source of NO_x emissions is the operation of construction equipment. The primary sources of particulate matter (PM₁₀ and PM_{2.5}) emissions are activities that disturb the soil, such as grading and excavation, road construction, and building demolition and construction. The primary sources of VOC emissions are the application of architectural coating and off-gas emissions associated with asphalt paving. A discussion of health impacts associated with air pollutant emissions generated by construction activities is included under “Air Pollutants of Concern” in Section 5.3.2.1 of the DEIR section.

Construction activities associated with the proposed project would occur over the forecast year, causing short term emissions of criteria air pollutants. Information regarding specific development projects, soil types, and the locations of receptors would be needed in order to quantify the level of impact associated with construction activity. Due to the scale of development activity associated with buildout of proposed project, emissions would likely exceed the BAAQMD regional significance thresholds. In accordance with the BAAQMD methodology, emissions that exceed the regional significance thresholds would cumulatively contribute to the nonattainment designations of the SFBAAB. Emissions of VOC and NO_x are precursors to the formation of O₃. In addition, NO_x is a precursor to the formation of particulate matter (PM₁₀ and PM_{2.5}). Therefore, the proposed General Plan would cumulatively contribute to the nonattainment designations of the SFBAAB for O₃ and particulate matter (PM₁₀ and PM_{2.5}).

Future development under the proposed project would be subject to separate environmental review pursuant to CEQA in order to identify and mitigate potential air quality impacts. Subsequent environmental review of development projects would be required to assess potential impacts under BAAQMDs project-level thresholds based on site-specific construction phasing and buildout characteristics. For the proposed project, which is a broad-based policy plan, it is not possible to determine whether the scale and phasing of individual projects would exceed the BAAQMD's short-term regional or localized construction emissions thresholds. As a result, construction activities

associated with implementation of the proposed project could potentially violate an air quality standard or contribute substantially to an existing or projected air quality violation.

Existing federal, State, and local regulations, and the policies and programs of the proposed project described throughout this section protect local and regional air quality. Continued compliance with these regulations would reduce construction-related impacts. In addition, there are certain proposed project policies that would reduce construction emissions. The following Housing Element policy would serve to minimize potential adverse impacts related to particulate matter air pollution:

- **Policy HE-P8.2:** Encourage healthy indoor air quality and noise levels in existing and new housing. Support efforts to retrofit existing housing units with multi-paned windows, air filtration systems, low-emission building materials, equipment and appliances, and other improvements that reduce indoor air and noise pollution while at the same time working to improve energy efficiency.

While these existing regulations, policies, and programs have the potential to reduce emissions, potential future development projects accommodated under the proposed project (individually or cumulatively) could still exceed the BAAQMD significance thresholds for construction. Therefore, implementation of the proposed project could result in significant construction-related regional air impacts.

Mitigation Measure:

- **Mitigation Measure AQ-1:** Prior to discretionary approval by the unincorporated County for development projects subject to CEQA (California Environmental Quality Act) review (i.e., nonexempt projects), future project applicants shall prepare and submit a technical assessment evaluating potential project construction-related air quality impacts to the County Department of Conservation and Development for review and approval. The evaluation shall be prepared in conformance with the Bay Area Air Quality Management District (BAAQMD) methodology for assessing air quality impacts identified in their CEQA Air Quality Guidelines. If construction-related criteria air pollutants are determined to have the potential to exceed the BAAQMD-adopted thresholds of significance, the Department of Conservation and Development shall require feasible mitigation measures to reduce air quality emissions. Potential measures may include:
 - Require implementation of the BAAQMD Best Management Practices for fugitive dust control, such as:
 - Water all active construction areas at least twice daily or as often as needed to control dust emissions. Watering should be sufficient to prevent airborne dust from leaving the site. Increased watering frequency may be necessary whenever wind speeds exceed 15 miles per hour. Reclaimed water should be used whenever possible.
 - Apply water twice daily or as often as necessary to control dust or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas, and staging areas at construction sites.
 - Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least 2 feet of freeboard (i.e., the minimum required space between the top of the load and the top of the trailer).

- Sweep public streets daily (with water sweepers using reclaimed water if possible) in the vicinity of the project site, or as often as needed, to keep streets free of visible soil material.
- Hydro-seed or apply non-toxic soil stabilizers to inactive construction areas.
- Enclose, cover, water twice daily, or apply non-toxic soil binders to exposed stockpiles (e.g., dirt, sand).
- Limit vehicle traffic speeds on unpaved roads to 15 mph.
- Replant vegetation in disturbed areas as quickly as possible.
- Install sandbags or other erosion control measures to prevent silt runoff from public roadways.
- Emissions control measures such as:
 - Using construction equipment rated by the United States Environmental Protection Agency as having Tier 4 interim or higher exhaust emission limits.
 - Ensuring construction equipment is properly serviced and maintained to the manufacturer's standards.
 - Limiting nonessential idling of construction equipment to no more than five consecutive minutes.
 - Using zero- or low-VOC paints for coating of architectural surfaces whenever possible.

Measures shall be incorporated into appropriate construction documents (e.g., construction management plans) submitted to the County and shall be verified by the Department of Conservation and Development.

Mitigation Measures Considered and Determined to be Infeasible

Buildout in accordance with the proposed project would generate short-term emissions that would exceed BAAQMD's regional significance thresholds and cumulatively contribute to the nonattainment designations of the SFBAAB. Mitigation Measure AQ-1 would reduce construction-related air pollutant emissions to the extent feasible. However, individual projects accommodated under the proposed project may exceed the BAAQMD regional significance thresholds. Therefore, this impact would remain significant and unavoidable after mitigation.

Finding:

Changes or alterations have been required in, or incorporated into, the proposed project that reduce the significant environmental effect as identified in the DEIR. These changes are identified in the form of the mitigation measure above. The County hereby finds that implementation of the mitigation measure is feasible, and the measure is therefore adopted.

Specific economic, legal, social, technological, or other considerations, including provision of residential opportunities, make infeasible the following mitigation measure:

See Mitigation Measure AQ-1

The County finds that there are no other mitigation measures that are feasible, taking into consideration specific economic, legal, social, technological, or other factors, that would substantially lessen or

mitigate this impact to a less-than-significant level, and further, that specific economic, legal, social, technological, or other considerations, including considerations for the provision of residential opportunities, make infeasible the alternatives identified in the EIR (Public Resources Code §§ 21081(a)(1), (3); Guidelines §§ 15091(a)(1), (3)).

As described in the Statement of Overriding Considerations, the County has determined that this impact is acceptable because specific overriding economic, legal, social, technological, or other benefits, including regionwide and statewide environmental benefits, of the proposed project outweigh its significant effects on the environment.

Impact 5.3-3: Buildout of the proposed project would result in a cumulatively considerable net increase of criteria pollutants for which the project region is in non-attainment under applicable federal or State ambient air quality standards. [Thresholds AQ-2].

Operation

BAAQMD has identified thresholds of significance for criteria pollutant emissions and criteria air pollutant precursors, including VOC, NO, PM₁₀ and PM_{2.5}. Development projects below the significance thresholds are not expected to generate sufficient criteria pollutant emissions to violate any air quality standard or contribute substantially to an existing or projected air quality violation. According to BAAQMD's CEQA Guidelines, long-range plans, such as the proposed project, present unique challenges for assessing impacts. Due to the SFBAAB's nonattainment status for ozone and PM and the cumulative impacts of growth on air quality, these plans almost always have significant, unavoidable adverse air quality impacts.

Implementation and adoption of the proposed project would result in an increase in development intensity in the County. Buildout of the proposed project would result in direct and indirect criteria air pollutant emissions from transportation, energy (e.g., natural gas use), and area sources (e.g., aerosols and landscaping equipment). Mobile-source criteria air pollutant emissions are based on the traffic analysis conducted by Fehr and Peers. The emissions forecast for the County under the proposed project compared to existing conditions is shown in Table 5.3-10, *County of Contra Costa Criteria Air Pollutant Emissions Forecast*, of the DEIR. As shown in Table 5.3-10, implementation of the proposed project would result in an increase in criteria air pollutant emissions from existing conditions. This increase is based on the difference between existing land uses and land uses associated with development allowed under the proposed project, as well as an estimate of population and employment in the County for the year 2030.

