APPENDIX 1.0

Notice of Preparation (NOP), Initial Study, and comments on the NOP

Notice of Preparation and Initial Study

City of Pittsburg
Development Services - Planning Department
Civic Center - 65 Civic Avenue, Pittsburg, California 94565

Telephone: (925) 252-4920 • FAX: (925) 252-4814

NOTICE OF PREPARATION

To: State Clearinghouse
1400 Tenth Street
Sacramento, California 95814

From: City of Pittsburg, Planning Department
65 Civic Avenue
Pittsburg, California 94565

To: Interested Parties; Responsible &
Trustee Agencies

Subject: Notice of Preparation of a Draft Environmental Impact Report (EIR)

The City of Pittsburg will be the Lead Agency and will prepare an environmental impact report for the project identified below. We need to know the views of your agency as to the scope and content of the environmental information which is germane to your agency's statutory responsibilities in connection with the proposed project. Your agency may need to use the EIR prepared by our agency when considering your permit or other approval for the project.

The project description, location, and the potential environmental effects are contained in the attached materials. A copy of the Initial Study (☒ is ☐ is not) attached.

Due to the time limits mandated by State law, your response must be sent at the earliest possible date but not later than 30 days after receipt of this notice.

Please send your response to Kristin Pollot, Associate Planner at the address shown above. We will need the name for a contact person in your agency.

Project Title: Montreux Residential Subdivision

Project Applicant: Altec Homes Inc., and Seecon Financial Inc.

Date 3-29-13

Signature

Title Associate Planner

Telephone (925) 252-4920

Reference: California Code of Regulations, Title 14, (California Environmental Quality Act Guidelines) Sections 15082(a), 15103, 15375.

PROJECT LOCATION:

The project site is located along the west side of Kirker Pass Road, immediately south of the existing City limits. The site is approximately three miles from downtown Pittsburg and approximately one mile south of Buchanan Road, within the City's sphere of influence, but outside the City limits. The site includes Assessor's Parcel Numbers 089-020-009; -011; -014; and -015. The project would also affect APN 089-010-010, which is within the Pittsburg City limits.

PROJECT DESCRIPTION

The proposed Montreux Residential Subdivision project consists of:

1. a request for rezoning of the site from its current pre-zoning designation of HPD (Hillside Planned Development) to RS-6 (Single Family Residential, 6,000-square-foot minimum lots sizes) pre-zoning, which would be consistent with the existing general plan designation of Low Density Residential;

2. a request for approval of a Vesting Tentative Map (Subdivision No. 8279) and preliminary grading plan (for 356 single family homes with lots averaging approximately 7,668 square feet in size, and including approximately 71 acres of open space area within the project);

3. a request for approval of a development agreement to provide an extended term for the project approval; and

4. annexation of the project site into the City of Pittsburg City Limits, Contra Costa Water District (CCWD) Service Area, and the Delta Diablo Sanitation District (DDSD) Service Area.

The proposed Vesting Tentative Map includes a preliminary grading plan for the site improvements and creation of 356 pads for future residential development. The preliminary grading plan includes changes to the existing topography through the grading of the site interior portions of the hillsides in the central portion of the site. Grading would include cuts to the hill slopes of approximately 75 vertical feet in some locations and fills of between 10 to 85 feet of graded soil in the low portions of the site. The northern ridgeline (with an elevation up to 655 feet) would be significantly reconfigured. Most of the existing ridgeline would be graded and re-contoured, with the crest of the ridge shifted towards the north and graded to conform to the topography on the north facing side of the hill. No building pads would be located along the northern ridgeline separating the site from the existing City limits. A partially buried water tank would be added at the top of the hill on the northern boundary of the site; the tank would be located partly on the adjacent off-site parcel. The entire graded site would be re-contoured in order to accommodate new housing pads, a 20-foot-wide graded bench along the perimeter of the developed area, and 3:1 engineered slopes extending below the new water tank.

Three stormwater detention basins are included in the preliminary grading plan, with two located on the east side of the site along Kirker Pass Road and a third located on the off-site parcel to the northwest of the proposed development area. Construction of these basins would require grading to recontour the eastern end of the ridge along the southern boundary of the project site and the north-facing slope above the proposed off-site basin.

Access to the proposed project site would be by way of two new roadways connecting to Kirker Pass Road. The main access would be located roughly at the center point of the project frontage,

approximately 1,000 feet south of the present City limit, and would include a traffic signal. This intersection would eventually be a four-way intersection, directly aligned with the planned James Donlon expressway (formerly known as the Buchanan Road Bypass). The secondary access would be located approximately 400 feet further south along Kirker Pass Road. New storm drainage infrastructure, including drainage inlets and piping, would be installed in the proposed roadways on the project site to connect developed areas to the drainage basins.

Utility infrastructure required for the project would include new water, sanitary sewer, and electrical lines. These would be installed within the right of way along Kirker Pass Road and would connect to existing utilities at the Pittsburg City limit.

No architectural design review plans have been submitted at this time, and the future design of the units would be subject to design review approval by the Pittsburg Planning Commission. For the purpose of this analysis, it was assumed that the proposed project would be completed and occupied by 2017.

DISCUSSION OF POTENTIAL IMPACTS

The EIR prepared for the Montreux Residential Project will provide analysis of the impacts pertaining to the resource areas identified below. Although detailed analysis has not been conducted at this time, preliminary analysis of the proposed project included in the Initial Study (see attached) has identified impacts likely to result from the project. The following paragraphs discuss the results of the preliminary impact identification and anticipated analyses that will be included in the EIR. Each technical chapter will include a project-level and cumulative-level impact analysis.

Aesthetics: The project site is characterized by rolling grassland and consists of a broad Y-shaped valley that is famed by several natural hills. Implementation of the proposed project would result in extensive changes to the topography of the project site thus substantially changing the existing character of the site. In addition, the proposed project would introduce new sources of nighttime light to a dark, undeveloped area of open space thus resulting in the urban light spill and glare. The EIR will address the potential visual impacts associated with altering the existing visual character of the project site and introducing a new source of light or glare in the area.

Geology and Soils: A number of landslides have been identified on the project site and implementation of the proposed project could expose future residents and structures to risks associated with landslides. In addition, graded slopes for the proposed project could be subject to slope stability issues related to natural soil and groundwater conditions in cut slopes and in foundation soils below fills. The EIR will address potential impacts to future residents associated with landslides and unstable soils.

Public Services: According to Chapter 11.4 of the General Plan, the response time goal for the Contra Costa County Fire Protection District (CCCFPD) is to provide service within 5 minutes of notification, which can generally be provided for areas located within 1.5 miles of a fire station. As the project site is located further than 1.5 miles from the nearest fire station, no new fire stations are planned for construction within 1.5 miles of the site, and existing average response times exceed the CCCFPD 5-minute goal, the location of the proposed project represents a potentially significant impact. The EIR will discuss in detail the effects of increased fire demand.

Alternatives: Project Scoping is conducted to develop the scope and content of the information to be included and analyzed in the EIR. Alternatives to the proposed project will be developed in consultation with City of Pittsburg staff. Public input will be considered during the development of these alternatives. In addition to the No Project Alternative, the EIR will evaluate feasible alternatives to the proposed project that can reduce significant impacts of the proposed project.

PUBLIC SCOPING MEETING

A scoping meeting open to the public will be held to receive public comments and suggestions on the project. At this meeting, staff will give a brief presentation of the EIR process and will take public comment on the proposed EIR. The scoping meeting will be open to the public and held at the following location:

Date: Tuesday, April 23, 2013
Time: 6:00 PM
Location: Pittsburg City Hall, 65 Civic Avenue, Pittsburg, California 94565

The purpose of the EIR is to provide information about potential significant physical environmental impacts of the proposed project, to identify possible ways to minimize those significant impacts, and to describe and analyze possible alternatives to the proposed project if potential significant impacts are identified. Preparation of an NOP or EIR does not indicate a decision by the City to approve or disapprove the project. However, prior to making any such decision, the City Council must review and consider the information contained in the EIR.

Written comments on the scope of the Montreux Residential Subdivision and the associate EIR are welcome. **Please submit comments by 5:00 PM on Monday, April 29, 2013.** Written comments should be sent to Kristin Pollot, Project Planner, at 65 Civic Avenue, Pittsburg, California 94565 or via email at kpollot@ci.pittsburg.ca.us or via fax at 925-252-4814.

If you have any questions concerning the environmental review of the proposed project, please contact Kristin Pollot at (925) 252-4920; however, please note that comments on the Draft EIR cannot be accepted over the phone. To be considered during preparation of the EIR, comments must be received in writing by the deadline identified above.

INITIAL STUDY

A full copy of the Initial Study is attached, or an electronic version can be found on the Pittsburg City website at: http://www.ci.pittsburg.ca.us/index.aspx?page=217,

ATTACHMENT

Montreux Initial Study

Montreux Residential Subdivision Project

Initial Study

The following Initial Study has been prepared in compliance with the California Environmental Quality Act.

Prepared For:

City of Pittsburg
Civic Center, 65 Civic Avenue
Pittsburg, California 94565
(925) 252-4920
Contact: Kristin Vahl Pollot

Prepared By:

Impact Sciences, Inc.
555 12th Street, Suite 1650
Oakland, California 94607
(510) 267-0494
Contact: Paul Stephenson

March 2013

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INTRODUCTION

Initial Study

Pursuant to Section 15063 of the *California Environmental Quality Act (CEQA) Guidelines* (Title 14, California Code of Regulations, Sections 15000 et seq.), an Initial Study is a preliminary environmental analysis that is used by the lead agency (the public agency principally responsible for approving or carrying out the proposed project) as a basis for determining whether an Environmental Impact Report, a Mitigated Negative Declaration, or a Negative Declaration is required for a project. The *State CEQA Guidelines* require that an Initial Study contain a project description, description of environmental setting, identification of environmental effects by checklist or other similar form, explanation of environmental effects, discussion of mitigation for significant environmental effects, evaluation of the project's consistency with existing, applicable land use controls, and the name of persons who prepared the study.

The purpose of this Initial Study is to evaluate the potential environmental impacts of the proposed Montreux Residential Subdivision project to determine what level of additional environmental review, if any, is appropriate. As shown in the Determination in Section IV of this document, and based on the analysis contained in this Initial Study, the City of Pittsburg has determined that the proposed project could result in potentially significant impacts, therefore, preparation of an Environmental Impact Report (EIR) is appropriate. The City will prepare an EIR that fully evaluates the environmental effects associated with the implementation of the proposed project.

Public and Agency Review

This Initial Study will be circulated with the Notice of Preparation for the EIR for public and agency review from **March 29, 2013** to **April 29, 2013**. Copies of this document are available for review at City Hall in the Planning Division of the Development Services Department. Comments on this Initial Study and NOP must be received by 5:00 PM on **April 29, 2013** and can be sent or emailed to:

Kristin Vahl Pollot, AICP
Associate Planner
City of Pittsburg
Civic Center, 65 Civic Avenue
Pittsburg, California 94565
KVahl@ci.pittsburg.ca.us

Organization of the Initial Study

This Initial Study is organized into the following sections.

Section I – Project Information: provides summary background information about the proposed project, including project location, lead agency, and contact information.

Section II – Project Location and Description: includes a description of the proposed project, including the need for the project, the project's objectives, and the elements included in the project.

Section III – Environmental Factors Potentially Affected: identifies what environmental resources, if any, would involve at least one significant or potentially significant impact that cannot be reduced to a less than significant level.

Section IV – Determination: indicates whether impacts associated with the proposed project would be significant, and what, if any, additional environmental documentation is required.

Section V – Consistency with Existing Plans and Policies: identifies plans, policies, and factors applicable to the specific development on the site.

Section VI – Evaluation of Environmental Impacts: contains the Environmental Checklist form for each resource. The checklist is used to assist in evaluating the potential environmental impacts of the proposed project and determining which impacts need to be further evaluated in the EIR. This section also presents an explanation of all checklist answers.

Section VII – Supporting Information Sources: lists references used in the preparation of this document.

Section VIII – Initial Study Preparers: lists the names of individuals involved in the preparation of this document.

Appendices: Technical studies used in the preparation of this Initial Study.

I. PROJECT INFORMATION

1. Project title:

   Montreux Residential Subdivision Project

2. Lead agency name and address:

   City of Pittsburg
   Civic Center, 65 Civic Avenue
   Pittsburg, California 94565

3. Contact person and phone number:

   Kristin Vahl Pollot, AICP
   Associate Planner
   (925) 252-4920

4. Project location:

   West side of Kirker Pass Road, immediately south of the existing City limits. The site includes Assessor's Parcel Numbers 089-020-009; -011; -014; and -015. The project would also affect APN 089-010-010, which is within the Pittsburg City limits.

5. Project sponsor's name and address:

   Louis Parsons, on behalf of Altec Homes Inc., and Seecon Financial Inc.
   4061 Port Chicago Highway, Suite H
   Concord, California 94520

6. Pittsburg General Plan Designation:

   Low Density Residential, Open Space & Utility/ROW

7. Pittsburg Pre-Zoning:

   Current: HPD (Hillside Planned Development) District & OS (Open Space); Proposed: RS-6 (Single-Family Residential, 6,000 sq. ft. Minimum Lot Size) District & OS

II. PROJECT LOCATION AND DESCRIPTION

1. Description of Project:

Location: As illustrated in **Figure 1, Regional Location**, the project site is located adjacent to the southern boundary of the City of Pittsburg approximately 3 miles from downtown Pittsburg within the City's Sphere of Influence (SOI). State Route 4 (SR-4) provides regional access to the project site. As shown in **Figure 2, Project Vicinity**, the approximately 148-acre project site lies on the west side of Kirker Pass Road approximately 1 mile south of Buchanan Road. The site is bordered by residential uses to the north and open space to the east, south, and west.

As illustrated in **Figure 3, Project Site Aerial**, the project site is presently undeveloped grazing land; the only structures on-site are high-tension lines and towers within several utility line easements. The hilly terrain forms a broad Y-shaped valley open to the eastern frontage along Kirker Pass Road where the valley floor is at least 1,000 feet wide. Several natural hills and ridges frame the valley, with two along the northern boundary, one along the southern boundary, and the others a short distance off-site to the west. The ridgeline on the southern portion of the site is up to 780 feet high and the ridgeline formed by the two hills on the northern boundary is up to 655 feet high. There are currently no buildings on the site.

Project Features and Operations: The proposed Montreux Residential Subdivision project consists of: (1) a request for rezoning of the site from its current pre-zoning designation of HPD (Hillside Planned Development) to RS-6 (Single-Family Residential, 6,000-square-foot [sq. ft.] minimum lots sizes) pre-zoning, which would be consistent with the existing general plan designation of Low Density Residential; (2) a request for approval of a Vesting Tentative Map (Subdivision No. 8279) and preliminary grading plan (for 356 single-family homes with lots averaging approximately 7,668 sq. ft. in size, and including approximately 71 acres of open space area within the project) and, (3) annexation of the project site into the City of Pittsburg, Contra Costa Water District (CCWD) Service Area, and the Delta Diablo Sanitation District (DDSD) Service Area.

The proposed Vesting Tentative Map includes a preliminary grading plan for the site improvements and creation of 356 pads for future residential development and an off-site detention basin and an associated maintenance access road. The preliminary grading plan and the location of the proposed residential pads are illustrated in **Figure 4, Conceptual Site Plan**. The preliminary grading plan includes changes to the existing topography through the grading of the site interior portions of the hillsides in the central portion of the site. Grading would include cuts to the hill slopes of approximately 75 vertical feet in some locations and fills of between 10 to 85 feet of graded soil in the low portions of the site. The northern ridgeline (with an elevation up to 655 feet) would be significantly reconfigured. Most of the existing ridgeline would be graded and re-contoured, with the crest of the ridge shifted towards the north and graded to conform to the topography on the north facing side of the hill. No building pads would be located along the northern ridgeline separating the site from the existing City limits. A partially buried water tank would be added at the top of the hill on the northern boundary of the site; the tank would be located partly on the adjacent off-site parcel. The entire graded site would be re-contoured in order to accommodate new housing pads, a 20-foot-wide graded bench along the perimeter of the developed area, and 3:1 engineered slopes extending below the new water tank.

Three stormwater detention basins are included in the preliminary grading plan, with two located

on the east side of the site along Kirker Pass Road and a third located on the off-site parcel to the northwest of the proposed development area. Construction of these basins would require grading to recontour the eastern end of the ridge along the southern boundary of the project site and the north-facing slope above the proposed off-site basin. The preliminary grading plan and the location of the off-site detention basin is provided in **Figure 5, Off-Site Plan**.

Access to the proposed project site would be by way of two new roadways connecting to Kirker Pass Road. The main access would be located roughly at the center point of the project frontage, approximately 1,000 feet south of the present City limit, and would include a traffic signal. This intersection would eventually be a four-way intersection, directly aligned with the planned James Donlon expressway (formerly known as the Buchanan Road Bypass). The secondary access would be located approximately 400 feet further south along Kirker Pass Road. New storm drainage infrastructure, including drainage inlets and piping, would be installed in the proposed roadways on the project site to connect developed areas to the drainage basins.

Utility infrastructure required for the project would include new water, sanitary sewer, and electrical lines. These would be installed within the right of way along Kirker Pass Road and would connect to existing utilities at the Pittsburg City limit.

No architectural design review plans have been submitted at this time, and the future design of the units would be subject to design review approval by the Pittsburg Planning Commission. For the purpose of this analysis, it was assumed that the proposed project would be completed and occupied by 2015.

2. Surrounding land uses and environmental setting:

   The project site is bounded on the west by undeveloped hillside grazing land that includes an existing Pacific Gas & Electric (PG&E) transmission line corridor and on the east by Kirker Pass Road, also with undeveloped hillside grazing land beyond. Hillside grazing land is also located to the south of the project, and to the north is a grassy ridgeline with older residential subdivisions beyond. As mentioned above, the planned alignment of the James Donlon Expressway (formerly the Buchanan Road Bypass) would intersect with Kirker Pass Road at the main intersection accessing the project site, creating a four way signalized intersection.

3. Discretionary approval authority and other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement):

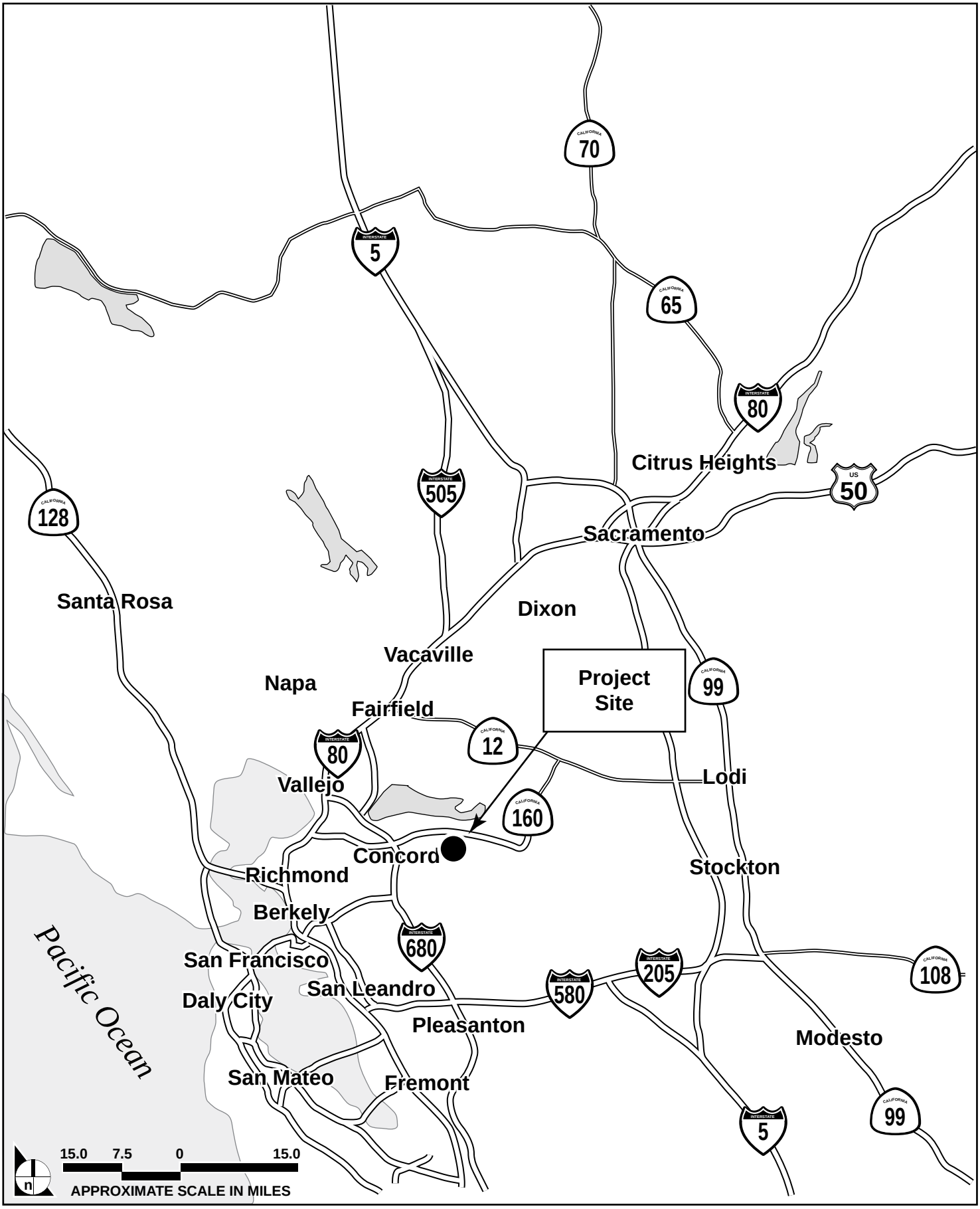
   Necessary project actions and approvals are anticipated to include, but are not limited to, consideration of the following by the City Council and/or Planning Commission :

   - Certification of the Montreux Residential Subdivision Project EIR
   - Approval of a Vesting Tentative Map (Subdivision No. 8279)
   - Annexation of the project area in to the City limits, CCWD Service Area, and DDSD Service Area
   - Rezoning of the site from its current pre-zoning designation of HPD to RS-6

- Design Review Approval
- Development Agreement

Other public agencies whose approval may be required include:

- Contra Costa Local Agency Formation Commission (LAFCO) for annexation to the City of Pittsburg, annexation into the CCWD Service Area, and annexation into the DDSD Service Area
- City of Pittsburg Planning Commission (Design Review)
- California Department of Fish and Wildlife (Lake/Streambed Alteration Agreement – Fish and Game Code Section 1600 - for change in the state of stream, including land construction across natural streambed, which affects fish or wildlife resource)
- California Regional Water Quality Control Board (Section 401 Water Quality Certification (if the project requires a US Army Corps of Engineers Section 404 permit)
- US Army Corps of Engineers (Nationwide Section 404 Discharge Permit: discharge of fill material into "Waters of the United States," including wetlands)

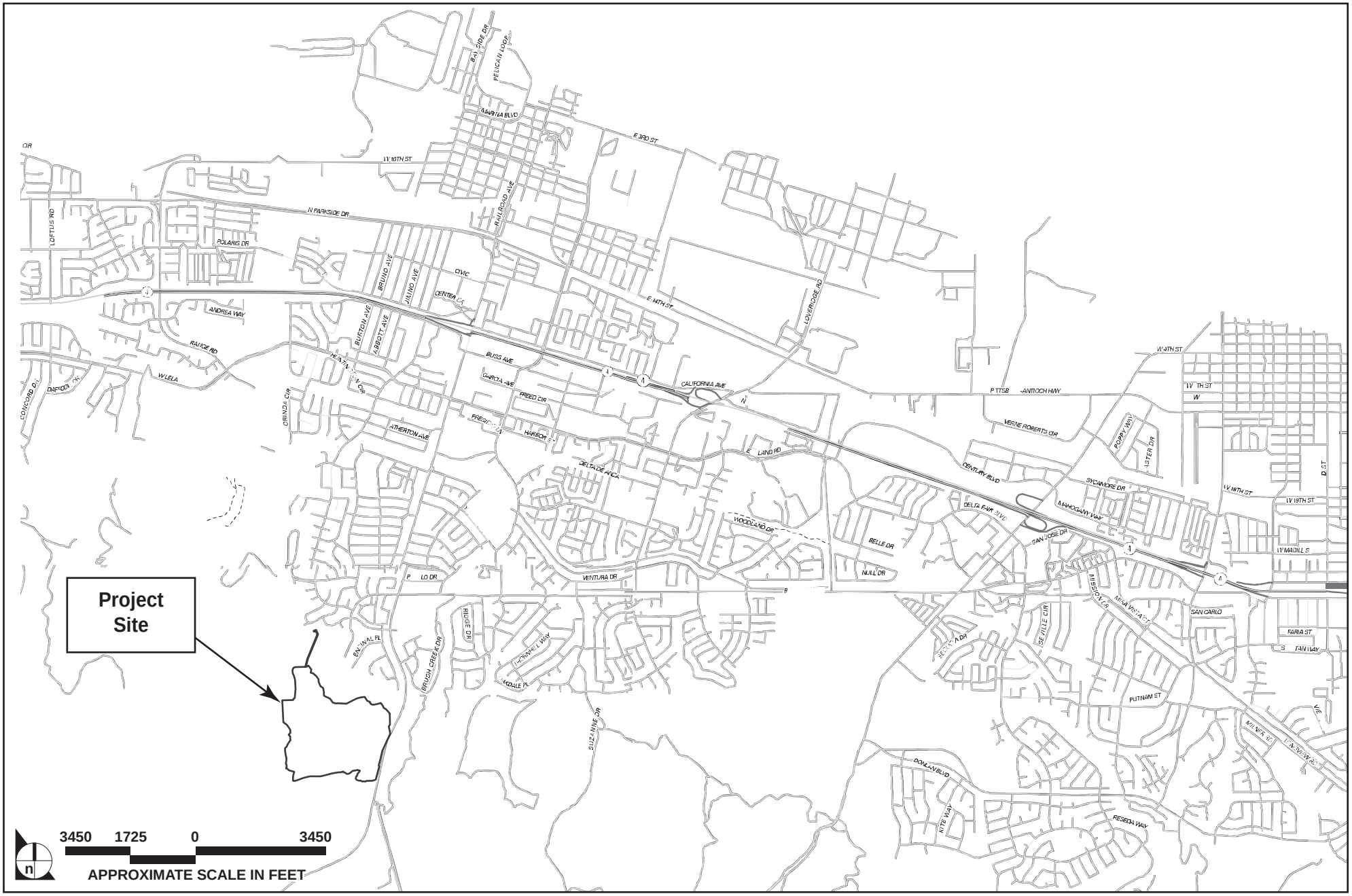


SOURCE: Impact Sciences, Inc. – October 2011

FIGURE **1**

Regional Location

884-05•10/11

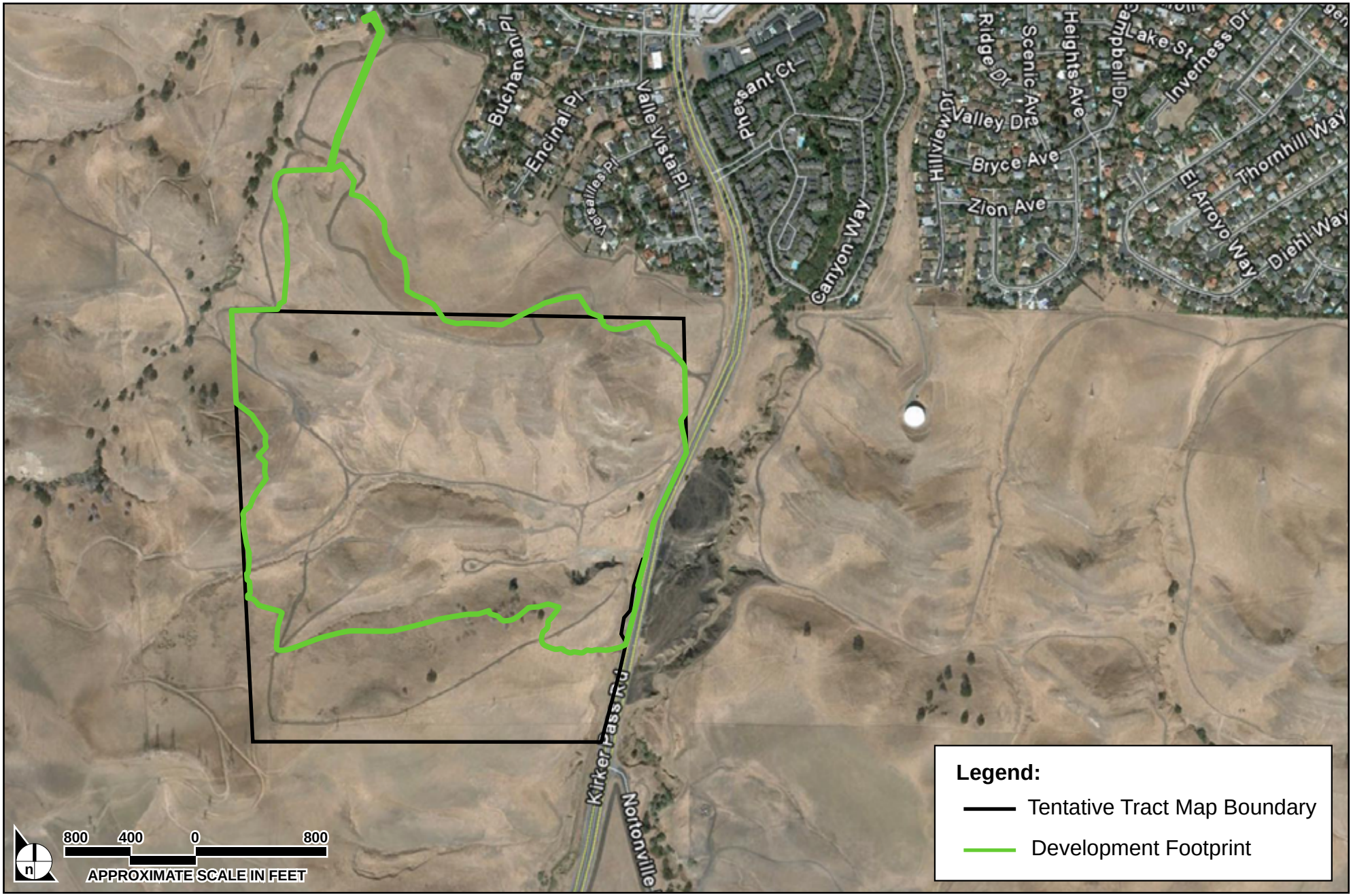


SOURCE: Google Earth – October 2011

FIGURE **2**

Project Vicinity

884-05•03/13

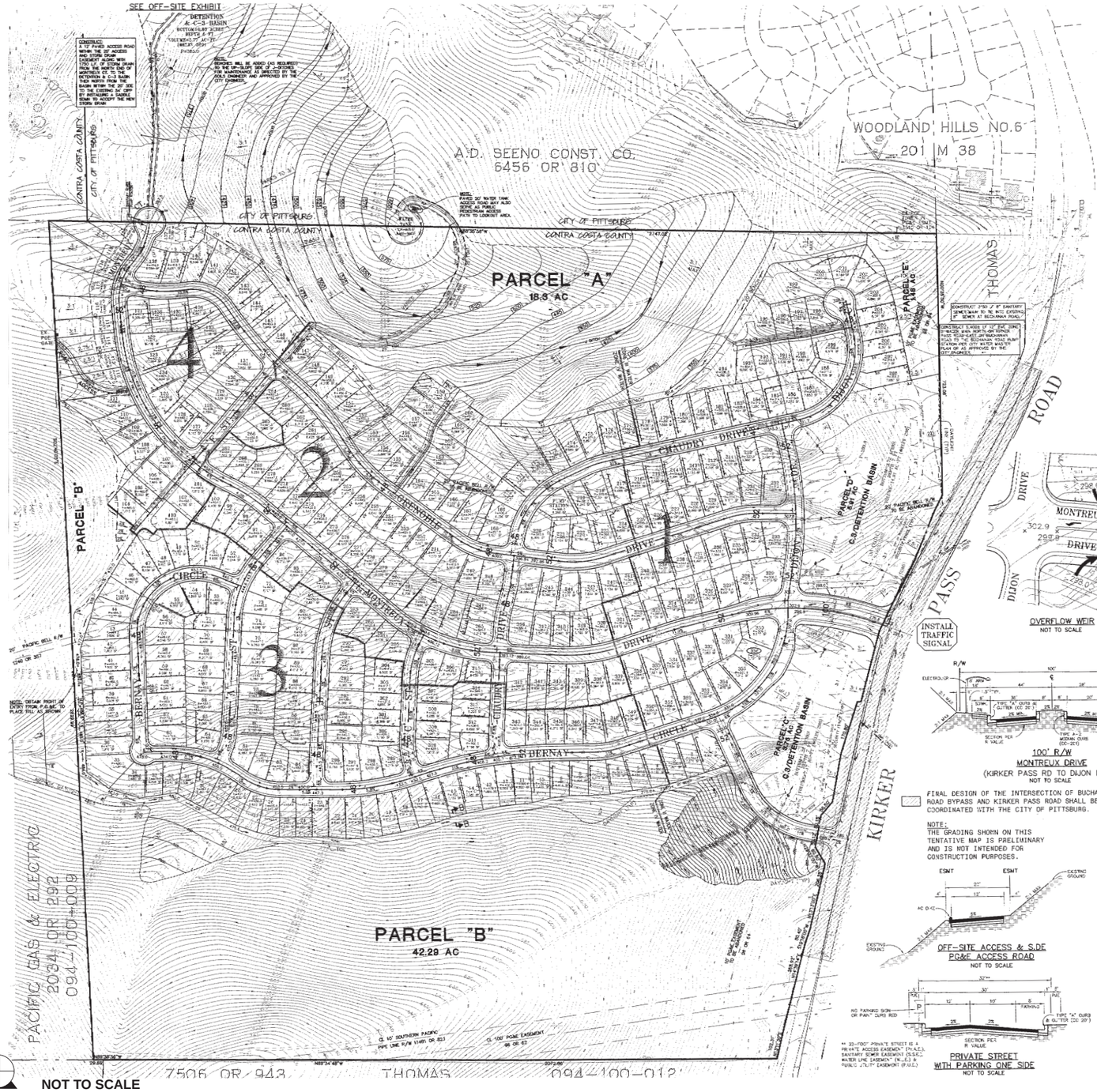


SOURCE: Google Earth – October 2011

FIGURE **3**

Project Site Aerial

884-05•03/13



GENERAL NOTES:

1. OWNERS: ALTEC HOMES INC.
4061 PORT CHICAGO HIGHWAY
CONCORD, CA. 94520
(925) 682-6419

SEECON FINANCIAL & CONST. INC.
4021 PORT CHICAGO HIGHWAY
CONCORD, CA. 94524-4113
(510) 671-7711

EXISTING LAND USES: GRAZING
2. EXISTING GENERAL PLAN: LOW DENSITY RESIDENTIAL
3. PROPOSED ZONING: RS-6
4. TOTAL AREA: 148.34 ACRES
NUMBER OF LOTS PROPOSED: 356
5. MINIMUM LOT SIZE: 6,000 SQUARE FEET
6. AVERAGE LOT SIZE: 7,668 SQUARE FEET
9. GROSS DENSITY: 2.4 DWELLING UNITS PER ACRE
10. PARCELS:

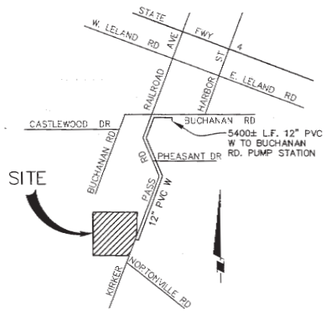
PARCEL A	17.54 ACRES
PARCEL B	42.29 ACRES
PARCEL C	3.83 ACRES
PARCEL D	5.54 ACRES
PARCEL E	1.46 ACRES
TOTAL OPEN SPACE	71.48 ACRES

11. WATER SUPPLY: CITY OF PITTSBURG/WITHIN ZONE III
   A. WATER TANK AND FACILITIES INCLUDING PUMP STATION AND ACCESS ROAD TO BE DEDICATED TO THE CITY OF PITTSBURG.
   B. FIRE HYDRANTS WILL BE PLACED AT THE END OF EACH CUL DE SAC.
   C. 12" ZONE III TRANSMISSION LINE SHALL HAVE NO RESIDENTIAL SERVICES.
12. SEWAGE: DELTA DIABLO SEWER DISTRICT / CITY OF PITTSBURG
   A. LOTS WITH PAD ELEVATIONS LOWER THAN THE ADJACENT SEWER MANHOLE RIM FIT SEWER LATERAL WITH BACKWATER OVERFLOW DEVICE (TYPE 2) CCCSD DWG-23.
13. CONTOURS: 5' INTERVALS
14. ASSESSORS PARCELS: 088-020-009, 011, 014 & 015
15. THIS TENTATIVE MAP CAN BE RECORDED IN MULTIPLE PHASES PER SEC. 66456.1 OF THE SUBDIVISION MAP ACT
16. BASIS OF BEARINGS: THE SOUTH LINE OF THE SOUTHEAST 1/4 OF SECTION 30 T2N, R2E, M.D.B.&M. AS SHOWN ON THE RECORD OF SURVEY FILED IN BOOK 100 LSM 20 TAKEN AS NORTH 89°34'48" WEST
17. BASIS OF ELEVATION: CONTRA COSTA COUNTY BENCHMARK #3534- BRASS DISK SET IN TOP SOUTH END OF EAST HEADWALL ALONG KIRKER PASS ROAD, 0.2 MILES NORTHEAST OF THE INTERSECTION OF KIRKER PASS ROAD AND NORTONVILLE ROAD RAD 29 ELEVATION = 289.46

SCALE: 1"=100'

LEGEND:

- PROJECT BOUNDARY
- RIGHT-OF-WAY LINES
- PROPERTY LINES
- DAYLIGHT LINES
- 236 — LOT NUMBER
- PAD GRADE
- LOT DIMENSION
- SS — 8" SEWER LINE, & DIRECTION
- SEWER MANHOLE
- SD — STORM DRAIN LINE
- STORM DRAIN MANHOLE
- STORM DRAIN CATCH BASIN
- W — 8" WATER LINE
- WATER BLOW OFF
- 1400 — NEW CONTOUR
- MASONRY RETAINING WALL
- NEW SLOPE
- CENTERLINE OF DITCH & DIRECTION
- 3.2% — STREET GRADE & DIRECTION
- STREET GRADE
- 6' MASONRY WALL (SUBJECT TO ACOUSTICAL STUDY)
- 2 — PHASE NUMBER



5400± L.F. 12" PVC W TO BUCHANAN RD. PUMP STATION

VICINITY MAP & OFFSITE WATER DETAIL
NTS

OVERFLOW WEIR
NOT TO SCALE

48' R/W
PUBLIC STREET
NOT TO SCALE

TYPICAL CORNER LOT GRADING
NOT TO SCALE

100' R/W
MONTREUX DRIVE
(KIRKER PASS RD TO DIJON DRIVE)
NOT TO SCALE

52' R/W
MONTREUX DRIVE
NOT TO SCALE

TYPICAL LOT SECTION A-A
NOT TO SCALE

TYPICAL LOT GRADING
NOT TO SCALE

FINAL DESIGN OF THE INTERSECTION OF BUCHANAN ROAD BYPASS AND KIRKER PASS ROAD SHALL BE COORDINATED WITH THE CITY OF PITTSBURG.