As shown in Table 5.3-10, buildout of the proposed project would generate a substantial increase in criteria air pollutant emission for VOC and NO_x that exceeds the BAAQMD regional significance thresholds, but not for PM₁₀ and PM_{2.5}. Compliance with applicable policies and programs would contribute towards minimizing long-term emissions. However, implementation of the proposed project would still exceed the BAAQMD significance thresholds for operation. Therefore, implementation of the proposed project could result in significant long-term regional air quality impacts.

Mitigation Measures:

- **Mitigation Measure AQ-2:** Prior to discretionary approval by the County for development projects subject to CEQA (California Environmental Quality Act) review (i.e., nonexempt projects), future project applicants shall prepare and submit a technical assessment evaluating potential project operation-phase-related air quality impacts to the Department of Conservation and Development for review and approval. The evaluation shall be prepared in conformance with Bay Area Air Quality Management District (BAAQMD) methodology in assessing air quality impacts identified in their CEQA Air Quality Guidelines. If operation-related air pollutants are determined to have the potential to exceed the BAAQMD-adopted thresholds of significance, the Department of Conservation and Development shall require that applicants for new development projects incorporate mitigation measures to reduce air pollutant emissions during operational activities. The identified measures shall be included as part of the conditions of approval. Possible mitigation measures to reduce long-term emissions could include, but are not limited to the following:
 - For site-specific development that requires refrigerated vehicles, the construction documents shall demonstrate an adequate number of electrical service connections at loading docks for plug-in of the anticipated number of refrigerated trailers to reduce idling time and emissions.
 - Applicants for manufacturing and light industrial uses shall consider energy storage and combined heat and power in appropriate applications to optimize renewable energy generation systems and avoid peak energy use.
 - Site-specific developments with truck delivery and loading areas and truck parking spaces shall include signage as a reminder to limit idling of vehicles while parked for loading/unloading in accordance with California Air Resources Board Rule 2845 (13 CCR Chapter 10 sec. 2485).
 - Provide changing/shower facilities as specified in the Nonresidential Voluntary Measures of CALGreen.
 - Provide bicycle parking facilities per the Nonresidential Voluntary Measures and Residential Voluntary Measures of CALGreen.
 - Provide preferential parking spaces for low-emitting, fuel-efficient, and carpool/van vehicles per the Nonresidential Voluntary Measures of CALGreen.
 - Provide facilities to support electric charging stations per the Nonresidential Voluntary Measures and Residential Voluntary Measures of CALGreen.
 - Applicant-provided appliances shall be Energy Star-certified appliances or appliances of equivalent energy efficiency (e.g., dishwashers, refrigerators, clothes washers, and dryers). Installation of Energy Star-certified or equivalent appliances shall be verified by the County during plan check.

- New residential construction, including detached accessory dwelling units, shall comply be all-electric as required by County Ordinance No. 2022-02.

Mitigation Measures Considered and Determined to be Infeasible

Mitigation Measure AQ-2 would reduce air pollutant emissions during operation phase of development. However, operation-related emissions have the potential to exceed the BAAQMD significance thresholds despite implementation of Mitigation Measure AQ-2, due to the scale of development activity associated with buildout of the proposed project. Therefore, this impact would remain significant and unavoidable after mitigation.

Finding:

Changes or alterations have been required in, or incorporated into, the proposed project that reduce the significant environmental effect as identified in the DEIR. These changes are identified in the form of the mitigation measures above. The County hereby finds that implementation of the mitigation measure is infeasible, and the measure is therefore adopted.

Specific economic, legal, social, technological or other considerations, including provision of residential opportunities, make infeasible the following mitigation measure:

See Mitigation Measure AQ-2.

The County finds that there are no other mitigation measures that are feasible, taking into consideration specific economic, legal, social, technological, or other factors, that would substantially lessen or mitigate this impact to a less-than-significant level, and further, that specific economic, legal, social, technological, or other considerations, including considerations for the provision of residential opportunities, make infeasible the alternatives identified in the EIR (Public Resources Code §§ 21081(a)(1), (3); Guidelines §§ 15091(a)(1), (3)).

As described in the Statement of Overriding Considerations, the County has determined that this impact is acceptable because specific overriding economic, legal, social, technological, or other benefits, including regionwide or statewide environmental benefits, of the proposed project outweigh its significant effects on the environment.

2. Biological Resources

Impact 5.4-1: Development of the proposed project could impact sensitive species in the County. [Threshold B-1].

The proposed project could result in adverse effects, either directly or indirectly, on special-status plant and animal species and critical habitat. Any future development in areas that are currently undeveloped could result in direct loss of sensitive plants or wildlife. Where there are direct impacts to special-status species, indirect impacts would also occur. Indirect impact may include habitat modification, increased human/wildlife interactions, habitat fragmentation, encroachment by exotic weeds, and area-wide changes in surface water flows and general hydrology due to development of previously undeveloped areas.

As shown in Table 5.4-1, *Inventory of Significant Ecological Resources Areas of Contra Costa County*, and Table 5.4-2, *Plant and Wildlife Species of Concern in Contra Costa County*, of the DEIR, numerous special-status species occurrences are known to occur in the County. Even with adherence to the General Plan policies and compliance with state and federal laws, future development projects could require more detailed evaluations of biological resources and formation of mitigation measures by a qualified biologist. Implementation of Mitigation Measures BIO-1 and BIO-2 would protect special status species, but it is uncertain as to whether changes in project design or mitigation would reduce impacts to a less than significant level. As such, impacts would be significant and unavoidable

Mitigation Measures:

See Mitigation Measure BIO-1 and BIO-2

Mitigation Measures Considered and Determined to be Infeasible

The County finds that implementation of Mitigation Measures BIO-1 and BIO-2 would protect special status species, but it is uncertain as to whether changes in project design or mitigation would reduce impacts to a less than significant level. As such, impacts would be significant and unavoidable.

Finding:

Changes or alterations have been required in, or incorporated into, the proposed project that reduce the significant environmental effect as identified in the DEIR. These changes are identified in the form of the mitigation measures above. The County hereby finds that implementation of the mitigation measure is feasible, and the measures are therefore adopted.

Specific economic, legal, social, technological, or other considerations, including provision of residential opportunities, make infeasible the following mitigation measures:

See Mitigation Measures BIO-1 and BIO-2.

The County finds that there are no other mitigation measures that are feasible, taking into consideration specific economic, legal, social, technological, or other factors, that would substantially lessen or mitigate this impact to a less-than-significant level, and further, that specific economic, legal, social, technological, or other considerations, including considerations for the provision of residential opportunities, make infeasible the alternatives identified in the EIR (Public Resources Code §§ 21081(a)(1), (3); Guidelines §§ 15091(a)(1), (3)).

As described in the Statement of Overriding Considerations, the County has determined that this impact is acceptable because specific overriding economic, legal, social, technological, or other benefits, including regionwide or statewide environmental benefits, of the proposed project outweigh its significant effects on the environment.

3. Cultural and Tribal Resources

Impact 5.5-1: Development of the project could impact an identified historic resource. [Threshold C-1].

There are 12 housing sites within a ¼ mile of two National Historic Places/Landmarks—Memorial Hall and William T. Hendrick House. However, as development would not occur on these sites, these historic resources would not be impacted.

Structures on the proposed sites which are 50 year or older could have the potential to be designated as a historic resource pursuant to Section 15064.5. Future development under the proposed project could adversely impact historic resources through changes to accommodate adaptive use, removal, or reconstruction. Currently known or future historic sites or resources listed in the national, California, or local registers maintained by the County would be protected through state and federal regulations restricting alteration, relocation, and demolition of historical resources. Compliance with the state and federal regulations are intended to ensure that development would not result in adverse impacts to identified historic and cultural resources, however it is always a potential. Furthermore, housing construction under recent legislation such as SB 35, AB 2011, and SB 6 cannot result in the demolition of historic structures. Regulations provide a process for recognizing historic buildings and places, though they do not prevent the reuse or modification of them. As such, impacts would be potentially significant.