NOTE:
THE GRADING SHOWN ON THIS TENTATIVE MAP IS PRELIMINARY AND IS NOT INTENDED FOR CONSTRUCTION PURPOSES.

OFF-SITE ACCESS & S.D.E.
PG&E ACCESS ROAD
NOT TO SCALE

TYPICAL SECTION
KIRKER PASS ROAD
NOT TO SCALE

TYPICAL LOT (UPHILL SPLIT) DETAIL
NOT TO SCALE
NOTE: SLOPES UNDER STRUCTURES MAY BE 1 TO 1.

TYPICAL LOT SECTION A-A (UPHILL SPLIT)
NOT TO SCALE

PRIVATE STREET
WITH PARKING ONE SIDE
NOT TO SCALE

SECTION B-B
DEBRIS BENCH DETAIL
NOT TO SCALE

WATER TANK
ACCESS ROAD
NOT TO SCALE

RECEIVED
SEP 28 2012
PLANNING DIVISION

SOURCE: Isakson & Associates, Inc. – September 2012

FIGURE **4**

Conceptual Site Plan

884-05•03/13

RECEIVED
SEP 2 8 2012
PLANNING DIVISION

REGENCY
KINGSWOOD
EX. 54" CIPP
CONST. SADDLE SDMH
EX. 6"SS
CASTLEWOOD DR.
EXISTING HANDFORMED ROCK RIP-RAP HEADWALL INV. 214.50 TW 224.00
16% MAX
12' ACCESS ROAD & SDE
20' ACCESS ESMT.
CB 295.0
CB 342.0
SCALE: 1"=100'
60' WIDE PGE ESMT. PER 2727 OR 183
℄ PGE ESMT. (50 WIDE) LOCATED BY CENTERLINE OF EXISTING TOWERS
2.5:1
4%
DB OUTLET STRUCTURE
0.05%
DETENTION & C-3 BASIN
BOTTOM=0.83 ACRES
DEPTH 6 FT
VOLUME=3.77 AC-FT
(@ELEV 369)
P=365.0
3:1
CONSTRUCT:
A 12' PAVED ACCESS ROAD WITHIN THE 20' ACCESS AND STORM DRAIN EASEMENT ALONG WITH 1750 L.F. OF STORM DRAIN FROM THE NORTH END OF MONTREUX CT. TO THE DETENTION & C-3 BASIN THEN NORTH FROM THE BASIN WITHIN THE 20' SDE TO THE EXISTING 54' CIPP BY INSTALLING A SADDLE SDMH TO ACCEPT THE NEW STORM DRAIN
A.D. SEENO CONST. C
6456 OR 810
CONTRA COSTA COUNTY
CITY OF PITTSBURG
SANITARY SEWER PUMP STATION
CT.
FH
387.5
400
425
450
475
500
525
550
575
600
J DITCH
VARIES TO 3:1
WATER TANK
TOR=605.0
BASE=584.0
N88°35'58"W
2.65:1
BENCH
20'

NOT TO SCALE

SOURCE: Isakson & Associates, Inc. – September 2012

FIGURE **5**

Off-Site Plan

0884.005•02/13

III. ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

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

- ■ Aesthetics
- □ Agriculture and Forestry Resources
- □ Air Quality
- □ Biological Resources
- □ Cultural Resources
- ■ Geology and Soils
- □ Greenhouse Gas Emissions
- □ Hazards and Hazardous Materials
- □ Hydrology/Water Quality
- □ Land Use/Planning
- □ Mineral Resources
- □ Noise
- □ Population and Housing
- ■ Public Services
- □ Recreation
- □ Transportation/Circulation
- □ Utilities/Service Systems
- ■ Mandatory Findings of Significance

IV. DETERMINATION

On the basis of the initial evaluation that follows:

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

□ I find that although the proposed project could have a significant effect on the environment, there would not be a significant effect in this case because revisions in the project have been made that would avoid or reduce any potential significant effects to a less than significant level. A MITIGATED NEGATIVE DECLARATION will be prepared.

■ I find that the proposed project MAY have a significant effect on the environment. An ENVIRONMENTAL IMPACT REPORT will be prepared.

Signature Date

3-29-13

Kristin Pollot, Associate Planner.

Printed Name, Title

V. CONSISTENCY WITH EXISTING PLANS AND POLICIES

State CEQA guidelines Section 15063(d)(5) state that the Initial Study shall contain an evaluation of whether the project would be consistent with existing zoning, plans, and other applicable land use controls. This section includes a discussion of the proposed project's consistency (or inconsistency) with the following:

- City of Pittsburg General Plan and Zoning Ordinance
- Pittsburg Voter Approved Urban Limit Line (Measure P)
- Cortese Knox Hertzberg Local Government Reorganization Act of 2000 (Updated 2007)
- Regional Plans

City of Pittsburg General Plan and Zoning Ordinance

The City of Pittsburg General Plan was adopted in 2001. The project site is located within the Woodlands land use subarea, and is designated for low-density residential and open space land uses. The Land Use Element of the General Plan includes the project site in the Woodlands subarea and designates the site for Low Density Residential and Open Space land uses (Figure 2-4h), consistent with the proposed Vesting Tentative Map. The following Pittsburg General Plan policies are relevant to the project site:

> ***2-P-73*** *Allow Low Density Residential development in selected areas along Kirker Pass Road and other valley floors as appropriate, under the following criteria:*
>
> - *Permanent greenbelt buffers be established to encompass: 1) the southerly 1/5 (approximately) of the Montreux property; and 2) the area south of the existing PG&E transmission corridor and south of the final alignment of the Buchanan Road Bypass, just east of Kirker Pass Road;*
> - *Natural topography be retained to the maximum extent feasible, and large-scale grading discouraged;*
> - *No development on minor and major ridgelines (as identified in Figure 4-2), with residential construction on flatter natural slopes encouraged;*
> - *Development designed and clustered so as to be minimally visible from Kirker Pass Road;*
> - *Creeks and adjacent riparian habitat protected;*
> - *An assessment of biological resources completed; and*
> - *Be limited to a maximum density of 3.0 du/ac.*
>
> ***2-P-75*** *Cluster new residential development within the hills to maximize preservation of open space resources and viewsheds.*

The use of the land for residential use is consistent with the Land Use Element designations in the Pittsburg General Plan, and the increase in population would not be substantial in that it was planned for

and considered in the General Plan. The prezoning designations for the project site include HPD (Hillside Planned Development) and OS (Open Space) Districts. With the approval of the proposed change from HPD to RS-6 (Single-Family Residential, 6,000 sq. ft. Minimum Lot Size), the proposed project would be consistent with the City of Pittsburg Zoning Ordinance.

Annexation and subdivision of the site for residential use would be consistent with the existing Pittsburg General Plan and the change in zoning designation from HPD to RS-6 would be consistent with the intent to cluster residential land uses in the lowland areas while preserving hillside areas for open space. As reflected in General Plan policy 2-P-73, the Memorandum of Understanding (MOU) (May 3, 2006) between Altec Homes, Inc., Albert D. Seeno III and Albert D. Seeno, Jr. and the City of Pittsburg (see **Appendix A**), calls for the creation of a greenwall (defined as open space with no water or sewer services passing through) on the southern 20 percent (approximately) of the project site. The proposed Vesting Tentative Map (Subdivision No. 8279) includes 42.29 acres (parcel 'B') of the undeveloped land to provide the required greenwall, which would effectively separate the proposed residential uses from grazing and agricultural activities on properties within the County and south of the project site.

Pittsburg Voter Approved Urban Limit Line (Measure P)

In 2005, Pittsburg voters approved the "City of Pittsburg Voter Approved Urban Limit Line and Prezoning Act (Measure P)," which established the City of Pittsburg Urban Limit Line (ULL) along the southern boundary of the project site. The text of Measure P established the City of Pittsburg Voter Approved ULL in order to comply with the purposes of Measure J (Contra Costa's Transportation Sales Tax Expenditure Plan) to ensure the preservation and protection of non-urban land (including agricultural, open space and parkland) by establishing a line beyond which urban development is prohibited. Measure P included prezoning of the site for HPD and OS. Section 7 (Amendments) of Measure P states that the ULL may only be changed by a vote of the voters at a city election, but the approved prezoning could be changed by either a subsequent vote of the voters at a city election or by a majority vote of the City Council.

The voter approved ULL and southern greenbelt area (parcel 'B') would ensure that the project would not result in unforeseen and substantial indirect population growth through the extension of utility infrastructure beyond the ULL. The implementation of **Mitigation Measure LUP-1** (as discussed in **Subsection VI.10**, below) would further ensure that the proposed project is consistent with the voter approved Measure P, and would ensure the permanent dedication of the southern portion of the site as open space.

Cortese Knox Hertzberg Act Policies (Relevant Excerpts)

> ***56741****. Territory may not be annexed to a city unless it is located in the same county. Unless otherwise provided in this division, territory may not be annexed to a city unless it is contiguous to the city at the time the proposal is initiated pursuant to this part. Territory incorporated as a city shall be located within one county and, except as otherwise provided in Section 56742, shall be contiguous with all other territory being incorporated as a city.*

Consistency Analysis: The project site is located entirely within the same county (Contra Costa) as the City of Pittsburg and is contiguous with the existing southern City Limits of Pittsburg.

> ***56744**. Unless otherwise determined by the commission pursuant to subdivision (m) of Section 56375, territory shall not be incorporated into, or annexed to, a city pursuant to this division if, as a result of that incorporation or annexation, unincorporated territory is completely surrounded by that city or by territory of that city on one or more sides and the Pacific Ocean on the remaining sides.*

Consistency Analysis: The project site is contiguous with the existing southern City Limits of Pittsburg and the annexation of the site would not result in any unincorporated land remaining surrounded by the City Limits.

> ***56749**. (a) The commission shall not approve or conditionally approve a change of organization or reorganization that would result in the annexation to a city of territory that is within a farmland security zone created pursuant to Article 7 (commencing with Section 51296) of Chapter 7 of Division 1 if that city provides or would provide facilities or services related to sewers, nonagricultural water, or streets and roads, unless the facilities or services provided by the city benefit land uses that are allowed under a farmland security zone contract and the landowner consents to the change of organization or reorganization. However, this subdivision shall not apply under any of the following circumstances:*
>
> *(1) If the farmland security zone is located within a designated, delineated area that has been approved by the voters as a limit for existing and future urban facilities, utilities, and services.*
>
> *(2) If annexation of a parcel or a portion of a parcel is necessary for the location of a public improvement, as defined in Section 51290.5, except as provided in subdivision (f) or (g) of Section 51296.*
>
> *(3) If the landowner consents to the annexation.*
>
> *(b) This section shall not apply during the three-year period preceding the termination of a farmland security zone contract under Article 7 (commencing with Section 51296) of Chapter 7 of Part 1 of Division 1.*

Consistency Analysis: The active Williamson Act contract has a filed nonrenewal with an expiration date of January 2016. The City will require that the proposed project comply with the contractual requirements of the nonrenewal processing order to ensure that the property tax benefits received under the Williamson Act contract are phased out accordingly (for further discussion, see **Subsection IV.2.b**, below). In accordance with the Voter Approved Urban Limit Line (Measure P), the project site is within an area designated for urban development. The southern portion of the site (designated OS) has been identified as a limit for existing and future urban services and is adjacent to the voter approved ULL.

> ***57329**. (a) If unincorporated territory was, or is hereafter, annexed to a city, all roads and highways or portions of a road or highway in the territory which had been accepted into the county road system pursuant to Section 941 of the Streets and Highways Code are, or shall become, as the case may be, city streets on the effective date of the annexation.*
>
> *(b) Subdivision (a) does not apply to a road or highway which had been accepted into the county road system pursuant to Section 941 of the Streets and Highways Code after the date of the first*

> *signature on a petition for annexation or incorporation, the adoption of a resolution of application by an affected local agency, or a date mutually agreed upon by the city and the county.*
>
> *(c) Nothing in subdivision (a) requires a city to improve the affected road or highway to city standards.*

Consistency Analysis: The project site includes a segment of Kirker Pass road passing through the site. In accordance with California Government code section 57329, the City will assume responsibility of this segment of Kirker Pass road and it shall become a City street upon effective annexation into the City Limits. Once the segment of Kirker Pass road becomes a City street, the City shall assume maintenance responsibilities and any further modifications to the roadway comply with the City roadway standards.

Applicable Contra Costa LAFCO Annexation Policies

> *The statutory goals of the LAFCO include the promotion of orderly growth and development by determining logical local boundaries [§56001], preservation of open space by encouraging development of vacant land within cities before annexation of vacant land adjacent to cities [§56377(b)], and preservation of prime agricultural land by guiding development away from presently undeveloped prime agricultural lands [§56377(a)].*

Consistency Analysis: The proposed annexation of the project site into the City of Pittsburg, CCWD, and DDSD services areas includes approximately 148 acres (71.48 as open space and 76.82 for residential development). The project is located within the City of Pittsburg's planning area, SOI, and voter approved ULL and was considered in the buildout horizon of the City of Pittsburg General Plan through 2020. Future water demand estimates in the CCWD Urban Water Management Plan (UWMP) (2010) includes buildout of the City of Pittsburg. Implementation of mitigation measures contained in this study would ensure that all necessary documentation required by the CCWD for its application for inclusion of the project site in the Central Valley Project (CVP) is completed prior to construction of the proposed new residential dwellings (see **Subsection VI.17.b**, below, for further details).

The City of Pittsburg is responsible for the wastewater collection system from the project site to the Rossmoor Bypass Sewer (the designated DDSD regional wastewater conveyance facility), which is located west of the intersection of Frontage Way and Dover Way in Pittsburg. The regional conveyance facilities transport wastewater to the DDSD Wastewater Treatment Plant located at 2500 Pittsburg-Antioch Highway, in Antioch. The wastewater is then treated, with secondary level treated effluent either discharged through a deep-water outfall to New York Slough, or further processed through the District's Recycled Water Facility to tertiary Title 22 recycled water standards and distributed for reuse.

The DDSD Wastewater Treatment Plant National Pollutant Discharge Elimination System (NPDES) permit allows an average dry weather flow of 16.5 million gallons per day (mgd) and the DDSD has wastewater conveyance and treatment facilities planned and under construction to increase system capacity. The DDSD collects Capital Facility Capacity Charges to build capacity as it is consumed by new connections. Capacity is provided through facilities constructed by the DDSD as prescribed in the Conveyance and Treatment Master Plan. According to Pittsburg sewer collection system planning documents, the project site is located in sewer basin DS422N. The 2004 DDSD Conveyance and Wastewater Treatment Master Plan utilized information from 2002 Pittsburg documents, which projected 202 new single-family homes in this sewer basin. In the City of Pittsburg 2007 Wastewater Collection System Master Plan (Amendment No. 2), the projection was increased to 300 new single-family homes in

this sewer basin. A recent update to the DDSD conveyance master plan was completed in 2010 and an update to the wastewater treatment master plan is underway. These recent DDSD planning documents used a projection of 360 new single-family homes for the sewer basin (based on the Pittsburg Planning Department's most current available information in 2009), which the project proposal, at 356 single-family homes, would be in compliance with (see **Subsection VI.17.b**, below, for further details).

The City of Pittsburg has prezoned the project site for residential and open space uses, and the proposed project is consistent with those planned land uses. In accordance with Measure P (voter approved ULL) an MOU signed by the developer and the City of Pittsburg requires the developer to dedicate the lower 20 percent of the site for permanent open space with no utility services to extend further south beyond the ULL. This open space buffer on the southern portion of the site will buffer future residents from continued agricultural use of the grazing lands south of the City. Proposed **Mitigation Measure LUP-1** (as discussed in **Subsection VI.10** below), would ensure the permanent dedication of the southern portion of the site as open space, consistent with the intent of Measure P and the MOU. The site is currently used for grazing land, and is not identified as prime farmland. Development of the site as proposed would allow for the conversion of grazing land to residential land, but would not impede grazing on remaining agricultural lands south of the City.

> *Territory for which an annexation is proposed should be within the adopted SOI of the annexing agency. If not, an SOI amendment will be required prior to consideration of the annexation. Territory for which an annexation is proposed should be within the area shown as the 5-year SOI-Urban Service Area in the adopted SOI of the annexing agency. Annexations proposed for territory beyond the 5-year SOI-Urban Service Area usually will be denied unless overriding reasons demonstrate need for the annexation at the present time. Whenever feasible, annexation to all agencies that are expected to provide urban services to the area should be submitted at the same time.*

Consistency Analysis: The project site is within the existing City of Pittsburg SOI, General Plan Planning Area, and ULL, and would be consistent with existing pre-zoning designations.

> *Annexation proposals should avoid creation of "islands" or corridors of territory not served by the annexing agency, and boundaries that are not definite and certain or do not conform to lines of assessment or ownership. The Commission's approval of boundary change proposals containing split parcels will typically be subject to a condition requiring the recordation of a parcel map, lot line adjustment or other instrument to avoid creating remnants of legal lots.*

Consistency Analysis: In order to ensure no islands are created by the annexation, the City of Pittsburg would include annexation of a portion of Kirker Pass Road as it passes through the project site. Annexation of the entire site would include land contiguous with the City of Pittsburg and within the ULL.

> *Territory to be annexed by a city shall be pre-zoned by the city. A map submitted by the proponents should show all zoning designations for the territory to be annexed.*

Consistency Analysis The project site is currently pre-zoned for open space and residential uses. The proposed annexation and change in residential pre-zoning from HPD to RS-6 would be consistent with the planned residential and open space designations for the site, and approval by the Pittsburg City Council of these zoning changes is permitted in the provisions of Measure P.

Regional Plans

The regional policies and regulations associated with the proposed project include, but are not limited to: the Contra Costa Transportation Authority's (CCTA) Countywide Comprehensive Transportation Plan (including the 2004 Update-Measure J), the Bay Area Air Quality Management District's (BAAQMD) 2010 Clean Air Plan (CAP), the East Contra Costa County Habitat Conservation Plan/Natural Communities Conservation Plan (HCP/NCCP), and the Contra Costa municipal stormwater NPDES Countywide permit. Approval of the proposed project is subject to the requirements of these regional plans, and the project's consistency is further evaluated in **Subsections IV.3 (Air Quality), IV.4 (Biological Resources), VI.7 (Greenhouse Gas Emissions), IV.9 (Hydrology and Water Quality), and IV.16 (Transportation and Traffic)**.

VI. EVALUATION OF ENVIRONMENTAL IMPACTS

During the completion of the environmental evaluation, the City relied on the following categories of impacts, noted as column headings in the IS checklist. All impact determinations are explained, and supported by the information sources cited.

A) "Potentially Significant Impact" is appropriate if there is substantial evidence that the project's effect may be significant. If there are one or more "Potentially Significant Impacts" for which effective mitigation may not be possible, a Project EIR will be prepared.

B) "Less Than Significant With Mitigation Incorporated" applies where the incorporation of project-specific mitigation would reduce an effect from "Potentially Significant Impact" to a "Less Than Significant Impact." All mitigation measures must be described, including a brief explanation of how the measures would reduce the effect to a less than significant level.

C) "Less Than Significant Impact" applies where the project would not result in a significant effect (i.e., the project impact would be less than significant without the need to incorporate mitigation).

D) "No Impact" applies where the project would not result in any impact in the category or the category does not apply. This may be because the impact category does not apply to the proposed project (for instance, the project site is not within a surface fault rupture hazard zone), or because of other project-specific factors.

Impact Questions and Responses

Issues	Potentially Significant Impact	Less than Significant with Project Mitigation	Less Than Significant Impact	No Impact
1. AESTHETICS – Would the project:				
a) Have a substantial adverse effect on a scenic vista?	☐	■		☐
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	☐	☐	■	☐
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	■	☐	☐	☐
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	■	☐	☐	☐

Discussion of Potential Project Impacts

a) ***Less Than Significant with Mitigation.*** The proposed Vesting Tentative Map and preliminary grading plan includes extensive changes to the existing topography through grading of the hillsides in the central portion of the site, with cuts of up to 75 feet along the slopes and fills of 10 to 85 feet of fill material in the lower portions of the site. The intermittent drainage on the east end of the valley, which has previously been subject to extensive fill (Moore 2013), would be altered from its existing condition by grading and the addition of more fill material. The northern ridgeline separating the site from the City of Pittsburg would be graded and re-contoured, although no building pads would be located along this ridgeline. A partially buried water tank would be added at the top of the hill on the northern boundary of the site and would be visible from off-site locations to the north in Pittsburg. The proposed project would ultimately include construction of up to 356 new residences (all below 475 feet in elevation), with associated roads, infrastructure, and detention basins. Some of the mass grading and construction of a detention basin would occur on the off-site parcel to the north (APN 089-010-010) and would be visible from locations in the City north of the project site, particularly Woodland Hills Park at the corner of Crestview Drive and Sunnyhill Way.

The proposed Vesting Tentative Map also includes the designation of 42.29 acres (parcel 'B') along the southern boundary of the site to remain as undeveloped open space land. This ridgeline along the southern boundary of the site has an elevation of up to 750 feet (within the project boundary) and is identified as a major ridgeline in the Pittsburg General Plan (2004). The General Plan considers views of major and minor ridgelines important, and General Plan Goal 4-G-1 requires the City to retain views of designated major and minor ridgelines within the southern hills. Since all of the homes within the development would be built below 475 feet in elevation, views of this ridgeline would be maintained. The ridgeline on the northern portion of the site is not designated as a major or minor ridgeline in the General Plan.

The Pittsburg General Plan does not designate any scenic vistas within the City; however, it does identify views of the "rolling, grassy hills to the south," which characterize the site, as important visual resources for the City. In addition, the Contra Costa County General Plan identifies as segment of Kirker Pass Road as a Scenic Route which is defined as a roadway that traverses a scenic corridor of relatively high visual or cultural value (CCC 2005). The proposed project site, including the area proposed for development, could be considered an element of broad scenic vistas of hills and open space visible from Kirker Pass Road; however, views into the site from Kirker Pass Road are fairly brief at typical travel speeds along this stretch of roadway. As stated above, the ridgeline along the northern boundary of the project site is visible from areas within the City of Pittsburg to the north, but the proposed development area is not visible from public viewpoints in the City.

Lastly, views from the southern hills in general, including views from the project site, include some vistas of the developed area of the City of Pittsburg and Suisun Bay beyond (Pittsburg 2004). There are no existing trails or other public viewing locations on the project site. Therefore, implementation of the proposed project would not negatively affect an outward view of a scenic vista. Also, because of intervening topography, the site is not generally visible from trails within the East Bay Regional Park District's (EBRPD) Black Diamond Mines Regional Preserve to the east.

> **IMPACT, AES-1:** Due to the site's proximity to and visibility from Kirker Pass Road, future residential development could negatively impact a visual resource for the City and a scenic corridor for the County, especially if the architectural design includes the use of high-contrast design elements such as light-colored stucco and reddish roof tile or roofing tones. These architectural elements tend to contrast with the natural grassland setting and could potentially distract from the natural settings by drawing attention away from key focal elements of the existing scenic vistas (i.e., existing grassland and adjacent hillsides, and ridgelines).
>
> **MITIGATION MEASURE, AES-1**: The architectural elevations and materials of the subdivisions (including roofing materials, exterior finishing, and trim palette) shall include natural, terrain-neutral colors and prohibit the use of brightly colored terra cotta or red clay roof tiles in order to limit potential visual contrast between the proposed development and the adjacent hillsides as determined acceptable by the Planning Commission through the design review process, as required by Pittsburg Municipal Code (PMC) section 13.50.100. The developer shall include Codes, Covenants, and Restrictions that prohibit or limit roofing color changes by future owners, in accordance with the Planning Commission design review approval.

b) ***Less than Significant Impact.*** The proposed project would involve the removal of existing rock outcrops on the northern portion of the site and several scattered mature oak and buckeye trees in the lower portions of the site. However, the project site is not adjacent to a state scenic highway (CSHP 2013) and does not contain other scenic resources as identified in the Pittsburg General Plan or any other land use plans; therefore, this impact is considered to be less than significant.

c) ***Potentially Significant Impact.*** The project site is characterized by rolling grassland; the only structures on-site are high-tension lines and towers within several utility line easements. The hilly terrain forms a broad Y-shaped valley, open to the eastern frontage along Kirker Pass Road where the valley floor is at least 1,000 feet wide. Several natural hills frame the valley, with two along the northern boundary, one just off-site to the south, and the others a short distance off-site to the west. Implementation of the proposed project would result in extensive changes to the topography below the northern ridgeline area, and would transform the undeveloped open land in the valley into a developed

and urbanized area as contemplated in the General Plan, thus substantially changing the existing character of the site. This represents a potentially significant impact and will be examined further as part of the EIR.

d) ***Potentially Significant Impact.*** Construction of the subdivision improvements and residential units would introduce new sources of nighttime light from streetlights and houselights. The increased night lighting would introduce urban light spill and glare to a dark, undeveloped area of open space, and would be noticeable to travelers on Kirker Pass Road. Because of the effect on the on-site and surrounding dark open spaces, the addition of night lighting could present a significant adverse effect from increased night lighting and glare. This is considered a potentially significant impact. This issue will be examined further as part of the EIR.

Discussion of Potential Cumulative Impacts

According to the Pittsburg General Plan EIR (2001), future development in the City of Pittsburg may block views of hills and major ridgelines and new development may alter the views of scenic vistas and the visual character of hillsides. However, with adherence to General Plan policies regulating development near ridgelines and on hillsides, this cumulative impact would be reduced to a less than significant level. Furthermore, the project site is visually isolated from surrounding development. Therefore, the proposed project would not combine with other existing and future development to result in significant cumulative impacts with regards to scenic vistas, prominent views, light and glare, and visual character of hillsides, and the contribution of the proposed project to cumulative visual impacts would not be cumulatively considerable.

Future development in the City of Pittsburg may result in significant cumulative impacts with regard to light and glare. Increased night lighting on the project site could combine with night lighting from development to the north to result in significant cumulative impacts. This issue will be addressed in the EIR.

Issues	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
2. AGRICULTURE AND FORESTRY RESOURCES – Would the project:				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	☐	☐	☐	■
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	☐	☐	☐	■
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)) or timberland (as defined in Public Resources Code section 4526)?	☐	☐	☐	■
d) Result in the loss of forest land or conversion of forest land to non-forest use?	☐	☐	☐	■
e) Involve other changes in the existing environment, which, due to their location or nature, could result in conversion of Farmland to non-agricultural use?	☐	☐	☐	■

Discussion of Potential Project Impacts

a) ***No Impact.*** Consistent with the current grazing uses of the site, the Farmland Mapping and Monitoring Program identifies the entire site as grazing land and no portion of the property is designated as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (FMMP 2010). The project would therefore not result in the conversion of Important Farmland to non-agricultural uses. There would be no impact with regard to this criterion.

b) ***No Impact.*** The property has an active Williamson Act Contract with non-renewal filed and an expiration date of January 2016 (CCC 2007). The proposed project would be required to comply with the contractual requirements of the non-renewal process in order to ensure that the property tax benefits received under the Williamson Act contract are preserved and phased out accordingly. While the Contra Costa County General Plan and Zoning maps designate the site for agricultural land use, the project site is included in the City of Pittsburg Planning Area, ULL, and SOI. Annexation and subdivision of the site for residential use would be consistent with the existing Pittsburg General Plan and the change in zoning designation from HPD to RS-6 would also be consistent with the Pittsburg General Plan designation of Low Density Residential for the site.

c & d) ***No Impact.*** The project site is currently prezoned HPD and OS and the proposed project includes annexation into the City and changing the prezoning designation of HPD to RS-6, consistent with the Pittsburg General Plan designation of Low Density Residential for the site. The project site does not contain forest or timberland and there would be no impact with regard to this criterion.

e) ***No Impact.*** See responses to **2.a** and **2.b**, above. The site itself does not include any Important Farmland and the undeveloped southern portion of the site (containing steep slopes) would provide a buffer between future residential uses on the site and grazing land located further south. Pittsburg General Plan policy 2-P-28 ensures that residential development in the southern hills is designed to minimize incompatibilities between grazing/agricultural activities and new residential areas.

In addition, Pittsburg General Plan policy 2-P-73 and the MOU between the applicant and the City of Pittsburg calls for the creation of a greenwall on the southern 20 percent of the project site. The proposed Vesting Tentative Map includes the required greenwall, which would effectively separate the proposed residential uses from grazing and agricultural activities on properties within the County and south of the project site. Kirker Pass Road provides a buffer between the project site and grazing lands to the east. The lands to the north and west would also continue to be used for grazing. Grazing on the surrounding lands would not include agricultural activities that could generate significant dust, odors, or noise, and thus would not be incompatible with proposed residential uses of the site or induce pressure to reduce or cease agricultural operations. There would be no impact with regard to this criterion.

Discussion of Potential Cumulative Impacts

No land in the City of Pittsburg planning area is designated as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (FMMP 2010). As a result, anticipated future development in Pittsburg, including future development of the proposed project, would not result in the loss of Important Farmland. Several parcels in the City's planning area are under Williamson Act contracts. Development of these areas could cause potentially significant cumulative impacts related to agricultural resources. However, these contracts are not for the purpose of protecting Farmland, as none exists in the City's planning area, and they apply to grazing land only. Removal of a portion of the project site from grazing uses would affect only a small proportion of the available grazing land in the region, and therefore the proposed project would not make a cumulatively considerable contribution to potential cumulative reduction in agricultural resources.

Issues	Potentially Significant Impact	Less than Significant with Project Mitigation	Less Than Significant Impact	No Impact
3. AIR QUALITY – Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:				
a) Conflict with or obstruct implementation of the applicable air quality plan?	☐	☐	■	☐
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation (e.g., induce mobile source carbon monoxide (CO) emissions that would cause a violation of the CO ambient air quality standard)?	☐	■	☐	☐
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is nonattainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	☐	☐	■	☐
d) Expose sensitive receptors to substantial pollutant concentrations?	☐	☐	■	☐
e) Create objectionable odors affecting a substantial number of people?	☐	☐	☐	■

Discussion of Potential Project Impacts

a) ***Less Than Significant Impact.*** The BAAQMD develops regional air quality management plans for the nine-county Bay Area Air Basin. These are based on air emissions inventories that are in turn based on data for existing and foreseeable future land uses from local general plans. Therefore, if a project is consistent with the local general plan, emissions from the project would have been accounted for in the applicable air quality plan.

The most recent plan adopted by the BAAQMD is the 2010 CAP. The 2010 CAP based its assumptions on forecasts contained in the Metropolitan Transportation Commission (MTC) Regional Transportation Plan 2030 (RTP 2030) for traffic growth,[1] which in turn was based on population growth projections found in the Association of Bay Area Governments' (ABAG) growth projections.[2] The MTC's RTP 2030 projected

1 Metropolitan Transportation Commission, *Regional Transportation Plan 2030*, (2005).

2 Association of Bay Area Governments, *2008 Regional Transportation Plan – Growth Projections by City*, (2008).

Pittsburg to be one of the top 10 cities in terms of population growth in the Bay Area between 2000 and 2030, with an increase of 42,431 residents over that period. The proposed project, using the most recent California Department of Finance (DOF) estimates, was assumed for this analysis to house approximately 1,157 people.[3] This would not exceed the MTC's projections. Therefore, the proposed project would not conflict with or obstruct implementation of BAAQMD air quality plans. The proposed project would have a less than significant impact with respect to this criterion.

b) ***Less Than Significant Impact with Mitigation.*** The emissions from the construction and operation of the proposed project were estimated to determine whether the project would result in a significant air quality impact. The *BAAQMD CEQA Air Quality Guidelines* provide quantitative thresholds for the evaluation of the significance of a project's construction and operational emissions; however, it should be noted that the BAAQMD's June 2010 adopted thresholds of significance were challenged in a lawsuit and on March 5, 2012, the Alameda County Superior Court issued a judgment finding that the Air District had failed to comply with CEQA when it adopted its thresholds. The court subsequently issued a writ of mandate ordering the District to set aside the thresholds and cease dissemination of them until the Air District had complied with CEQA. Considering the thresholds are the best information currently available and the retraction is likely to be temporary, the City of Pittsburg believes it would be prudent to evaluate the project based on those thresholds. The guidelines recommend that individual project impacts involving direct and/or indirect emissions from construction or operation that exceed the following thresholds be considered significant:

- 54 pounds per day of reactive organic gases (ROG);
- 54 pounds per day of nitrogen oxide (NOx);
- 82 pounds per day of particulate matter less than 10 microns diameter (PM10); and
- 54 pounds per day of particulate matter less than 2.5 microns diameter (PM2.5).

Construction Impacts

Construction activities have the potential to cause short-term significant impacts with respect to air quality standards. PM10 is the pollutant of greatest concern with respect to construction activities. The construction emissions associated with the proposed project were estimated using the URBEMIS2007 emissions estimator model. URBEMIS2007 is a program that calculates air emissions from land use sources and incorporates the CARB's EMFAC2007 model for on-road vehicle emissions and the OFFROAD2007 model for off-road vehicle emissions.

Site-specific or project-specific data were used in the URBEMIS2007 model where available. The project construction schedule was estimated using a tool developed by the San Joaquin Valley Air Pollution Control District. The number and types of construction equipment, vendor trips (e.g., transport of building materials), and worker trips were based on values provided in the URBEMIS2007 model. The existing project site is vacant; therefore, demolition would not occur prior to development. In addition, grading amounts were based on information from the project applicant. A maximum of 5 acres per day

[3] The reported average household size for Pittsburg is 3.25 persons per household. The proposed project would likely house fewer than this number. Therefore, this analysis is generally conservative and impacts would likely be less than what is reported in this document.

would be graded and/or excavated (e.g., cut and fill). For the purposes of this analysis, it was assumed that up to 10 acres per day would be disturbed to account for miscellaneous disturbances, such as travel over unpaved surfaces. For the calculation, it was assumed that the project contractor would implement the basic construction mitigation measures as detailed in Table 8.1 of the BAAQMD *CEQA Air Quality Guidelines* in order to meet the Best Management Practices threshold for fugitive dust. **Table 1, Estimated Construction Emissions**, shows the construction emissions that would occur from the proposed project. As shown in **Table 1**, construction emissions would not exceed any of the BAAQMD's thresholds of significance.

Table 1
Estimated Construction Emissions

	Emissions in Pounds per Day[1]					
Construction Year	**ROG**	**NOx**	**CO**	**SOx**	**PM10**	**PM2.5**
2014	9.15	44.98	72.18	0.07	2.87	2.63
2015	35.79	22.09	56.26	0.06	1.30	1.18
2016	35.44	20.16	52.80	0.06	1.14	1.03
2017	35.09	18.40	49.62	0.06	1.02	0.93
BAAQMD Threshold:	**54**	**54**	—	—	**82**	**54**
Exceeds Threshold?	NO	NO	—	—	NO	NO

Source: Impact Sciences, Inc. Emission calculations are provided in ***Appendix B***
Totals in table may not appear to add exactly due to rounding in the computer model calculations.
[1] *The PM10 and PM2.5 emissions are for the vehicle exhaust component only, as per the BAAQMD CEQA Air Quality Guidelines.*

Operational Impacts

Operational emissions would be generated by both stationary and mobile sources as a result of normal day-to-day activities on the project site after occupation. Stationary source emissions would be generated by the consumption of natural gas for space and water heating devices (including residential use water heaters and boilers). Mobile source emissions would be generated by the motor vehicles traveling to and from the project site.

The project would result in the construction of approximately 356 single-family homes, resulting in new vehicle trips to and from the site. According to BAAQMD, a project's operational emissions are considered to cause a significant impact to air quality in the region if they would exceed the BAAQMD thresholds of significance for the criteria pollutants. The operational emissions associated with the proposed project were estimated using the URBEMIS2007 model. URBEMIS2007 can estimate mobile and area source emissions associated with land uses specific to a given operational year and location. As discussed in the Agricultural Resources subsection above, the Williamson Act contract for the project site does not expire until 2016; however, although there would be a financial penalty required for development ahead of the expiration date, the Williamson Act contract does not prohibit development. In order to provide a "worst-case" analysis, the proposed project was assumed to be operational in 2018 and that date was used to estimate operational emissions. This represents a conservative analysis scenario, as the model assumes that emissions would be proportionally lower in each subsequent year due to operational efficiency requirements and technological improvements. Trip generation rates provided by

Abrams Associates Traffic Engineering[4] were used to estimate motor vehicle emissions. **Table 2**, **Estimated Operational Emissions**, shows the pollutant emissions associated with the proposed residential land use on the project site.