Mitigation Measures:

- **Mitigation Measure CUL-1:** Prior to construction activities, the future project applicant shall retain a qualified historian to perform a historic resources analysis of the structures onsite. If the structures are found to be historically significant, the historian shall document the structures using the Historic American Building Survey (HABS) Level III standards as a guideline for recording the buildings through a compilation of photographs, drawings, and written description to record the historic resource:
 - **Written Data:** The history or the property and description of the historic resource shall be prepared.
 - **Drawings:** A sketch plan of the interior floorplan of the building shall be prepared.
 - **Photographs:** Large-format photographs and negatives shall be produced to capture interior and exterior views of the structure. At least two large format pictures shall be taken to show the building's setting in context and in relationship to its location. The photographs and negatives must be created using archival stable paper and processing procedures.
 - **Document:** The HABS Level III document must be produced on archival-quality paper, and all large format photographs and negatives labeled to HABS standards. A digital version of the HABS document shall be prepared with the hard copy. The final HABS LEVEL III document shall be donated to the Contra Costa County Historical Society and/or other responsible repository within the region.

Mitigation Measures Considered and Determined to be Infeasible

Mitigation Measure CUL-1 would ensure that each historical resource is documented by a qualified architectural historian. However, as there are no additional mitigation measures that would prevent the demolition or alteration of historical structures from occurring, this impact would remain significant and unavoidable.

Finding:

Changes or alterations have been required in, or incorporated into, the proposed project that reduce the significant environmental effect as identified in the DEIR. These changes are identified in the form of the mitigation measures above. The County hereby finds that implementation of the mitigation measure is feasible, and the measures are therefore adopted.

Specific economic, legal, social, technological, or other considerations, including provision of residential opportunities, make infeasible the following mitigation measure:

See Mitigation Measure CUL-1

The County finds that there are no other mitigation measures that are feasible, taking into consideration specific economic, legal, social, technological, or other factors, that would substantially lessen or mitigate this impact to a less-than-significant level, and further, that specific economic, legal, social, technological, or other considerations, including considerations for the provision of residential opportunities, make infeasible the alternatives identified in the EIR (Public Resources Code §§ 21081(a)(1), (3); Guidelines §§ 15091(a)(1), (3)).

As described in the Statement of Overriding Considerations, the County has determined that this impact is acceptable because specific overriding economic, legal, social, technological, or other benefits, including regionwide or statewide environmental benefits, of the proposed project outweigh its significant effects on the environment.

4. Greenhouse Gas Emissions

Impact 5.8-1: Implementation of the proposed project is projected to result in emissions that would exceed the unincorporated County's GHG reduction target established under Executive Order S-03-05 or progress toward the State's carbon neutrality goal. [Threshold GHG-1].

Emissions Forecast

The Housing Element Update guide the County's policies to encourage housing that meets the needs of all residents in the unincorporated areas through 2031. The proposed project is a focused effort, with particular emphasis on compliance with state housing mandates. The community GHG emissions inventory and forecast for the unincorporated Contra Costa County is shown in Table 5.8-6, *GHG Emission Forecast*, of the DEIR. As shown in this table, the increase in residential units and population associated with the proposed project results in slight increase in residential building energy use, solid waste, off-road equipment and land use and sequestration.

As shown in Table 5.8-6, buildout of the residential land uses accommodated under the proposed project would result in a net decrease of 13,120 MTCO₂e GHG emissions from existing conditions with the State Actions. The primary reason for the decrease in overall community-wide GHG emissions, despite an increase in population in the County, is a result of regulations adopted to reduce GHG emissions and turnover of California's on-road vehicle fleets.

Table 5.8-6 includes reductions from state measures that have been adopted to reduce GHG emissions, including:

- The RPS requires increases in renewable electricity supplies.
- The Clean Car Standards require increased fuel efficiency of on-road vehicles and decreased carbon intensity of vehicle fuels.
- The updated Title 24 Building Energy Efficiency Standards require new buildings to achieve increased energy efficiency targets.
- The Low Carbon Fuel Standard (LCFS) mandates reduced carbon intensity of fuels used in off-road equipment.

Consistency with the State's GHG Reduction Targets and Carbon Neutrality Goals

Though the proposed project would generate a decrease in GHG emissions from the CEQA baseline in the forecast year, this EIR also analyzes the potential for the project to conflict with the GHG reduction goals established under SB 32. Pursuant to SB 32, the County would need to reduce GHG emissions by 40 percent below 1990 levels to a threshold of 658,704 MTCO₂e. However, GHG emissions in the County at the proposed project horizon year would be 997,170 MTCO₂e and would not achieve the 40 percent reduction necessary to ensure the County is on a trajectory to achieve the SB 32 reduction goal. Local reduction strategies to meet the 2030 GHG reduction goal would be included in the planned future updates to the Climate Action Plan Update. Therefore, GHG emissions impacts for the proposed project are considered potentially significant.

While growth in the County would cumulatively contribute to GHG emissions impacts, implementation of the Housing Element policies could also help minimizing energy and mobile-source emissions.

- **Policy HE-P1.1.** Assist low-income homeowners in maintaining and improving residential properties through housing rehabilitation and energy-efficiency assistance programs.
- **Policy HE-P8.1.** Participate in State and Bay Area regional efforts to reduce energy consumption.
- **Policy HE-A8.2.** Adopt and implement Updated Climate Action Plan.
- **Policy HE-P2.2:** Encourage and provide incentives for the production of housing in close proximity to public transportation and services.
- **Policy HE-P8.2.** Encourage healthy indoor air quality and noise levels in existing and new housing. Support efforts to retrofit existing housing units with multi-paned windows, air filtration systems, low-emission building materials, equipment and appliances, and other improvements that reduce indoor air and noise pollution while at the same time working to improve energy efficiency.

Mitigation Measures:

- **Mitigation Measure GHG-1:** The County shall prepare a Climate Action Plan (CAP) to achieve the GHG reduction targets of Senate Bill 32 for year 2030. The CAP shall be completed within 18 months of certification of the Housing Element EIR. The CAP shall be updated every five years to ensure the County is monitoring the plan's progress toward achieving the County's greenhouse gas (GHG) reduction target and to require amendment if the plan is not achieving specified level. The update shall consider a trajectory consistent with the GHG emissions reduction goal established under Executive Order (EO) S-03-05 for year 2050 and the latest applicable statewide legislative GHG emission reduction that may be in effect at the time of the CAP update (e.g., Senate Bill 32 for year 2030). The CAP update shall include the following:
 - GHG inventories of existing and forecast year GHG levels for the unincorporated community.
 - Tools and strategies for reducing GHG emissions to achieve the GHG reduction goals of Senate Bill 32 for year 2030.
 - Tools and strategies for reducing GHG emissions to ensure a trajectory with the long-term GHG reduction goal of Executive Order S-03-05.
 - Plan implementation guidance that includes, at minimum, the following components consistent with the proposed CAP:
 - Administration and Staffing
 - Finance and Budgeting
 - Timelines for Measure Implementation
 - Community Outreach and Education
 - Monitoring, Reporting, and Adaptive Management
 - Tracking Tools

Mitigation Measures Considered and Determined to be Infeasible

Implementation of Mitigation Measure GHG-1 would ensure that the County prepares a Climate Action Plan to achieve the GHG reduction goals of Senate Bill 32 and chart a trajectory to achieve the long-term year 2050 GHG reduction goal set by EO S-03-05 and substantial progress toward the State's carbon neutrality goals of EO B-55-18. The County is in the process of updating their CAP. Mitigation Measure GHG-1 would also ensure that the County is tracking and monitoring the County's GHG emissions. However, given that the updated CAP is not yet available and growth in population within the County compared to the magnitude of emissions reductions needed to achieve the GHG reduction target, GHG emissions are considered significant and unavoidable.

Finding:

Changes or alterations have been required in, or incorporated into, the proposed project that reduce the significant environmental effect as identified in the DEIR. These changes are identified in the form of the mitigation measures above; however, no further mitigation measures are available that would reduce GHG as there is currently no adopted statewide plan to provide statewide measures to achieve AB 1279 targets, then impacts would remain significant and unavoidable.

Specific economic, legal, social, technological, or other considerations, including provision of residential opportunities, make infeasible the following mitigation measure:

See Mitigation Measure GHG-1

The County finds that there are no other mitigation measures that are feasible, taking into consideration specific economic, legal, social, technological, or other factors, that would substantially lessen or mitigate this impact to a less-than-significant level, and further, that specific economic, legal, social, technological, or other considerations, including considerations for the provision of residential opportunities, make infeasible the alternatives identified in the EIR (Public Resources Code §§ 21081(a)(1), (3); Guidelines §§ 15091(a)(1), (3)).

As described in the Statement of Overriding Considerations, the County has determined that this impact is acceptable because specific overriding economic, legal, social, technological, or other benefits, including regionwide or statewide environmental benefits, of the proposed project outweigh its significant effects on the environment.

5. Hazards and Hazardous Materials

Impact 5.9-5: Development on sites located in designated Very High Fire Hazard Severity Zones could expose structures and/or residences to fire danger. [Threshold H-7].

The California Department of Forestry and Fire Protection (CALFIRE) has prepared a map of Contra Costa County showing areas designated as wildland area that may contain substantial forest fire risks and hazards, or “Very High Fire Hazard Severity Zone.” These areas are shown Figure 5.18-1, *Fire Hazard Severity Zones in Contra Costa County*, in Section 5.18, *Wildfire*, of the DEIR. As previously noted, the proposed Housing Element update is a policy-level document that does not directly propose development.

The County includes 339 square miles of land mapped in high fire hazard severity zones, both in State Responsibility Areas and Local Responsibility Areas, including future housing sites listed in Tables 3-3, 3-4, and 3-5 that are proposed for redesignation or rezoning for increased residential densities in order to meet the County’s RHNA target.

As noted in the Section 5.18, *Wildfire*, of the DEIR, development under the HEU would be required to comply with all applicable laws and regulations. These include General Plan Public Services and Facilities Element Policy 7-81, that states that all structures located in Hazardous Fire Areas, as defined

in the Uniform Fire Code, must be constructed with fire-resistant exterior materials, such as fire safe roofing, and their surroundings are to be irrigated and landscaped with fire-resistant plants, consistent with drought resistance and water conservation policies. The County has also incorporated the 2022 CBC into its Ordinance Code which requires fire safe design and the maintenance of defensible space. Furthermore, Housing Element Policy HE-P8.3 aims to locate all below market-rate housing outside of mapped hazard areas in the Health and Safety Element.

However, as noted in Impact 5.18-2 of Section 5.18, of the DEIR, compliance with the mandatory wildfire hazard reduction measures through state and local regulations, would not reduce impacts related to exacerbating the risk of pollutant concentrations from wildfire and the uncontrolled spread of wildfire to a less than significant level. The only way to fully avoid the wildfire impact from implementation of the proposed Housing Element Update is to not allow development in areas within the SRA, Very High Fire Hazard Severity Zones, and the Wildland-Urban Interface, thereby eliminating the wildfire impact. However, doing so is not feasible or practical as the County has a responsibility to meet other conflicting obligations, including increases in the number and type of housing available in Contra Costa County. The County needs to promote residential development, as required by State housing law, within its adopted growth boundaries. While possible forms of mitigation for wildfire risks in the unincorporated County would be implemented by the County, doing so to reduce impacts to a less-than-significant level would be infeasible and inconsistent with County planning goals and objectives. This conclusion does not prevent a finding of less-than-significant impacts at the project level; however, due to potential unknown impacts from future development under the Housing Element Update, impacts at the programmatic level would remain significant and unavoidable.

Mitigation Measures:

There are no feasible mitigation measures.

Mitigation Measures Considered and Determined to be Infeasible

While the California Building Code, California Fire Code, SRA and Very High Fire Hazard Severity Zone Fire Safe Regulations, Public Resources Code, and the County's Hazard Mitigation Plan, General Plan policies, and Ordinance Code standards, and the proposed Housing Element policy would reduce impacts; the only way to fully avoid the wildfire impact from implementation of the proposed project, is to not allow development in areas within Very High Fire Hazard Severity Zones and WUI areas, thereby eliminating the wildfire impact. However, doing so is not feasible or practical as the County has a responsibility to meet its RHNA allocation. Due to the potential unknown impacts from future development under the proposed project, impacts at the programmatic level would remain significant and unavoidable.

Finding:

Changes or alterations have been required in, or incorporated into, the proposed project that reduce the significant environmental effect as identified in the DEIR.

The County finds that there are no mitigation measures that are feasible, taking into consideration specific economic, legal, social, technological, or other factors, that would substantially lessen or

mitigate this impact to a less-than-significant level, and further, that specific economic, legal, social, technological, or other considerations, including considerations for the provisions of residential opportunities, make infeasible the alternatives identified in the EIR (Public Resources Code §§ 21081 (a)(1), (3); Guidelines §§ 15091(a)(1), (3)).

As described in the Statement of Overriding Considerations, the County has determined that this impact is acceptable because specific overriding economic, legal, social, technological, or other benefits, including regionwide or statewide environmental benefits, of the proposed project outweigh its significant effects on the environment.

6. Noise

Impact 5.13-1: Construction activities would result in temporary noise increases in the vicinity of the proposed project. [Threshold N-1].

As part of implementing the proposed project, various individual developments of future dwelling units, would generate temporary noise level increases on and adjacent to individual construction sites in the County. Construction is performed in distinct steps, each of which has its own mix of equipment, and, consequently, its own noise characteristics. Table 5.13-9, *Reference Construction Equipment Noise Levels*, of the DEIR, lists typical construction equipment noise levels recommended for noise-impact assessments based on a distance of 50 feet between the equipment and noise receptor.

As shown, in Table 5.13-9 construction equipment generates high levels of noise, with maximums ranging from 76 to 101 dBA. Construction of individual developments associated with implementation of the proposed project would temporarily increase the ambient noise environment and would have the potential to affect noise-sensitive land uses in the vicinity of an individual project.

Construction noise levels are highly variable and dependent upon the specific locations, site plans, construction details of individual projects, and the presence or absence of any natural or human-made barriers with potential acoustic dampening effects (e.g., the presence of vegetation, berms, walls, or buildings). Significant noise impacts may occur from operation of heavy earth-moving equipment and truck haul operations that would occur with construction of individual development projects, which have not yet been developed, particularly if construction techniques, such as impact or vibratory pile driving, are proposed. The time of day that construction activity is conducted would also determine the significance of each project, particularly during the more sensitive nighttime hours. However, construction would be localized and would occur intermittently for varying periods of time.

Because specific project-level information is inherently not available at this time, it is not possible nor appropriate to quantify the construction noise impacts at specific sensitive receptors. In most cases, construction of individual developments associated with implementation of the project would temporarily increase the ambient noise environment in the vicinity of each individual project, potentially affecting existing and future nearby sensitive uses. However, because construction activities associated with any individual development may occur near noise-sensitive receptors and because, depending on the project type, equipment list, time of day, phasing, and overall construction durations, noise disturbances may occur for prolonged periods of time or during the more sensitive nighttime

hours, construction noise impacts associated with implementation of the project are considered potentially significant.

Mitigation Measure:

- **Mitigation Measure N-1:** The construction contractors shall implement the following measures for construction activities conducted in the County of Contra Costa. Construction plans submitted to the County shall identify these measures on demolition, grading, and construction plans submitted to the County and the County's Planning and Building Department(s) shall verify that submitted grading, demolition, and/or construction plans include these notations prior to issuance of demolition, grading, and/or building permits:
 - Construction activity is limited to the daytime hours of 7:00 a.m. to 7:00 p.m.
 - During the entire active construction period, equipment and trucks used for project construction shall use the best-available noise control techniques (e.g., improved mufflers, equipment re-design, use of intake silencers, ducts, engine enclosures, and acoustically attenuating shields or shrouds) available.
 - Impact tools (e.g., jack hammers and hoe rams) shall be hydraulically or electrically powered wherever possible. Where the use of pneumatic tools is unavoidable, an exhaust muffler on the compressed air exhaust shall be used along with external noise jackets on the tools.
 - Stationary equipment, such as generators and air compressors shall be located as far as feasible from nearby noise-sensitive uses.
 - Stockpiling shall be located as far as feasible from nearby noise-sensitive receptors.
 - Construction traffic shall be limited, to the extent feasible, to approved haul routes established by the County Planning and Building Department(s).
 - At least 10 days prior to the start of construction activities, a sign shall be posted at the entrance(s) to the job site, clearly visible to the public, that includes permitted construction days and hours, as well as the telephone numbers of the County's and contractor's authorized representatives that are assigned to respond in the event of a noise or vibration complaint. If the authorized contractor's representative receives a complaint, they shall investigate, take appropriate corrective action, and report the action to the County.
 - Signs shall be posted at the job site entrance(s), within the on-site construction zones, and along queuing lanes (if any) to reinforce the prohibition of unnecessary engine idling. All other equipment shall be turned off if not in use for more than 5 minutes.
 - During the entire active construction period and to the extent feasible, the use of noise-producing signals, including horns, whistles, alarms, and bells, shall be for safety warning purposes only. The construction manager shall use smart back-up alarms, which automatically adjust the alarm level based on the background noise level or switch off back-up alarms and replace with human spotters in compliance with all safety requirements and laws.
 - Erect temporary noise barriers (at least as high as the exhaust of equipment and breaking line-of-sight between noise sources and sensitive receptors), as necessary and feasible, to maintain construction noise levels at or below the performance standard of 80 dBA Leq. Barriers shall be constructed with a solid material that has a density of at least 4 pounds per square foot with no gaps from the ground to the top of the barrier.