As shown in **Table 2**, operational emissions associated with implementation of the proposed project would not exceed the BAAQMD thresholds for significance for any pollutant. Projects that generate emissions below the thresholds of significance would not be considered to contribute a substantial amount of air pollutants to regional air quality.

Table 2
Estimated Operational Emissions

Emissions Source	Emissions in Pounds per Day					
	ROG	NOx	CO	SOx	PM10	PM2.5
Summertime Emissions[1]						
Mobile Sources	12.74	12.40	140.99	0.22	39.37	7.47
Area Sources	25.69	4.64	17.79	0.00	0.05	0.05
Summertime Emissions Total	**38.43**	**17.04**	**158.78**	**0.22**	**39.42**	**7.52**
BAAQMD Threshold	**54**	**54**	**—**	**—**	**82**	**54**
Exceeds Threshold?	NO	NO	NO	NO	NO	NO
Wintertime Emissions[2]						
Mobile Sources	12.30	18.50	144.63	0.19	39.37	7.47
Area Sources	22.82	4.46	1.90	0.00	0.01	0.01
Wintertime Emissions Total	**35.12**	**22.96**	**146.53**	**0.19**	**39.38**	**7.48**
BAAQMD Threshold	**54**	**54**	**—**	**—**	**82**	**54**
Exceeds Threshold?	NO	NO	NO	NO	NO	NO

*Source: Impact Sciences, Inc. Emission calculations are provided in **Appendix B**.*
Totals in table may not appear to add exactly due to rounding in the computer model calculations.
[1] *Summertime Emissions" are representative of the conditions that may occur during the ozone season (May 1 to October 31).*
[2] *Wintertime Emissions" are representative of the conditions that may occur during the balance of the year (November 1 to April 30).*

IMPACT, AIR-1: Although **Table 1, Estimated Construction Emissions**, indicates that construction emissions associated with the project would not exceed BAAQMD identified thresholds of significance, an assumption was used for the calculation that the project contract would implement the basic construction mitigation measures as detailed in Table 8.1 of the BAAQMD *CEQA Air Quality Guidelines* in order to meet the Best Management Practices threshold for fugitive dust. If the BAAQMD basic construction measures were not followed as assumed for the calculation output contained in Table 1, then the project could result in addition unanticipated construction related emissions, which would potentially exceed the thresholds identified above.

4 Abrams Associates Traffic Engineering, Inc., *Montreux Residential Project Subdivision 8279*, (2011). This document is included as **Appendix G**.

MITIGATION MEASURE, AIR-1: The project shall comply with the following BAAQMD basic construction mitigation measures:

A. All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.

B. All haul trucks transporting soil, sand, or other loose material off-site shall be covered.

C. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.

D. All vehicle speeds on unpaved roads shall be limited to 15 mph.

E. Building pads shall be laid immediately after grading unless seeding or soil binders are used.

F. Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage informing workers of this provision shall be provided for construction workers at all access points.

G. All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.

H. Post a publicly visible sign with the telephone number and person to contact at the Lead Agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.

MITIGATION MEASURE, AIR-2: The project applicant and/or contractor shall be limited to 10 acres of disturbed area per day within the project site. This applies to activities that would generate construction-related fugitive dust emissions on the project site, such as grading, excavation, and travel over unpaved surfaces.

c) ***Less Than Significant Impact.*** The San Francisco Bay Area Air Basin is in nonattainment of state and federal standards for ozone, and in nonattainment of the state standard for PM10. Ozone is formed in the atmosphere via chemical reactions of ROG and NO_2 in sunlight. Emissions of ROG are generated from combustion engines, such as those used in motor vehicles and construction equipment, and from architectural coatings and the use of solvents and cleaners. Emissions of NO_2 are generated principally from combustion engines such as those used in motor vehicles and construction equipment. Emissions of PM10 are generated by both construction activities, such as grading, as well as by motor vehicles traveling over paved and unpaved surfaces.

The BAAQMD *CEQA Air Quality Guidelines* state that BAAQMD emissions thresholds were developed such that emissions from an individual project that exceed the threshold would result in a cumulatively

considerable net increase of that criteria pollutant for which the project region is nonattainment. As emissions from this project are below the thresholds for all pollutants during both construction and operation (see **Table 1** and **Table 2**), the project would not result in a cumulatively considerable net increase of any criteria pollutant for which the project region is nonattainment under an applicable federal or state ambient air quality. As a result, no further analysis is required and no additional mitigation measures are required beyond the basic construction mitigation measures previously discussed.

d) ***Less Than Significant Impact.*** The BAAQMD *CEQA Air Quality Guidelines* provides screening criteria for the siting of sensitive receptors in relation to existing sources of Toxic Air Contaminants (TACs) such as highways or industrial facilities. The criteria recommend identifying all major roadways and stationary sources of TACs in the area surrounding the proposed project. If there are no such sources within 1,000 feet of the proposed project, no further analysis is needed for impacts from diesel particulate matter (DPM) or other TACs. The BAAQMD has also provided mapping tools for identifying and locating permitted sources of TACs within the jurisdiction of the BAAQMD.[5] According to the BAAQMD stationary source tool, the nearest stationary source of TACs is well over 2,000 feet from the proposed project site. The nearest major roadway is Highway 4, which is over 2 miles away. The project would therefore not expose future residential receptors of the project site to substantial concentrations of TACs. The impact would be less than significant.

e) ***No Impact.*** Land uses primarily associated with odorous emissions include waste transfer and recycling stations, wastewater treatment plants, landfills, composting operations, petroleum operations, food and byproduct processes, factories, and agricultural activities, such as livestock operations. The proposed project does not include any of these types of land uses. The residential land use associated with the proposed project is not expected to be a source of persistent odors. Construction of the project is temporary and is not expected to cause an odor nuisance. Refuse associated with operation of the proposed project would be disposed of in accordance with applicable regulations. In addition, the project is not located downwind and in close proximity to these sources of odors. Therefore, it is not anticipated the project residents would be adversely affected by off-site odorous emissions. Consequently, no significant impacts from odors are anticipated from the proposed project.

Discussion of Potential Cumulative Impacts

As previously discussed, if an individual project's emissions exceed BAAQMD thresholds, then the project's contribution to a cumulative impact would be considered significant. As shown in **Table 1** and **Table 2**, the project would not result in construction or operational emissions that exceed the BAAQMD thresholds of significance. Therefore, the project would result in a less than significant cumulative impact to air quality. Furthermore, as previously discussed, the project would not locate sensitive receptors in proximity to substantial off-site sources of TAC emissions. Therefore, the project would result in a less than significant cumulative impact to health risks.

5 The mapping tools are available from the BAAQMD website: http://www.baaqmd.gov/Divisions/Planning-and-Research/CEQA-GUIDELINES/Tools-and-Methodology.aspx.

Issues	Potentially Significant Impact	Less than Significant with Project Mitigation	Less Than Significant Impact	No Impact
4. BIOLOGICAL RESOURCES – Would the project:				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or US Fish and Wildlife Service?	☐	■	☐	☐
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Wildlife or US Fish and Wildlife Service?	☐	☐	☐	■
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	☐	☐	■	☐
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	☐	■	☐	☐
e) Conflict with any applicable policies protecting biological resources?	☐	■	☐	☐
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other applicable habitat conservation plan?	☐	■	☐	☐

Discussion of Potential Project Impacts

a) ***Less Than Significant with Mitigation.*** Based on a Biological Resources Report dated March 26, 20013 prepared by Moore Biological Consultants (see **Appendix C**), the project site, stormwater detention basin site, associated maintenance road corridor, and the surrounding area are primarily vegetated with annual grassland, vegetation, and include some wetlands. Removal of these habitats would not result in substantial adverse effects, either directly or through habitat modifications, to any candidate, sensitive, or

special status plant species due to lack of suitable habitat. However, removal of these habitats could result in substantial adverse effects, either directly or through habitat modifications, to some candidate, sensitive, or special status wildlife species due to the loss of potential habitat. These wildlife species include Swainson's hawk (*Buteo swainsoni*), which is listed as a California Threatened species, Burrowing Owl (*Athene cunicularia*), which is listed as a California Species of Special Concern, San Joaquin Kit Fox (*Vulpes macrotis mutica*), which is listed as a federally Endangered species and a California Threatened species, vernal pool fairy shrimp (*Branchinecta lynchi*), which is listed as a federally Threatened species, Conservancy fairy shrimp (*B. conservatio*), which is listed as a federally Endangered species, longhorn fairy shrimp (*B. longiantennna*), which is listed as a federally Endangered species, and vernal pool tadpole shrimp (*Lepidurus packardi*), which is listed as a federally Endangered species. Other species covered by the Migratory Bird Act (MBTA) also utilize the site.

The project area is located within the East Contra Costa County HCP/NCCP inventory area which provides incidental take authority for covered species within participating local jurisdictions, including the City of Pittsburg. The HCP/NCCP provides specific avoidance and minimization measures for covered species that reduce impacts on those species from urban development to less than significant levels, as documented in the Draft and Final EIS/EIR for the Plan (East Contra Costa County Habitat Conservation Plan Association and US Fish and Wildlife Service, 2006). Analysis regarding impacts on biological resources in the Final and Draft EIR (available online at www.ci.pittsburg.ca.us) were relied upon for this analysis. These measures are consistent with the US Fish and Wildlife Service (USFWS) and the California Department of Fish and Wildlife (CDFW) guidelines.

The HCP/NCCP implements a conservation strategy that includes preservation of over 30,000 acres of land, restoration of covered species habitat and vegetation communities to compensate for direct and indirect impacts and to contribute to the recovery of listed species and help prevent the listing of non-listed covered species, and management of the preserves to maximize the functions of habitats for covered species. A planning-level biological resource survey has been conducted on the site in accordance with the requirements of the HCP/NCCP (Moore 2013). While none of the special-status species mentioned above were observed on the project site during field surveys (Moore 2013), there are a number of species-specific avoidance and minimization measures that are required by the HCP/NCCP because potential habitat does exist on-site. These measures are discussed in detail within each respective wildlife species discussion below. In addition to the species-specific avoidance and minimization measures, the HCP/NCCP utilizes a variety of development-based fees to fund mitigation that would offset the potential losses of land cover types, covered species habitat, and other biological values. This project would have permanent and temporary impacts to land and jurisdictional waters of the US and state, including seasonal wetlands; therefore, in addition to compliance with the avoidance and minimization measures outlined below, applicable mitigation fees would be required to be paid, as identified in the Wetland Mitigation Fee Table 9-5 of the HCP/NCCP.

Swainson's hawk (*Buteo swainsoni*)

Swainson's hawk is considered a state Threatened species and is also protected under the MBTA. Swainson's hawks are generally found through the central portion of Southern California and throughout the Central Valley of California. Nesting habitat includes sycamores, cottonwoods, and other tall trees. In California, they are often observed feeding during or after the harvest of crop species that host large small mammal populations. No Swainson's hawks were observed during the field surveys; however, the larger trees within the site are suitable for Swainson's hawk nesting. Swainson's hawks are also not documented in the California Natural Diversity Database (CNDDB 2013) as nesting within 5 miles of the

site and the site is along the extreme western edge of the nesting range of this species. This species is covered by the HCP/NCCP and would be mitigated by species-specific avoidance measures incorporated in the HCP/NCCP that would be required for the project pursuant to **Mitigation Measure BIO-1**.

Avoidance and Minimization Measures:

As required by Section 6.4.3 of the HCP/NCCP, prior to ground disturbing activities during the nesting season (March 15-September 15), a qualified biologist would conduct a pre-construction survey no more than one month prior to construction to establish whether occupied Swainson's hawk nests occur within 1,000 feet of the project site. If occupied nests are found, then project construction activity buffer zone distances from the nest would be established in a Construction Monitoring Plan required to be approved by the City. The City would coordinate with CDFW to determine the appropriate buffer size. Construction monitoring would be required under the Construction Monitoring Plan and would focus on ensuring that the buffer zone is adhered to. During the nesting season, construction activities would be avoided within the buffer zone to prevent nest abandonment. If young fledge prior to September 15, construction activities can proceed normally. If an active nest site is present but shielded from view and noise by other development or other features, the City may waive this avoidance measure if approved by CDFW.

Burrowing Owl (*Athene cunicularia*)

Burrowing owl is considered a state Species of Special Concern and is also are protected under the MBTA. Typical burrowing owl habitat is flat or low-lying open and sparsely vegetated areas of California. The burrowing owls are often closely associated with ground squirrels and other burrowing mammals as they use burrows created by these animals for nesting and refuge. Individual owls often forage in open areas where they seek large invertebrates and small mammals. The nearest documented occurrence of burrowing owl was located approximately 2.5 miles west of the site (CNDDB 2013). The CNDDB also contains numerous occurrences of burrowing owls throughout the search area; however, no burrowing owls were observed on-site during the field surveys. A small number of ground squirrel burrows were observed on-site; however, none of these burrows showed any evidence of current or past occupancy by burrowing owls. This species is covered by the HCP/NCCP and based on the presence of potentially suitable habitat on the site and distribution of burrowing owls in the project vicinity, it is possible that owls could move on-site in the future and project development could adversely affect the species. The project impacts would be mitigated by species-specific avoidance and minimization measures incorporated in the HCP/NCCP pursuant to **Mitigation Measure BIO-1**.

Avoidance and Minimization Measures:

As required by Section 6.4.3 of the HCP/NCCP, no more than 30 days prior to project construction, a qualified biologist would conduct a pre-construction survey for burrowing owls in conformance with the HCP/NCCP. The survey would establish the presence or absence of western burrowing owl and habitat features and evaluate use by owls in accordance with CDFW's western burrowing owl survey guidelines (CDFG 1993). The project site and surrounding lands under the same ownership within a 500-foot radius would be surveyed. If burrowing owls are identified during the breeding season (February 1 –August 31), then all nest sites would be avoided by project construction during the remainder of the breeding season or while the nest is occupied by adults or young, or relocation may occur if a qualified biologist monitors the nest and determines that the birds have not yet begun egg-laying or juveniles have fledged.

If burrowing owls are identified during the non-breeding season (September 1 through January 31), active burrows would be avoided by project construction if possible or the owls would be passively relocated if avoidance is not possible. If burrowing owls are identified by the pre-construction survey, then no-disturbance buffer zone distances would be established by the City in coordination with CDFW and construction monitoring would be required and would focus on ensuring that the buffer zone distances are adhered to. If passive relocation is required, then it would be conducted by a qualified biologist in accordance with CDFW's western burrowing owl relocation protocol (CDFG 1995).

San Joaquin Kit Fox (*Vulpes macrotis mutica*)

The San Joaquin kit fox is listed as threatened by the state of California under the California Endangered Species Act (CESA) and endangered under the Federal Endangered Species Act (FESA). San Joaquin kit fox can be locally common in some areas of their range but are typically rare, particularly in the northern portion of their range (Contra Costa County) and the project site is located north of the perceived range (CNDDB 2013). Typical habitat for this species is open grassland along the Central Valley floor and surrounding foothills. Kit fox also utilizes open scrublands in various portions of California and friable soils appear to be an important characteristic of suitable kit fox habitat. This species dens in subterranean burrows and forages primarily for small mammals and insects in annual grasslands, pasturelands, cultivated fields and along the edges of orchards. No San Joaquin kit fox were observed in or adjacent to the site during the field surveys. No on-site burrows showed signs of kit fox occupancy and while kit fox may have migrated through or foraged in the site in the past, it is considered a remote possibility that this species uses burrows in the site for denning due to the lack of sign and location of the site at the outer edge of the currently published species range. It is also considered highly unlikely that migrating or wandering kit foxes ever use these burrows for occasional cover due to lack of kit fox sightings in this area during fairly intensive survey efforts during the past decade. Nevertheless, this species is covered by the HCP/NCCP and since kit fox have been known to occasionally wander within several miles outside the published species range, future use of the site by kit fox is possible. Project impacts would be mitigated by species-specific avoidance and minimization measures incorporated in the HCP/NCCP pursuant to **Mitigation Measure BIO-1**.

Avoidance and Minimization Measures:

As required by Section 6.4.3 of the HCP/NCCP, preconstruction surveys would be conducted within 30 days of ground disturbance. On the parcel where the activity is proposed, the biologist will survey the proposed disturbance footprint and a 250-foot radius from the perimeter of the proposed footprint to identify San Joaquin kit foxes and/or suitable dens. If a San Joaquin kit fox den is discovered in the proposed development footprint, the den will be monitored for three days by a USFWS/CDFW-approved biologist using a tracking medium or an infrared beam camera to determine if the den is currently being used. If the den is found to be unoccupied then it will be immediately destroyed to prevent subsequent use. If a natal or pupping den is found, the den will not be destroyed until the pups and adults have vacated. If kit fox activity is observed at the den during the initial monitoring period, the den will be monitored for an additional five consecutive days from the time of the first observation to allow any resident animals to move to another den while den use is actively discouraged.

Covered Shrimp

Vernal pool fairy shrimp is listed as a federally Threatened species while the Conservancy fairy shrimp, longhorn fairy shrimp and vernal pool tadpole shrimp are listed as federally Endangered species. All of these species occur in vernal pools and other seasonal wetland habitats throughout much of the Central Valley. Each year, shrimp eggs that lay on the floor of the dry wetlands during the summer hatch after the onset of cold winter rains. The shrimp grow for a few weeks to a couple months, and then lay eggs and die. There are no recorded occurrences of vernal pool fairy shrimp, vernal pool tadpole shrimp, or other listed branchiopods in the CNDDB (2013) search area. The site is not within an area designated by USFWS as critical habitat for vernal pool species. The 0.016-acre seasonal wetland in the central part of the site is the only area in the site providing potentially suitable habitat for vernal pool fairy shrimp and vernal pool tadpole shrimp. Due to the small size and shallow nature of this wetland, it is unlikely to support listed vernal pool species (Moore 2013). Nevertheless, listed vernal pool species are covered by the HCP/NCCP and since it is possible that the seasonal wetland in the central part of the site can support listed vernal pool species, project impacts would be mitigated by species-specific avoidance and minimization measures incorporated in the HCP/NCCP pursuant to **Mitigation Measure BIO-1**.

Avoidance and Minimization Measures:

As required by Section 6.4.3 of the HCP/NCCP, prior to any ground disturbance related to covered activities, a USFWS-approved biologist will conduct a preconstruction survey in areas identified in the planning surveys as having suitable shrimp habitat. If covered shrimp are absent from the site, there are no further requirements related to the covered shrimp. If shrimp are present, and the wetlands are not going to be retained (as is the case with the proposed project), filling of seasonal wetlands will be delayed until pools are dry and samples from the top 4 inches of wetlands soils are collected. Soil collection will be sufficient to include a representative sample of plant and animal life present in the wetland by incorporating seeds, cysts, eggs, spores, and similar inocula. These samples will be provided to the Implementing Entity so that the soil can be translocated to suitable habitat within the inventory area unoccupied by covered shrimp or used to inoculate newly created seasonal wetlands on preserve lands. In addition, seasonal wetlands occupied by covered shrimp that are filled will be offset by preserving or acquiring seasonal wetlands occupied by covered shrimp species and restoring habitat suitable for the covered shrimp species.

As stated above, the HCP/NCCP includes prescribed monitoring, avoidance and minimization measures that are required in conjunction with take authorization in order to ensure that the project does not result in a substantial adverse effect on covered species identified as candidate, sensitive or special status, or species covered by the MBTA, beyond that already anticipated by the HCP/NCCP. Prescribed monitoring and avoidance measures included in the HCP/NCCP that would be applicable to the project include:

- Avoiding impacts to no-take (fully protected) species. HCP/NCCP Conservation Measure 1.11 requires that covered activities avoid direct impacts on fully protected wildlife. Implementation of **Mitigation Measure BIO-1** would ensure this conservation measure is requirement of the project.

- Complying with the MBTA. HCP/NCCP Conservation Measure 1.11 requires that covered activities comply with the MBTA and avoid killing or possessing covered migratory birds, their young, nests, feathers, or eggs. Implementation of **Mitigation Measure BIO-1** would ensure this conservation measure is a requirement of the project, and **Mitigation Measure BIO-2** would further help to ensure that impacts to species protected under the MBTA are less than significant.

- Conducting monitoring during construction as required by Section 6.4.3 of the HCP/NCCP would ensure that disturbance limits, best management practices, and HCP/NCCP restrictions are being implemented properly. Implementation of **Mitigation Measure BIO-1** would ensure this is a requirement of the project.

- The project site does not contain nesting habitat for the Swainson's hawk, but large trees on the site would be surveyed for nests prior to construction. If occupied nests are identified, avoidance and minimization measures are prescribed by Section 6.4.3 of the HCP/NCCP. Implementation of **Mitigation Measure BIO-1** would require the project to follow these requirements.

- Pre-construction surveys for the burrowing owl on-site and within 500 feet and implementing avoidance measures in accordance with the HCP/NCCP if occupied burrows are identified. Preconstruction surveys and avoidance requirements for burrowing owl are prescribed by Section 6.4.3 of the HCP/NCCP. Implementation of **Mitigation Measure BIO-1** would require the project to follow these requirements.

- Pre-construction surveys for San Joaquin kit fox on-site and within 250 feet and implementing avoidance measures in accordance with the HCP/NCCP if occupied burrows are identified. Preconstruction surveys and avoidance requirements for San Joaquin kit fox are prescribed by Section 6.4.3 of the HCP/NCCP. Implementation of **Mitigation Measure BIO-1** would require the project to follow these requirements.

- Pre-construction surveys for covered shrimp on-site a implementing minimization measures in accordance with the HCP/NCCP. Preconstruction surveys and minimization requirements for San Joaquin kit fox are prescribed by Section 6.4.3 of the HCP/NCCP. Implementation of **Mitigation Measure BIO-1** would require the project to follow these requirements.

- If pre-construction surveys indicate the presence of burrowing owl, Swainson's hawk, and San Joaquin kit fox then the applicant would be required to submit a construction monitoring plan to the City of Pittsburg for approval as prescribed by Section 6.4.3 of the HCP/NCCP. Implementation of **Mitigation Measure BIO-1** would require the project to follow this requirement.

- Mitigation fees would be required as prescribed by Section 9.3.1 of the HCP/NCCP. Implementation of **Mitigation Measure BIO-1** would require the project to follow these requirements, which would include mitigation fees for:

  – Approximately 165 acres of annual grassland to be removed; and

  – Approximately 0.016 acre of wetlands and other isolated waters to be filled.

The HCP/NCCP is designed to provide for comprehensive species, wetlands, and ecosystem conservation within the region and to contribute to the recovery of Endangered species in Northern California. Implementing the proposed project with monitoring, avoidance, minimization and mitigation measures following requirements of the HCP/NCCP would not have a substantial adverse effect on any sensitive species. The site is not expected to provide nesting habitat or critical habitat for any additional candidate, sensitive or special status species not addressed in the HCP/NCCP. **Mitigation Measure BIO-1** would ensure that requirements of the HCP/NCCP are incorporated in the project so that project impacts to biological resources covered by the HCP/NCCP would be less than significant. **Mitigation Measure BIO-**

2 would ensure that project impacts to fully protected wildlife species or MBTA-covered species not already addressed by the HCP/NCCP would be less than significant.

IMPACT, BIO-1: If special-status wildlife species are present within the project site, they may be adversely affected by implementation of the proposed project. These species are covered under the East Contra Costa County HCP/NCCP (Natural Community Conservation Plan) and measures are identified in the HCP/NCCP to protect special-status species.

MITIGATION MEASURE, BIO-1: Prior to approval of any ground disturbing permits, the project applicant shall secure the services of a qualified biologist, approved by the HCP/NCCP staff, to prepare a final version of the Planning Survey Report (PSR), along with any related supporting studies, consistent with the requirements of the East Contra Costa County HCP/NCCP, and obtain take coverage for the entire project site, as authorized by the City of Pittsburg per PMC section 15.108, and pay all associated mitigation fees for coverage of 165 acres of development and 0.016 acres of waters and wetlands on-site. For any special status species or habitat identified by the PSR as potentially being present on the site, avoidance and minimization measures provided by the HCP/NCCP shall be implemented during construction of the project. Avoidance and mitigation measures may include (but are not limited to) pre-construction surveys, construction monitoring, tree replacement, and salvaging of plants. Final avoidance and mitigation measures applicable to the site shall be incorporated as conditions of approval on whatever ground disturbing permits are issued.

IMPACT, BIO-2: Trees, shrubs and grasslands on the site could be used by birds protected by the Migratory Bird Treaty Act (MBTA) of 1918, and removal of this type of vegetation could adversely affect MBTA protected species.

MITIGATION MEASURE, BIO-2: To avoid direct impacts to any other fully protected wildlife species or MBTA-protected species not already addressed under the East Contra Costa County HCP/NCCP, the applicant shall either schedule vegetation clearing outside of the avian nesting season (February 1 through August 31), or conduct a survey within 14 days of vegetation removal activities to check for protected species in suitable habitat within 500 feet of the construction site, where access is permitted. If an active nest is located, the need and/or extent of no disturbance buffer(s) around the nest location shall be determined through consultation with CDFW to avoid disturbance or destruction of the nest site until after the breeding season or after a qualified biologist determines that the young have fledged. The extent of no disturbance buffers shall be based on consideration of the anticipated levels of noise or disturbance, ambient levels of noise and other disturbances, and topographic or other barriers. If determined in consultation with CDFW that construction activities would not affect an active nest, activities may proceed without restriction.

b) ***No Impact***. The Biological Resources Report (2013) prepared by Moore Biological Consultants found that the project site does not contain any riparian habitat or other sensitive natural communities as defined by the East Contra Costa HCP/NCCP, Fish and Game Code, Endangered Species Act, Clean Water Act, or any other local or regional plans, policies or regulations. The creek on the project site is ephemeral and does not support any riparian habitat and the seasonal wetland swale does not support riparian plant communities. In addition, no riparian habitat or other sensitive natural community has been identified within or adjacent to the area proposed for off-site impacts resulting from road improvements, utility extensions, etc. Therefore, no impact would occur.

c) ***Less than significant***. Based on the Wetland Delineation prepared by Moore Biological Consultants as part of the Biological Resources Report (2013), the project site includes a small amount of wetlands (0.468 acre). The wetlands include a 0.016-acre seasonal wetland situated in an isolated basin in the east-central part of the site, a second 0.061-acre seasonal wetland located a few hundred feet to the west, a 0.340-acre seasonal wetland swale in the southeast part of the site that is tributary to Kirker Creek, a 0.002-acre ephemeral creek located in the east-central portion of the site adjacent to Kirker Pass Road, and 0.049 acre of isolated waters located in the center of the site.

Waters of the United States, including wetlands, are broadly defined under 33 Code of Federal Regulation (CFR) 328 to include navigable waterways, many of their tributaries, and adjacent wetlands. The wetland delineation determined that the 0.340-acre seasonal wetland swale was tributary to the San Joaquin River, which is a navigable waterway, via Kirker Creek and Dowest Slough. Therefore, this swale falls under the jurisdiction of the USACE. However, the proposed project would completely avoid the swale, as it is within the greenwall proposed on the southern 20 percent of the project site. The wetland delineation further determined that the 0.002-acre ephemeral creek located at the easternmost edge of the project also falls under the jurisdiction of the USACE. This 87-square-foot seasonal wetland will be filled with development of this project. Prior to the commencement of work, the acquisition of appropriate permits/agreements would be required from the USACE, CDFW, and Regional Water Quality Control Board (RWQCB). Permits required for the proposed project include a Section 404 Nationwide Permit from USACE, a Streambed Alteration Agreement from CDFW, and a Section 401 Permit from the RWQCB. The project could not commence until these permits are secured. Adherence to the requirements of the Section 404 permit and the Streambed Alteration Agreement would mitigate the impacts to jurisdictional waters, including waters of the state.

Concerning the remaining wetlands on the project site, the wetland delineation found that the 0.016-acre seasonal wetland situated in an isolated basin in the east-central part of the site, the 0.061-acre seep located a few hundred feet to the west and the 0.049 acre of isolated other waters located in the center of the site, were not tributary to any waters of the United States and therefore not under the jurisdiction of USACE (Moore 2013). While the project would result in removal of these small aquatic features, the loss of the small amount of acreage is not considered a substantially adverse effect.

For the reasons listed above, no significant impacts would occur to wetlands or waters of the US as defined by Section 404 of the Clean Water Act and under the jurisdiction of the USACE.

d) ***Less Than Significant with Mitigation.*** The proposed project would extend extensive suburban development into an area which is currently undeveloped and provides largely unrestricted access to wildlife, and could thus create a barrier to wildlife movement. This is of particular concern for the San Joaquin kit fox, which may migrate or wander through the project site (Moore 2013). However, the southern 20 percent of the project site would be preserved as a greenwall, thus providing a corridor for wildlife crossing the site. This would reduce potential impacts related to wildlife movement. In addition, implementation of the proposed project would result in the loss of several trees on the project site that could provide nesting sites for migratory birds. However, implementation of **Mitigation Measure BIO-1** discussed above would require that minimization measures provided by the HCP/NCCP be implemented during construction, which includes preconstruction surveys for nesting birds. As a result, the proposed project would not substantially interfere with wildlife movement or impede the use of native wildlife nursery sites, and this impact would be reduced to a less than significant level.

e-f) ***Less Than Significant with Mitigation***. The proposed project is within the limits of the adopted East Contra Costa County HCP/NCCP. Development on the project site could directly and indirectly impact biological resources protected by the HCP/NCCP, resulting in a potential conflict with the HCP/NCCP. This represents a potentially significant impact. However, with implementation of **Mitigation Measure BIO-1** discussed above, the proposed project would be consistent with the requirements of the HCP/NCCP and this impact would be reduced to a less than significant level.

Discussion of Potential Cumulative Impacts

Future development in the City of Pittsburg and the area surrounding the City may result in significant cumulative impacts to biological resources, including special-status plant and wildlife species. While development of the proposed project would not result in substantial adverse effects on special-status plant species, it could result in substantial adverse effects on special-status wildlife species. However, mitigation that would adhere to requirements set forth in the East Contra Costa County HCP/NCCP is provided that would reduce impacts to special-status species to a less than significant level. In addition, the proposed project would contribute to the preservation of high-quality habitat types and contribute to the recovery of Threatened or Endangered species through the payment of HCP/NCCP permit fees. Therefore, the contribution of the proposed project to impacts on biological resources would not be cumulatively considerable.

Issues	Potentially Significant Impact	Less than Significant with Project Mitigation	Less Than Significant Impact	No Impact
5. CULTURAL RESOURCES – Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5?	☐	■	☐	☐
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?	☐	■	☐	☐
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	☐	☐	■	☐
d) Disturb any human remains, including those interred outside of formal cemeteries?	☐	■	☐	☐

Discussion of Potential Project Impacts

a) ***Less Than Significant with Mitigation.*** There are currently no structures on the project site, which consists of open land used for grazing; however, according to the initial historic resources surveys of the project site, conducted in 1995 by Holman & Associates, potentially historic buildings were identified along the eastern portion of the project site which were part of a historic ranch complex that was considered a potentially significant historic resource under several CEQA criteria (Holman & Associates 2000). The complex consisted of a house and "a number of small barns constructed in a board and batten style typical of the period for the late 1800s through the turn of the century." All structures have since been demolished. The surveys also recognized that the potentially historic building complex may have had subsurface historical archeological resources. Recent site visits to the areas in the creek alignment near the former ranch complex show evidence of filling and some debris, such as wires and pipes, was visible in these areas.

The 1995 Holman and Associates historic resources study recommended that the ranch complex site be recorded through the completion of historic site inventory forms and archival research undertaken to document the date of the construction, former inhabitants, and the uses of the property (Holman & Associates 2000). In September 1999, Holman and Associates returned to the site for a follow-up visual inspection; however, it appeared that recent demolition of the project area had completely removed the ranch building complex and it appeared that the entire ranch complex was leveled and the surrounding flats had also been graded to remove remnants of the ranch, such as corrals and fences (Holman & Associates 2000). Several piles of broken lumber were found at locations at the eastern end of the project site where the ranch complex had previously been observed. The subsequent report recommended the implementation of a program of archeological monitoring of mechanical grading and/or trenching in the vicinity of the former ranch complex to identify any possible historic and/or prehistoric archaeological

deposits which may have been buried by the demolition activities. The ranch complex was never inventoried in historic site inventory forms prior to its demolition, as recommended in the 1995 study.

IMPACT, CUL-1: Grading or trenching activities in the area of the demolished ranch complex (in the eastern portion of the site) could disturb or destroy remnants of the potential historic site and potential buried historic deposits which may have been buried by the demolition of the ranch.

MITIGATION MEASURE, CUL-1: Prior to the issuance of a grading permit, the developer shall retain a professional cultural resources consultant to monitor grading and/or trenching activities in the area of the demolished ranch complex (as referenced in the July, 2000 Holman & Associates study) to identify any possible historic deposits which may have been buried there during the demolition of the ranch. In the event that any archeological deposits are identified, work shall be stopped within 50 feet of any discovery until it has been evaluated for potential significance as defined by the CEQA guidelines. If evaluative testing concludes that the archeological deposits are significant, a plan for mitigation of impacts shall be submitted to the City of Pittsburg for approval before any further earthmoving activities recommence in the area of discovery.

b) ***Less Than Significant with Mitigation.*** During the 1999 Holman & Associates visual inspections of the hillsides in the northern, western and southern portions of the site, particular attention was given to the northern edge of the property containing sandstone rock outcrops, as prior surveys performed in 1984 on lands west of the project site discovered archaeological resources situated in similar sandstone rock outcrops. While the outcrops located within the project site did contain several distinct rock shelters during the 1999 visual inspections, no resources were encountered. Use of the rock shelters as possible recent homeless encampments had obscured or eliminated any evidence of archaeologically significant use of the rock shelters. Other than the potential resources associated with the old ranch, no archeological resources are known to be present on the site. However, the absence of archaeological resources in the area of the rock outcrops does not preclude the possibility of subsurface archaeological resources being present on the project site.

IMPACT, CUL-2: Any ground disturbing activities performed for the proposed project could possibly disturb or destroy previously unidentified archaeological resources.

MITIGATION MEASURE, CUL-2: In the event that unknown cultural resources are discovered during construction, all soil disturbing work within 100 feet of the find shall cease. The City shall contact a qualified archaeologist to provide direction for handling of the find, and shall implement a plan for survey and subsurface investigation as needed at the direction of the archaeologist to define the deposit and to assess the remainder of the site within the project area to determine whether the resource is significant and would be affected by the project. A written report of the results of investigations shall be prepared by a qualified archaeologist and filed with the appropriate Information Center of the California Historical Resources Information System.

c) ***Less Than Significant Impact.*** As stated above, rock outcrops are located on the south facing slopes in the northern portion of the project site. These types of rock outcroppings are typical in the sedimentary geologic layers exposed by tectonic uplift in the east-west trending hills and are not unique to this location. City documents further indicate that there are no known unique paleontological or geological features in the project area (Pittsburg 2004). This impact is considered less than significant.

d) ***Less Than Significant with Mitigation.*** Archaeological field inspections of the project site and archival research do not suggest that the project site has the potential to contain human remains (Holman & Associates 2000). The early Bay Miwok people were known to have lived in the eastern portions of Contra Costa County. These hunter-gatherers lived in autonomous territorial groups referred to as tribelets. The Chupcan tribelet lived nearest to the project site, and their main settlement was determined to be near the present-day City of Concord-lower Pacheco Creek area (Holman & Associates 2000). No Bay Miwok burial grounds are known to exist within the project site. While the site was known to have been used for ranching and as an early farmstead, research does not indicate that any of the ranchers or workers were buried on the project site (Holman & Associates 2000). However, the possibility exists for previously unknown Native American sites to be located in Pittsburg due to the City's proximity to the Sacramento River delta. Although remains are not anticipated to be encountered during the construction of the homes, utilities and structures associated with this development, should previously unknown human remains be encountered and disturbed during construction, the impact would be considered potentially significant.

IMPACT, CUL-3: Any ground disturbing activities performed for the proposed project could possibly disturb or destroy previously unknown burial locations for human remains.

MITIGATION MEASURE, CUL-3: In the event of a discovery on-site of human bone, suspected human bone, or a burial, all excavation in the vicinity would halt immediately and the area of the find would be protected until a qualified archaeologist determines whether the bone is human. If the qualified archaeologist determines the bone is human, or if a qualified archaeologist is not present, the City would notify the County Coroner of the find before additional disturbance occurs. Consistent with California Health and Safety Code Section 7050.5(b), which prohibits disturbance of human remains uncovered by excavation until the Coroner has made a finding relative to PRC 5097 procedures, the City would ensure that the remains and vicinity of the find are protected against further disturbance.

If it is determined that the find is of Native American origin, the City would comply with the provisions of PRC Section 5097.98 regarding identification and involvement of the Native American Most Likely Descendant (MLD).

If human remains cannot be left in place, the City shall ensure that the qualified archaeologist and the MLD are provided opportunity to confer on archaeological treatment of human remains, and that appropriate studies, as identified through this consultation, are carried out prior to reinterment. The City shall provide results of all such studies to the local Native American community, and shall provide an opportunity of local Native American involvement in any interpretative reporting. As stipulated by the provisions of the California Native American Graves Protection and Repatriation Act, the City shall ensure that human remains and associated artifacts recovered from projects within City boundaries are repatriated to the appropriate local tribal group if requested.

Discussion of Potential Cumulative Impacts

Anticipated future development in some portions of the Pittsburg planning area has the potential to adversely affect cultural resources. However, with mitigation, future development of the proposed project would have no project-level impacts on cultural resources. Therefore, implementation of the proposed project would make no contribution to a cumulative impact on cultural resources that could result from other development in the planning area.