Mitigation Measures Considered and Determined to be Infeasible

Implementation of Mitigation Measure N-1 would reduce potential noise impacts during construction to the extent feasible. However, due to the potential for proximity of construction activities to sensitive uses, the number of construction projects occurring simultaneously, and the potential duration of construction activities, construction noise could result in a temporary substantial increase in noise levels above ambient conditions. Therefore, impacts would remain significant and unavoidable.

Finding:

Changes or alterations have been required in, or incorporated into, the proposed project that reduce the significant environmental effect as identified in the DEIR. These changes are identified in the form of the mitigation measures above. The County hereby finds that implementation of the mitigation measures is feasible and the measure is therefore adopted.

Specific economic, legal, social, technological, or other considerations, including provision of residential opportunities, make infeasible the following mitigation measure:

See Mitigation Measure N-1.

The County finds that there are no other mitigation measures that are feasible, taking into consideration specific economic, legal, social, technological, or other factors, that would substantially lessen or mitigate this impact to a less-than-significant level, and further, that specific economic, legal, social, technological, or other considerations, including considerations for the provision of residential opportunities, make infeasible the alternatives identified in the EIR (Public Resources Code §§ 21081(a)(1), (3); Guidelines §§ 15091(a)(1), (3)).

As described in the Statement of Overriding Considerations, the County has determined that this impact is acceptable because specific overriding economic, legal, social, technological, or other benefits, including regionwide or statewide environmental benefits, of the proposed project outweigh its significant effects on the environment.

Impact 5.13-2 Project implementation would generate a substantial traffic noise increase on local roadways and could locate sensitive receptors near rail in areas that exceed established noise standards. [Threshold N-1].

Transportation Noise

Land use development that results in traffic increases can also result in long-term traffic noise increases on roadways and freeways in the county. New development and associated traffic noise increases could result in exposure of existing receptors or future planned development to substantial permanent noise increases. The proposed project would allow for an increase in housing within the county. As a result, traffic volumes are anticipated to increase on some roads. Depending on the proximity of future housing to other land use types and existing major freeways/roadways, traffic noise increases could expose sensitive receptors to substantial traffic noise levels that would exceed applicable noise standards. It should be noted that the calculated traffic noise increases are conservative because average daily traffic (ADT) volumes were based on anticipated future buildout for all land uses in the county and not just for housing.

Significant traffic noise increases are estimated along numerous study roadway segments from implantation of the proposed project. Traffic noise modeling inputs and outputs can be found in Appendix 5.13-1 and show the existing and future estimated distances to the 70, 65, and 60 dBA CNEL noise contours and traffic noise increases as a result of implementation of the proposed project. The traffic noise increase is the difference between the projected future noise level and the existing noise level. The model also shows that along several roadway segments, a decrease in traffic noise levels is anticipated from implementation of the proposed project. Housing Element Policy HE-P8.2 would help minimize interior noise levels at existing and future housing. However, traffic noise increases would still be potentially significant.

Rail and Airport Noise

Table 5.13-10, *Future Railroad Noise Levels*, of the DEIR, contains the calculated distances to the 65 dBA Ldn/CNEL contours from future railroad noise. The same methodology that was used to estimate existing railroad noise contours was used for future railroad activity. Though implementation of the proposed project would not cause a direct increase in rail activity, future residential development could be placed located within distances to rail that could expose them to noise levels that exceed the applicable noise standard for the respective land use type.

In addition, future noise-sensitive land uses could be in areas that exceed the “Normally Acceptable” noise standards due to airport operations. Current General Plan Policies 11-1, 11-2, 11-3, 11-4, 11-5, 11-9, and 11-10 would help minimize noise impacts. However, impacts would still be potentially significant.

Mitigation Measures Considered for Impact 5.13-2

In compliance with CEQA, “each public agency shall mitigate or avoid the significant effects on the environment of project it carries out or approves whenever it is feasible to do so” (Public Resources Code Section 21002.1(b)). The term “feasible” is defined in CEQA to mean “capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors” (Public Resources Code Section 21061.1). A number of measures were considered for mitigating or avoiding traffic noise impacts (Impact 5.13-2).

Special Roadway Paving

Notable reductions in tire noise have been achieved via the implementation of special paving materials, such as rubberized asphalt or open-grade asphalt concrete overlays. For example, the California Department of Transportation conducted a study of pavement noise along Interstate 80 in Davis and found an average improvement of 6 to 7 dBA compared to conventional asphalt overlay.

Although this amount of noise reduction from rubberized/special asphalt materials would be sufficient to avoid the predicted noise increase due to traffic in some cases, the potential up-front and ongoing maintenance costs are such that the cost versus benefits ratio may not be feasible and reasonable and would not mitigate noise to a level of less than significant in all cases. In addition, the study found that noise levels increased over time due to pavement raveling, with the chance of noise-level increases higher after a 10-year period.

Sound Barrier Walls

Some (if not most) residences in the Plan Area have direct access (via driveways) to the associated impacted roadways. Therefore, barrier walls would prevent access to individual properties and would be infeasible. Further, these impacted homes are on private property outside of the control of future project developers, so there may be limited admittance onto these properties to construct such walls. Lastly, the costs versus benefits ratio in relation to the number of benefited households may not be feasible and reasonable in all cases.

Sound Insulation of Existing Residences and Sensitive Receptors

Exterior-to-interior noise reductions depend on the materials used, the design of the homes, and their conditions. To determine what upgrades would be needed, a noise study would be required for each house to measure exterior-to-interior noise reduction. Sound insulation may require upgraded windows, upgraded doors, and a means of mechanical ventilation to allow for a “windows closed” condition. There are no funding mechanisms and procedures that would guarantee that the implementation of sound insulation features at each affected home would offset the increase in traffic noise to interior areas and ensure that the state’s 45 dBA CNEL standard for multifamily residences would be achieved.

Mitigation Measure:

There are no feasible mitigation measures.

Mitigation Measures Considered and Determined to be Infeasible

As demonstrated under the heading “Mitigation Measures Considered for Impact 5.13-2,” there are no feasible or practical mitigation measures available to reduce project-generated traffic noise to less-than significant levels for existing residences along the affected roadway. No individual measure and no set of feasible or practical mitigation measures are available to reduce project-generated traffic noise to less-than significant levels in all cases. Therefore, traffic noise would remain significant and unavoidable. However, it should be noted that the identification of this program-level impact does not preclude the finding of less-than-significant impacts for subsequent projects analyzed at the project level.

Finding:

Changes or alterations have been required in, or incorporated into, the proposed project that reduce the significant environmental effect as identified in the DEIR.

The County finds that there are no mitigation measures that are feasible, taking into consideration specific economic, legal, social, technological, or other factors, that would substantially lessen or mitigate this impact to a less-than-significant level, and further, that specific economic, legal, social, technological, or other considerations, including considerations for the provisions of residential opportunities, make infeasible the alternatives identified in the EIR (Public Resources Code §§ 21081 (a)(1), (3); Guidelines §§ 15091(a)(1), (3)).

As described in the Statement of Overriding Considerations, the County has determined that this impact is acceptable because specific overriding economic, legal, social, technological, or other benefits, including regionwide or statewide environmental benefits, of the proposed project outweigh its significant effects on the environment.

6. Wildfire

Impact 5.18-2: If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, future projects, due to slope, prevailing winds, and other factors, could exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of wildfire. (Threshold W-2).

As discussed in Section 5.18.1.2, *Existing Conditions*, of the DEIR, Contra Costa County is prone to Diablo Winds that are erratic in movement and have high speeds. These winds are often accompanied by low humidity and can shift suddenly due to temperature changes and interactions with steep slopes. This creates dangerous conditions by drying out vegetation and enabling a wildfire to spread more quickly. However, implementation of the Housing Element Update would not change or affect wind patterns in the county, but wildfires and wildfire smoke hazards could be spread by prevailing or Diablo winds.