Issues	Potentially Significant Impact	Less than Significant with Project Mitigation	Less Than Significant Impact	No Impact
6. GEOLOGY AND SOILS – Would the project:				
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
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? Refer to Division of Mines and Geology Special Publication 42.	☐	☐	■	☐
ii) Strong seismic ground shaking?	☐	☐	■	☐
iii) Seismic-related ground failure, including liquefaction?	☐	☐	■	☐
iv) Landslides?	■	☐	☐	☐
b) Result in substantial soil erosion or the loss of topsoil?	☐	☐	■	☐
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	■	☐	☐	☐
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994) (California Building Code), creating substantial risks to life or property?	☐	■	☐	☐
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	☐	☐	☐	■

Discussion of Potential Project Impacts

a)(i) & (ii) ***Less Than Significant Impact.*** The project site is not located within a State of California Earthquake Fault Zone, and there are no known faults that pass through the site. The nearest active fault is the Concord fault, located approximately 6 miles west of the project site (ENGEO 2011, included as **Appendix D** of this Initial Study). While there are no known faults passing through the site, an earthquake of moderate to high magnitude generated within the San Francisco Bay Region could cause considerable ground shaking on the project site (ENGEO 2011). However, construction of new structures on the project site would be subject to compliance with the provisions of the current (at time of building permit issuance) California Uniform Building Code (UBC) related to seismic safety, which require buildings to be designed and constructed to resist structural damage in the event of a minor or moderate earthquake and collapse during a major earthquake. With required full UBC compliance, this impact would be considered less than significant.

a)(iii) ***Less Than Significant Impact.*** Liquefaction potential is highest among sandy, porous soils with high water content. Sites in Pittsburg with the highest liquefaction potential are generally located in lowland and marsh areas nearest to Suisun Bay. According to the ABAG Geologic Information Systems (http://gis.abag.ca.gov) Earthquake Liquefaction Susceptibility map, there are some areas on the site which generally align with the drainage path in the center of the site and the existing creek (Kirker Creek) located immediately east of the site that have a low and moderate liquefaction potential; however, per the preliminary geotechnical report (ENGEO 2011), the existing subsurface data for the project site indicates that the alluvium consists of stiff silty to sand clays that would not be subject to liquefaction, lateral spreading or ground lurching hazards. The project site is also not expected to be subject to seismic-related ground failure; therefore, a less than significant impact is anticipated with regard to this criterion.

a)(iv) ***Potentially Significant Impact.*** A number of landslides have been identified on the project site (ENGEO 2011). Exposure of future residents and structures to risks associated with landslides is considered a potentially significant impact. This issue will be examined in the Draft EIR.

b) ***Less Than Significant Impact.*** Construction of the proposed project would require site clearance, grading, and other earthmoving activities, which could subject exposed soils to erosion by water or wind. The disturbance footprint would exceed the 1-acre threshold that triggers the NPDES requirement to prepare and implement a storm water pollution prevention plan (SWPPP). In compliance with the NPDES requirements, appropriate erosion-control measures would be incorporated into the SWPPP and implemented during site grading and construction. These measures would include but are not limited to control of surface flows over exposed soils and use of sediment traps such as hay bales.

Upon completion of construction, erosion potential would be low because all disturbed areas would be covered by buildings, pavement, and landscaping. Furthermore, the proposed project includes a series of detention basins that would intercept site runoff and provide for the removal of sediment present in the runoff. Therefore, the impact related to erosion and sedimentation would be less than significant.

c) ***Potentially Significant Impact.*** Graded slopes for the proposed project could be subject to slope stability issues related to natural soil and groundwater conditions in cut slopes and in foundation soils below fills. The stability of graded slopes is also affected by construction methods such as slope inclination, fill compaction and the adequacy of subsurface drainage systems. Seismic ground shaking can result in lateral and vertical deformation of graded slopes (ENGEO 2011). The potential for cut and

fill slopes and fill placed in drainage courses to become unstable represents a potentially significant impact. This issue will be further examined in the Draft EIR.

d) ***Less Than Significant Impact with Mitigation.*** Clayey soils and claystone units located on the project site have moderate to high plasticity and moderate to high expansion potential (ENGEO 2011). Expansive soils shrink and swell as a result of seasonal fluctuation in moisture content, which can cause heaving and cracking of slab-on-grade foundations, pavements, and structures founded on shallow foundations.

> **IMPACT, GEO-1:** Due to the expansive soils on site, there is potential for uplift, cracking and increased maintenance of floor slabs, lightly loaded foundations, exterior flatwork, and pavements that may be supported directly on expansive clays.
>
> **MITIGATION MEASURE, GEO-1:** Non-expansive granular soil fill shall be placed under structures at depths ranging from at least 2 feet to 1 foot, building pads and the immediate perimeter areas, and beneath flatwork and paved areas. Depths and dimensions of the non-expansive fill placement shall be conducted in accordance with the recommendations in the Final Geotechnical Report, as reviewed and approved by the City's Engineering Department. Non-expansive soils shall also be kept moist by watering for several days before placement of concrete in order to avoid having to remoisturize clayey soils (which would involve excavation, moisture conditions, and recompaction).

e) ***No Impact.*** The proposed project would not involve the installation of septic tanks or alternative wastewater disposal systems. There would be no impact with regard to this criterion.

Discussion of Potential Cumulative Impacts

Geologic impacts such as those related to risk from faults, liquefaction potential, slope stability, landslide potential, expansive and compressible soils are generally site-specific and do not cumulate. Therefore, future development associated with the proposed project and other development in the vicinity of the project site in the City of Pittsburg would not result in a significant cumulative impact related to geologic risks. The one area where the impacts of concurrent construction projects have the potential to cumulate is related to soil erosion and discharge of sediment into receiving waters during construction. However, all projects affecting more than 1 acre of land area, including the proposed project, would be required to prepare a SWPPP and implement control measures (or Best Management Practices) to control discharges of pollutants from the project sites. The cumulative impact would therefore be less than significant.

Issues	Potentially Significant Impact	Less than Significant with Project Mitigation	Less Than Significant Impact	No Impact
7. GREENHOUSE GAS EMISSIONS – Would the project:				
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	☐	■	☐	☐
b) Conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases?	☐	☐	☐	■

Discussion of Potential Project Impacts

a) ***Less Than Significant with Mitigation.*** The BAAQMD has developed thresholds of significance and methodologies for assessing greenhouse gas (GHG) emissions impacts in its *CEQA Air Quality Guidelines*. According to the BAAQMD, these significance thresholds are designed to enable the Bay Area to meet its emissions reduction goals to comply with AB 32, the California Global Warming Solutions Act of 2006. Although the BAAQMD thresholds are effectively set aside pursuant to a legal challenge (California Building Industry Association v. Bay Area Air Quality Management District, Alameda County Superior Court, Docket No. RG10548693, January 16, 2012), the thresholds for GHG, listed below in **Table 3, BAAQMD CEQA Significance Thresholds,** have been used herein as thresholds of significance for the project analysis.

Table 3
BAAQMD CEQA Significance Thresholds

Pollutant	Construction	Operation
Greenhouse Gases (CO_2e)	No threshold	1,100 MT CO_2e/yr; or 4.6 MT CO_2e/SP/yr

Source: Bay Area Air Quality Management District, California Environmental Quality Act Air Quality Guidelines, (2011) 2-1.

The BAAQMD *CEQA Air Quality Guidelines* recommend only quantifying and reporting GHG emissions from construction activities, and do not provide significance thresholds. Operational emissions may be compared to an absolute threshold of 1,100 metric tons of carbon dioxide equivalents per year ($MTCO_2e$/yr) or an efficiency standard of 4.6 $MTCO_2e$/SP/yr, where SP refers to service persons (residents plus employees) associated with the proposed project. CO_2e refers to carbon dioxide equivalents, which standardize the various contributions of different greenhouse gases (e.g., methane, nitrous oxide, and sulfur hexafluoride) to global warming based on their global warming potentials. A third option

suggested by the BAAQMD, which is compliance with a qualified GHG reduction strategy, was disregarded as there is currently no qualified strategy applicable to the proposed project.

GHG emissions were calculated using the same methodology as for criteria air pollutants, with the addition of the BAAQMD Greenhouse Gas Model (BGM), which models GHG emissions based on URBEMIS2007 input files. **Table 4, Estimated Construction Greenhouse Gas Emissions**, lists the estimated GHG emissions associated with construction of the proposed project.

Table 4
Estimated Construction Greenhouse Gas Emissions

GHG Emissions Source	Emissions (Metric Tons CO_2/year)
Construction Year 2014	484
Construction Year 2015	1,155
Construction Year 2016	1,156
Construction Year 2017	288

*Source: Impact Sciences, Inc. Emissions calculations are provided in **Appendix B**.*

Direct emissions of GHGs emitted from operation of the proposed project would be primarily due to natural gas combustion, hearth (fireplace) emissions, landscaping equipment, and mobile source emissions. Operational GHG emissions were calculated using BGM using default assumptions.

The proposed project would also result in indirect GHG emissions due to the electricity demand. The emissions were estimated based on factors from PG&E, the electrical utility that would serve the proposed project. PG&E emission factors for CO_2, methane (CH_4) and nitrous oxide (N_2O) are based on information contained CARB's Local Government Operations Protocol. The emission factors take into account the current mix of energy sources used to generate electricity and the relative carbon intensities of these sources, which include natural gas, coal, nuclear, large hydroelectric, and other renewable sources. Electricity consumption was based on estimated consumption data found in BGM for single-family residences.

In addition to electrical demand, the project would also result in indirect GHG emissions due to water consumption, wastewater treatment, and solid waste generation. GHG emissions from water consumption are due to the electricity needed to convey, treat, and distribute water. The annual electrical demand factors as well as consumption for potable water are the default values found in the BGM. GHG emissions from wastewater are due to the electricity needed to treat wastewater and the treatment process itself, which primarily releases CH_4 into the atmosphere. The BGM default values were also used for rates of generation and GHG emissions for wastewater and solid waste.

The annual GHG emissions associated with the operation of the proposed project are provided below in **Table 5, Estimated Unmitigated Operational Greenhouse Gas Emissions**. Modeling calculations are provided in **Appendix B**. Direct and indirect operational emissions associated with the proposed project are compared with the BAAQMD's threshold of significance for land use projects. In order for a project's impact to be considered less than significant under CEQA, it need only satisfy one of the above

thresholds. As shown in **Table 5**, the proposed project would emit greater than 1,100 $MTCO_2e$ and 4.6 $MTCO_2e$/SP/year.

Table 5
Estimated Unmitigated Operational Greenhouse Gas Emissions

GHG Emissions Source	Emissions (Metric Tons CO_2e/year)
Mobile Sources	3,104
Area Sources	2
Electricity	965
Natural Gas	938
Solid Waste	242
Water and Wastewater	68
Total Annual Emissions	**5,319**
Annual Emissions per SP	**4.7**
Significance Threshold	**4.6**
Exceeds Threshold?	**YES**

*Source: Impact Sciences, Inc. Emissions calculations are provided in **Appendix B**.*
Totals in table may not appear to add exactly due to rounding.
Note: Service persons based on 3.24 persons per household in the City of Pittsburg as per the US Census Bureau estimates.

With respect to operational GHG emissions, the City of Pittsburg has adopted Green Building Design Guidelines. The guidelines for single-family residences and neighborhood/subdivision design are presented below. The proposed project is required to incorporate feasible and applicable mitigation measures consistent with the Green Building Design Guidelines in addition to other energy saving measures recommended below.

IMPACT, GHG-1: Recommended operational GHG emissions thresholds as defined by BAAQMD would be exceeded if individual units within the project were constructed as presented. The City of Pittsburg has not adopted separate operational GHG emission thresholds.

MITIGATION MEASURE, GHG-1.1: The proposed project shall include the following measures for the individual single-family residential lots:

A. All roofs shall have solar collector or photovoltaic panels installed as a standard item, or at minimum, solar energy systems shall be an option to all homebuyers, by the builder. Solar energy systems may be solar water heaters of any style, and/or photovoltaic systems in the form of panels, shingles, tile, or other new styles.

B. For homes built without solar energy systems (per the terms described in subsection A above), roofing should include the following features to make them "solar-ready." Proper roof orientation, mount placement, and conduit and roof penetration placements shall be identified to prevent unsightly and awkward placement of solar panels later on.

1. If feasible, a minimum of 300 square feet of unobstructed roof area facing within 30 degrees of south shall be provided for future solar collector or photovoltaic panels. All external fixtures shall be diverted to roof surfaces facing non-south directions.

C. Deciduous trees of approved native species shall be planted to the south and west of individual homes (excluding private backyard areas) in order to shade the home during summer and allow solar heat gain during winter. Their location, height, and species shall be chosen so that they will not block solar access to the home or neighboring roofs when the trees reach their mature height.

D. Secure and convenient storage for at least two bicycles shall be provided for every dwelling unit. If storage is to be provided within a garage, wall or ceiling mounted hooks shall be provided to the homebuyer prior to issuance of a certificate of occupancy.

E. All non-tree and non-edible vegetation shall be consistent with the applicable city or state water efficient landscape ordinance.

F. A rainwater capture, storage, and reuse system (for use by a rain garden) shall be designed and installed for every lot to use rainwater generated by a majority of the available roof area, or at minimum, a rain garden should be made an option to the homebuyer by the builder.

MITIGATION MEASURE, GHG-1.2: The proposed project shall include the following measures for overall neighborhood/subdivision design:

A. Non-invasive, drought tolerant shade trees shall be planted in the landscaping strips that are located between curb and sidewalk such that tree canopies will shade as much street surface as possible. Shade trees shall be selected and placed so that they will not block solar access to neighboring structures' south-facing roofs.

B. Streetlights and street trees shall be spaced so that street lighting is not blocked and made less effective by street trees.

C. Solar energy generation systems shall be integrated into bus shelters where feasible and all streetlights within the subdivision shall utilize Light Emitting Diode (LED) lighting.

D. Buildings shall be oriented with long sides facing within 30 degrees of north and south, unless the parcel dimensions of the approved subdivision map prohibit such orientation.

E. Pedestrian and bicycle paths shall provide safe, visible, and unobstructed bicycle and pedestrian access within the subdivision), and between the interior subdivision routes (sidewalks, bicycle lanes, etc.) and existing or planned exterior (outside the subdivision) bicycle and pedestrian routes.

MITIGATION MEASURE GHG-1.3: The proposed project shall be required to meet or exceed the Title 24 building energy standards in effect at the time of the issuance of each building permit by at least 10 percent.

MITIGATION MEASURE GHG-1.4: The project developer shall be required to offer solar and/or tankless water heaters instead of traditional water heater tanks for residential units.

MITIGATION MEASURE GHG-1.5: The project developer shall be required to install low-flow water appliances (i.e., showerheads, toilets) in residential units.

MITIGATION MEASURE GHG-1.6: The project developer and/or the City of Pittsburg shall be required to provide residents with recycling containers (i.e., curbside containers).

The mitigation measures listed above would reduce GHG emissions. It is difficult to quantify precisely the exact reductions that would be realized from several of the above measures. The BAAQMD's BGM model can be used to calculate GHG reductions from **Mitigation Measures GHG-1.3**, **GHG-1.4**, and **GHG-1.5**. The emissions that would result following implementation of these mitigation measures are shown in **Table 6, Estimated Mitigated Operational Greenhouse Gas Emissions**. As shown, the project's impact would be mitigated to a less than significant level.

Table 6
Estimated Mitigated Operational Greenhouse Gas Emissions

GHG Emissions Source	Emissions (Metric Tons CO_2e/year)
Mobile Sources	3,104
Area Sources	2
Electricity	869
Natural Gas	366
Solid Waste	242
Water and Wastewater	65
Total Annual Emissions	**4,648**
Annual Emissions per SP	**4.0**
Significance Threshold	**4.6**
Exceeds Threshold?	NO

*Source: Impact Sciences, Inc. Emissions calculations are provided in **Appendix B**.*
Totals in table may not appear to add exactly due to rounding.
Note: Service persons based on 3.24 persons per household in the City of Pittsburg as per the US Census Bureau estimates.

b) ***No Impact.*** AB 32 is the State of California's primary GHG emissions regulation, as previously discussed. The BAAQMD GHG significance thresholds were designed to ensure compliance with AB 32 emissions reductions requirements for the Bay Area Air Basin. Therefore, if a proposed project's emissions are below the significance threshold, it can be assumed to comply with AB 32 within the BAAQMD jurisdiction. The proposed project would be required to comply with the City of Pittsburg's Green Building Design Guidelines and would be required to incorporate mitigation measures listed above that would reduce its GHG emissions, reduce cooling energy requirements, and reduce its overall contribution to the urban heat island effect. As shown in **Table 5**, the project's impact would be mitigated to a less than significant level. Therefore, the proposed project would not conflict with the City's policies to reduce GHG emissions and would not conflict the BAAQMD's effort to comply with AB 32.

Discussion of Potential Cumulative Impacts

As the impact from a project's GHG emissions is essentially a cumulative impact, the analysis presented in this subsection provides an adequate analysis of the proposed project's cumulative impact related to GHG emissions.

Issues	Potentially Significant Impact	Less than Significant with Project Mitigation	Less Than Significant Impact	No Impact
8. HAZARDS AND HAZARDOUS MATERIALS – Would the project:				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☐	■	☐
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	☐	■	☐	☐
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	☐	☐	☐	■
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	☐	☐	■	☐
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within 2 miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐	■
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐	■
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	☐	☐	☐	■

Issues	Potentially Significant Impact	Less than Significant with Project Mitigation	Less Than Significant Impact	No Impact
h) Expose people or structures to a significant risk of loss, injury, or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	☐	■	☐	☐

Discussion of Potential Project Impacts

a) ***Less Than Significant.*** Although hazardous materials, including fuel, lubricants, and cleaning products, would be used on-site during project construction, compliance with local, state, and federal regulations would minimize risks associated with the routine transport, use, or disposal of hazardous materials during project construction. The operation of the proposed residential subdivision would not involve the routine transport, use, or disposal of hazardous materials, other than fuel, cleaning products, and maintenance materials. Impacts with regard to the routine transport, use, or disposal of hazardous materials are expected to be less than significant.

b) ***Less Than Significant with Mitigation.*** The Phase I Environmental Site Assessment prepared for the proposed project notes that a ranch was located on the property from at least 1950 to 1990. Review of historic aerial photographs indicated several structures and heavy farming equipment were located at the ranch homestead on the southeast side of the property. An aboveground storage tank was also observed in the historic aerial photographs on the southeastern area of the property. The Phase I report notes that, "hazardous materials such as vehicle fuels were commonly stored and used in operations similar to those historically observed and reported at the ranch located on the property." Due to the poorly documented nature of the buildings, tanks, and former use and operations on the property, the Phase I report recommended further soil and groundwater testing in the area of the former ranch site due to the possibility of environmental impacts from fuel and maintenance chemicals (Ceres Associates 2008). To date, no soil or groundwater analysis has been performed.

IMPACT, HAZ-1: Historic aerial photographs of the ranch site in the southeastern portion of the site indicated several structures, an above ground storage tank and heavy farming equipment. Previous ranching operations may have resulted in contamination from fuel and maintenance chemicals in the area of the former ranch complex. Construction of the proposed residential subdivision could expose construction workers and future residents to possible contamination.

MITIGATION MEASURE, HAZ-1: Prior to the issuance of a grading permit, soil and groundwater sampling shall be conducted in the area of historic development at the former ranch complex in the southeastern portion of the site in order to verify that any soil contamination concentrations are below residential action levels. In the event that soil contamination concentrations exceed the Department of Toxic Substances Control (DTSC) action levels for residential uses, the developer shall work with the DTSC to prepare a risk assessment and implement any DTSC required remedial actions, continuing until the DTSC verifies that concentrations meet the remediation standard established for the site and a No Further Action letter (or equivalent approval) is issued by the DTSC.

In addition, information from the Pipeline and Hazardous Materials Safety Administration Pipeline Information Management Mapping Application, subsequently confirmed through correspondence received from Kinder Morgan Energy Partners (see **Appendix E**) and PG&E, identify a natural gas pipeline running north/south approximately 0.24 mile west of the project site, as well as an existing 10-inch high pressure petroleum products pipeline that traverses the southern boundary of the project site in an east/west direction. The southern multi-purpose petroleum pipeline would be located approximately 600 feet south of the nearest residential lot and since the pipeline easement is 10 feet wide, there is no development or grading expected to encroach into the easement area. Also, the natural gas line easement is 10 feet wide and is located west of the 100-foot-wide PG&E easement which runs along the western boundary of the project site. No development is expected to occur within either of the pipeline easements, and the historic likelihood of rupture or leakage of such pipelines outside of development areas or activities is very low.[6] It is therefore not reasonably foreseeable that upset conditions involving leakage and/or rupture would occur. However, due to the nature of the materials being transported in these pipelines (including natural gas and other petroleum products including diesel, jet fuel, or gasoline), significant impacts could occur in the unlikely event of such an incident.

> **IMPACT, HAZ-2:** Although located between 600 and 1,270 feet away from the project area, the natural gas and multi-purpose petroleum pipelines carry hazardous materials including natural gas and other petroleum products such as diesel, jet fuel, and/or gasoline. Upset conditions involving leakage or rupture of these pipelines are not reasonably foreseeable in the area; however, due to the nature of the materials being transported, any leakage or rupture that may occur could cause significant impacts.
>
> **MITIGATION MEASURE, HAZ-2:** Developer shall provide suitable disclosures in writing to all prospective homebuyers to notify them of the presence of both the natural gas pipeline and the petroleum product pipeline. Such notices shall include information on the pipeline locations and materials transported; safety guidance, including the importance of observing pipeline location notices and restrictions on subsurface work or other activities within the pipeline easement; and information on the City's emergency response plan and procedures. A requirement for provision of such notices to future buyers shall be included in the Covenants, Conditions, and Restrictions for the proposed development.

c) ***No Impact***. The project is not located within 0.25 mile of a school and is not a source of toxic air emissions. There would be no impact with respect to this criterion.

d) ***Less Than Significant.*** The project site is not included on a list of hazardous materials sites subject to corrective action compiled pursuant to Government Code Section 65962.5 (Cortese List). In addition, according to a Phase I Environmental Site Assessment prepared by Ceres Associates (2008), the project site is not included on a number of federal, state, and local databases. A copy of the Phase I is available at the City office for review. Furthermore, according to the Phase I, sites in the vicinity of the proposed project that are included on lists of hazardous materials sites maintained by regulatory agencies (i.e., Emergency Response Notification System, Resource Conservation and Recovery Information System Sites, and Contra Costa County Tanks List Information) are not anticipated to be of environmental concern to the project site due to distance, type of concern, or their relationship to the property in terms of groundwater flow direction (Ceres Associates 2008). This impact is considered less than significant.

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6 Pipeline and Hazardous Materials Safety Administration (PHMSA). 2011a. *Pipeline Basics*. http://primis.phmsa.dot.gov/comm/PipelineBasics.htm?nocache=8995.

e) ***No Impact.*** There are no public airports located within the City of Pittsburg, and no airports located within 2 miles of City limits. Buchanan Field Airport, the closest airport to Pittsburg, is approximately 7 miles west of the project site. The identified flight paths and approaches for the Buchanan Field Airport are well away from the project site and would not result in a safety hazard for people living on the project site. There would be no impact with regard to this criterion.

f) ***No Impact.*** There are no public or private airstrips in the City of Pittsburg or in the vicinity of the project site, and there would be no impact with regard to this criterion.

g) ***No Impact.*** The City of Pittsburg Emergency Operations Plan (EOP) was last updated in 2005 (Resolution No. 05-10223). The EOP outlines procedures for educating the public about emergency preparedness and also establishes procedures for responding to emergency situations, including management of communication systems, provision of medical assistance, and maintenance of local financing structures and government leadership roles in the aftermath of a significant emergency event. The proposed project, including annexations, subdivision, and preliminary grading for site development, would not modify any provision of the EOP. There are no structures currently on or adjacent to the project site, and therefore no existing or planned emergency shelter or evacuation facility would be affected by the proposed project. There would be no impact with regard to this criterion.

h) ***Less Than Significant with Mitigation.*** The project site is located in the grassy southern hills, which are covered with vegetation that is dry and flammable for much of the year. The Pittsburg General Plan identifies the hills south of the City as areas of high wildland fire risk, and the expansion of residential developments into grassland increases the urban-wildland interface where wildland fires present a continuous threat, with the highest risk occurring during the wildland fire season, from June to October (Pittsburg 2004).

IMPACT, HAZ-3: The proposed project would introduce residential dwellings within the urban-wildland interface and increase the potential to expose residents and houses to wildland fire risks. The proposed layout of the Vesting Tentative Map would also obstruct access to existing fire trail systems (Fire Trail 85-2).

MITIGATION MEASURE, HAZ-3.1: The developer shall disclose in writing to all prospective homebuyers on perimeter lots, the Natural Hazards Disclosure Statement (NHDS) for wildland fire. The developer shall also provide public education information including the requirements of Public Resources Code 4291 and Contra Costa County Fire Protection District Defensible Space Standards, reduced fuel zones and weed abatement requirements.

MITIGATION MEASURE, HAZ 3.2: In accordance with Public Resources Code, Section 4291, all residential units adjacent to open slopes shall be required to maintain a 100-foot defensible-space setback to the residential structure with fire resistant landscaping for areas adjacent to open slopes. If this setback area extends beyond the individual property lines, yet within the project boundaries, then maintenance of the fire setback areas shall become the responsibility of the applicable property owner associated with the area in question or the Geologic Hazard Abatement District (GHAD).

MITIGATION MEASURE, HAZ-3.3: Prior to approval of the Vesting Tentative Map, the City shall ensure that the developer has provided access to open space areas or to the existing fire trails systems (Fire Trail 85-2) equivalent to the existing access and adequate to allow emergency access to all open space on the project site and to any adjacent open space that is currently accessed primarily from the

project site. These access roadways shall be a minimum of 16 feet in width in order to accommodate Fire Protection District equipment and personnel. The proposed access plan shall be reviewed and approved by the Fire Protection District prior to approval of the first Final Map.

Discussion of Potential Cumulative Impacts

Anticipated future development in Pittsburg has the potential to expose the public and the environment to risks associated with hazards from on-site contamination and routine use of hazardous materials. With the implementation of proposed mitigation measures, the proposed project would not expose the public or the environment to any on-site contamination. In addition, the project would not involve the routine use of hazardous materials. Therefore, its contribution to a cumulative impact would not be cumulatively considerable.

Future development in the southern foothills of Pittsburg has the potential to expose people or structures to a significant risk of loss, injury, or death involving wildland fires. The City's ULL is set at the project's southern boundary, and no additional development is currently anticipated in the hilly areas south and west of the site. Any future development in the southern foothills would be subject to project-specific land use planning and CEQA analysis and would be required to implement standard wildland fire risk reduction measures. With the implementation of proposed project-specific mitigation measures, the proposed project would not expose the public or the environment to expose residents and houses to wildland fire risks. Therefore, its contribution to a cumulative impact would not be cumulatively considerable.

Issues	Potentially Significant Impact	Less than Significant with Project Mitigation	Less Than Significant Impact	No Impact
9. HYDROLOGY AND WATER QUALITY – Would the project:				
a) Violate any water quality standards or waste discharge requirements?	☐	☐	■	☐
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	☐	☐	■	☐
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on or off site?	☐	☐	■	☐
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on or off site?	☐	☐	■	☐
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	☐	☐	■	☐
f) Otherwise substantially degrade water quality?	☐	☐	■	☐
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	☐	☐	☐	■
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	☐	☐	☐	■

Issues	Potentially Significant Impact	Less than Significant with Project Mitigation	Less Than Significant Impact	No Impact
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	☐	☐	☐	■
j) Inundate by seiche, tsunami, or mudflow?	☐	☐	☐	■

Discussion of Potential Project Impacts

a & f) ***Less Than Significant.*** The greatest potential sources of surface water pollutants associated with the proposed development would be construction-phase erosion of the project site and urban runoff pollutants generated from impervious surfaces on-site following the completion of construction. As discussed in **Subsection IV.6.b**, NPDES requires that the proposed project develop and implement a SWPPP, including control measures (or Best Management Practices) to control erosion from the site. Post-construction, the project would treat stormwater runoff from the new impervious surfaces created on-site, as required by provision C.3 of the Contra Costa County municipal stormwater NPDES permit by directing all site runoff into three detention basins where the runoff would be detained and released at a rate that does not exceed the current rate at which site runoff is discharged into receiving waters. The detention and slow release would allow pollutants, especially sediment to settle in the detention basins and not be discharged into the receiving waters. Therefore the site runoff would not exceed any water quality standards. This impact is considered less than significant.

b) ***Less Than Significant.*** The project site is located within the Pittsburg Plain groundwater basin. The source for groundwater in the basin is rainwater absorbed into the ground through pervious bedrock deposits in stream channels located in the southern hills. The City of Pittsburg receives 90 percent of its water supply from imported water provided by the CCWD via the Central Valley Project. The remaining supply is provided by two groundwater wells. The project was included and accounted for in the 2010 Water System Master Plan (City of Pittsburg) and would receive water from the City and would not require a new well. Therefore, the project's water use would not have an adverse effect on the groundwater basin.

In addition, the majority of the site is not conducive to groundwater recharge due to the presence of clayey soils and hilly terrain. While implementation of the proposed project would result in some loss of groundwater recharge capability by filling in the unnamed intermittent and ephemeral stream channel that runs through the center of the site, all stormwater runoff on the site would be channeled to two detentions basins located along Kirker Pass Road and one basin immediately northwest of the site, which would allow for groundwater infiltration. This impact is considered less than significant.

c, d, & e) The project site is located within the Kirker Creek watershed. Natural drainage on-site is in the form of sheet flow to nearby seasonal streams. The westernmost portion of the property, as well as the areas where off-site improvements would be constructed, drain to a seasonal stream that flows in a south-to-north direction west of the project site. As described above, an alluvial valley that drains from west to east traverses the site and most of the property drains to a seasonal stream in the valley. The Kleinfelder

geologic report noted that artificial debris and boulders have been dumped along much of the on-site channel alignment, apparently to reduce erosion along the incised channel (Kleinfelder 2000). Since that date, earthen fill has been placed in low-lying portions of the stream channel, partially burying the channel. Seepage areas and springs were noted by Kleinfelder at the foot of the southern hillside, with marshy conditions surrounding both seepage areas. The marshy conditions and its location at the head of an alluvial fan indicate that it stays relatively fixed throughout the winter and spring (Kleinfelder 2000). The project includes alteration of site drainage and the alteration of the unnamed intermittent and ephemeral stream channel that runs through the project site. A majority of stormwater runoff on the site would be channeled to two detentions basins located along Kirker Pass Road, which would delay the flow of water downstream in the event of a storm, thus preventing erosion of existing stream banks and flooding downstream along Kirker Creek. An additional detention basin would also be located to the northwest of the main project site. This basin would drain the access road leading from Montreux Court to existing development to the north and areas to be graded for the proposed water tank and would reduce existing erosion and runoff to an existing creek to the west. This impact is considered less than significant.

g-h) ***No Impact.*** The project site is located within Flood Zone X (areas outside of the 100-year flood hazard area) and no portion of the site is within a Flood Insurance Rate Map designated 100-year flood zone (FEMA 2009). As a result, the proposed project would not place structures within an area at risk of flood flows. There would be no impact with regard to this criterion.

i) ***No Impact.*** There are no levees or dams located upstream of the project site with the potential to inundate the site as the result of failure (ABAG 1995). There would be no impact with regard to this criterion.

j) ***No Impact.*** The project site contains moderately sized hills that lack a significant water source that could reasonably create an inundation by mudflow. See **Subsection IV.6.a.iv** for a complete discussion on landslides. As a whole, the City of Pittsburg is located in the interior of the San Francisco Bay area, where the potential for damage related to seiche or tsunami is limited. Portions of the City located along the Suisun Bay waterfront could experience some damage from intense storms or extremely high tides combined with a seiche or tsunami, although projected wave height and run-up of water is expected to be small because of the City's inland location. The project site is itself is located over 3 miles inland from the waterfront and the lowest elevation is 275 feet above mean sea level. It would therefore not be subject to tsunami or seiches. There would be no impact with regard to this criterion.

Discussion of Potential Cumulative Impacts

Anticipated future development in Pittsburg could result in the violation of water quality or waste discharge requirements during construction. However, all development that could generate increased storm water flows in Pittsburg would be required to include an SWPPP during construction and post construction, all development would be required to treat runoff in accordance with provision C.3 of the Contra Costa County municipal stormwater NPDES permit. As a result, the cumulative impact with regard to water quality would be less than significant.

Anticipated future development in Pittsburg would result in some alteration of drainage patterns on each of the cumulative development project sites. However, all site drainage from these sites would be designed and constructed in accordance with the current California Building Code and applicable City

requirements. As a result, the cumulative impact with regard to site drainage would be less than significant.

Portions of the City are located within a 100-year flood hazard area or floodplain. In addition, portions of the City located adjacent to Suisun Bay are susceptible to potential tsunami or seiche inundation. As the project site is not located within a 100-year flood hazard area and is located well inland from Suisun Bay, the proposed project would not contribute to this impact.

Issues	Potentially Significant Impact	Less than Significant with Project Mitigation	Less Than Significant Impact	No Impact
10. LAND USE AND PLANNING – Would the project:				
a) Physically divide an established community?	☐	☐	☐	■
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	☐	■	☐	☐
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	☐	☐	☐	■

Discussion of Potential Project Impacts

a) ***No Impact.*** The project site is vacant and is surrounded by undeveloped lands. There are no established communities in the area that would be divided by the proposed project. There would be no impact with regard to this criterion.

b) ***Less Than Significant Impact with Mitigation.*** The proposed project would result in the annexation and residential subdivision of land currently outside of the City of Pittsburg, but within the existing SOI and ULL. The Land Use Element of the General Plan includes the project site in the Woodlands subarea and designates the site for Low Density Residential and Open Space land uses, consistent with the proposed Vesting Tentative Map. The City of Pittsburg Voter Approved Urban Limit Line and Prezoning Act (Measure P) established the ULL along the southern boundary of the site and shortly after the passage of Measure P, the General Plan was amended to be consistent with a MOU that was signed on May 3, 2006 (drafted in response to Measure P). This MOU and the associated General Plan policy 2-P-73, calls for the prevention of the expansion of urban utilities and services south of the ULL and also requires the creation of a "greenwall," defined as open space with no water or sewer services passing through, on the southern approximate 20 percent of the project site to act as a buffer between proposed development and the southernmost boundary of the ULL. The proposed vesting Tentative Map includes 43.4 acres (parcel 'B') of the undeveloped land to provide the required greenwall, which would effectively separate the proposed residential uses from County lands designated for rural uses to south of the project site and ensure that the proposed project is consistent with the voter approved Measure P.

IMPACT LUP-1: While the project design does include approximately 43.4 acres of open space designated land located along the southern boundary of the site, the land is not proposed for permanent conservation, as required by General Plan policy 2-P-73 (and the May 3, 2006, MOU) which could be considered a conflict with General Plan policy 2-P-73.

MITIGATION MEASURE LUP-1: The developer shall ensure the southern portion of the project site, currently designated as Open Space (approximately 43.4 acres), is permanently preserved as a greenbelt buffer, in accordance with Policy 2-P-73, through the recordation of a deed restriction or

some other appropriate mechanism, prior to the acceptance of the last Final Map for the site (should it be broken into phases).

c) ***No Impact.*** The Pittsburg City Council adopted the East Contra Costa County HCP/NCCP on April 16, 2007 (Resolution No. 07-10745), thereby formalizing the City's participation in a regional conservation and mitigation program for biological resources in eastern Contra Costa County, and authorizing the City Manager to execute agreements with the appropriate resource agencies to implement the HCP/NCCP. The HCP/NCCP became effective in August 2007, when the CDFW and the USFWS signed the agreements. The City's method for implementing the HCP/NCCP was subsequently formalized by ordinance and was incorporated into the PMC as chapter 15.108. As required in PMC chapter 15.108, and as described in **Section 4** (Biological Resources), the project would comply with the requirements of the HCP/NCCP. There would be no impact related to this criterion.

Discussion of Potential Cumulative Impacts

Anticipated future development in Pittsburg would be reviewed for consistency with adopted land use plans and policies by the City. For this reason, pending and approved projects are anticipated to be consistent with the General Plan and zoning requirements, or be subject to an allowable exception, and further, would be subject to review under CEQA, mitigation requirements, and design review. As the proposed project includes a greenbelt on the southern portion of the project site as stipulated by General Plan policy 2-P-73, the cumulative impact of the proposed project and pending and approved projects would be less than significant.

Issues	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
11. MINERAL RESOURCES – Would the project:				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	☐	☐	☐	■
b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	☐	☐	☐	■

Discussion of Potential Project Impacts

a–b) The project site is currently used for grazing land only. According to the Pittsburg General Plan, there are currently no significant mineral deposits or active mining operations in the Planning Area and no mineral extraction occurs or is known to have occurred on the project site. The General Plan also states that the hills south of City limits may contain mineral deposits, though their significance is not known (Pittsburg 2004). Since no known or potential mineral resources of state, regional, or local importance are located on the project site, and the site is not in an area used for mineral extraction (for example, sand and gravel), there would be no impact related to these criteria.

Discussion of Potential Cumulative Impacts

As discussed above, minerals are not found to any appreciable extent in the City. As a result, anticipated future development in Pittsburg, including the proposed project, would not result in the loss of availability of a known resource. The impact of cumulative development on mineral resources would be less than significant.

Issues	Potentially Significant Impact	Less than Significant with Project Mitigation	Less Than Significant Impact	No Impact
12. NOISE – Would the project result in:				
a) Exposure of persons to or generation of noise levels in excess of standards established in any applicable plan or noise ordinance, or applicable standards of other agencies?	☐	■	☐	☐
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	☐	☐	■	☐
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	■	☐
d A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project (including construction)?	☐	■	☐	☐
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within 2 miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	■
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	■

Discussion of Potential Project Impacts

Less than Significant with Mitigation. The project site is used for grazing land, and no noise sources are present on the site. The only significant nearby noise source is vehicle traffic along Kirker Pass Road.