Section 5.18.1.1, *Regulatory Framework*, of the DEIR, describes plans, policies, regulations, and procedures that help to reduce wildfire risks. The 2018 Strategic Fire Plan for California, 2021 California Wildfire and Forest Resilience Action Plan, Fire Risk Reduction Community designation for East Bay Regional Parks and East Bay Municipal Utilities District, Contra Costa County Hazard Mitigation Plan, Contra Costa County Community Wildfire Protection Plan, and Contra Costa County General Plan are intended to reduce wildfire hazards and response to these hazards on a statewide and regional scale. In addition, the Bay Area Air Quality Management District provides air quality alerts, advisories, and provides resources for an interactive online map to view current air quality conditions in the region. However, future potential development under the Housing Element update in wildfire prone areas could exacerbate wildfire risks by adding more residents to wildfire prone areas; therefore, exposing people in the county and surrounding jurisdictions to pollutant concentrations from a wildfire. A wildfire combined with Diablo winds could expose residents in the county to the uncontrolled spread of wildfire.

As discussed in Section 5.18.1.2, *Existing Conditions*, of the DEIR, the topography in Contra Costa County and Housing Element sites varies between steeply sloped mountains to flat valleys and shorelines. Construction of potential future housing may require grading and site preparation activities that could change the slope of a single parcel or site. Potential future development under the Housing Element Update could increase density in both flat and steeper areas of the County.

All potential future residential development within Contra Costa County would be required to comply with the California Building Standards Code, SRA and Very High Fire Hazard Severity Zone Fire Safe Regulations, Contra Costa County Code of Ordinance Grading requirements, which include standards to minimize the ignition and spread of wildfire due to slopes. Furthermore, Policy HE-P8.3 of the proposed Housing Element Update requires the location of below market-rate housing developments

to be outside of mapped hazard zones as identified in the Health and Safety Element. However, due to vegetation and slope, wildfires and associated smoke could potentially travel up a slope. Therefore, even with existing regulatory requirements potential future development under the proposed Housing Element Update could expose people to the uncontrolled spread of wildfire or pollutant concentrations due to slope.

Other factors, such as vegetation, have the potential to exacerbate wildfire risks. The grassland, brush, and woodland areas throughout the county are easily ignited, especially during summer and fall when temperatures are high, relative humidity is low, and wind speeds can be high. During these conditions, woodlands and brush vegetation can dry out, particularly in areas with unirrigated vegetation, becoming extremely flammable and increasing wildfire risks. As described in Section 5.18.1.1, *Regulatory Framework*, of the DEIR, the Contra Costa County Hazard Mitigation Plan and Community Wildfire Protection Plan contain several vegetation management and fuel reduction projects to reduce the uncontrolled spread of wildfire due to vegetation. Additionally, all potential future development within wildfire prone areas in Contra Costa County would be required to comply with SRA and Very High Fire Hazard Severity Zone Fire Safe Regulations, Public Resources Code Section 4291, and the California Fire Code. These regulations have specific requirements for new development to create defensible space and extensive fuel reduction within 100 feet of a structure, an ember resistant zone within 5 feet of a structure, and the overall maintenance of properties to reduce the risk of uncontrolled fires or the spread of fires to other properties. However, even with existing regulatory requirement potential future development under the proposed project could expose people to the uncontrolled spread of wildfire or pollutant concentrations due to other factors such as vegetation.

With adherence to the building practices and wildfire management requirements, development associated with the proposed project would reduce the potential for exacerbating wildfire risks. However, due to the programmatic nature of this analysis, the unknown details and potential impacts of specific future potential development projects under the proposed project, and the possibility of potential future development being located in wildfire prone areas, impacts would be potentially significant.

Mitigation Measure:

There are no feasible mitigation measures.

Mitigation Measures Considered and Determined to be Infeasible

With the California Building Code, California Fire Code, SRA, and Very High Fire Hazard Severity Zone Fire Safe Regulations, Public Resources Code, and the County's Hazard Mitigation Plan, General Plan, Ordinance Code, and the proposed Housing Element would reduce impacts. The only way to fully avoid the wildfire impact from implementation of the proposed project is to not allow development in areas within Very High Fire Hazard Severity Zones and WUI areas, thereby eliminating potential wildfire impacts. However, doing so is not feasible or practical as the County has a responsibility to meet its RHNA allocation. Due to the potential unknown impacts from future development under the proposed project, impacts at the programmatic level would remain significant and unavoidable.

Finding:

Changes or alterations have been required in, or incorporated into, the proposed project that reduce the significant environmental effect as identified in the DEIR.

The County finds that there are no mitigation measures that are feasible, taking into consideration specific economic, legal, social, technological, or other factors, that would substantially lessen or mitigate this impact to a less-than-significant level, and further, that specific economic, legal, social, technological, or other considerations, including considerations for the provisions of residential opportunities, make infeasible the alternatives identified in the EIR (Public Resources Code §§ 21081 (a)(1), (3); Guidelines §§ 15091(a)(1), (3)).

As described in the Statement of Overriding Considerations, the County has determined that this impact is acceptable because specific overriding economic, legal, social, technological, or other benefits, including regionwide or statewide environmental benefits, of the proposed project outweigh its significant effects on the environment.

IV. ALTERNATIVES TO THE PROPOSED PROJECT

An EIR must briefly describe the rationale for selection and rejection of alternatives. The lead agency may make an initial determination as to which alternatives are feasible, and therefore, merit in-depth consideration, and which ones are infeasible.

A. Alternatives Considered and Rejected During the Scoping/Project Planning Process

The following is a discussion of the alternatives considered during the scoping and planning process and the reasons why they were not selected for detailed analysis in the DEIR.

1. Alternative Off-Site Development Areas

The proposed Housing Element Update covers the entire County. Alternative locations are typically included in an environmental document to avoid, lessen, or eliminate the significant impacts of a project by considering the proposed development in an entirely different location. To be feasible, development of offsite locations must be able to fulfill the project purpose and meet most of the project's basic objectives. Given the nature of the proposed project (adoption of a Housing Element for the entire unincorporated County), it is not possible to consider an offsite alternative. For this reason, an offsite alternative was considered infeasible pursuant to State CEQA Guidelines Section 15126.6(c) and was rejected as a feasible project alternative.

2. Reduced Density Alternative

A reduced density alternative that would result in fewer residences, which would theoretically reduce traffic and thereby reduce community impacts such as air quality, greenhouse gas (GHG) emissions, traffic, noise, and demand for utilities and public services. However, such an alternative would not achieve or would only partially achieve the project objectives of providing for growth in the County. Additionally, this alternative would not meet the County's RHNA allocation. As a reduced development density conflicts with regional plans to increase housing, and would not meet the project objectives, this option was not evaluated in the EIR.

3. Transit-Oriented Sites Alternative

The “transit-oriented sites” alternative would consist of removing all new sites in the proposed Housing Element sites inventory except those within a half mile of Bay Area Rapid Transit (BART) stations and other high quality transit corridors. To replace these lost sites, this alternative would add to the inventory all developable parcels in the unincorporated County within in a half mile of the BART stations in Contra Costa Centre and Bay Point. The proposed density range for these new sites would be a minimum of 75 units per acre and a maximum 125 units per acre, per the BART residential density standard. This alternative would reduce greenhouse gas emissions and air quality impacts by reducing Vehicle-Miles Traveled (VMT). Increasing density in proximity to the County’s high-quality transit centers would encourage use of BART and other alternative modes of transportation available to these areas which should reduce the total and per-capita VMT in the County.

This alternative would focus future residential development in the County near high-quality transit corridors and BART stations leading to potential VMT reductions. However, the number of housing units considered in the proposed project is 7,610 units with another 2,485 units of buffer. To place these units within ½ mile of the existing BART stations or high-quality transit corridors would likely displace existing residents and non-residential development. This has the potential to offset the expected reduction in VMT realized by this alternative because residents and employees might need to drive further than they do currently. It’s also physically improbable that sufficient land could be developed near the BART stations at the densities needed to match the housing potential shown in the proposed project. It is also unlikely that the water distribution and wastewater collection systems could function acceptably without significant upgrade if density was increased to meet the housing potential of the proposed project.