Noise levels are typically described in terms of decibels. A decibel (dB) is a unit of measurement which indicates the relative amplitude of a sound. The zero on the decibel scale is based on the lowest sound level that the healthy, unimpaired human ear can detect. Sound levels in decibels are calculated on a logarithmic basis. An increase of 10 decibels represents a tenfold increase in acoustic energy, while 20 decibels is 100 times more intense, 30 decibels is 1,000 times more intense, etc. There is a relationship between the subjective noisiness or loudness of a sound and its decibel level, and each 10-decibel increase

in sound level is perceived as approximately a doubling of loudness over a fairly wide range of intensities. The A-Weighted Sound Level (dB(A)) is the sound pressure level in decibels as measured on a sound level meter using the A-weighting filter network. The A-weighting filter de-emphasizes the very low and very high frequency components of the sound in a manner similar to the frequency response of the human ear and correlates well with subjective reactions to noise.

According to the City of Pittsburg General Plan Noise Element, noise levels in exterior use areas associated with new single-family residences are considered *normally acceptable* if noise levels are 60 dB(A) Ldn[7] or less, *conditionally acceptable* if noise levels range from 55 to 70 dB(A) Ldn, *normally unacceptable* if noise levels range from 70 to 75 dB(A) Ldn, and *clearly unacceptable* if noise levels exceed 75 dB(A) Ldn (Pittsburg 2004).

An Environmental Noise Assessment was prepared for the proposed project by Illingworth & Rodkin, Inc. A copy of the assessment is included in **Appendix F** of this Initial Study. The existing noise environment at the project site is primarily the result of traffic along Kirker Pass Road and the future noise environment at the project site would continue to be influenced from this source. Cumulative plus project (without the James Donlon Expressway) traffic projections from the project's traffic study were used in the traffic noise modeling to assess the future noise environment at sensitive receptors (new residences) proposed nearest the roadway. A second cumulative plus project (with the James Donlon Expressway) scenario was modeled assuming the future roadway alignment and profile of Kirker Pass Road. According to the noise assessment, future unattenuated noise levels at some of the lots nearest to Kirker Pass Road would exceed the City's 60 dB(A) Ldn noise standard for exterior use areas (Illingworth & Rodkin 2011). The Vesting Tentative Tract Map for the proposed project has been revised since the noise assessment was prepared. Based on the analysis contained in the previous noise assessment, it now appears that noise levels at the rear or side yards of Lots 207 and 208, which are proposed in the northeast corner of the project site, and Lots 1 and 2, which are proposed in the southeast corner of the project site, would exceed the City's 60 dB(A) Ldn noise standard for exterior use areas, and it is recommended that that private residential outdoor use areas on these lots be acoustically shielded by a property line noise barrier (Illingworth & Rodkin 2013).

> **IMPACT, NOI-1:** Exposure of future residents sited closest to Kirker Pass Road to noise levels in excess of exterior noise levels considered acceptable for residential uses would be inconsistent with the intent of the Pittsburg General Plan, Noise Element.
>
> **MITIGATION MEASURE, NOI-1:** A 6-foot noise barrier shall be installed along the rear and side property lines of Lots 1, 2, 207 and 208. Design of the noise barrier shall coordinate with adjacent fencing and shall be subject to review and approval by the Planning Division at the time the design review application is filed for the residential units.

b) ***Less Than Significant Impact.*** Vibration is a form of noise in which energy is carried through structures and the earth, whereas noise is carried through the air. Thus, vibration is generally felt rather than heard. Some vibration effects can be caused by noise, e.g., the rattling of windows from truck pass-bys. This phenomenon is related to the coupling of the acoustic energy at frequencies that are close to the resonant frequency of the material being vibrated. Typically, groundborne vibration generated by

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7 The day/night noise level (Ldn) is an expression of noise level consisting of the average A-weighted decibel level during a 24-hour day, obtained after the addition of 10 decibels to noise levels at night between 10:00 PM and 7:00 AM.

man-made activities attenuates rapidly as distance from the source of the vibration increases. Vibration, which spreads through the ground rapidly, diminishes in amplitude with distance from the source. The ground motion caused by vibration is measured as particle velocity in inches per second and, in the US is referenced as vibration decibels (VdB).

Excessive groundborne vibration and noise are typically caused by activities such as blasting used in mining operations or the use of pile drivers during construction. The proposed project would not require either blasting or pile driving and is not expected to result in excessive groundborne vibration or noise. The primary and most intensive vibration source associated with the development of the project would be the use of large bulldozers during grading operations. The Federal Railroad Administration (FRA) identifies a maximum acceptable level threshold of 72 VdB for residences and buildings where people normally sleep. Large bulldozers are capable of producing 75 VdB at 100 feet (FRA 2005). Based on a review of the site plans, grading activity would occur as close as 250 feet from noise-sensitive single-family residential land uses situated to the north of the project site. Given this distance vibration from grading activities would not negatively affect these sensitive uses. Also, it is possible that the subdivision would be graded in phases, thereby subjecting new occupied homes within the subdivision to loud construction related noise. However, section 15.88.060 of the PMC limits the hours of grading activities within 1,000 feet of a residential unit to between 7:00 AM and 5:30 PM on weekdays only, which would minimize any temporary impacts to a less than significant level. This impact is considered less than significant.

c) ***Less Than Significant Impact.*** Vehicular noise generated by future development on the project site could affect land uses located adjacent to area roadways. *State CEQA Guidelines* define a project-level impact as being significant if the project "increases substantially the ambient noise levels for adjoining areas." In practice, significant noise impacts are usually identified in CEQA analyses if the project would result in a perceptible ambient noise level increase, commonly considered to be 3 dB(A). Traffic noise was modeled for the roadways analyzed in the traffic study prepared for the proposed project. Specifically, noise levels were calculated by comparing future baseline plus project conditions to existing noise conditions (future traffic conditions include traffic from the nearby approved but not yet constructed subdivisions, such as the Sky Ranch Residential project in the City of Pittsburg and the Black Diamond Residential project in the City of Antioch). The highest traffic volumes during either the AM or PM peak hour were used as inputs into the model. The results of the modeled weekday roadway noise levels are provided below in **Table 7, Operational Roadway Noise Levels – Project Conditions**. As shown, changes in CNEL[8] levels along a majority of the roadways in the area would be less than 3 dB(A). In a few instances, CNEL levels actually decreased, which is due to the projected opening of the James Donlon Expressway. Only at one location did roadway levels increase above the 3 dB(A) threshold. CNEL levels along Somersville Road, south of James Donlon Boulevard increased by 4 dB(A). However, as indicated in **Table 7**, the project would not contribute any noise at this intersection, and therefore make no contribution to this impact. This impact is considered less than significant.

8 The community noise equivalent level (CNEL) is the average A-weighted noise level during a 24-hour day, obtained after addition of 5 decibels in the evening from 7:00 PM to 10:00 PM and after addition of 10 decibels to sound levels in the night between 10:00 PM and 7:00 AM It is therefore very similar to the Ldn. City thresholds for noise exposure are expressed in Ldn; however, for the purpose of this analysis, a *change* in perceptible noise levels of 3 dB(A) CNEL is considered significant.

Table 7
Operational Roadway Noise Levels – Project Conditions

Roadway Segment	Existing Noise Levels Without Project, dB(A) CNEL	Future Baseline Noise Levels Plus Project dB(A) CNEL	Change in Noise Levels, dB(A)	Project Contribution to Change in Noise Levels, dB(A)
Railroad Ave, North of California Ave	63.3	63.5	0.2	0.0
Railroad Ave, Between California Ave and HWY 4 Eastbound Ramp	66.7	67.1	0.4	0.1
Railroad Ave, Between HWY 4 Eastbound Ramp and Leland Rd	66.5	67.0	0.5	0.2
Railroad Ave, Between Leland Rd and Atlantic Ave	65.0	65.7	0.7	0.5
Railroad Ave, Between Atlantic Ave and Buchanan Rd	64.6	65.2	0.6	0.4
Kirker Pass Rd, Between Buchanan Rd and Montreux Main Entrance	69.3	66.8	-2.5	0.2
Kirker Pass Rd, Between Montreux Main Entrance and Montreux Secondary Entrance	69.3	70.0	0.7	-0.7
Kirker Pass Rd, Between Montreux Secondary Entrance and Myrtle Dr.	69.3	69.7	0.4	-1.0
Kirker Pass Rd, Between Myrtle Dr. and Concord Blvd	66.8	67.3	0.5	0.1
Kirker Pass Rd, Between Concord Blvd and Clayton Rd	67.5	67.9	0.4	0.1
Ygnacio Valley Blvd, South of Clayton Rd	64.5	64.8	0.3	0.1
Harbor St, North of Buchanan Rd	57.6	57.7	0.1	0.0
Loveridge Rd, North of Buchanan Rd	59.6	60.2	0.6	0.1
Somersville Rd, North of James Donlon Blvd	67.0	***63.7***	-3.3	0.1
Somersville Rd, South of James Donlon Blvd	46.5	***50.5***	4.0	0.0
Buchanan Rd, West of Railroad Ave	55.7	56.0	0.3	0.0
Buchanan Rd, Between Railroad Ave and Harbor St	64.7	64.0	-0.7	0.1
Buchanan Rd, Between Harbor St and Loveridge Rd	64.8	64.5	-0.3	0.1
Buchanan Rd, East of Loveridge Rd	62.8	63.1	0.3	0.0

Source: Impact Sciences, Inc., 2011. Modeling outputs are contained in ***Appendix F****.*

d) ***Less Than Significant with Mitigation.*** Construction of the project would involve the temporary use of heavy equipment, such as scrapers, graders, bulldozers, and heavy-duty trucks. Smaller equipment such as jackhammers, pneumatic tools, saws, and hammers would also be used. Noise levels generated by heavy equipment can range from approximately 83 to 88 dB(A) when measured 50 feet from the noise source. However, much of this noise diminishes rapidly at a rate of 6 dB(A) per doubling of distance. Based on a review of the site plans, construction activity (i.e., grading) would occur as close as 250 feet from noise-sensitive single-family residential land uses situated to the north of the project site. At this distance, and assuming uninterrupted line of sight, noise from construction equipment on the project site could range from 68 to 73 dB(A). These temporary noise levels would exceed the City's exterior noise standard of 60 dB(A) Ldn for single-family residences.

IMPACT, NOI-2: Construction activity (i.e., grading) would occur as close as 250 feet from noise-sensitive single-family residential land uses situated to the north of the project site. At this distance, and assuming uninterrupted line of sight, temporary noise from construction equipment on the project site could range from 68 to 73 dB(A), which would exceed the City's exterior noise standard of 60 dB(A) Ldn for single-family residences.

MITIGATION MEASURE NOI-2 The project developer shall prepare construction specifications that will become part of contractor documents and which could be enforced by the City of Pittsburg Building Division on an as needed basis. The construction specifications will require the contractor to:

- Limit construction activities to the hours between 7:00 AM and 5:30 PM on weekdays and between 9:00 AM and 6:00 PM on Saturdays and Sundays. No construction shall take place on locally observed holidays.

- Locate fixed construction equipment such as compressors and generators as far as feasibly possible from sensitive receptors (i.e., existing houses). Shroud or shield all impact tools, and muffle or shield all intake and exhaust ports on power construction equipment.

e) ***No Impact.*** There are no public airports located within the City of Pittsburg, and no public airports located within 2 miles of City limits. Buchanan Field Airport, the closest airport to Pittsburg, is approximately 7 miles west of the project site. The identified flight paths and approaches for the Buchanan Field Airport are well away from the project site and would not expose residents on the project site to excessive noise levels. There would be no impact with respect to this criterion.

f) ***No Impact.*** There are no public or private airstrips in the City of Pittsburg or in the vicinity of the project site, and there would be no impact with regard to this criterion.

Discussion of Potential Cumulative Impacts

With respect to cumulative construction noise and vibration impacts, those would occur only if other development projects in Pittsburg were to be under construction the same time as the proposed project and if these concurrent projects would be in close proximity of the same sensitive receptors to the north of the project site and would expose those receptors to their construction noise. There are no proposed projects that would be located near the proposed project to result in a cumulative construction noise impact on the nearby receptors. There would not be a cumulative construction noise impact.

Concerning cumulative traffic noise, noise levels along study area roadways were modeled based on cumulative traffic. The results of the modeled weekday roadway noise levels are provided below in **Table 8, Operational Roadway Noise Levels – Cumulative Conditions**. Similar to baseline plus project conditions, changes in CNEL levels along a majority of the roadways in the area would be less than 3 dB(A) with noise levels along some segments decreasing due to the opening of the James Donlon Expressway. Again, the segment of Somersville Road, south of James Donlon Boulevard would experience an increase greater than 3 dB(A). However, as indicated in **Table 8**, the project would not contribute any noise at this intersection, and therefore the proposed project would make no contribution to this cumulative impact.

Table 8
Operational Roadway Noise Levels – Cumulative Conditions

Roadway Segment	Existing Noise Levels Without Project, dB(A) CNEL	Cumulative Noise Levels Plus Project, dB(A) CNEL	Change in Noise Levels, dB(A)	Project Contribution to Change in Noise Levels, dB(A)
Railroad Ave, North of California Ave	63.3	***63.9***	0.6	***0.0***
Railroad Ave, Between California Ave and HWY 4 Eastbound Ramp	66.7	***67.6***	0.9	***0.1***
Railroad Ave, Between HWY 4 Eastbound Ramp and Leland Rd	66.5	***67.6***	1.1	***0.2***
Railroad Ave, Between Leland Rd and Atlantic Ave	65.0	***66.8***	1.8	***0.2***
Railroad Ave, Between Atlantic Ave and Buchanan Rd	64.6	***67.2***	2.6	***1.3***
Kirker Pass Rd, Between Buchanan Rd and Montreux Main Entrance	69.3	69.1	-0.2	***0.4***
Kirker Pass Rd, Between Montreux Main Entrance and Montreux Secondary Entrance	69.3	71.6	2.3	***0.2***
Kirker Pass Rd, Between Montreux Secondary Entrance and Myrtle Dr.	69.3	71.6	2.3	***0.2***
Kirker Pass Rd, Between Myrtle Dr. and Concord Blvd	66.8	***68.6***	1.8	***0.1***
Kirker Pass Rd, Between Concord Blvd and Clayton Rd	67.5	***68.9***	1.4	***0.1***
Ygnacio Valley Blvd, South of Clayton Rd	64.5	***65.2***	0.7	***0.1***
Harbor St, North of Buchanan Rd	57.6	***58.0***	0.4	***0.0***
Loveridge Rd, North of Buchanan Rd	59.6	***60.8***	1.2	***0.1***
Somersville Rd, North of James Donlon Blvd	67.0	66.6	-0.4	***0.1***
Somersville Rd, South of James Donlon Blvd	46.5	58.9	12.4	***0.0***
Buchanan Rd, West of Railroad Ave	55.7	***55.5***	-0.2	***0.0***
Buchanan Rd, Between Railroad Ave and Harbor St	64.7	***65.5***	0.8	***0.0***
Buchanan Rd, Between Harbor St and Loveridge Rd	64.8	***65.6***	0.8	***0.0***
Buchanan Rd, East of Loveridge Rd	62.8	***64.3***	1.5	***0.0***

Source: Impact Sciences, Inc., 2011. Modeling outputs are contained in ***Appendix F****.*

Issues	Potentially Significant Impact	Less than Significant with Project Mitigation	Less Than Significant Impact	No Impact
13. POPULATION AND HOUSING – Would the Project:				
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	☐	☐	■	☐
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	■
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	■

Discussion of Potential Project Impacts

a) ***Less Than Significant Impact.*** The proposed project would result in the annexation and residential subdivision of land currently outside of the City of Pittsburg, but within the existing ULL, General Plan Planning Area, and SOI. The most recent DOF estimates for household size in Pittsburg is 3.25 persons per household (DOF 2012).[9] Thus, the proposed 356 new residential lots have the potential to increase the population of Pittsburg by approximately 1,157 people. The DOF estimates the total population for the City of Pittsburg in 2010 was 64,706 people (DOF 2012), and the proposed project would thus increase the City's population by approximately 1.8 percent.

As discussed under Land Use above, residential development is consistent with the Land Use Element designations in the Pittsburg General Plan, and the increase in population would not be substantial in that it was planned for and considered in the General Plan. The voter-approved ULL and southern greenbelt would ensure that the project would not result in unforeseen and substantial indirect population growth through the extension of utility infrastructure beyond the ULL. This impact would be less than significant.

b-c) ***No Impact.*** The proposed development involves annexation and subdivision of undeveloped land. There are no residences or resident population on the project site and no residential units would to be demolished or persons displaced in order to accommodate site improvement work associated with buildout of the proposed project. There would be no impact with regard to these criteria.

9 The reported US Census Bureau (2005-2009) average household size for Pittsburg is 3.24 persons per household; however, the proposed project would likely house fewer than this number, as shown by the more recent Department of Finance figures.

Discussion of Potential Cumulative Impacts

Anticipated future development in Pittsburg would result in an increase in population throughout the City. The Pittsburg General Plan anticipates and plans for the cumulative population increase in the City through 2020. The development of this site is anticipated in the General Plan (as amended) and accounted for in its growth projections. Cumulative impacts of growth are adequately addressed in the General Plan EIR. As discussed above, the number of residents added to the project site would not be substantial. Therefore, the contribution of the proposed project to this impact would not be cumulatively considerable. The cumulative impact of the project would be less than significant.

Issues	Potentially Significant Impact	Less than Significant with Project Mitigation	Less Than Significant Impact	No Impact
14 PUBLIC SERVICES –				
Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
a) Fire protection?	■	□	□	□
b) Police protection?	□	□	■	□
c) Schools?	□	□	■	□
d) Parks?	□	□	■	□
e) Other public facilities?	□	□	■	□

Discussion of Potential Project Impacts

a) ***Potentially Significant Impact.*** Fire suppression and prevention for structural, vehicle and vegetation fires, emergency medical, rescue, fire inspection, plan review and education services for the City of Pittsburg and adjacent unincorporated areas, including the project site, are provided by the Contra Costa County Fire Protection District (CCCFPD). Within the Pittsburg Planning Area, there are four CCCFPD fire stations: Fire Station 85 (2331 Loveridge Road) is approximately 1.75 miles from the project site; Fire Station 87 (800 West Leland Road) is approximately 2.2 miles from the project site; Fire Station 84 (1903 Railroad Ave) is also approximately 2.2 miles from the project site; and Fire Station 86 (3000 Willow Pass Road, Bay Point) is approximately 3.7 miles from the project site. Chapter 11.4 of the General Plan identifies the response time goal for CCCFPD is to provide service within 5 minutes of notification, which can generally be provided for areas located within a 1.5 miles of a fire station. The average response time for the four stations serving the City of Pittsburg is currently between 6 minutes 20 seconds and 6 minutes 59 seconds (Leach 2011).

Chapter 11 of the General Plan also identifies the areas in the hills south of the City as being at the greatest risk for fire hazards. General Plan policy 11-P-26 calls for the City to cooperate with the CCCFPD to locate a fire station within 1.5 miles of all residential development, which would be particularly important for new development in the southern hills. Since the project site is further than 1.5 miles from the nearest fire station, no new fire stations are planned for construction within 1.5 miles of the site, and existing average response times exceed the CCCFPD 5 minute goal, the location of the project would represent a potentially significant impact. The effects of increased fire demand will be analyzed in the EIR.

b) ***Less Than Significant Impact.*** The City of Pittsburg Police Department provides law enforcement services within City limits, and Contra Costa County Sheriff's department provides law enforcement services to unincorporated areas in the county surrounding the City of Pittsburg, including Bay Point and the project site. The Pittsburg Police Department includes the Patrol Division, Traffic Division, Code Enforcement Division, Investigations Division, and Records Division. The Patrol Division operates 24 hours a day, 365 days a year. The City is divided into beats and officers are assigned to a specific beat for a period of time. The "beat" system operates without community substations, so that officers are continually available within the territory covered by each beat. The beat system is designed to assure rapid response to emergency calls within each beat. The primary mission of the Patrol Division is to maintain peace and provide a response to calls for service. The mission of the Traffic Division is to make the streets of Pittsburg as safe as possible for all vehicles, bicyclists, and pedestrians. The code Enforcement Division enforces codes, laws, and regulations for the abatement of substandard housing conditions and zoning violations, blight issues, and the abatement of abandoned, dismantled, or inoperative vehicles.

The Pittsburg Police Department currently is authorized and funded for 76 sworn officers. According to the DOF, the 2010 population estimate for the City of Pittsburg is 64,976 people. Based on this population, the current service ratio is 1.17 sworn officers per 1,000 residents. General Plan policy 10-P-39 establishes as goal for the Police Department a ratio of 1.8 sworn officers per 1,000 residents. According to the East Contra Costa County Sub-regional Municipal Service Review, the average police response times during the 2006-07 fiscal year were 4 to 5 minutes for emergency calls and 15 to 20 minutes for priority non-emergency calls (LAFCO 2009a; LAFCO 2009b).

With the annexation of the project site into the City of Pittsburg, the project site would be included in the service area of the Pittsburg Police Department. Based on the additional residents that the project would add to the City's population, in accordance with General Plan policy 10-P-39, the City would strive to provide additional sworn officers in order to serve the additional 1,157 residents and in order to achieve the long-term goal of 1.8 sworn officers per 1,000 residents. The Police Department has acknowledged that the proposed project would require additional staff but has expressed concern that, while the new residents of the proposed subdivision would contribute taxes to the City General Fund, which provides funding for sworn officer positions, there is no guarantee that the General Fund revenues provided by the new development would fully fund the new positions. However, standard conditions of approval require that the developer annex new development into the Community Facilities District (CFD) 2005-1, which collects fees to provide funding for an increase in police funding needed to provide service within the project area. The rate of the CFD fee is subject to City Council Ordinance No. 05-1246 as specified in Exhibit B of the ordinance. While the project would clearly require that additional sworn officers be added to the Police Department to serve the project, the Police Chief did not indicate that new police facilities would be required in order to provide police services to the proposed project (Baker 2010). As the Pittsburg Police Department does not use substations, and as indicated by the Police Chief, no new facilities would be required in order to meet established performance objectives, and therefore, no adverse physical environmental impacts would occur. While the proposed project would increase demand for police services, the increased demand for police services would not result in the construction of new facilities or any related physical environmental impacts. This impact is considered less than significant.

c) ***Less Than Significant Impact.*** The project site would be annexed into the Pittsburg Unified School District (PUSD). Specifically, the project site would be annexed into the attendance boundaries of Foothill Elementary School, Hillview Junior High School, and Pittsburg High School. Based on student generation

rates provided by the PUSD, it is anticipated that the proposed project would generate between 116 to 128 new K-5 students, 56 to 64 new 6–8 students, and 79 to 85 new high school students. According to the PUSD, Foothill Elementary and Hillview Junior High are operating at or over capacity. Pittsburg High School has excess capacity to accommodate future enrollment. However, this excess capacity would be needed to serve future development within the PUSD service boundaries that has yet to be built. Therefore the K-12 students generated by the proposed project are considered "unhoused" and new school facilities may be needed to serve the students generated by the proposed project (SCI 2010).

Development under the proposed project would be required to pay school development fees, as dictated by state law, prior to the issuance of building permits. The maximum developer fees that the PUSD currently collects are $2.97 per square foot for new residential construction and $0.47 per square foot for new commercial and industrial construction (PUSD 2010). According to Government Code Section 65996, payment of such fees constitutes full mitigation of any school impacts under CEQA. Therefore, any resulting increase in school enrollment would be offset by the required payment of the PUSD's development fees. This impact is considered less than significant.

d) ***Less Than Significant Impact.*** Development of the project site with residential uses would result in additional people living in the City, thereby increasing demand for park services. Three parks (Woodland Hills, Buchanan, and Highlands) are located in the vicinity of the project site. As required by **Mitigation Measure TRA-1** the applicant would be required to construct a sidewalk along the west side of Kirker Pass Road, or some other similar pedestrian route, connecting the project site to the nearest existing sidewalk to the north, and thus providing access to these park facilities. The City's park requirements are based on the adopted standards of 5 acres of parkland per 1,000 residents (Pittsburg 2004). Chapter 17.32 of the PMC sets forth detailed requirements for land dedication or fee in lieu of dedication. This code also describes the criteria for combining fee and dedication as well as credits for private open space. The developer of the proposed project would be required to comply with the provisions of the PMC. These requirements are considered adequate to mitigate impacts relative to provision of parks, and this impact is considered less than significant.

Discussion of Potential Cumulative Impacts

Future anticipated development in Pittsburg, including the proposed project, could result in significant cumulative impacts with regard to fire protection services. This issue will be addressed in the EIR.

Although substantial portions of Pittsburg are built out, future development or redevelopment would increase population in the City, thus resulting in an increase in demand for police, schools, parks and other public facilities. As a result of the increased demand, future growth in the City may require new or physically altered facilities to accommodate staff and equipment to meet increased demand, the construction of which could cause significant environmental impacts. Future projects would be subject to CEQA requirements, including requirements to assess and mitigate potential impacts to public services. However, the project's contribution to the cumulative impact would not be cumulatively considerable as the police department has indicated that no new facilities would need to be constructed to serve the proposed project and the project applicant would pay fees to mitigate impacts to schools and parks.

Issues	Potentially Significant Impact	Less than Significant with Project Mitigation	Less Than Significant Impact	No Impact
15. RECREATION –				
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	☐	☐	■	☐
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment?	☐	☐	☐	■

Discussion of Potential Project Impacts

a) ***Less Than Significant Impact.*** Pittsburg residents have access to trails and regional parks near the project site. Southeast of the site is the Black Diamond Mines Regional Preserve, owned and operated by the EBRPD. Black Diamond Mines Regional Preserve provides 65 miles of hiking trails within 5,985 acres. The proposed project would increase the number of residents in the City, and thus increase the use of existing neighborhood and regional parks. The project could increase the use of existing regional parks such that substantial physical deterioration of regional park facilities could occur or be accelerated. However, the proposed project is subject to the terms of the MOU between the City and the applicant which calls for the payment of an Open Space Fee of $2,000 per dwelling unit. This fee would be used by the EBRPD for additional regional public open space acquisition or for the maintenance of regional open space. The payment of this fee to the EBRPD is considered adequate to reduce environmental impacts to regional recreational facilities from use by project residents, and the impact to regional parks would be less than significant. With respect to City parks, as noted in response to **Subsection IV.14.d**, above, compliance with the PMC would ensure that impacts to City parks from additional usage are adequately addressed.

b) ***No Impact.*** The proposed project does not involve construction or expansion of neighborhood parks. Therefore, potential impacts associated with park facilities would not occur. There would be no impact with regard to this criterion.

Discussion of Potential Cumulative Impacts

Anticipated future development in Pittsburg would increase the extent of development in the City, thus resulting in a cumulative increase in the use of recreational facilities owned by both the City and the EBRPD. As a result, future growth in the City may result in the substantial physical deterioration of recreational facilities to occur or be accelerated, or may require the construction or expansion of recreational facilities, the construction of which could cause significant environmental impacts. All future development would be required to comply with the PMC and all residential development would also be required to pay an Open Space fee. As discussed above, the project applicant would be required to pay a

fee to the EBRPD to mitigate impacts to facilities owned by the District. The payment of required fees would ensure that all necessary improvements to parks and recreational facilities are made and potential environmental impacts from those improvements are mitigated to a less than significant level.

Issues	Potentially Significant Impact	Less than Significant with Project Mitigation	Less Than Significant Impact	No Impact
16. TRANSPORTATION/TRAFFIC – Would the project:				
a) Conflict with an applicable plan, ordinance, or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?	☐	☐	■	☐
b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?	☐	☐	■	☐
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	☐	☐	☐	■
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	☐	☐	■	☐
e) Result in inadequate emergency access?	☐	☐	☐	■
f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?	☐	☐	■	☐

Discussion of Potential Project Impacts

a) ***Less Than Significant Impact.*** A traffic study was prepared to evaluate the impacts of the proposed project on the street system within and adjacent to the project site. The *Montreux Residential Project Subdivision 8279, Traffic Impact Study* (Abrams Associates 2011a) focused on changes in Level of Service (LOS) due to the traffic added by the project at intersections in the immediate vicinity of the project site. The traffic study is included in **Appendix G** of this Initial Study. The LOS of an intersection is a

qualitative measure used to describe operational conditions. LOS ranges from A (best), which represents minimal delay, to F (worst), which represents heavy delay and a facility that is operating at or near its functional capacity. **Table 9, Level of Service Definitions**, describes level of service conditions.

Table 9
Level of Service Definitions

Level of Service	Description
A	Represents free flow. Individual users are virtually unaffected by others in the stream.
B	Stable flow, but the presence of other users in the traffic stream begins to be noticeable.
C	Stable flow, but the beginning of the range of flow in which the operation of individual users becomes significantly affected by interactions with others in the traffic stream.
D	Represents high-density, but stable flow.
E	Represents operating conditions at or near capacity level.
F	Represents forced or breakdown flow.

Source: Impact Sciences, Inc., (2011).

Requirements set forth in the CCTA's Final Technical Procedures Update (dated July 19, 2006) were used to evaluate existing operational conditions at study area intersections. Additional LOS analysis was also based on methods defined in the 2000 *Highway Capacity Manual (HCM)* (Abrams Associates 2011a).

For signalized intersections, the CCTA standards are based on LOS and the volume to capacity ratio (V/C) for the entire intersection. The *HCM* methodology determines the capacity of each lane group approaching the intersection. The LOS is then based on average control delay (in seconds per vehicle) for the various movements within the intersection. A combined weighted average control delay is presented for the intersection (Abrams Associates 2011a). **Table 10, Level of Service Criteria for Signalized Intersections** summarizes the relationship between LOS, average control delay, and the volume to capacity ratio at signalized intersections.

Table 10
Level of Service Criteria for Signalized Intersections

Level of Services	Average Delay (seconds/vehicle)	Volume to Capacity Ratio
A	≤ 10	< 0.60
B	10.1 – 20	> 0.61 to 0.70
C	20.1 – 35.0	> 0.71 to 0.80
D	35.1 – 55.0	> 0.81 to 0.90
E	55.1 – 80.0	> 0.91 to 1.00
F	> 80	> 1.00

Source: Highway Capacity Manual, (TRB 2000).

For unsignalized (all-way stop controlled and two-way stop controlled) intersections, the average control delay and LOS operating conditions are calculated by approach (e.g., northbound) and movement (e.g., northbound left-turn) for those movements that are subject to delay. In general, the operating conditions for unsignalized intersections are presented for the worst approach (Abrams Associates 2011a). **Table 11, Level of Service Criteria for Unsignalized Intersections** summarizes the relationship between LOS and average control delay at unsignalized intersections.

Table 11
Level of Service Criteria for Unsignalized Intersections

Level of Services	Average Delay (seconds/vehicle)
A	0 to 10
B	>10 to 15
C	>15 to 25
D	>25 to 35
E	>35 to 50
F	> 50

Source: Highway Capacity Manual, (TRB 2000).

According to the General Plan, the goal of the City of Pittsburg is to maintain a Level of Service in the middle of the LOS D range during the peak hours (volume to capacity ratio less than or equal to 0.85) with mid-range LOS E permissible at intersections along Kirker Pass Road (Abrams Associates 2011a). The Traffic Impact Study (2011) lists the following significance standards for signalized and unsignalized intersections used to assess project related impacts:

- Signalized Intersections - Project-related operational impacts on the City of Pittsburg's signalized study intersections are considered significant if project-related traffic causes the LOS rating to deteriorate from mid LOS D or better to high LOS D, LOS E or F, or from LOS E to LOS F. For intersections along Kirker Pass Road (and those beyond the point at which this roadway becomes Ygnacio Valley Road in Concord), the impacts are considered significant if project-related traffic causes the LOS rating to deteriorate from mid LOS E or better to high LOS E, or LOS F, or from LOS E to LOS F.

- Unsignalized Intersections - Project-related operational impacts on unsignalized intersections are considered significant if project generated traffic causes the worst-case movement (or average of all movements for all-way stop-controlled intersections and roundabouts) to deteriorate from LOS D or better to LOS E or F.

To determine the potential impact of the proposed project on each study intersection, proposed traffic volumes were added to baseline traffic conditions with and without the addition of the James Donlon Expressway (formerly called the Buchanan Bypass). Baseline conditions consist of existing traffic plus anticipated traffic from approved developments (the approved Sky Ranch and Black Diamond residential projects) that would substantially affect the volumes at project study intersections. The James Donlon Expressway consists of a planned bypass roadway that would connect James Donlon Boulevard to Kirker Pass Road in an effort to relieve traffic along Buchanan Road to the north. A portion of the James Donlon

Expressway extending from Somersville Road through the Black Diamond Estates project has already been completed. Alternatives for connecting the new bypass roadway are currently being considered. The traffic study assumed that the bypass roadway would terminate at the traffic signal for the main entrance to the project site.

As shown in **Table 12, Baseline Intersection Level of Service Conditions**, all study intersections would operate at an acceptable LOS under baseline plus project conditions with or without the James Donlon Expressway. In addition, an analysis was completed with proposed traffic volumes added to existing conditions, although due to project timing such a scenario would not actually occur. As shown in **Table 13, Existing Intersection Level of Service Conditions**, all study intersections would operate at an acceptable LOS under existing plus project conditions. Therefore, impacts with regard to intersection capacity and LOS would be less than significant.

b) ***Less Than Significant Impact.*** Kirker Pass Road in the vicinity of the project site is designed as a principal arterial in the Contra Costa Congestion Management Program network (CCTA 2009). As discussed above, all study intersections along Kirker Pass Road would operate at an acceptable LOS under baseline plus project conditions with or without the James Donlon Expressway. Therefore, a conflict with the applicable congestion management plan would not occur and this impact would be less than significant.

c) ***No Impact.*** There are no public or private airports located within 2 miles of the City. The proposed project would consist of low-rise residential development that would not be located near or interfere with the flight patterns of any airports in the region or contribute to increased air traffic. There would be no impact with regard to this criterion.

d) ***Less Than Significant Impact.*** The proposed project would be required to comply with the City's design standards and the design standards in the *Uniform Fire Code*. Required compliance with these existing standards would prevent hazardous design features and would ensure adequate and safe access. According to the traffic study, no internal site circulation or access issues have been identified that would cause a traffic safety problem or any unusual traffic congestion or delay. It should be noted that the volumes on the internal roadways would be light enough so that no significant conflicts would be expected with through traffic and vehicles backing out of the driveways and/or garages within the project. At the main project entrance on Kirker Pass Road there were no capacity problems identified with the proposed project driveway configuration (Abrams Associates 2011a). This impact is considered less than significant.

Table 12
Baseline Intersection Level of Service Conditions

			Without James Donlon Expressway				With James Donlon Expressway			
			Baseline		Baseline Plus Project		Baseline		Baseline Plus Project	
Intersections	Control	Peak Hour	V/C Ratio	LOS	V/C Ratio	LOS	V/C Ratio	LOS	V/C Ratio	LOS
1 Railroad Ave & California Ave/SR 4 WB on-ramp	Traffic Signal	AM	0.63	B	0.65	B	0.63	B	0.65	B
		PM	0.64	B	0.66	B	0.64	B	0.65	B
2 Railroad Ave & SR 4 Eastbound Ramp	Traffic Signal	AM	0.61	B	0.63	B	0.61	B	0.63	B
		PM	0.80	C	0.81	D	0.80	C	0.80	D
3 Railroad Ave & Leland Rd	Traffic Signal	AM	0.66	B	0.69	B	0.66	B	0.68	B
		PM	0.71	C	0.73	C	0.71	C	0.72	C
4 Railroad Ave & Atlantic Ave	Traffic Signal	AM	0.48	A	0.52	A	0.44	A	0.46	A
		PM	0.54	A	0.56	A	0.54	A	0.56	A
5 Railroad Ave & Buchanan Rd	Traffic Signal	AM	0.72	C	0.73	C	0.40	A	0.41	A
		PM	0.85	D	0.86	D	0.50	A	0.51	A
6 Kirker Pass Rd & Montreux Main Driveway	Traffic Signal	AM	N/A	N/A	0.62	B	0.54	A	0.60	A
		PM	N/A	N/A	0.55	C	0.38	A	0.41	A
7 Kirker Pass Rd & Montreux Secondary Driveway[a]	Side Street Stop	AM	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
		PM	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
8 Kirker Pass Rd & Myrtle Dr.	Traffic Signal	AM	0.32	A	0.32	A	0.32	A	0.32	A
		PM	0.60	B	0.62	B	0.50	B	0.62	B
9 Kirker Pass Rd & Concord Blvd	Traffic Signal	AM	0.67	B	0.68	B	0.67	B	0.68	B
		PM	0.72	C	0.73	C	0.72	C	0.73	C
10 Kirker Pass Rd & Clayton Rd	Traffic Signal	AM	0.62	B	0.63	B	0.62	B	0.63	B
		PM	0.69	B	0.70	B	0.69	B	0.70	B
11 Somersville Rd & James Donlon Blvd	Traffic Signal	AM	0.33	A	0.33	A	0.55	A	0.57	A
		PM	0.61	B	0.61	A	0.55	A	0.55	A
12 Buchanan Rd & Harbor St	Traffic Signal	AM	0.82	D	0.82	D	0.58	A	0.58	A
		PM	0.78	C	0.79	C	0.64	B	0.65	B
13 Buchanan Rd & Loveridge	Traffic Signal	AM	0.76	C	0.77	C	0.53	A	0.54	A
		PM	0.77	C	0.77	C	0.60	A	0.60	A

Source: Abrams Associates Traffic Engineering, Inc., (2011).
Note:
[a] *For non-signalized intersections, the traffic study indicates that all stop-controlled side-street approaches would continue to operate at LOS D or better.*

Table 13
Existing Intersection Level of Service Conditions

	Intersection	Control	Peak Hour	Existing		Existing Plus Project	
				V/C Ratio	LOS	V/C Ratio	LOS
1	Railroad Ave & California Ave/SR 4 WB on-ramp	Traffic Signal	AM	0.58	A	0.61	B
			PM	0.62	B	0.64	B
2	Railroad Ave & SR 4 Eastbound Ramp	Traffic Signal	AM	0.56	A	0.59	A
			PM	0.78	C	0.79	C
3	Railroad Ave & Leland Rd	Traffic Signal	AM	0.61	B	0.64	B
			PM	0.70	C	0.72	C
4	Railroad Ave & Atlantic Ave	Traffic Signal	AM	0.42	A	0.46	A
			PM	0.53	A	0.55	A
5	Railroad Ave & Buchanan Rd	Traffic Signal	AM	0.55	B	0.58	A
			PM	0.64	B	0.65	B
6	Kirker Pass Rd & Montreux Main Driveway	Traffic Signal	AM	N/A	N/A	0.53	A
			PM	N/A	N/A	0.50	A
7	Kirker Pass Rd & Montreux Secondary Driveway[a]	Side Street Stop	AM	--	--	--	--
			PM	--	--	--	--
8	Kirker Pass Rd & Myrtle Dr.	Traffic Signal	AM	0.30	0.30	0.30	A
			PM	0.56	0.56	0.58	A
9	Kirker Pass Rd & Concord Blvd	Traffic Signal	AM	0.64	0.64	0.65	B
			PM	0.69	0.69	0.70	B
10	Kirker Pass Rd & Clayton Rd	Traffic Signal	AM	0.59	0.59	0.60	A
			PM	0.65	0.65	0.66	B
11	Somersville Rd & James Donlon Blvd[a]	All Way Stop	AM	--	--	--	--
			PM	--	--	--	--
12	Buchanan Rd & Harbor St	Traffic Signal	AM	0.64	B	0.64	B
			PM	0.67	B	0.68	B
13	Buchanan Rd & Loveridge	Traffic Signal	AM	0.58	A	0.59	A
			PM	0.56	A	0.57	A

Source: Abrams Associates Traffic Engineering, Inc., (2011b).
Note:
[a] *CCTA methodology only applies to signalized intersections*

e) ***No Impact.*** The proposed project must comply with all building, fire, and safety codes and specific development plans would be subject to review and approval by the Public Works and Development Services Departments and the CCCFPD. Required review by these departments would ensure that the proposed circulation system for the project site would provide adequate emergency access. In addition, the proposed project would not cause any permanent or temporary closures to any roadway. There would be no impact with respect to this criterion.

f) ***Less Than Significant Impact with Mitigation.*** According to the traffic study, the proposed project would not significantly impact any bicycle or pedestrian facilities, including bike lanes, routes, or paths. However, General Plan policy 7-P-33 requires that the proposed project provide a sidewalk along Kirker Pass Road for pedestrians, yet the current project plans do not show any new sidewalks connecting the development to other developed areas north of the site

IMPACT, TRA-1: Failure to provide pedestrian facility along Kirker Pass Road, connecting the project site to other previously developed areas north of the project, would result in a conflict with an adopted General Plan policy regarding pedestrian facilities.

MITIGATION MEASURE, TRA-1: The developer shall construct a sidewalk along the west side of Kirker Pass Road, or some other alternative pedestrian access route, connecting the project site to the nearest existing sidewalk to the north. The sidewalk or alternative pedestrian route shall be constructed prior to occupancy of the first units constructed on the project site.

Discussion of Potential Cumulative Impacts

For cumulative conditions (2030), the intersection traffic volumes were based on the existing turning movements plus the addition of growth estimated by the County's traffic model. The cumulative analysis also took into account traffic from the planned Railroad Avenue Specific Plan. As shown in **Table 14, Cumulative (2030) Intersection Level of Service Conditions**, all of the signalized study intersections would continue to have acceptable conditions during the weekday AM and PM peak hours with the James Donlon Expressway. For the unsignalized study intersections, all of the stop-controlled side-street approaches would continue to operate at LOS D or better with the James Donlon Expressway. However, as shown in **Table 14**, not all of the intersections would operate at LOS D or better without the James Donlon Expressway. Under this scenario, the intersections of Railroad Avenue and Buchanan Bypass (Intersection 5), Buchanan Road and Harbor Street (Intersection 12), and Buchanan Road and Loveridge Road (Intersection 13) would operate at LOS E or worse under AM and PM peak hour conditions. However, Buchanan Road is included in the East County Action Plan, which is intended to reduce cumulative regional traffic impacts of forecast development in Eastern Contra Costa County, and is subject to a Traffic Management Plan. According to the action plan, intersections with an LOS E or F designation that are subject to a Traffic Management Plan are acceptable. Therefore, the cumulative impacts with regard to intersection capacity and LOS with and without he James Donlon Expressway would be less than significant.

Table 14
Cumulative (2030) Intersection Level of Service Conditions

			Without James Donlon Expressway				With James Donlon Expressway			
			Cumulative		Cumulative Plus Project		Cumulative		Cumulative Plus Project	
Intersections	Control	Peak Hour	V/C Ratio	LOS	V/C Ratio	LOS	V/C Ratio	LOS	V/C Ratio	LOS
1 Railroad Ave & California Ave/SR 4 WB on-ramp	Traffic Signal	AM	0.71	C	0.74	C	0.71	C	0.73	C
		PM	0.70	B	0.71	B	0.70	B	0.71	C
2 Railroad Ave & SR 4 Eastbound Ramp	Traffic Signal	AM	0.69	B	0.71	B	0.69	B	0.71	C
		PM	0.86	D	0.87	D	0.86	D	0.87	D
3 Railroad Ave & Leland Rd	Traffic Signal	AM	0.75	C	0.78	C	0.75	C	0.77	C
		PM	0.79	C	0.80	C	0.79	C	0.80	D
4 Railroad Ave & Atlantic Ave	Traffic Signal	AM	0.57	A	0.60	A	0.59	A	0.62	B
		PM	0.61	B	0.63	B	0.61	B	0.63	B
5 Railroad Ave & Buchanan Rd	Traffic Signal	AM	0.88	D	0.93	D	0.69	B	0.72	C
		PM	1.08	F	1.11	F	0.73	C	0.73	C
6 Kirker Pass Rd & Montreux Main Driveway	Traffic Signal	AM	0.52	A	0.65	A	0.64	B	0.69	B
		PM	0.60	A	0.68	A	0.61	B	0.65	B
7 Kirker Pass Rd & Montreux Secondary Driveway[a]	Side Street Stop	AM	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
		PM	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
8 Kirker Pass Rd & Myrtle Dr.	Traffic Signal	AM	0.36	A	0.36	A	0.36	A	0.36	A
		PM	0.68	B	0.70	B	0.68	B	0.70	B
9 Kirker Pass Rd & Concord Blvd	Traffic Signal	AM	0.74	C	0.75	C	0.74	C	0.75	C
		PM	0.80	C	0.81	C	0.80	C	0.81	D
10 Kirker Pass Rd & Clayton Rd	Traffic Signal	AM	0.68	B	0.69	B	0.68	B	0.69	B
		PM	0.76	C	0.77	C	0.76	C	0.77	C
11 Somersville Rd & James Donlon Blvd	Traffic Signal	AM	0.66	B	0.66	B	0.75	C	0.76	C
		PM	0.86	D	0.86	D	0.68	B	0.68	B
12 Buchanan Rd & Harbor St	Traffic Signal	AM	1.06	F	1.06	F	0.74	C	0.74	C
		PM	1.06	F	1.06	F	0.82	D	0.82	D
13 Buchanan Rd & Loveridge	Traffic Signal	AM	1.00	E	1.01	E	0.69	B	0.70	C
		PM	1.01	F	1.01	F	0.79	C	0.79	C

Source: Abrams Associates Traffic Engineering, Inc., (2011).
Note:
[a] *For non-signalized intersections, the traffic study indicates that all stop-controlled side-street approaches would continue to operate at LOS D or better.*

Issues	Potentially Significant Impact	Less than Significant with Project Mitigation	Less Than Significant Impact	No Impact
17. UTILITIES AND SERVICE SYSTEMS – Would the project:				
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	☐	☐	■	☐
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	☐	■	☐
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	☐	☐	■
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	☐	■	☐	☐
e) Result in a determination by the wastewater treatment provider, which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	☐	■	☐	☐
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	☐	☐	■	☐
g) Comply with applicable federal, state, and local statutes and regulations related to solid waste?	☐	☐	☐	■

Discussion of Potential Project Impacts

a) ***Less Than Significant Impact.*** Wastewater generated by the proposed project would be conveyed to and treated at the DDSD wastewater treatment plant, located north of the Pittsburg-Antioch Highway in the City of Antioch. Wastewater from the proposed project would include sanitary flow and would not include flows from industrial or manufacturing operations. Therefore, flows from the proposed project are not anticipated to result in the treatment plant exceeding its treatment requirements. This represents a less than significant impact.

b) ***Less Than Significant Impact***.

Potable Water Treatment. Raw (untreated) water supplies for the City of Pittsburg are provided by the CCWD and supplemented by two municipal wells. Raw water supplies are treated at the City's Water Treatment Plant which is located next to the CCWD canal. The City's water treatment plant has a hydraulic design capacity of 32 mgd and is currently limited by the California Department of Public Health to treat 12 mgd when the water temperature is less than 50 degree Fahrenheit (which has not occurred to date) and 28 mgd when the water temperature is less than 68 degrees Fahrenheit, which usually occurs between the months of November and April. The water treatment plant currently operates at 6 to 18 mgd. The lowest remaining probable capacity of the water treatment is 10 mgd during the November to April period when temperatures drop below 68 degrees Fahrenheit (Pittsburg 2010). The most recent Pittsburg Water System Master Plan (2010) noted that the existing treatment plant has the capacity to serve the project, and identified upgrades to the City's transmission pipes, pump stations, and storage system that would be required in order to provide treated water to the project site (Pittsburg 2010). The required upgrades, including the planned on-site water tank and conveyance facilities, would either be built on the project site or within existing rights-of-way that have previously been disturbed. The developer would be required to install all required on-site improvements during project development, while the City of Pittsburg would be required to install required upgrades off-site prior to project occupancy. The developer would be required to pay a fee to cover the proposed project's proportional share of the required off-site upgrades. Therefore, the construction of these conveyance facilities would not cause significant environmental effects, and this impact is considered less than significant.

Wastewater Treatment. Wastewater generated in the City of Pittsburg is conveyed to and treated at the DDSD's wastewater treatment plant, which has an average dry weather flow capacity of 16.5 mgd. During the most recent reporting period (2009), the average dry weather flow influent to the treatment plant was 12.8 mgd. In 2000 and 2005, the average dry weather flow at the plant was 13.5 and 14.2 mgd, respectively (Chapman 2012). DDSD has wastewater conveyance and treatment facilities planned and under construction to increase system capacity. DDSD collects Capital Facility Capacity Charges to build capacity as it is consumed by new connections. Capacity is provided through facilities constructed by DDSD as prescribed in the Conveyance and Treatment Master Plans. These Master Plans use City planning data for the communities in the DDSD service area. The project site is identified in the Pittsburg sewer collection system planning documents as sewer basin DS422N. The 2004 DDSD Conveyance and Wastewater Treatment Master Plan used information from 2002 Pittsburg documents, which projected 202 single-family homes in this sewer basin. In the City of Pittsburg 2007 Wastewater Collection System Master Plan (Amendment No. 2), the projection was increased to 300 single-family homes in this sewer basin. A recent update to the DDSD conveyance master plan was completed in 2010 and an update to the wastewater treatment master plan is underway. These recent DDSD planning documents used a projection of 360 single-family homes for the sewer basin (based on the Pittsburg Planning Department's most current available information in 2009). The proposed project would result in the construction of 356 single-family units, which is consistent with the District's Conveyance and Treatment Plan planning documents. Therefore, no new previously unanticipated wastewater treatment or conveyance facilities would be constructed that could cause significant environmental effects, and this impact is considered less than significant.

c) ***No Impact.*** Storm water drainage facilities, including two on-site storm water detention basins located adjacent to Kirker Pass Road and one off-site detention basin located to the north of the project site, would be constructed as part of the proposed project. The physical impacts of construction of these

facilities are assessed in this Initial Study. As the analyses show, with mitigation, the construction of these facilities would not result in significant impacts.

d) ***Less Than Significant with Mitigation.*** As stated above, raw water supplies for the City of Pittsburg are provided by the CCWD and supplemented by two municipal wells. A majority (90 percent) of raw water supplies for the City of Pittsburg come from the CCWD.

The CCWD draws its water from the Sacramento-San Joaquin Delta under contract with the federal Bureau of Reclamation Central Valley Project (CVP). As a Municipal and Industrial Contractor, the CCWD is subject to the terms of the CVP contract with the federal Bureau of Reclamation, and water provided by the CVP can only be used within CCWD boundaries. Changes can be made (and parcels are routinely added) to the CCWD service area, but any changes must be approved by the LAFCO, which requires a "Will Serve" letter from CCWD, confirming that the project site is within the Los Vaqueros Project area and can be served by CCWD upon completion of the inclusion process for the CVP.

According to the 2010 UWMP, the CCWD can meet near-term demands under all supply conditions except in the latter years of a multi-year drought. Under these conditions short-term water purchases or voluntary short-term conservation of up to 9 percent would be required to meet demand. In later years, supply shortfalls of up to 30,000 acre-feet (af) could result under drought conditions. It is the goal of the CCWD to meet 100 percent of demand in normal years and a minimum of 85 percent of demand during a drought. A combination of short- or long-term water purchases and drought demand management are planned to meet any remaining supply deficit (CCWD 2011).

The proposed project would result in the addition of approximately 1,157 new residents to the City of Pittsburg. Based on a daily per capita water use of 180 gallons per day (gpd) (Pittsburg 2004), the proposed project would demand approximately 208,260 gpd or 233 acre-feet of water per year.

The Contra Costa LAFCO Water and Wastewater Municipal Service Review (MSR) for Central Contra Costa County included consideration of demand from development within the ULL expansion area, including the residential potential of the proposed project. The MSR noted that the CCWD has planned for projected growth within its service area to ensure that water supplies remain reliable (LAFCO 2008). CCWD's water supply is adequate to meet demands in normal and single dry years through 2030 (LAFCO 2008). For a multi-dry year drought scenario, the CCWD has plans to meet reliability goals in the second and third year of multi-year dry periods through a variety of programs, including short-term transfers and enhanced conservation. The CCWD has a four-stage water shortage contingency plan, with various stages triggered by supply reductions.

While the CCWD has the capacity to serve the raw water needs of the proposed project from existing entitlements, the project site would need to be included in the CCWD service area in order to obtain water from the CVP entitlements.

IMPACT, UTL-1: The project site is within the CCWD SOI; however, it is not currently within the CCWD Service Area boundary and therefore the site does not have entitlements for water supply by the CCWD CVP.

MITIGATION MEASURE, UTL-1: The developer shall provide all necessary documentation required by the CCWD for its application for inclusion of the project site in the CVP. No grading or building permits shall be issued until the project site has been annexed into the CCWD service area

and the developer provides the City with a "Will Serve" letter from the CCWD verifying that the project site has been included in the CVP.

e) ***Less Than Significant with Mitigation.*** As discussed above, wastewater generated in the City of Pittsburg is conveyed to and treated at the DDSD's wastewater treatment plant, which has an average dry weather flow capacity of 16.5 mgd. During the most recent reporting period (2009), the average dry weather flow influent to the treatment plant was 12.8 mgd. Planning for future capacity in the wastewater treatment system is provided for in the DDSD's Conveyance and Treatment Master Plans. A recent update to the DDSD conveyance master plan was completed in 2010 and an update to the wastewater treatment master plan is underway. These recent DDSD planning documents used a projection of 360 single-family homes for the sewage basin that covers the project site. The proposed project would result in the construction of 356 single-family units and therefore would conform to the future development figures for the project site outlined in the DDSD Conveyance and Treatment Plan projections.

f) ***Less Than Significant.*** The proposed project would be served by Pittsburg Disposal Service, which provides solid waste pick-up and disposal services to most of Pittsburg. Solid waste generated within the City of Pittsburg is disposed of at the Acme and Potrero Hills landfills. The Acme landfill has a permitted capacity of 268,700 cubic yards, with 93,700 cubic yards (35 percent) used and 175,000 cubic yards (65 percent) remaining (CalRecycle 2013a), while the Potrero Hills landfill has a permitted capacity of 83.1 million cubic yards, with 69.2 million cubic yards (83 percent) used and 13.9 million cubic yards (65 percent) remaining (CalRecycle 2013b).

The proposed project would result in the addition of approximately 1,157 new residents to the City of Pittsburg. Based on a solid waste generation rate of 12 pounds per person per day (CalRecycle 2013c), the proposed project would generate approximately 7 tons of solid waste per day or 2,534 tons of solid waste per year. This amount represents 1.5 percent of the remaining capacity at the Acme landfill and 0.02 percent of the remaining capacity of the Potrero Hill landfill. Thus, solid waste generated by the proposed project could be accommodated by the remaining capacity at either the Acme landfill or the Potrero Hills landfill. This impact is considered less than significant.

g) ***No Impact.*** The proposed project is not of a class of project that is generally recognized as having a potential to violate applicable statutes and regulations related to solid waste. There would be no impact with respect to this criterion.

Discussion of Potential Cumulative Impacts

Anticipated future development in Pittsburg would increase the extent of development in the City, thus resulting in increased demand for water and increased generation of wastewater and solid waste. This increase in demand would also result in the increased need for new or expanded water, wastewater, and stormwater treatment and conveyance facilities.

The Pittsburg General Plan EIR (2001) indicated new development and intensification allowed under the General Plan would result in an increased demand for water and that such increases in demand for water supply and treatment and distribution capacity are considered a potentially significant impact. However, General Plan policies governing infrastructure improvements and water conservation efforts would ensure that adequate water capacities are available and this cumulative impact would be reduced to a less than significant level. The project site was not included in the General Plan EIR analysis; however, as discussed above, the CCWD has indicated that it can meet the long-term water supply needs of its service

area, which includes the City of Pittsburg and the project site, under normal conditions. Under drought conditions a water supply shortfall could occur. However, long-term water purchases and drought demand management are planned to meet any remaining supply deficit (CCWD 2011). In addition, the most recent Pittsburg Water System Master Plan (2010) noted that the existing treatment plant has the capacity to serve the project. Finally, upgrades to water transmission facilities that may be required to serve the project would either be built on the project site or within existing rights-of-way that have previously been disturbed. Therefore, the construction of these conveyance facilities would not cause cumulatively significant environmental effects. For the reasons listed about, the contribution of the project to cumulative impacts with regard to potable water supply, treatment, and conveyance would not be cumulatively considerable.

Concerning wastewater treatment and conveyance, the Pittsburg General Plan EIR indicated that deficiencies existed within the wastewater collection system and upgrades to the system were required to serve future development. In addition, expansion of the DDSD wastewater treatment plant would need to occur to serve future development in the City. This impact was considered potentially significant. However, General Plan policies relating to treatment plant expansion, infrastructure and lift station improvements, and use of reclaimed water would ensure that wastewater treatment capacity would be available to serve future development (Pittsburg 2001). The project site was not included in the General Plan EIR analysis. Concerning available capacity of the DDSD wastewater treatment facility, the project site is in conformance with the recent DDSD planning documents. Therefore, the contribution of the project to cumulative impacts with regard to wastewater treatment and conveyance would not be cumulatively considerable.

Future development within the City of Pittsburg would require the construction of storm water drainage facilities on individual project sites, the construction of which could cause significant environmental effects. Each individual project in the City would undergo separate environmental review and include mitigation measures to reduce environmental effects. The physical impacts of construction of required storm drain facilities that are being constructed as part of this project would be limited to the project site and would be less than significant with mitigation, as discussed elsewhere in this Initial Study. Therefore, the contribution of the proposed project to this impact would not be cumulatively considerable.

According to the Pittsburg General Plan EIR (2001), the generation of solid waste streams above existing capacity from future development is considered a potentially significant impact. However, general plan policies relating to ensuring adequate solid waste collection and disposal capacity would reduce this cumulative impact to a less than significant level. The project site was not included in the General Plan EIR analysis; however, as discussed above, available capacity existing in local landfills to serve the proposed project. As a result, cumulative impacts with regard to landfill capacity would be less than significant.

Issues	Potentially Significant Impact	Less than Significant with Project Mitigation	Less Than Significant Impact	No Impact
18. MANDATORY FINDINGS OF SIGNIFICANCE – The lead agency shall find that a project may have a significant effect on the environment and thereby require an EIR to be prepared for the project where there is substantial evidence, in light of the whole record, that any of the following conditions may occur. Where prior to commencement of the environmental analysis a project proponent agrees to mitigation measures or project modifications that would avoid any significant effect on the environment or would mitigate the significant environmental effect, a lead agency need not prepare an EIR solely because without mitigation the environmental effects would have been significant (per Section 15065 of the *State CEQA Guidelines*):				
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	☐	■	☐	☐
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of past, present and probable future projects)?	■	☐	☐	☐
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☐	■	☐

Discussion of Potential Project Impacts

a) Please refer to responses under Biological Resources items **4(a)** through **4(f)**, and Cultural Resources items **5(a)** through **5(d)**, above. Future development on the project site would not significantly affect fish or wildlife habitat, nor would it eliminate examples of California history or prehistory. The mitigation measures identified in this Initial Study would reduce all impacts to a less than significant level, and the City has determined that the proposed project would not degrade the quality of the environment. Impacts under this criterion would be less than significant.

b) An analysis of whether the potential impacts of the proposed project combined with other current projects and probable future projects and projected regional growth in the surrounding area would result in significant cumulative impacts will be included in the EIR.

c) Implementation of the proposed project could result in physical impacts to the environment with regards to aesthetics, geology and soils, and public services. However, no health or hazard risks to humans would occur. This impact is considered less than significant.

VII. SUPPORTING INFORMATION SOURCES

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Memorandum of Understanding, May 3, 2006, between the City of Pittsburg, Altec Homes, Inc., Albert D. Seeno III, and Albert D. Seeno Jr.

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VII. INITIAL STUDY PREPARERS

City of Pittsburg

Kristin Vahl Pollot, AICP, Associate Planner

Dana Hoggatt Ayers, Planning Manager

Impact Sciences, Inc.

Shabnam Barati, Ph.D., Managing Principal

Paul Stephenson, AICP, Project Manager

Eric Bell, Air Quality/GHG Lead

Ian Hillway, Publications Manager

APPENDIX A

Memorandum of Understanding between Altec Homes, Inc., Albert D. Seeno III, Albert D. Seeno, Jr., and the City of Pittsburg

MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding is made on this 3RD day of MAY, 2006 ("Memorandum"), by and among the City of Pittsburg, a municipal corporation ("City"), Altec Homes, Inc., a California corporation ("Developer"), Albert D. Seeno, III, and Albert D. Seeno, Jr.

1. On November 8, 2005, the registered voters of the City will vote on whether or not to adopt a voter-approved urban limit line for the City ("City Urban Limit Line").

2. The City Urban Limit Line initiative, if adopted by the voters of the City of Pittsburg, will provide for the inclusion of, among other properties, the Montreux Property, Faria Costa Property and Thomas Ranch within the Urban Limit of the City of Pittsburg.

3. It is the desire of the parties to this agreement to have the new City Urban Limit Line be a permanent line, beyond which no urban development can occur in the future and to provide maximum public benefit for the residents of the City of Pittsburg for its housing, transportation, open space and park needs.

NOW, THEREFORE, for good and valuable consideration, the receipt of which is hereby acknowledged, the parties hereto agree as follows:

A. The City of Pittsburg ("City"), after the passage of the City of Pittsburg Urban Limit Line on November 8, 2005, will commence a General Plan study which will 1) seek to provide sufficient language in its General Plan to prevent the ability of urban utilities and services from extending beyond the voter approved Urban Limit Line; 2) establish guidelines for the development of a permanent green belt between areas to remain outside the Urban Limit Line and urban development to occur on new lands being brought inside the new voter approved Urban Limit Line and 3) analyze the amendments of land use designations within Nortonville Valley and within intended green belt areas from current land use designations to Open Space. The new green belt areas shall generally encompass a) the southerly 1/5 (approximately) of the Montreux property; b) the area within the Thomas property south of the southerly PG&E transmission corridor and that potential triangular area north of the southerly PG&E transmission corridor, but south of the final alignment of the Buchanan Road Bypass, just east of Kirker Pass Road; and c) the area within the Faria Costa property between the Concord City border and the first set of ridges, including the tops of these same ridges, which run generally parallel to the common border. The City will consider, as part of this study, additional General Plan amendments that transfer lost development rights as a result of the proposed greenbelts to other portions of these properties, while not

increasing the overall number of units currently permitted or acreage currently designated for residential development on these properties.

B. Developer and Albert D. Seeno III, agrees to a mitigation plan of their providing at no cost to the parties hereto 3 acres of mitigation land replacement for one acre of land of development that is affected by resource agency required mitigations; such mitigation can be provided on the development site if possible and, if not, off site.

C. 1. Developer and Albert D. Seeno III propose and agree to pay $2,000 per dwelling unit built by them, their successors in interest, or any affiliated entities on land currently owned or later acquired by them in the expanded Urban Limit Line area to East Bay Regional Park District for additional public open space acquisition or for the maintenance of open space (referred to as "Open Space Fee"). In the event East Bay Regional Park District so requires, Developer or Albert D. Seeno III will advance up to $300,000 in Open Space Fees.

2. The parties agree that this payment of $2,000 per dwelling unit, as well as the advance, shall in no way constitute or otherwise affect any obligation under applicable law by Altec Homes, Inc. and/or Albert D. Seeno III to fund park improvements or to otherwise pay park-related fees to the City, including those fees or other exactions currently in existence, as may be modified from time to time by the City and/or from those authorized by the Quimby Act.

D. City shall study and, if consistent with and supportable by applicable law, to enact a fee ordinance for East Bay Regional Park District to acquire and maintain public open space, as described above in paragraph C. of $2,000 for the East Contra Costa County area. With the fees collected from development in the City of Pittsburg, City shall require that the East Bay Regional Park District agree, in spending such fees, to give priority to spending such fees in and around the Pittsburg open space area south of the City within the City of Pittsburg Planning Area. The payment of the monies specified in Section C shall constitute a dollar-for-dollar credit as to the fee referenced in this section. The parties hereto agree not to raise any legal challenge to the adoption and implementation of such fee, or other aspect hereof.

E. City and Developer, Albert D. Seeno, Jr. and Albert D. Seeno, III acknowledge that they have discussed and entered into Memoranda of Understanding for traffic improvements on the Buchanan Bypass and San Marco Boulevard, copies which are attached hereto, and that the City has commenced on traffic improvement programs through new fees which shall be levied upon properties within the new Urban Limit Line area.

F. Albert D. Seeno, Jr. agrees to protect the 800 + acre property commonly known as Southport, consistent with the terms and conditions contained in the attached Exhibit A, entitled Southport Land 800+ acres. City shall require that the East Bay Regional Park District agree to work within the terms of the protection plan described in the Attached Exhibit A.

G. Developer, Albert D. Seeno, Jr., and Albert D. Seeno, III shall dedicate a Green Wall within their properties being brought inside the new voter approved Urban Limit Line from new urban development proposed on same properties, including the Faria Costa Property and the Montreux property. A Green Wall is defined as a buffer or greenbelt, through which no urban services (sewer and water) may penetrate. Furthermore, Developer, Albert D. Seeno, Jr., and Albert Seeno, III agrees to site future housing on the Faria Costa property in such a manner as determined through a certified EIR that will alleviate potential visual impacts of the project on the City of Concord.

H. The parties agree that, in the event the voters do not pass the City Urban Limit Line Initiative, this MOU will automatically be null and void.

WHEREFORE, the parties have executed this Memorandum as of the date set forth above.

ACKNOWLEDGMENT REQUIRED

ATTEST:

DEPUTY City Clerk

CITY:

THE CITY OF PITTSBURG,
a municipal corporation

By:

Name: MARC S. GRISHAM

Its: CITY MANAGER

Albert D. Seeno Jr.:

SEECON FINANCIAL & CONSTRUCTION CO., INC.,
a California corporation

By:

Name: Albert D. Seeno, Jr.

Its: President

Developer:

ALTEC HOMES, INC.,
a California corporation

By:

Name: Albert D. Seeno, III

Its: President

APPENDIX B

Air Quality and GHG Modeling Data

This study has been updated and is included as a standalone appendix item in the Draft EIR. Please see the Appendix list in the Table of Contents of the Draft EIR to locate this item.

APPENDIX C

Biological Resources Report

This study has been updated and is included as a standalone appendix item in the Draft EIR. Please see the Appendix list in the Table of Contents of the Draft EIR to locate this item.

APPENDIX D

Geotechnical Study

This study has been updated and is included as a standalone appendix item in the Draft EIR. Please see the Appendix list in the Table of Contents of the Draft EIR to locate this item.

APPENDIX E

Kinder Morgan Energy Partners Correspondence

KINDER MORGAN
ENERGY PARTNERS, L.P.
SFPP, L.P.

SFPP, L.P.
Operating Partnership

February 22, 2011

ENG 4-2-1 (10.1– 9)
File Reference # 11-049-1

Mr. Jason Burke
Associate Planner
City of Pittsburg
65 Civic Avenue
Pittsburg CA 94565

RE: Pittsburg: New Subdivision Review

Dear Mr. Burke:

This is in reply to your email dated January 20, 2011, concerning the above referenced project in Pittsburg, CA.

Your drawings indicate a new residential subdivision along Kirker Pass Road near Pittsburg, CA. As you are aware, Kinder Morgan (KM) operates and maintains a 10-inch high pressure refined petroleum products pipeline within the project limits. The general alignment of this facility is depicted on the enclosed drawing, Line Section 9, Sheet 13 and Sheet 14.

In the interest of public safety and for pipeline protection the following provisions must be considered in the design and subsequent improvements near KM facilities.

1. Exact pipeline location and depth can only be determined by pothole, which must be performed by hand excavation in the presence of a KM representative. Notify KM Area Manager, Grant McClellan at (925) 682-0764 at least two weeks prior to commencement of work. Mr. McClellan will arrange for a pipeline representative to be present during work near the pipeline.

2. Adherence to applicable provisions enumerated in the enclosed copy of (a) L-OM200-29 "Guidelines for Design and Construction" relating to proposed projects affecting Kinder Morgan pipelines and (b) copy of Information Bulletin #03-001, issued from the office of the California State Fire Marshal concerning encroachments within and adjacent to pipeline.

Mr. Gregg Lies (916) 624-2431 Ex 18 will be KM's engineering contact as this project moves forward.

To avoid delays in response to future correspondence, please refer to File Reference #11-049.

Sincerely,

Don Quinn
Manager -Pipeline Engineering

T: Quinn/letters/ENG4-2-1/11-049-1/GAL

cc: G. W. McClellan
P. G. Murphy

INFORMATION BULLETIN
#03-001

Date Issued: June 20, 2003

SUBJECT: ENCROACHMENTS INTO OR ON PIPELINE EASEMENTS

The purpose of this informational bulletin is to delineate the position of the State Fire Marshal regarding encroachments onto the pipeline easements.

Section 51014.6 of the California Government Code states, " (a) Effective January 1, 1987, no person, other than the pipeline operator, shall do any of the following with respect to any pipeline easement: (1) Build, erect, or create a structure or improvement within the pipeline easement or permit the building, erection, or creation thereof. (2) Build, erect, or create a structure, fence, wall, or obstruction adjacent to any pipeline easement which would prevent complete and unimpaired surface access to the easement, or permit the building, erection, or creation thereof. (b) No shrubbery or shielding shall be installed on the pipeline easement which would impair aerial observation of the pipeline easement. This subdivision does not prevent the revegetation of any landscape disturbed within a pipeline easement as a result of construction the pipeline and does not prevent the holder of the underlying fee interest or the holder's tenant from planting and harvesting seasonal agricultural crops on a pipeline easement. (c) This section does not prohibit a pipeline operator from performing any necessary activities within a pipeline easement, including, but not limited to, the construction, replacement, relocation, repair, or operation of the pipeline.

It is the position of the State Fire Marshal that nothing shall encroach into or upon the pipeline easement, which would impede the pipeline operator from complete and unobstructed surface access along the pipeline right of way. Nor shall there be any obstructions, which would shield the pipeline right of way from observation. In the interest of public safety and the protection of the environment, it is imperative that the pipeline operator visually assesses the conditions along the easement to ensure the integrity of the pipeline.

It is the responsibility of the pipeline operator to ensure they have unimpeded surface access and to be able to physically observe all portions of their pipeline rights of way. In cases where this is not possible, the pipeline operator shall inform the State Fire Marshal. The State Fire Marshal shall in conjunction with the pipeline operator resolve the issue.

Questions regarding the issue of pipeline encroachment can be addressed to:

Bob Gorham, Chief

CALFIRE/State Fire Marshal
Pipeline Safety Division
3950 Paramount Blvd. Suite 210
Lakewood, CA 90712

(562) 497-9100
(562) 497-9104 (fax)
bob.gorham@fire.ca.gov

KINDER MORGAN

Guidelines for Design and Construction near Kinder Morgan Hazardous Liquid Operated Facilities

Name of Company: _____

The list of design, construction and contractor requirements, including but not limited to the following, for the design and installation of foreign utilities or improvements on KM right-of-way (ROW) are not intended nor do they waive or modify any rights KM may have under existing easements or ROW agreements. Reference existing easements and amendments for additional requirements. This list of requirements is applicable for KM facilities on easements only. Encroachments on fee property should be referred to the ROW Department.

Design

- KM shall be provided sufficient prior notice of planned activities involving excavation, blasting, or any type of construction on KM's ROW to determine and resolve any location, grade or encroachment problems and provide protection of our facilities and the public **before** the actual work is to take place.

- Encroaching entity shall provide KM with a set of drawings for review and a set of final construction drawings showing all aspects of the proposed facilities in the vicinity of KM's ROW. The encroaching entity shall also provide a set of as-built drawings showing the proposed facilities in the vicinity of KM's ROW.

- Only facilities shown on drawings reviewed by (Company) will be approved for installation on KM's ROW. All drawing revisions that effect facilities proposed to be placed on KM's ROW must be approved by KM in writing.

- KM shall approve the design of all permanent road crossings.

- Any repair to surface facilities following future pipeline maintenance or repair work by KM will be at the expense of the developer or landowner.

- The depth of cover over the KM pipelines shall not be reduced nor drainage altered without KM's written approval.

- Construction of any permanent structure, building(s) or obstructions within KM pipeline easement is **not** permitted.

- Planting of shrubs and trees is not permitted on KM pipeline easement.

- Irrigation equipment i.e. backflow prevent devices, meters, valves, valve boxes, etc. shall not be located on KM easement.

- Foreign line, gas, water, electric and sewer lines, etc., may cross perpendicular to KM's pipeline within the ROW, provided that a minimum of two (2) feet of vertical clearance is maintained between KM pipeline(s) and the foreign pipeline. Constant line elevations must be maintained across KM's entire ROW width, gravity drain lines are the only exception. Foreign line crossings below the KM pipeline must be evaluated by KM to ensure that a significant length of the KM line is not exposed and unsupported during construction. When installing underground utilities, the last line should be placed beneath all existing lines unless it is impractical or unreasonable to do so. Foreign line crossings above the KM pipeline with less than 2 feet of clearance must be evaluated by KM to ensure that additional support is not necessary to prevent settling on top of the KM hazardous liquids pipeline.

- A foreign pipeline shall cross KM facilities at as near a ninety-degree angle as possible. A foreign pipeline shall not run parallel to KM pipeline within KM easement without written permission of KM.

- The foreign utility should be advised that KM maintains cathodic protection on their pipelines. The foreign utility must coordinate their cathodic protection system with KM's. At the request of KM, foreign utilities shall install (or allow to be installed) cathodic protection test leads at all crossings for the purposes of monitoring cathodic protection. The KM Cathodic Protection (CP) technician and the foreign utility CP technician shall perform post construction CP interference testing. Interference issues shall be resolved by mutual agreement between foreign utility and KM. All costs associated with the correction of cathodic protection problems on KM pipeline as a result of the foreign utility crossing shall be borne by the foreign utility for a period of one year from date the foreign utility is put in service.

- The metallic foreign line shall be coated with a suitable pipe coating for a distance of at least 10 feet on either side of the crossing unless otherwise requested by the KM CP Technician.

KINDER MORGAN

Guidelines for Design and Construction near Kinder Morgan Hazardous Liquid Operated Facilities

- AC Electrical lines must be installed in conduit and properly insulated.
- DOT approved pipeline markers shall be installed so as to indicate the route of the foreign pipeline across the KM ROW.
- No power poles, light standards, etc. shall be installed on KM easement
- No pipeline may be located within 50 feet (15 meters) of any private dwelling, or any industrial building or place of public assembly in which persons work, congregate, or assemble.