While not a CEQA consideration necessarily, this round of Housing Element Update is required to demonstrate that new housing sites affirmatively further fair housing. The intent of this requirement is to avoid concentrating housing in one or two areas of the County. Consistent with the state requirement, the County has worked to provide housing sites that are distributed throughout the geographic area of the County rather than in one or two locations. This provides housing opportunities for people to live close to where they work even if where they work is not on a BART or high-quality transit corridor. Placing all the potential housing units in one or two locations would not be consistent with this state mandate. Review of aerial photographs surrounding the two BART sites shows that there is limited developable land proximate to these stations. Due to its infeasibility, this alternative is rejected from further analysis.

B. ALTERNATIVES SELECTED FOR FURTHER ANALYSIS

The following alternatives were determined to represent a reasonable range of alternatives which have the potential to feasibly attain most of the basic objectives of the proposed project but may avoid or substantially lessen any of the significant effects of the proposed project.

4. No Project/Existing Housing Element Alternative

The No Project Alternative is required to discuss the existing conditions at the time the notice of preparation is published and evaluate what would reasonably be expected to occur in the foreseeable future if the proposed project is not approved (CEQA Guidelines, Section 15126.6[e]). Pursuant to

CEQA, this Alternative is also based on current plans and consistent with available infrastructure and community services. Therefore, the No Project/Existing Housing Element Alternative assumes that the proposed project would not be adopted, and the development intensity assumed in the existing Housing Element would be followed.

Although the Planning Area would be the same under the proposed project and existing Housing Element, the footprint-related impacts (e.g., biological resources, cultural resources) of the No Project Alternative would be the less than the proposed project as development intensity would be less. The proposed project would result in an increase in population and housing units, and therefore, this Alternative would result in a reduction in intensity-related impacts. For example, this Alternative would generate fewer auto trips, traffic noise would be less, and impacts on services and utilities would be less.

It should be noted that the growth not accommodated in the unincorporated County under this Alternative would likely occur in other communities in the region. This could result in encroachment into open space or other areas with sensitive resources or that are susceptible to wildfires if adequate developable land is not available in those communities. This Alternative would not be consistent with the County's RHNA allocation for the unincorporated areas and would result in greater impacts to land use and planning and population and housing. While this Alternative would reduce overall impacts compared to the proposed project, it would not likely reduce any of the identified significant impacts to a less than significant level. This Alternative would not meet any of the proposed project's objectives.

Finding:

This Alternative is rejected because it would not meet any of the proposed project's objectives such as adopting the 6th Cycle Housing Element by February 2023, providing a list of potential housing sites to meet the regional housing needs allocation, and determining if there are significant environmental issues that would preclude future decisions to consider land use designation and/or zone changes for sites identified for housing in the 6th Cycle Housing Element. Therefore, this Alternative is eliminated from further consideration.

5. Removal of Sites in a Fire Hazard Severity Zone Alternative

The "removal of sites in a fire hazard severity zone" alternative would remove four sites in the Housing Element Sites Inventory that border a Very High Fire Hazard Severity Zone (VHFHSZ), as designated by the Department of Forestry and Fire Protection (CAL FIRE), near the El Sobrante Ridge and Pinole Valley Park. These sites include APN's 430012022, 433460007, 435080005, and 430161020 in the El Sobrante community. The Fire Hazard Severity Zone (FHSZ) maps consider several factors that determine fire likelihood and behavior and assign a hazard score based on these factors. Some factors considered are fire history, existing and potential fuel (natural vegetation), predicted flame length, blowing embers, terrain, and typical fire weather for the area. These four sites in El Sobrante border a VHFHSZ, which are areas of increased fire hazard within the jurisdiction of a local government or Local Responsibility Area (LRA). Development in these areas must adhere to California Building Code Chapter 7A requirements which include the use ignition resistant construction methods and materials and are subject to defensible space standards. It should be noted that at the time of publishing this DEIR, CAL FIRE is in process of updating the statewide Fire Hazard Severity Maps and has released the draft maps of the State Responsibility Areas for public review. However, as CAL FIRE has yet to

release the updated boundaries of the LRA's, it cannot be determined at this time how these updated maps will affect this alternative and the proposed project.

As discussed in Impact 5.18-2 of Section 5.18, *Wildfire*, of the DEIR, the proposed project could exacerbate wildfire risk and expose future project residents to the danger of uncontrolled spread of wildfire. This impact is also discussed in Impact 5.9-5 of Section 5.9, *Hazards and Hazardous Materials*, of the DEIR. Removal of these sites from the inventory would ensure that no sites included in the Housing Element's sites inventory are within or in proximity to a fire hazard severity zone at the time of publishing this DEIR. This alternative would therefore reduce impacts from Wildfire (Impact 5.18-2) and Hazards and Hazardous Materials (Impact 5.9-5) to less than significant. However, as noted previously, the 2022 Fire Hazard Severity Zones for LRA's have not been released for public review at the time of publishing this DEIR. Revisions to the LRA VHFHSZ boundaries across the County may result in other sites within the Housing Element's sites inventory not otherwise noted in this alternative, intersecting with CAL FIRE's new fire hazard zones.

This alternative would result in the loss of approximately 58 maximum developable units from the Housing Element's sites' inventory. The combined "realistic" capacity of these sites is 44 units, which when subtracted from the total number of units that have been identified to meet the County's RHNA, would result in 9,472 units remaining in the inventory. As such, the elimination of these sites from the inventory would still allow the County to fully meet its RHNA and continue to have a surplus of 1,862 units. It should be noted that APN's 430012022 and 435080005 are listed in Table B of the Housing Element sites inventory; and while these sites are proposed to be redesignated and rezoned to accommodate higher residential densities, both sites are currently zoned and designated for residential development. APN's 430161020 and 433460007 are listed in Table A of the Housing Element and would not be rezoned or redesignated to accommodate higher residential density. This alternative would at most prevent the redesignation and rezone of two sites for higher density that already allow residential development. As a result, this alternative neither significantly increases nor decreases impacts to any additional resource topic discussed in this DEIR. As a project that contains 529 individual sites, the topics discussed in this document are evaluated programmatically; the magnitude of change that would occur to other resource topics by removing these sites from the inventory is minimal.

The removal of four sites from the inventory would not reduce the number of units available in the sites inventory to meet the County's RHNA to below the 7,610 allocated units. Therefore, this alternative meets all project objectives by allowing the County to adopt its 6th Cycle Housing Element Update, provide a list of potential housing sites that meet the County's RHNA, and determine significant environmental issues that would preclude future decisions to consider land use changes to the housing sites. Furthermore, this alternative would reduce impacts from exposure to wildfire and hazards and hazardous materials to less than significant. As a result, this alternative is considered to be the environmentally superior alternative as it meets all project objectives and reduces an environmental impact to less than significant.

Finding:

This Alternative is rejected because it would not prevent the redesignation and rezone of two sites for higher density that currently allows residential development and neither significantly increases nor

decreases impacts to any additional resource topic discussed in this Draft EIR Therefore, this Alternative is eliminated from further consideration.

V. Statement of Overriding Considerations

CEQA requires decision makers to balance the benefits of the proposed project against its unavoidable environmental risks when determining whether to approve the proposed project. If the benefits of the proposed project outweigh the unavoidable adverse effects, those effects may be considered “acceptable” (State CEQA Guidelines § 15093[a]). CEQA requires the agency to support, in writing, the specific reasons for considering a project acceptable when significant impacts are infeasible to mitigate. Such reasons must be based on substantial evidence in the Final EIR or elsewhere in the administrative record (State CEQA Guidelines § 15093 [b]). The agency’s statement is referred to as a Statement of Overriding Considerations.

The following provides a description of the proposed project’s significant and unavoidable adverse impacts and the justification for adopting a statement of overriding considerations.

A. Significant and Unavoidable Impacts

Although most potential project impacts have been substantially avoided or mitigated, there remain nine project impacts for which complete mitigation is not feasible. The DEIR identified the following significant unavoidable adverse impacts of the proposed project, which would continue to be applicable upon implementation of the proposed project:

Air Quality

- **Impact 5.3-2:** Short-term construction activities associated with the proposed project would result in a cumulatively considerable net increase of criteria pollutants for which the project region is in non-attainment under applicable federal or State ambient air quality standards.
- **Impact 5.3-3:** Buildout of the proposed project would result in a cumulatively considerable net increase of criteria pollutants for which the project region is in non-attainment under applicable federal or State ambient air quality standards.

Biological Resources

- **Impact 5.4-1:** Development of the proposed project could impact sensitive species in the County.