Construction

- Contractors shall be advised of KM's requirements and be contractually obligated to comply.
- The continued integrity of KM's pipelines and the safety of all individuals in the area of proposed work near KM's facilities are of the utmost importance. Therefore, contractor must meet with KM representatives prior to construction to provide and receive notification listings for appropriate area operations and emergency personnel. **KM's on-site representative will require discontinuation of any work that, in his opinion, endangers the operations or safety of personnel, pipelines or facilities.**
- The Contractor must expose all KM pipelines prior to crossing to determine the exact alignment and depth of the lines. A KM representative must be present. In the event of parallel lines, only one pipeline can be exposed at a time.
- KM will not allow pipelines to remain exposed overnight without consent of KM designated representative. Contractor may be required to backfill pipelines at the end of each day.
- A KM representative shall do all line locating. A KM representative shall be present for hydraulic excavation. The use of probing rods for pipeline locating shall be performed by KM representatives only, to prevent unnecessary damage to the pipeline coating.
- Notification shall be given to KM at least 72 hours before start of construction. A schedule of activities for the duration of the project must be made available at that time to facilitate the scheduling of Kinder Morgan, Inc.'s work site representative. Any Contractor schedule changes shall be provided to Kinder Morgan, Inc. immediately.
- Heavy equipment will not be allowed to operate directly over KM pipelines or in KM ROW unless written approval is obtained from (Company). Heavy equipment shall only be allowed to cross KM pipelines at locations designated by Kinder Morgan, Inc. Contractor shall comply with all precautionary measures required by KM to protect its pipelines. When inclement weather exists, provisions must be made to compensate for soil displacement due to subsidence of tires. Equipment excavating within ten (10) feet of KM Pipelines will have a plate guard installed over the teeth to protect the pipeline.
- Excavating or grading which might result in erosion or which could render the KM ROW inaccessible shall not be permitted unless the contractor/developer/owner agrees to restore the area to its original condition and provide protection to KM's facility.
- A KM representative shall be on-site to observe any construction activities within ten (10) feet of a KM pipeline or aboveground appurtenance. The contractor **shall not** work within this distance without a KM representative being on site. Only hand excavation shall be permitted within **two (2) feet** of KM pipelines, valves and fittings unless State requirements are more stringent. However, proceed with extreme caution when within three (3) feet of the pipe.
- A KM representative will monitor construction activity within 25 feet of KM facilities during and after the activities to verify the integrity of the pipeline and to ensure the scope and conditions agreed to have not changed. Monitoring means to conduct site inspections on a pre-determined frequency based on items such as: scope of work, duration of expected excavator work, type of equipment, potential impact on pipeline, complexity of work and/or number of excavators involved.
- Ripping is only allowed when the position of the pipe is known and not within ten (10) feet of KM facility unless company representative is present.
- Temporary support of any exposed KM pipeline by Contractor may be necessary if required by KM's on-site representative. Backfill below the exposed lines and 12" above the lines shall be replaced with sand or other selected material as approved by KM's on-site representative and thoroughly compacted in 12" lifts to 95% of standard proctor dry density minimum or as approved by KM's on-site representative. This is to adequately protect against stresses that may be caused by the settling of the pipeline.

KINDER MORGAN

Guidelines for Design and Construction near Kinder Morgan Hazardous Liquid Operated Facilities

- No blasting shall be allowed within 1000 feet of KM's facilities unless blasting notification is given to KM including complete Blasting Plan Data. A pre-blast meeting shall be conducted by the organization responsible for blasting.
  KM shall be indemnified and held harmless from any loss, cost of liability for personal injuries received, death caused or property damage suffered or sustained by any person resulting from any blasting operations undertaken within 500 feet of its facilities. The organization responsible for blasting shall be liable for any and all damages caused to KM's facilities as a result of their activities whether or not KM representatives are present. KM shall have a signed and executed Blasting Indemnification Agreement before authorized permission to blast can be given.

  No blasting shall be allowed within 300 feet of KM's facilities unless blasting notification is given to KM a minimum of one week before blasting. *(note: covered above)* KM shall review and analyze the blasting methods. A written blasting plan shall be provided by the organization responsible for blasting and agreed to in writing by KM in addition to meeting requirements for 500' and 1000' being met above. A written emergency plan shall be provided by the organization responsible for blasting. *(note: covered above)*

- **Any** contact with any KM facility, pipeline, valve set, etc. shall be reported immediately to KM. If repairs to the pipe are necessary, they will be made and inspected before the section is re-coated and the line is back-filled.

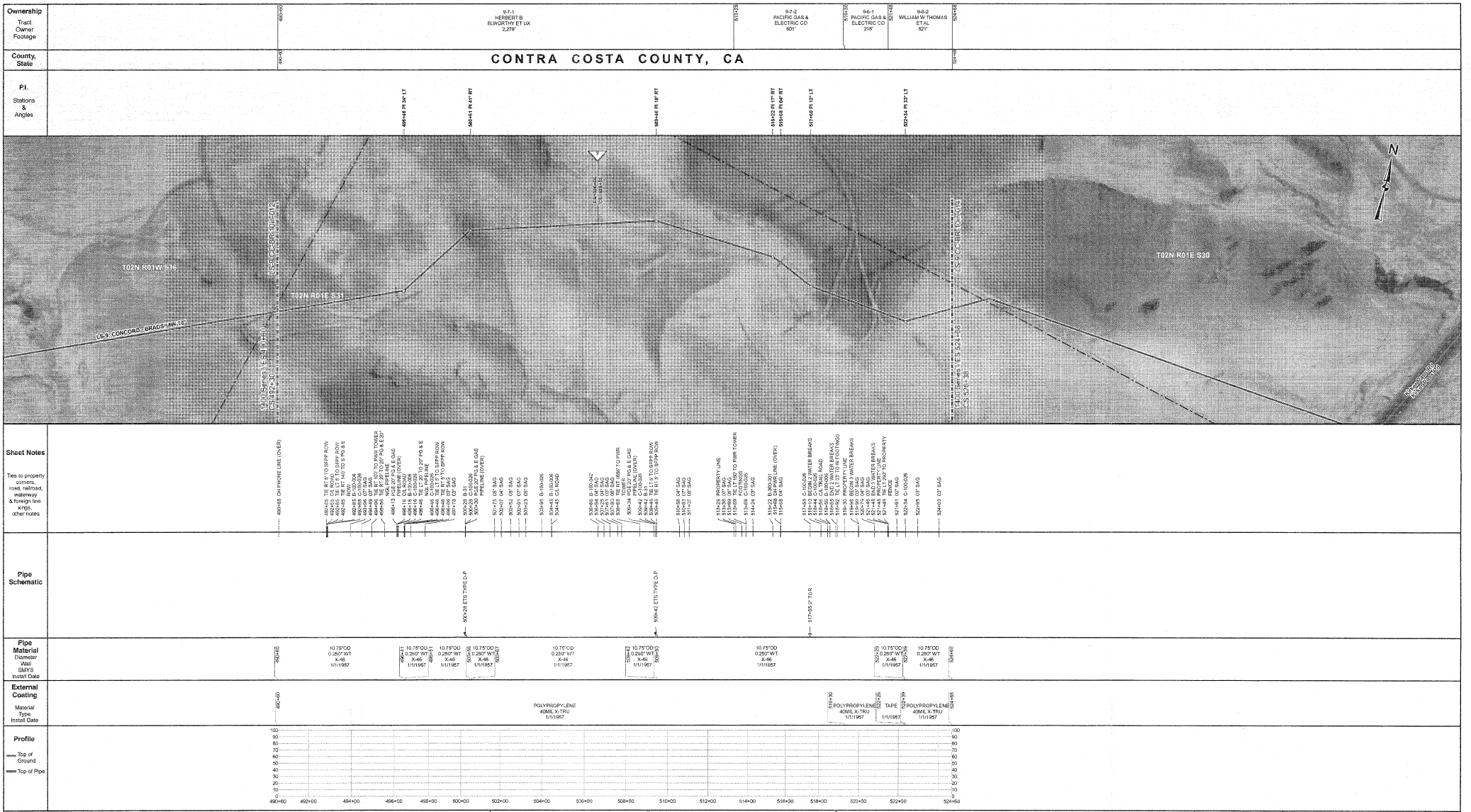
- KM personnel shall install all test leads on KM facilities.

- Burning of trash, brush, etc. is not permitted within the KM ROW.

Insurance Requirements

- All contractors, and their subcontractors, working on Company easements shall maintain the following types of insurance policies and minimum limits of coverage. All insurance certificates carried by Contractor and Grantee shall include the following statement: "Kinder Morgan and its affiliated or subsidiary companies are named as additional insured on all above policies (except Worker's Compensation) and waiver of subrogation in favor of Kinder Morgan and its affiliated or subsidiary companies, their respective directors, officers, agents and employees applies as required by written contract." **Contractor shall furnish Certificates of Insurance evidencing insurance coverage prior to commencement of work and shall provide thirty (30) days notice prior to the termination or cancellation of any policy.**

1. Statutory Coverage Workers' Compensation Insurance in accordance with the laws of the states where the work is to be performed. If Contractor performs work on the adjacent on navigable waterways Contractor shall furnish a certificate of insurance showing compliance with the provisions of the Federal Longshoreman's and Harbor Workers' Compensation Law.
2. Employer's Liability Insurance, with limits of not less than **$1,000,000** per occurrence and **$1,000,000** disease each employee.
3. Commercial General Liability Insurance with a combined single limit of not less than **$2,000,000** per occurrence and in the aggregate. All policies shall include coverage for blanket contractual liability assumed.
4. Comprehensive Automobile Liability Insurance with a combined single limit of not less than **$1,000,000.** If necessary, the policy shall be endorsed to provide contractual liability coverage.
5. If necessary Comprehensive Aircraft Liability Insurance with combined bodily injury, including passengers, and property damage liability single limits of not less than **$5,000,000** each occurrence.
6. Contractor's Pollution Liability Insurance this coverage shall be maintained in force for the full period of this agreement with available limits of not less then **$2,000,000** per occurrence.
7. Pollution Legal Liability Insurance this coverage must be maintained in a minimum amount of **$5,000,000** per occurrence.



Summary

BEGIN E.S.	END E.S.	REF DRAWINGS
492+55	492+55	B-100-006
492+55	492+55	C-100-026
496+16	496+16	C-100-026
496+16	496+16	B-100-006
496+46	496+46	C-100-026
500+28	500+28	C-100-026
500+28	500+28	B-21
500+66	500+66	B-100-026
504+45	504+45	B-100-006
505+55	506+56	B-100-042
506+42	509+42	B-21
509+42	509+42	C-100-026
513+69	513+69	C-100-026
515+22	515+22	B-100-001
517+55	517+55	C-100-026
518+44	518+44	C-100-026
518+56	518+56	B-100-006
522+34	522+34	C-100-026

Revision

BEGIN E.S.	END E.S.	DATE	DESCRIPTION
490+60	524+68	10/05/10	INITIAL RELEASE OF LS-9 CC-BR 10" PODS GIS ALIGNMENT MAPS

Legend

- CALCULATED MILEPOST
- AERIAL MARKER
- RAILROAD MILEPOST
- STATION EQUATION
- T2S, R1E, S16 — TOWNSHIP-RANGE-SECTION / or GRANT NAME
- PIPE BEND
- BRANCH CONNECT
- STOPPLE-T
- TEE
- VALVE
- CHECK VALVE
- LAUNCHER
- RECEIVER
- REDUCER
- TAP
- SLEEVE
- CASING VENT PIPE
- CASING
- CONCRETE OVERCOAT
- CATHODIC TEST STATION
- GROUND BED
- RECTIFIER
- ANODE
- BOND
- RIVER WEIGHTS
- CONCRETE SLAB
- FLANGE
- KM PIPELINE
- OTHER KM PIPELINES
- SECTION
- COUNTY LINE
- STATE LINE
- WATER CROSSING
- RAILROAD
- RW — RIGHT OF WAY
- FOREIGN LINE CROSSING
- ROAD CROSSING

Flow Direction

FLOW

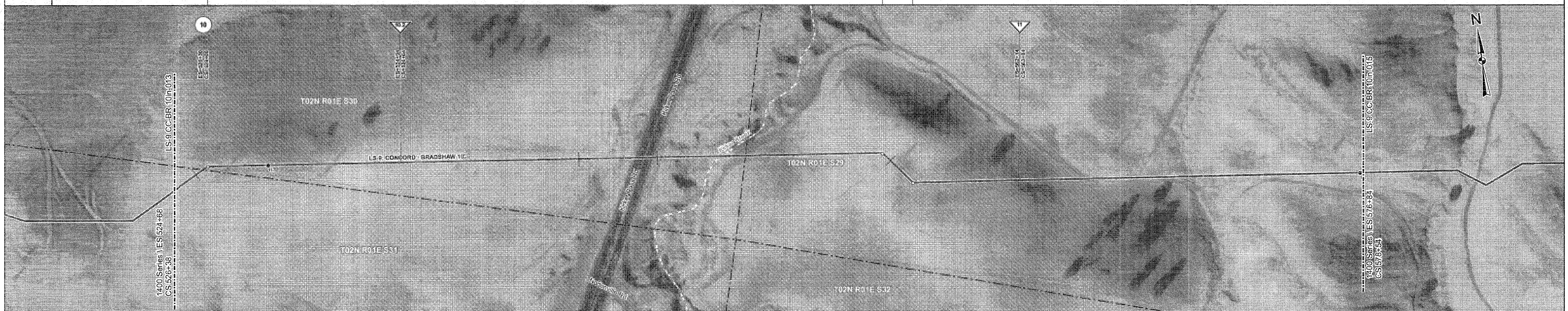
KINDER MORGAN

System	SFPP NORTH
Sub System	CC-BR
Line	LS-9; CONCORD - BRADSHAW 10"
Route	LS-9; CONCORD - BRADSHAW 10"
District	CONCORD
Scale	1 " equals 200 ' (0 50 100 200 300 400 Feet)
Line #	485009CCBR
Sheet #	013
Generate Date	10/05/2010

Ownership (Tract / Owner / Footage)	524+68 – 526+69	526+69 – 545+57	545+57 – 547+35	547+35 – 547+45	547+45 – 550+50	550+50 – 557+24	557+24 – 576+84
	9-8-2 WILLIAM W THOMAS ET AL 521'	9-8-3 HERBERT B ELWORTHY ET UX 1,888'	9-8-5 HERBERT B ELWORTHY ET UX 178'	9-8-6 STATE OF CALIF CO FLOOD CONTROL 10'	9-8-7 HERBERT B ELWORTHY ET UX 305'	9-8-8 WILLIAM W THOMAS 674'	9-9-1 WILLIAM W THOMAS 3,451'

County, State: CONTRA COSTA COUNTY, CA

P.I. Stations & Angles: 526+54 PI 31° RT; 555+95 PI 45° RT; 557+54 PI 45° LT



Sheet Notes (Ties to property corners, road, railroad, waterway & foreign line xings, other notes)

- 526+92 PGE OH PG & E PWR LINE (OVER)
- 528+47 BEGIN 20 WATER BREAKS
- 529+18 A-100-048
- 531+07 TIE RT 25' TO PWR TOWER FOOTINGS
- 533+38 03° SAG
- 534+94 B-100-042
- 535+94 C-100-026
- 537+18 B-100-043
- 576+07 TIE LT 75' TO E TOWER FOOTINGS
- 576+71 A-100-048

Pipe Schematic: 545+09 ETS TYPE BE-Y; 545+11 BEGIN 14" CASING; 546+11 END CASING; 546+12 ETS TYPE E-Y

Pipe Material (Diameter, Wall, SMYS, Install Date): 10.75"OD, 0.250" WT, X-46, 1/1/1957 (all segments, 524+68 – 576+84)

External Coating (Material Type, Install Date): POLYPROPYLENE 40MIL X-TRU 1/1/1957, alternating with TAPE 1/1/1957 segments, 524+68 – 576+84

Profile — Top of Ground; Top of Pipe. Elevation 0–100; stations 524+68, 526+00, 528+00 … 576+00, 576+84

Summary

BEGIN E.S.	END E.S.	REF DRAWINGS	REF DRAWINGS (Cont.)		
526+54	526+54	C-100-026	555+95	555+95	C-100-026
529+18	529+18	A-100-048	557+54	557+54	C-100-026
534+94	534+94	B-100-042	560+01	560+01	B-100-043
535+94	535+94	C-100-026	562+14	562+14	B-100-042
537+18	537+18	B-100-043	565+40	565+40	C-100-026
542+50	542+50	BEGIN 9-8-1	565+40	565+40	B-100-006
543+20	543+20	C-100-026	567+32	567+32	B-100-006
544+80	544+80	C-100-026	569+97	569+97	B-100-012
545+09	545+09	B-32	569+97	569+97	C-100-026
545+57	545+57	B-100-032	576+71	576+71	A-100-048
545+57	545+57	E-9-8306-1			
545+57	545+57	B-100-023			
546+12	546+12	B-32			
546+54	546+54	C-100-026			
547+30	547+30	C-100-026			
547+35	547+35	B-100-012			
549+93	549+93	B-100-006			
550+48	550+48	END 9-8-1			
554+60	554+60	B-100-043			

Revision

BEGIN E.S.	END E.S.	DATE	DESCRIPTION
524+68	576+84	10/05/10	INITIAL RELEASE OF LS-9 CC-BR 10" PODS GIS ALIGNMENT MAPS

Legend

CALCULATED MILEPOST; AERIAL MARKER; RAILROAD MILEPOST; STATION EQUATION; T2S, R5E, SEC.3 TOWNSHIP-RANGE-SECTION / or GRANT NAME; PIPE BEND; BRANCH CONNECT; STOPPLE-T; TEE; VALVE; CHECK VALVE; LAUNCHER; RECEIVER; REDUCER; TAP; SLEEVE; CASING VENT PIPE; CASING; CONCRETE OVERCOAT; CATHODIC TEST STATION; GROUND BED; RECTIFIER; ANODE; BOND; RIVER WEIGHTS; CONCRETE SLAB; FLANGE; KM PIPELINE; OTHER KM PIPELINES; SECTION; COUNTY LINE; STATE LINE; WATER CROSSING; RAILROAD; RIGHT OF WAY; FOREIGN LINE CROSSING; ROAD CROSSING

Flow Direction: FLOW →

KINDER MORGAN

System	SFPP NORTH
Sub System	CC-BR
Line	LS-9; CONCORD - BRADSHAW 10"
Route	LS-9; CONCORD - BRADSHAW 10"
District	CONCORD
Scale	1 " equals 200 ' (0 50 100 200 300 400 Feet)
Line # 485009CCBR	Sheet # 014
Generate Date	10/05/2010

APPENDIX F

Noise Study and Modeling Data

ILLINGWORTH & RODKIN, INC.
Acoustics • Air Quality

Memo

Date: February 25, 2013

To: Kristin Vahl Pollot, AICP
City of Pittsburg, Planning Division

From: Michael Thill
Illingworth & Rodkin, Inc.

RE: Montreux Project, Pittsburg, CA --

This memo summarizes our review of the updated Vesting Tentative Map for "Montreux" (dated September 28, 2012) pertaining to the findings reached in our 2011 Environmental Noise Assessment[1]. The new plan indicates that the nearest residential lots will be located slightly further from Kirker Pass Road than previously proposed.

Revised traffic noise modeling was not completed as part of this assessment. However, based on the earlier traffic noise modeling results, we recommend that private residential outdoor use areas at Lots 1, 2, 207, and 208 are acoustically shielded by a property line noise barrier. The barrier should maintain a height of 6 feet above the residential pad to reduce exterior noise levels to less than 60 dBA Ldn. With the proposed 6-foot barriers, residential uses proposed on Lots 1, 2, 207, and 208 would be considered acceptable with the future noise environment, as noise levels would range from 56 to 57 dBA Ldn.

First-row residential units proposed within the central portion of the site, west of Dijon Drive, would have private outdoor use areas behind the residential units or side yards with a limited view of Kirker Pass Road. Future noise levels at the outdoor use areas of these lots would range from about 59 to 60 dBA Ldn. Future noise levels would be less than or equal to 60 dBA Ldn, and would be considered acceptable with the future noise environment. No additional mitigation is required for these lots.

♦ ♦ ♦

Please feel free to contact me with any questions or comments.

(10-095)

[1] Illingworth & Rodkin, Inc., Montreux Project, Environmental Noise Assessment, August 15, 2011.

505 Petaluma Blvd. So., Petaluma, CA 94952 Tel: 707.766.7700 Fax: 707.766.7790 mthill@illingworthrodkin.com

ILLINGWORTH & RODKIN, INC.
Acoustics • Air Quality
505 Petaluma Boulevard South
Petaluma, California 94952
Tel: 707-766-7700 Fax: 707-766-7790
www.illingworthrodkin.com illro@illingworthrodkin.com

August 15, 2011

Kristin Vahl
Associate Planner
City of Pittsburg
65 Civic Avenue
Pittsburg, CA 94565

VIA E-MAIL: KVahl@ci.pittsburg.ca.us

SUBJECT: **Montreux Project, Pittsburg, CA – Environmental Noise Assessment**

Dear Kristin:

This letter presents the results of the environmental noise assessment completed by Illingworth & Rodkin, Inc. for the Montreux residential project in Pittsburg, California. The noise assessment included measurements of ambient noise levels at the site, traffic noise modeling calculations for existing and future traffic conditions, and an evaluation of noise barriers required to meet exterior noise standards as established by the City of Pittsburg. This report summarizes the applicable regulatory criteria, the results of onsite noise monitoring, projections of future noise levels at proposed noise sensitive receptors, and a description of measures designed to control noise to acceptable levels.

A previous noise assessment completed by our firm, dated June 8, 2000, is attached for reference.

Regulatory Criteria

City of Pittsburg General Plan Noise Element

Exterior use areas associated with new single family residences are considered *normally acceptable* if noise levels are 60 dBA L_{dn} or less, *conditionally acceptable* if noise levels range from 55 to 70 dBA L_{dn}, *normally unacceptable* if noise levels range from 70 to 75 dBA L_{dn}, and *clearly unacceptable* if noise levels exceed 75 dBA L_{dn}.

Existing Noise Environment

The project site is located at the southernmost boundary of the City of Pittsburg, west of Kirker Pass Road. The existing noise environment at the project site is primarily the result of traffic along Kirker Pass Road.

One long-term noise measurement and three short-term noise measurements were made from May 26 -31, 2011 to quantify the existing noise environment on the project site. The long-term noise monitoring site documented traffic noise levels near Kirker Pass Road. The short-term noise measurement sites were selected to represent the noise exposure of the nearest proposed residences adjacent to Kirker Pass Road. Figure 1 shows the project site and selected noise monitoring positions.

Noise levels were monitored at Site LT-1, located approximately 110 feet from the center of Kirker Pass Road, from Thursday, May 26, 2011 to Tuesday, May 31, 2011. Data collected during this time period are summarized on Figures 2-7. Figure 3 depicts noise levels on a typical weekday. Hourly average noise levels ranged from 57 to 74 dBA L_{eq} and the L_{dn} was 74 dBA at this location. Traffic noise levels on the weekend and Memorial Day Holiday were approximately 1 to 3 dBA L_{dn} lower. The typical weekday noise data were used in the analysis to establish credible worst-case existing ambient noise levels at the site.

Three short-term noise measurements were conducted on the afternoon of May 26, 2011 to complete the monitoring survey. The first measurement (ST-1) was made approximately 200 feet from the center of Kirker Pass Road, and the twenty-minute average noise level (L_{eq}) was 52 dBA. Measurement ST-2 was made approximately 230 feet from the center of Kirker Pass Road. The twenty-minute L_{eq} at ST-2 was 53 dBA. The third measurement (ST-3) was made approximately 380 feet from the center of Kirker Pass Road, and the twenty-minute average noise level (L_{eq}) was 45 dBA.

Noise and Land Use Compatibility Assessment

Future Exterior Noise Environment

The future exterior noise environment at the project site will continue to result from traffic along Kirker Pass Road. Cumulative plus project (with and without the Buchanan Bypass) traffic projections from the project's traffic study[1] were used in the traffic noise modeling efforts to assess the future exterior noise environment at receivers proposed nearest the roadway. AM and PM peak-hour traffic volumes used in the traffic noise modeling efforts are attached in Appendix A. Cumulative plus project (without the Buchanan Bypass) traffic noise levels were calculated for the scenario where Kirker Pass Road would maintain it's existing roadway alignment and profile. A second cumulative plus project (with the Buchanan Bypass) scenario was modeled assuming the future roadway alignment and profile of Kirker Pass Road.

[1] Montreux Residential Project Traffic Impact Study, Abrams Associates Traffic Engineering, Inc., August 1, 2011.

FHWA's Traffic Noise Model (TNM v. 2.5) was used in the noise impact analysis for this project. Roadway, barrier, terrain features, and receiver locations were digitized and input into the traffic noise model in a three-dimensional reference coordinate system. The model input was based on the Vesting Tentative Map and Preliminary Grading Plan dated January 17, 2011. Future traffic volumes, including the vehicle mix ratio, and traffic speeds were also input into the model. TNM predicts noise levels assuming calm wind conditions with moderate temperatures and humidity. The results of the traffic noise modeling conducted for this project are discussed below and summarized in Table 1. This table shows the noise modeling receiver location and projections of future noise levels resulting from the ultimate build-out traffic condition. Figure 8 depicts the approximate locations of proposed noise barriers.

The following discussion of future noise levels applies to both roadway scenarios modeled in the assessment, as the modeling results under each scenario were very similar to one another:

Lots 205 to 213

First-row residential units proposed at the northeast corner of the site would have private outdoor use areas oriented toward Kirker Pass Road. Future noise levels at the rear yards of the nearest lots to Kirker Pass Road would range from about 58 to 64 dBA L_{dn} (represented by receivers on Lots 206, 209, and 213). Future unattenuated noise levels would be less than 60 dBA L_{dn} at Lot 205 through 209 and exceed 60 dBA L_{dn} at Lots 210 to 213. To meet the City's exterior noise level standard in the rear yards of Lots 210 to 213, a property line noise barrier would be required. The barrier would have to maintain a height of 6 feet above the residential pad to reduce exterior noise levels to meet the 60 dBA L_{dn} standard. With the proposed barrier, residential uses proposed on Lots 210 to 213 would be considered acceptable with the future noise environment, as noise levels would be about 57 dBA L_{dn}.

Lots 214 to 216, 244 to 246, 311, and 365 to 368

First-row residential units proposed within the central portion of the site, west of Dijon Drive, would have private outdoor use areas behind the residential units or side yards with a limited view of Kirker Pass Road. Future noise levels at the outdoor use areas of Lots 214 to 216, 244 to 246, 311, and 365 to 368 would range from about 59 to 60 dBA L_{dn}. Future unattenuated noise levels would be less than or equal to 60 dBA L_{dn}, and would be considered acceptable with the future noise environment.

Lots 1 and 2

Residential units proposed at the southeast corner of the site would also have side yards with a limited view of Kirker Pass Road. Future noise levels at Lots 1 and 2 would range from about 62 to 64 dBA L_{dn}. A six-foot property line noise barrier would be required to reduce exterior noise levels to less than the 60 dBA L_{dn} standard. With the proposed barrier, residential uses proposed on Lots 1 and 2 would be considered acceptable with the future noise environment, as noise levels would be about 56 dBA L_{dn}.

Table 1 Traffic Noise Modeling Results, dBA L_{dn}

Receiver	Existing Roadway / Existing Traffic	Existing Roadway / Cumulative Plus Project Traffic (No Bypass)	Existing Roadway / Cumulative Plus Project Traffic (No Bypass) / 6 ft. Barrier	Future Roadway / Cumulative Plus Project Traffic (With Bypass)	Future Roadway / Cumulative Plus Project Traffic (With Bypass) / 6 ft. Barrier
LT-1	74	75	--	75	--
Lot 206	58	58	--	58	--
Lot 209	58	60	--	60	--
Lot 213	62	64	57	64	57
Lot 244	56	59	--	60	--
Lot 311	59	60	--	60	--
Lot 368	59	60	--	60	--
Lot 1	61	63	56	64	56

◆ ◆ ◆

This concludes our report. If you have any questions or comments, please do not hesitate to call.

Sincerely,

Michael S. Thill
Senior Consultant
ILLINGWORTH & RODKIN, INC.

(10-095)

Figure 1 Noise Monitoring Locations

Noise Levels at LT-1
~ 110 feet from the Center of Kirker Pass Road
Thursday, May 26, 2011

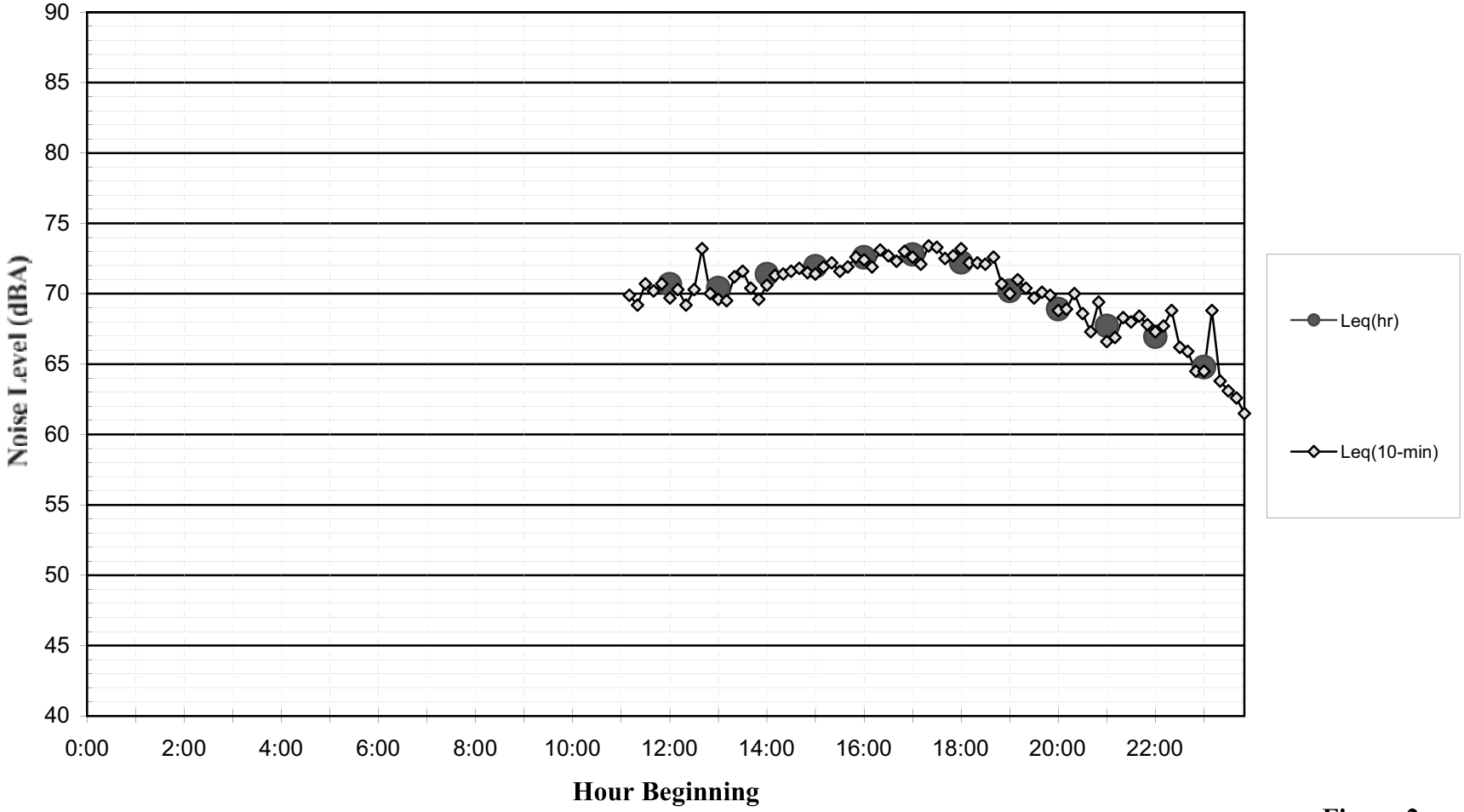


Figure 2

Noise Levels at LT-1
~ 110 feet from the Center of Kirker Pass Road
Friday, May 27, 2011

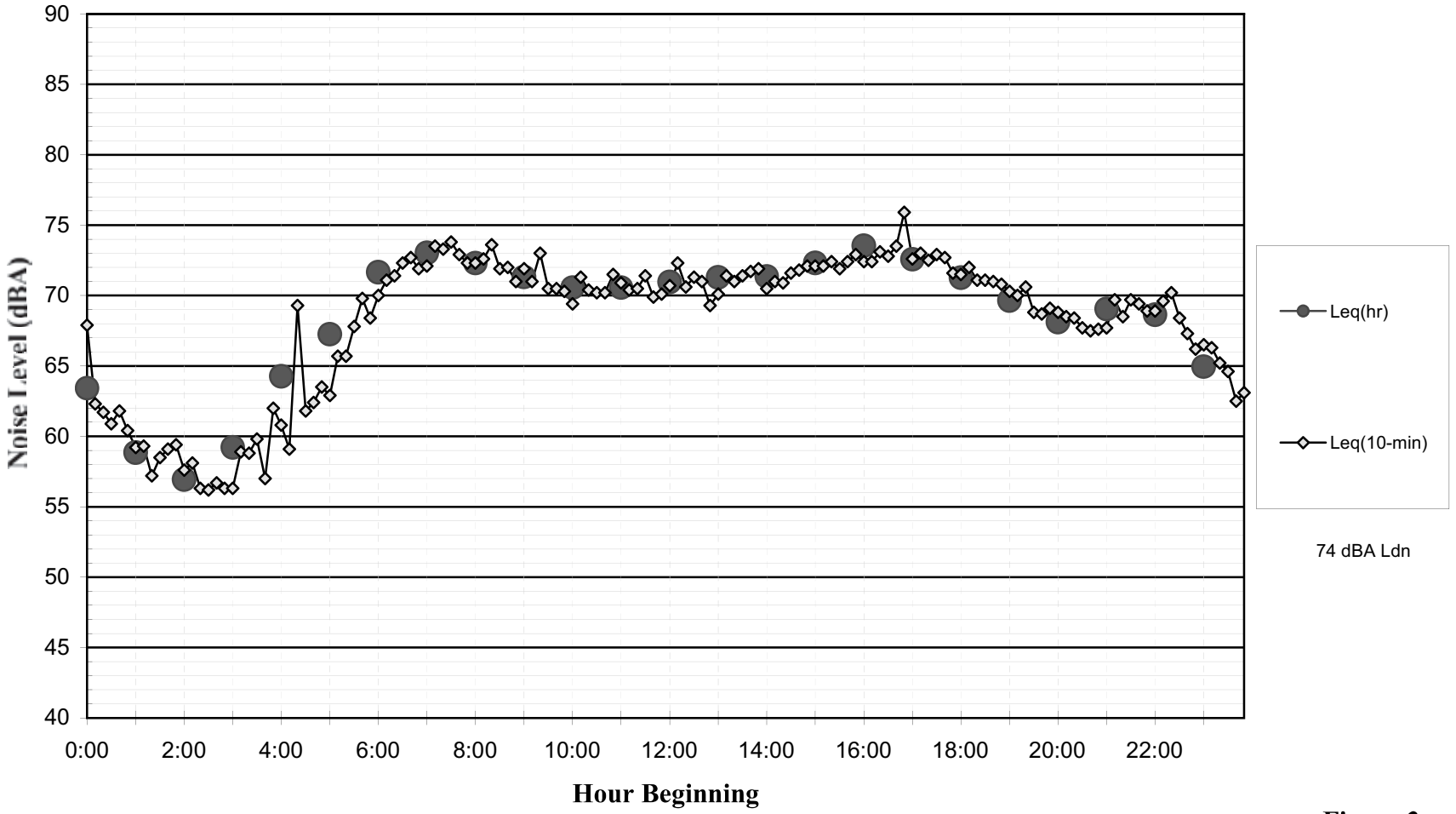


Figure 3

Noise Levels at LT-1
~ 110 feet from the Center of Kirker Pass Road
Saturday, May 28, 2011

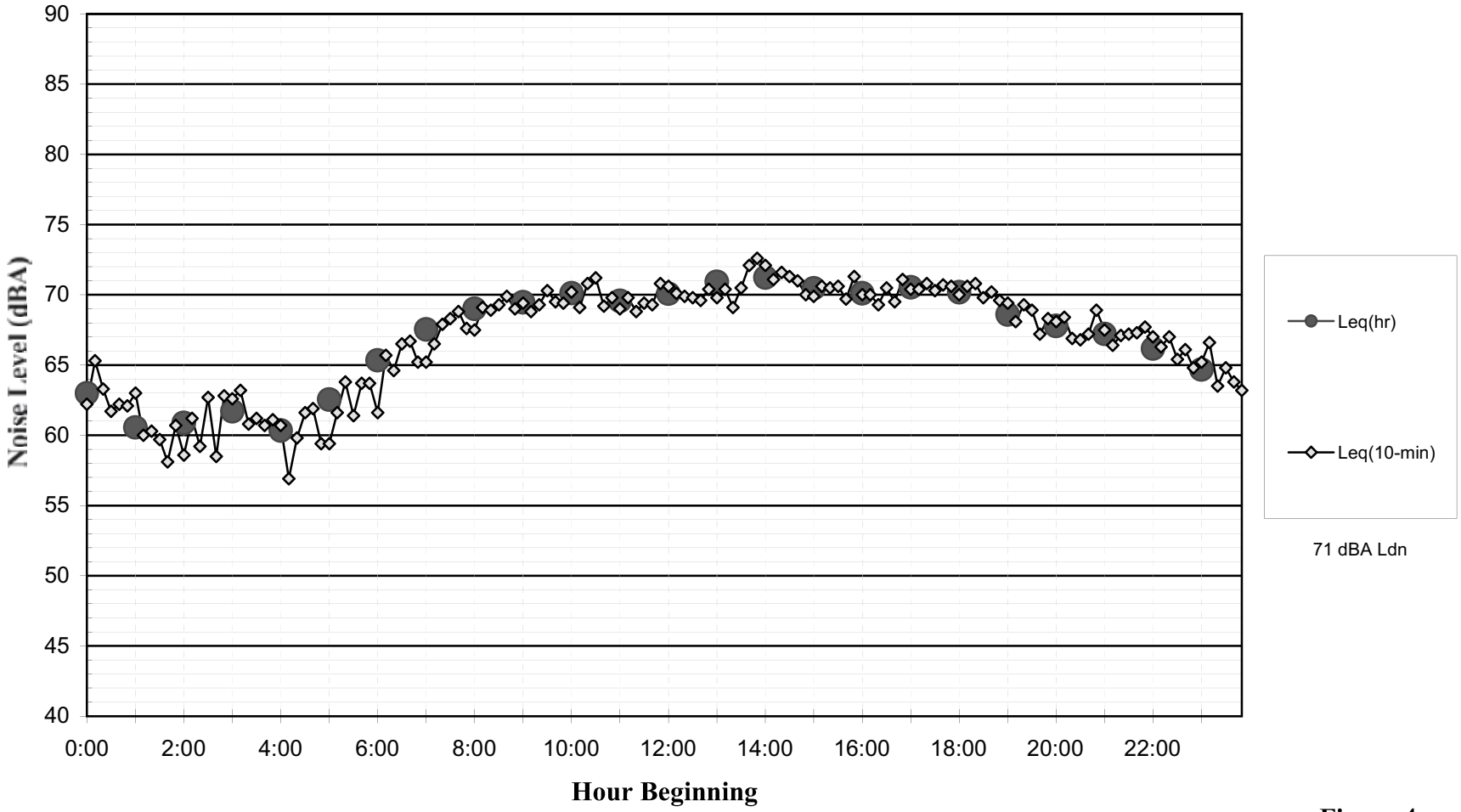


Figure 4

Noise Levels at LT-1
~ 110 feet from the Center of Kirker Pass Road
Sunday, May 29, 2011