Cultural and Tribal Resources

- **Impact 5.5-1:** Development of the project could impact an identified historic resource.

Greenhouse Gases

- **Impact 5.8-1:** Implementation of the proposed project is projected to result in emissions that would exceed the unincorporated County’s GHG reduction target established under Executive Order S-03-05 or progress toward the State’s carbon neutrality goal.

Hazards and Hazardous Materials

- **Impact 5.9-5:** Development on sites located in designated Very High Fire Hazard Severity Zones could expose structures and/or residences to fire danger.

Noise

- **Impact 5.13-1:** Construction activities would result in temporary noise increases in the vicinity of the proposed project.
- **Impact 5.13-2:** Project implementation would generate a substantial traffic noise increase on local roadways and could locate sensitive receptors near rail in areas that exceed established noise standards.

Wildfire

- **Impact 5.18-2:** If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, future project, due to slope, prevailing winds, and other factors, could exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of wildfire.

B. Project Benefits in Support of the Statement of Overriding Considerations

The following section describes the benefits of the proposed project that outweigh the proposed project's unavoidable adverse effects and provides specific reasons for considering the proposed project acceptable even though the Final EIR has indicated that there will be nine significant project impacts. Accordingly, this Statement of Overriding Considerations regarding potentially significant adverse environmental impacts resulting from the proposed project, as set forth below, has been prepared. Pursuant to CEQA Guidelines §15093(c), the Statement of Overriding Considerations will be included in the record of the project approval and will also be noted in the Notice of Determination. Each of the benefits identified below provides a separate and independent basis for overriding the significant environmental effects of the proposed project.

Having reduced the potential effects of the proposed project through feasible mitigation measures as described previously herein, and balancing the benefits of the proposed project against its potential unavoidable adverse impacts on air quality, biological resources, cultural and tribal resources, greenhouse gas emissions, hazards and hazardous materials, noise, and wildfire if the mitigation measures cannot be implemented, the County finds that the following legal requirements and benefits of the proposed project individually and collectively outweigh the potentially significant unavoidable adverse impacts for the following reasons:

1. Implements the Objectives Established for the Proposed Project

The proposed project objectives include adopting the 6th cycle housing element by February 2023, provide a list of potential housing sites to meet the RHNA, and determine if there are significant environmental issues that would preclude future decisions to consider land use designation and/or zone changes for sites identified for housing in the 6th Cycle Housing Element.

2. Provides a Variety of Housing Options for a Variety of Income Levels and Meets County's RHNA

Through numerous legislative actions in the past several years, the State of California has identified the lack of housing as a significant area of public concern, leading to an unsustainable lack of housing affordability, increased homelessness, social stress related to increased poverty and a reduction in economic prosperity for many state residents. The 6th Cycle Housing Element will ensure that the County meets its State-mandated RHNA requirements, including the required buffer to comply with the State Housing Element Law. The 6th Cycle Housing Element achieves a number of economic benefits that address both County and regional goals for fiscal sustainability, housing supply and affordability, and enhancement of public infrastructure and facilities.

The proposed project would provide a housing supply that ranges broadly in housing costs to enable all households, regardless of income, to secure adequate housing. The share of the County's regional housing needs allocation is 7,610 new units over the 2023-2031 RHNA period. The 7,610 units planned for in unincorporated Contra Costa County provide for development of the RHNA units and creates an important level of flexibility to allow market forces to efficiently develop the allocated units. Out of the 7,610 units, approximately 43 percent have been identified as units that would be allocated towards "Very Low" and "Low" income households.

The Housing Element includes actions aimed at helping to provide housing for all income levels. Such as Policy HE-P1.1 which aims to help low-income homeowners maintain and improve residential properties through housing rehabilitation and energy-efficiency assistance and raise awareness of the importance of property maintenance. Policy HE-P2.1 support development of affordable housing by non-profit and for-profit developers through affordable housing funding sources, regulatory incentives such as density bonus, and/or flexible development standards through planned unit developments. Policy HE-P2.3 would increase the supply of affordable housing and mixed-income housing through the Inclusionary Housing Ordinance, Policy HE-P2.6 would plan for housing types to encourage innovative designs and layouts to provide housing opportunities for all economic segments while ensuring compatibility with surrounding use, Policy HE-P4.1 encourages access to homeownership for lower- and moderate-income households, and Policy HE-P4.2 would support the provision of rental assistance to extremely low-, very low-, and low-income households.

3. Identifies and Provides Resources for Special Needs Groups.

The 6th Cycle Housing Element will encourage development of a variety of types of housing at a range of income levels. The 6th Cycle Housing Element will encourage the development of housing with community benefits in a manner that distributes affordable and special needs housing and affirmatively furthers fair housing. The 6th Cycle Housing Element will encourage affordable housing, which is desired by the community and will contribute toward alleviating a shortage of housing in the unincorporated County and the region. The Housing Element includes several policies that aim to provide housing for disadvantaged groups. For example, the Housing Element includes Policy HE-P3.1 which calls for the expansion of affordable housing opportunities for households with special needs, Policy HE-P5.2 which calls for the provision of adequate sites to meet the housing needs of special needs groups, and Policy HE-P7.3, which calls for the enhancement of opportunities for special needs groups.

4. Identifies and Provides Resources to Preserve and Maintain Housing Stock

The Housing Element lists the following actions which provide resources to preserve and maintain the County's housing stock such as Policy HE-P1.1, which helps low-income homeowners maintain and improve their residential properties through housing rehabilitation and energy-efficiency assistance programs. In addition, Policy HE-P1.2 focuses rehabilitation expenditures and code enforcement efforts in communities with high concentrations of older and substandard residential structures; Policy HE-P1.3 helps non-profit partners acquire and maintain older residential structures and Policy HE-P1.5 which promotes bond refinancing and other mechanisms to preserve affordable housing.

5. Includes Sustainability Features

The Housing Element includes policies which would incorporate sustainable project design features. Such as Policy HE-P2.2, which encourages and promotes the production of housing near public transportation, Policy HE-P8.1, which states participation in State and Bay Area regional efforts to reduce energy consumption and Policy HE-P2.5, which encourages innovative housing design and building types to lower housing costs and provide high-quality options for affordable housing.

6. Consistent with the Regional Goals in the RTP/SCS

Plan Bay Area 2050 is the Association of Bay Area Government's (ABAG) Regional Transportation Plan and Sustainable Community that was adopted in October 2021. The document is organized within four major planning topics including housing, transportation, economy, and environment. Plan Bay Area's housing themes and strategies include protecting and preserving affordable housing, spurring housing production for people of all income levels, and creating inclusive communities. As discussed in Project Benefits 2, 3, and 4 above, the Housing Element shares these goals and supports them by implementing policies and actions to promote these themes within the County. The proposed Housing Element include policies and actions that are consistent with the goals listed in Plan Bay Area's economy and transportation topic areas such as Policy HE-P2.2, which encourages and promotes the production of housing near public transportation.

C. Conclusion

The County has balanced the proposed project's benefits against the significant unavoidable impacts. The Board of Supervisors finds that the proposed project's benefits, which aim to meet the goals and policies of the Housing Element Update, outweigh the proposed project's significant and unavoidable impacts, and these impacts, therefore, are considered acceptable in the light of the proposed project's benefits. The County finds that each of the benefits described above is an overriding consideration, independent of the other benefits, that warrants approval of the proposed project notwithstanding the proposed project's significant unavoidable impact.

VI. FINDINGS ON RESPONSES TO COMMENTS ON THE DEIR AND REVISIONS TO THE FINAL EIR

The Final EIR contains responses to comments, revisions, clarifications, and corrections to the DEIR. The focus of the response to comments is on the disposition of significant environmental issues as raised in the comments, as specified by State CEQA Guidelines Section 15088(b). The County provided written responses to each comment made by a public agency, as set forth in Section 2 of the Final EIR, pursuant to State CEQA Guidelines Section 15088(b).

County staff has reviewed this material and determined that none of this material constitutes the type of significant added information that requires recirculation of the DEIR for further public comment under CEQA Guidelines Section 15088.5. None of this new material indicates that the proposed project will result in a significant new environmental impact not previously disclosed in the DEIR. Additionally, none of this material indicates that there would be a substantial increase in the severity of a previously identified environmental impact that will not be mitigated, or that there would be any of the other circumstances requiring recirculation described in Section 15088.5 of the CEQA Guidelines.