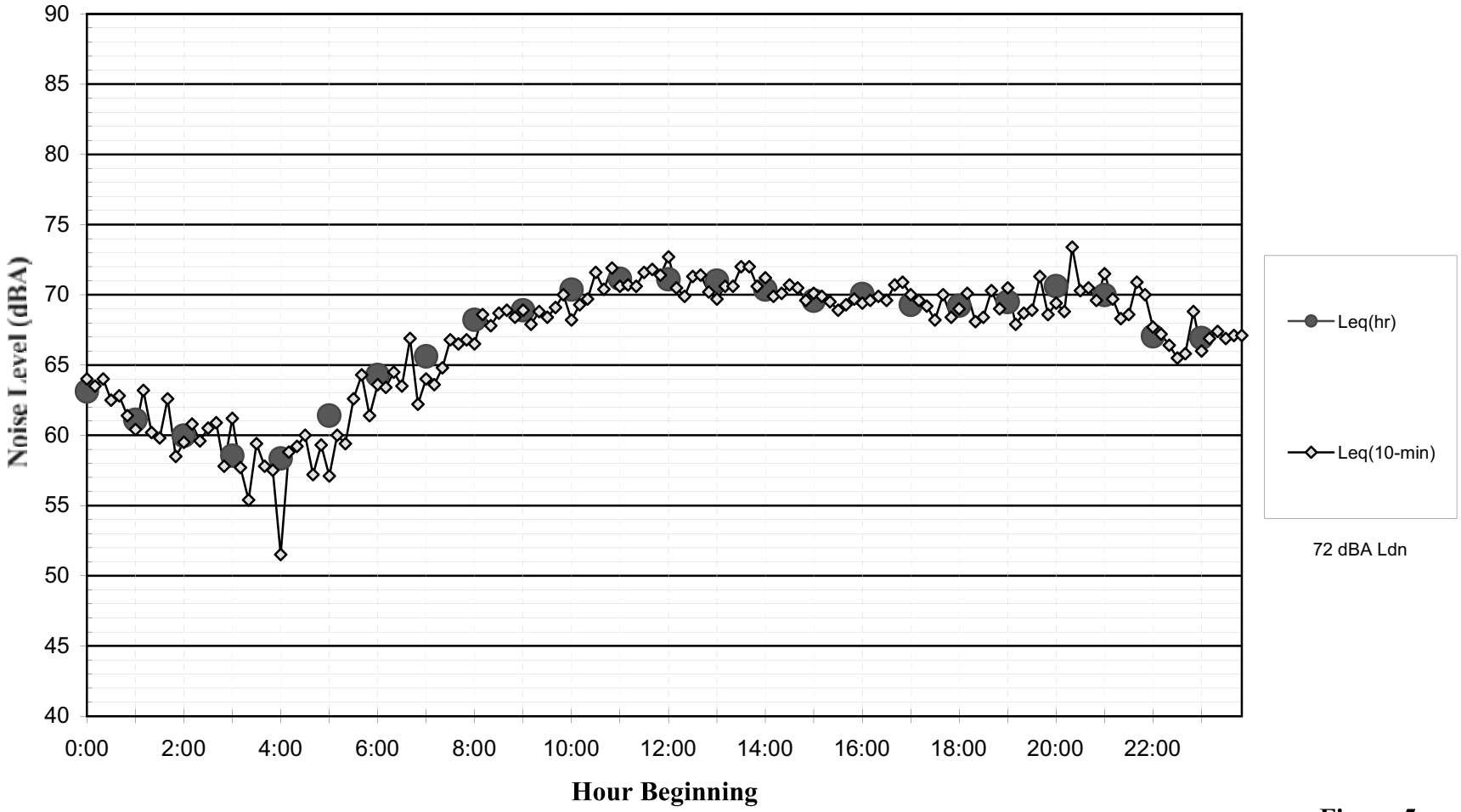


Figure 5

Noise Levels at LT-1
~ 110 feet from the Center of Kirker Pass Road
Monday, May 30, 2011

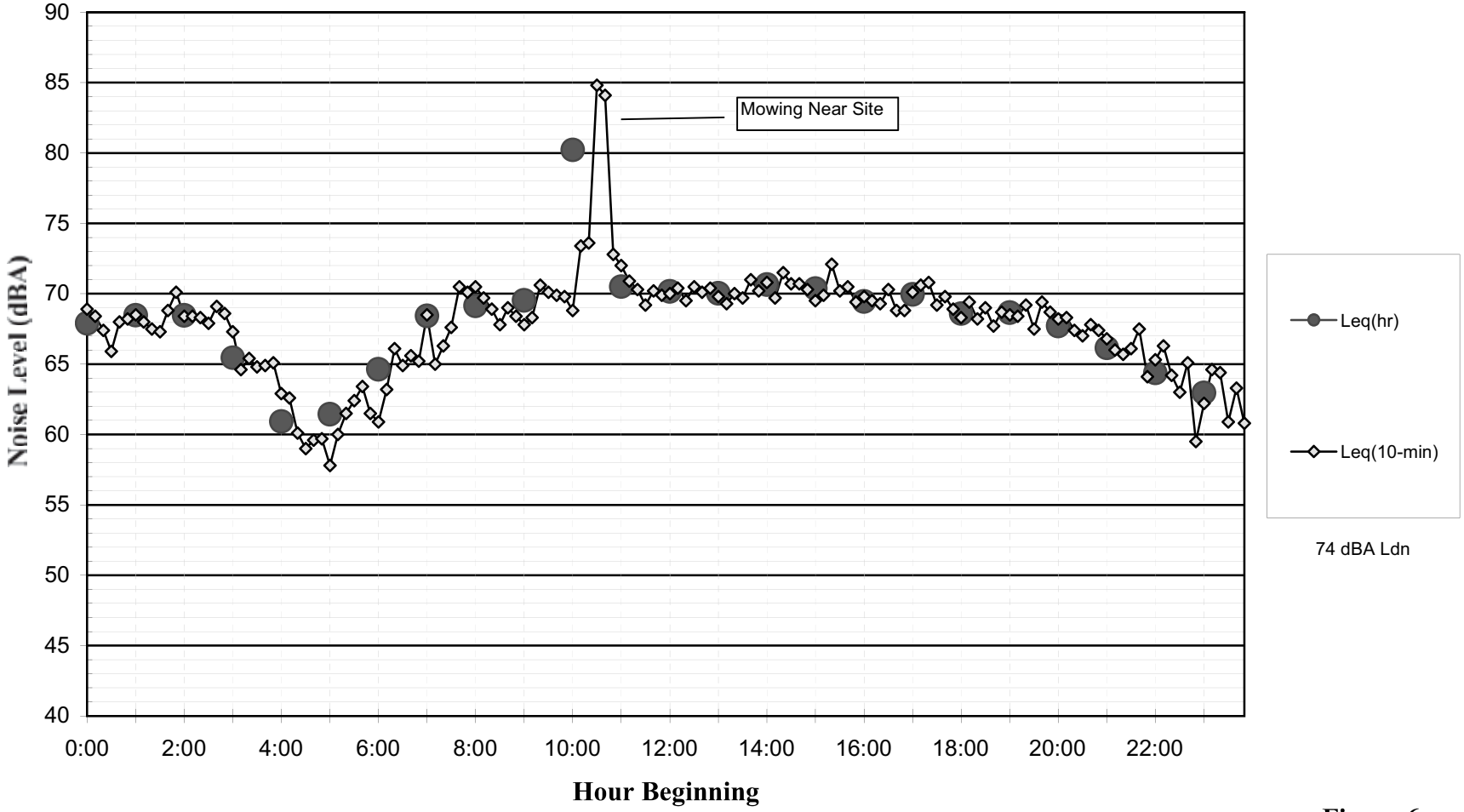


Figure 6

Noise Levels at LT-1
~ 110 feet from the Center of Kirker Pass Road
Tuesday, May 31, 2011

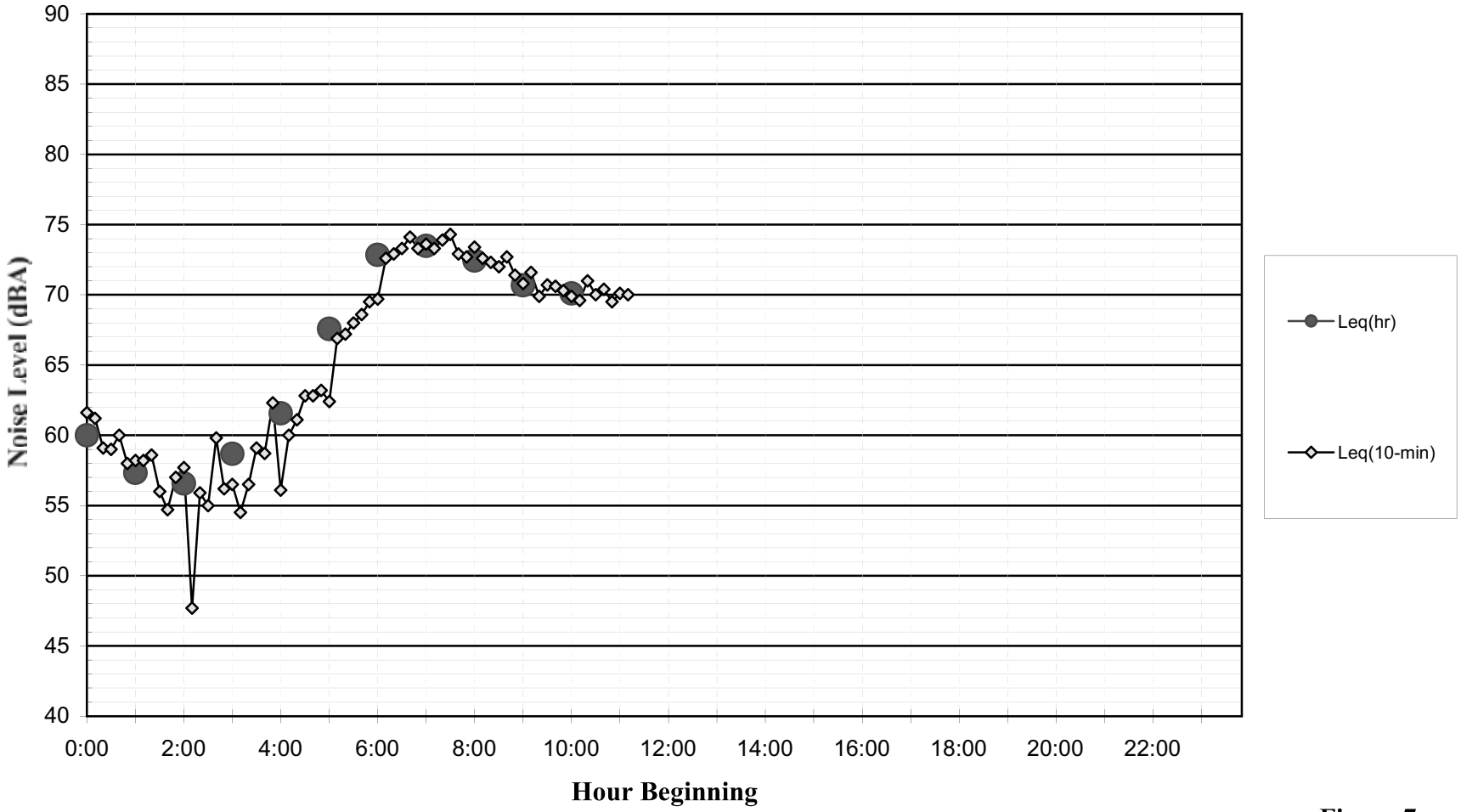
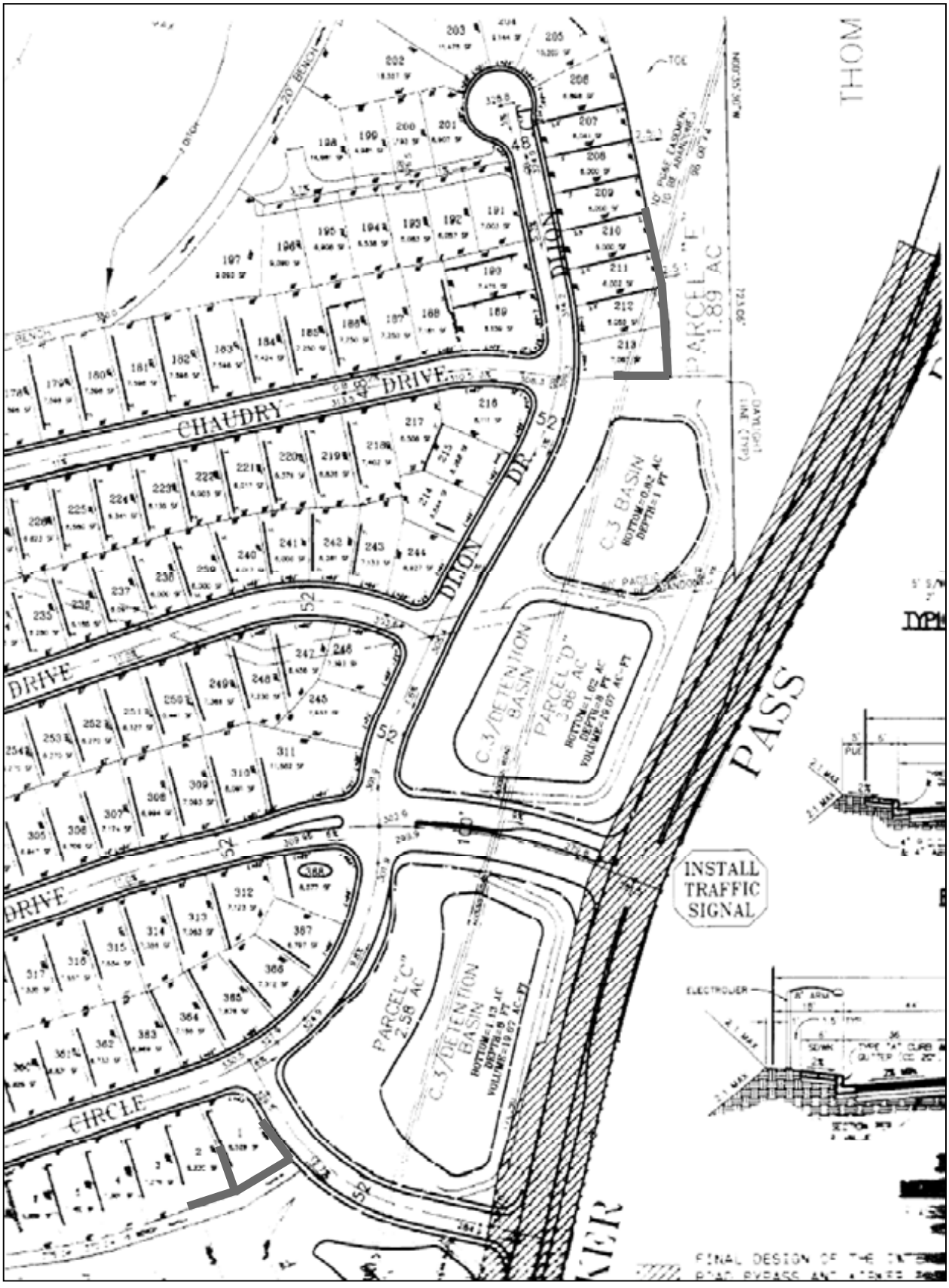


Figure 7

Figure 8 Proposed 6-foot Noise Barriers



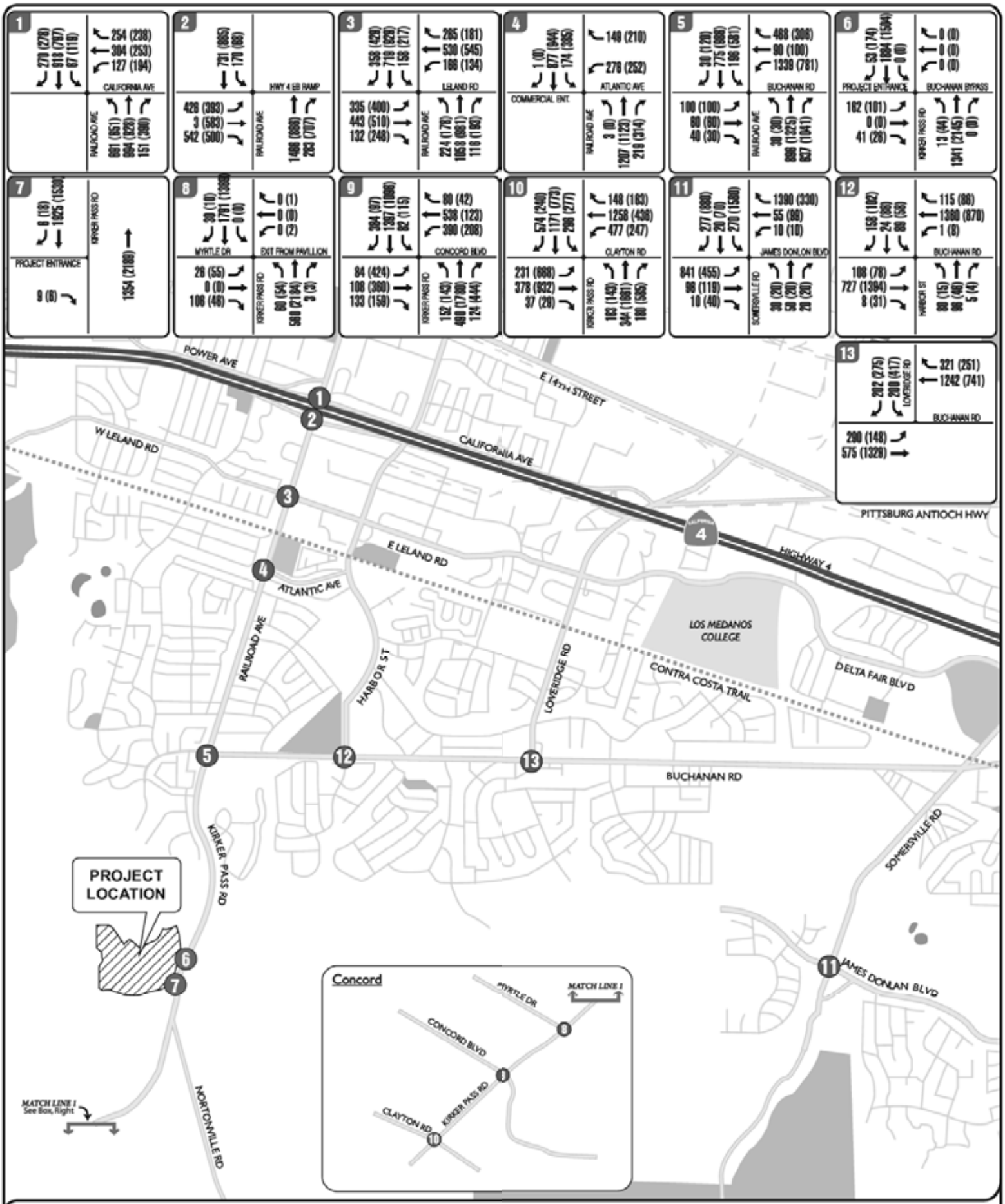


FIGURE A1 | CUMULATIVE PLUS PROJECT AM (PM) PEAK HOUR VOLUMES -NO BYPASS

TRAFFIC IMPACT STUDY

Montreux Residential Project

City of Pittsburg

Abrams Associates
TRAFFIC ENGINEERING, INC.

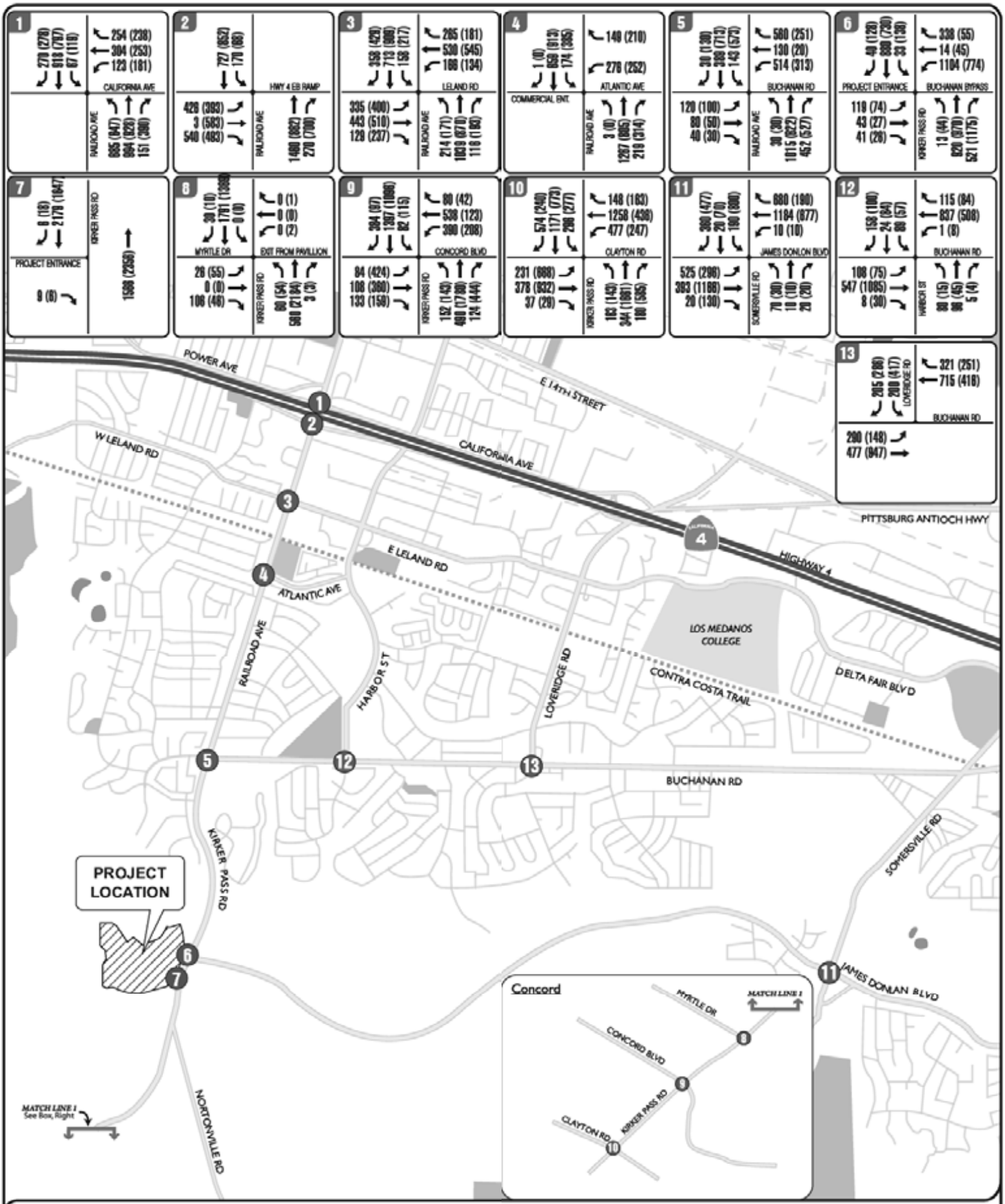


FIGURE 14 | CUMULATIVE PLUS PROJECT AM (PM) PEAK HOUR VOLUMES

TRAFFIC IMPACT STUDY

Montreux Residential Project

City of Pittsburg

Abrams Associates
TRAFFIC ENGINEERING, INC.

MONTREUX SUBDIVISION NOISE ASSESSMENT PITTSBURG, CALIFORNIA

June 8, 2000

◆ ◆ ◆

Prepared for:

Doug Donaldson
Donaldson Associates
627 Spokane Avenue
Albany, CA 94706

Prepared by:

Richard B. Rodkin, PE

ILLINGWORTH & RODKIN, INC.
Acoustics · Air Quality
85 Bolinas Road, Suite 11
Fairfax, CA 94930
(415) 459-5507

Job No.: 99-124

The site for the Montreux Subdivision falls within the area studied as part of the *Southeast Area Annexation EIR*. This report uses the noise monitoring studies and future noise projections completed for the *Southeast Area Annexation EIR* (which remains valid and applicable) to determine the potential noise compatibility for the proposed home sites based on location and elevation. Mitigation to reduce the noise impacts to meet the City's Noise Compatibility Standards have been developed. There are no other noise-related issues associated with the proposed project.

SETTING

a. Noise Fundamentals

Noise may be defined as unwanted sound. Noise is usually objectionable because it is disturbing or annoying. The objectionable nature of sound could be caused by its *pitch* or its loudness. *Pitch* is the height or depth of a tone or sound, depending on the relative rapidity (frequency) of the vibrations by which it is produced. Higher pitched signals sound louder to humans than sounds with a lower pitch. *Loudness* is intensity of sound waves combined with the reception characteristics of the ear. Intensity may be compared with the height of an ocean wave in that it is a measure of the amplitude of the sound wave.

In addition to the concepts of pitch and loudness, there are several noise measurement scales which are used to describe noise in a particular location. *A decibel (dB)* is a unit of measurement which indicates the relative amplitude of a sound. The zero on the decibel scale is based on the lowest sound level that the healthy, unimpaired human ear can detect. Sound levels in decibels are calculated on a logarithmic basis. An increase of 10 decibels represents a ten-fold increase in acoustic energy, while 20 decibels is 100 times more intense, 30 decibels is 1,000 times more intense, etc. There is a relationship between the subjective noisiness or loudness of a sound and its intensity. Each 10 decibel increase in sound level is perceived as approximately a doubling of loudness over a fairly wide range of intensities. Technical terms are defined in Table 1.

There are several methods of characterizing sound. The most common in California is the *A-weighted sound level or dBA*. This scale gives greater weight to the frequencies of sound to which the human ear is most sensitive. Representative outdoor and indoor noise levels in units of dBA are shown in Table 2. Because sound levels can vary markedly over a short period of time, a method for describing either the average character of the sound or the statistical behavior of the variations must be utilized. Most commonly, environmental sounds are described in terms of an average level that has the same acoustical energy as the summation of all the time-varying events. This energy-equivalent sound/noise descriptor is called L_{eq}. The most common averaging period is hourly, but L_{eq} can describe any series of noise events of arbitrary duration. The scientific instrument used to measure noise is the sound level meter. Sound level meters can accurately measure environmental noise levels to within about plus or minus 1 dBA. Various computer models are used to predict environmental noise levels from sources, such as roadways

TERM	DEFINITIONS
Decibel, dB	A unit describing the amplitude of sound, equal to 20 times the logarithm to the base 10 of the ratio of the pressure of the sound measured to the reference pressure, which is 20 micropascals (20 micronewtons per square meter).
Frequency, HZ	The number of complete pressure fluctuations per second above and below atmospheric pressure.
A-Weighted Sound Level, dB	The sound pressure level in decibels as measured on a sound level meter using the A-weighting filter network. The A-weighting filter de-emphasizes the very low and very high frequency components of the sound in a manner similar to the frequency response of the human ear and correlates well with subjective reactions to noise. All sound levels in this report are A-weighted, unless reported otherwise.
L_{01}, L_{10}, L_{50}, L_{90}	The A-weighted noise levels that are exceeded 1%, 10%, 50%, and 90% of the time during the measurement period.
Equivalent Noise Level, L_{eq}	The average A-weighted noise level during the measurement period.
Community Noise Equivalent Level, CNEL	The average A-weighted noise level during a 24-hour day, obtained after addition of 5 decibels in the evening from 7:00 pm to 10:00 pm and after addition of 10 decibels to sound levels measured in the night between 10:00 pm and 7:00 am.
Day/Night Noise Level, L_{dn}	The average A-weighted noise level during a 24-hour day, obtained after addition of 10 decibels to levels measured in the night between 10:00 pm and 7:00 am.
L_{max}, L_{min}	The maximum and minimum A-weighted noise level during the measurement period.
Ambient Noise Level	The composite of noise from all sources near and far. The normal or existing level of environmental noise at a given location.
Intrusive	That noise which intrudes over and above the existing ambient noise at a given location. The relative intrusiveness of a sound depends upon its amplitude, duration, frequency, and time of occurrence and tonal or informational content as well as the prevailing ambient noise level.

Definitions Of Acoustical Terms | **Table 1**

At a Given Distance From Noise Source	A-Weighted Sound Level in Decibels	Noise Environments	Subjective Impression
	140		
Civil Defense Siren (100')	130		
Jet Takeoff (200')	120		Pain Threshold
	110	Rock Music Concert	
Diesel Pile Driver (100')	100		Very Loud
	90	Boiler Room	
Freight Cars (50')		Printing Press Plant	
Pneumatic Drill (50')	80		
Freeway (100')		In Kitchen With Garbage	
Vacuum Cleaner (10')	70	Disposal Running	Moderately Loud
	60	Data Processing Center	
Light Traffic (100')	50	Department Store	
Large Transformer (200')			
	40	Private Business Office	Quiet
Soft Whisper (5')	30	Quiet Bedroom	
	20	Recording Studio	
	10		Threshold of Hearing
	0		

Typical Sound Levels Measured in the Environment and Industry — **Table 2**

ILLINGWORTH & RODKIN, INC./Acoustical Engineers

and airports. The accuracy of the predicted models depends upon the distance the receptor is from the noise source. Close to the noise source, the models are accurate to within about plus or minus 1 to 2 dBA.

Since the sensitivity to noise increases during the evening and at night -- because excessive noise interferes with the ability to sleep -- 24-hour descriptors have been developed that incorporate artificial noise penalties added to quiet-time noise events. The *Community Noise Equivalent Level, CNEL*, is a measure of the cumulative noise exposure in a community, with a 5 dB penalty added to evening (7:00 pm - 10:00 pm) and a 10 dB addition to nocturnal (10:00 pm - 7:00 am) noise levels. The *Day/Night Average Sound Level,* L_{dn} is essentially the same as CNEL, with the exception that the evening time period is dropped and all occurrences during this three-hour period are grouped into the daytime period.

b. Local Noise Compatibility Standards and Guidelines

The *Noise Element* of the *City of Pittsburg's General Plan* contains policies for evaluating the compatibility of proposed land uses with the noise emanating from major noise sources. The policies pertinent to this project are:

(1) Require noise attenuation programs for new developments exposed to noise above normally acceptable levels which include measures to shield sensitive uses from noise sources. Encourage noise attenuation programs which avoid visible soundwalls where practical (Policy D, p. 76).

(2) Require an acoustic study for all proposed projects that would have noise exposure greater than normally acceptable (Policy G, p. 76).

Note: The Noise Element defines a "normally acceptable" sound level for residential development to be an outdoor noise level not greater than 60 dB. State law requires that the L_{dn} in habitable rooms of new multi-family housing development attributable to exterior noise sources do not exceed 45 db. The City of Pittsburg applies this standard to all types of housing.

(3) Require construction of soundwalls for new development where noise mitigation to acceptable levels by other means is not practical. Require that the effects of the construction of soundwalls on noise levels at other areas be considered and taken into account in the design and location of soundwalls (Policy I, p. 76).

c. Existing and Future Noise Environment

The major and only significant source of noise affecting the project site is vehicular traffic on Kirker Pass Road. Existing and projected noise levels along Kirker Pass Road are shown in Table 3.

Table 3
Noise Exposure Along Kirker Pass Road

Day/Night Average (L_{dn}) Noise Level Along Kirker Pass Road 50 Feet From Centerline	
Time Frame	L_{dn}
Baseline	75 dBA
Year 2010[1]	79 dBA
[1] Includes buildout of Southeast Annexation Area	

IMPACT AND MITIGATION MEASURES

a. Noise and Land Use Compatibility

This section evaluates the impact of vehicular traffic noise from Kirker Pass Road on the proposed residential subdivision. The study area is shown on Figure 1. There is an open space buffer and differential in grade at the proposed lots (1 through 5 and 81 through 92) that would adjoin Kirker Pass Road. A computer model was utilized to evaluate the noise exposure on the proposed building lots. The SOUND32 computer model, developed by the Federal Highway Administration and Caltrans, was utilized in this analysis. This is a three-dimensional model which takes into account the location of the roadway, the vehicular traffic volume and traffic speed, and topographical features separating the noise source from the noise receptors. Noise levels were predicted for Lots 1 through 6 and 81 through 92. The baseline model run included the grading of the site but no soundwalls. The future (2010) L_{dn} noise level on Lots 1 through 6 would range from a low of about 64 dBA on Lot 6 to a high of 72 dBA on Lot 2. On Lots 81 through 87, the future L_{dn} noise level would range from 60 dBA to 63 dBA and on Lots 88 through 92, the future L_{dn} would range from 65 dBA to 67 dBA. Projected noise levels would exceed the City of Pittsburg goal of 60 dBA L_{dn}. This is a significant impact.

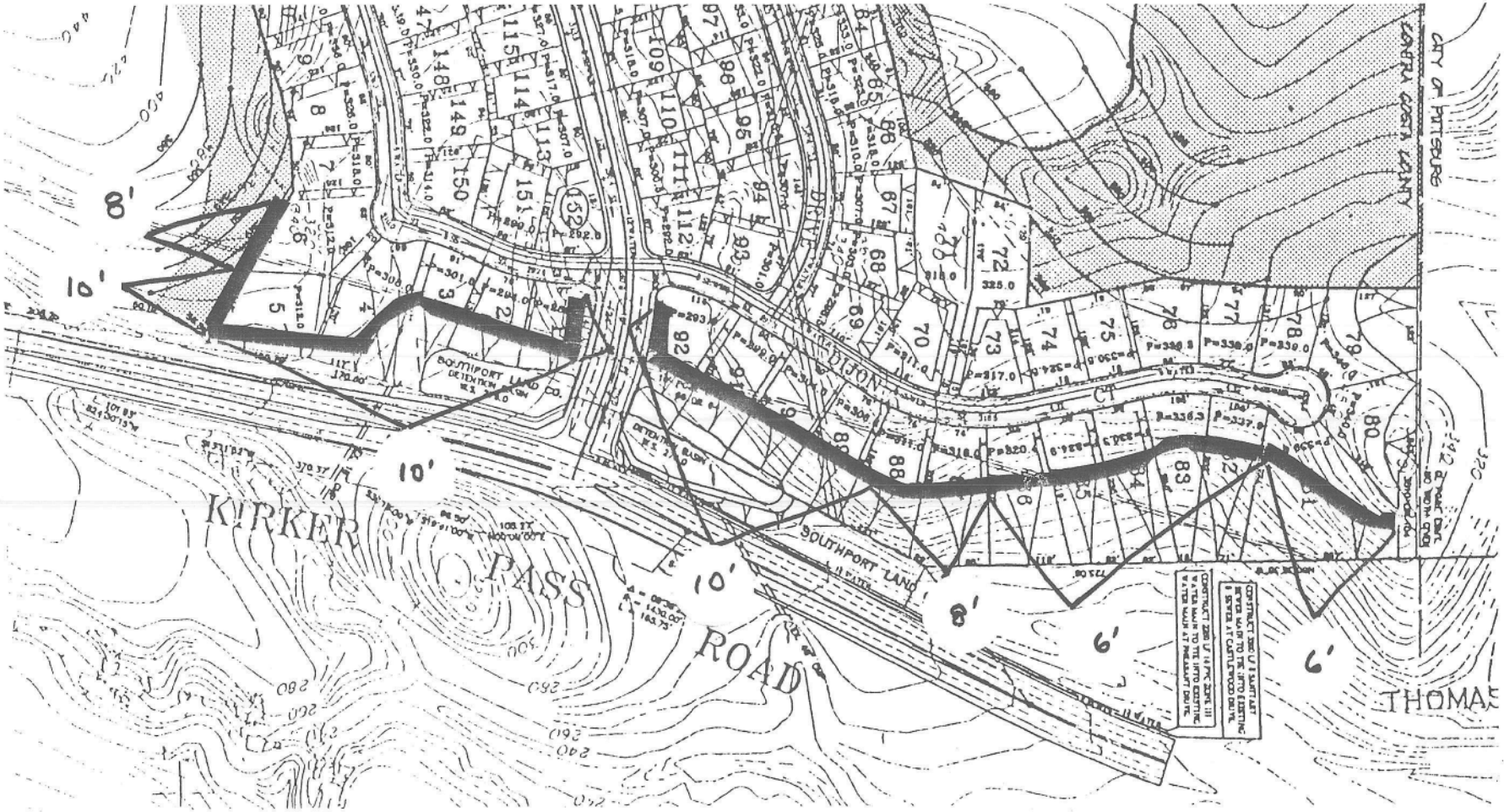
The vesting tentative map and preliminary grading plan (December 1999) shows a 6-foot high soundwall as measured above pad elevation for Lots 1 through 5 and 87 through 92. The computer model was rerun with this soundwall in place. The future noise level on Lots 1 through 5, with the 6-foot soundwall, would range from an L_{dn} of 62 dBA at Lot 4 to an L_{dn} of 65 dBA on Lots 1, 2 and 3. The L_{dn} on Lots 87 through 92 is calculated to range from 61 dBA to 64 dBA. The proposed soundwall would not shield Lots 81 through 86, so noise levels on these lots would also be projected to continue to equal or exceed an L_{dn} of 60 dBA. The mitigation proposed as a part of the project is insufficient to mitigate this impact to a less than significant level.

Proposed Mitigation Measure

Soundwalls shown on Figure 1 are recommended to reduce the future L_{dn} on the project site to 60 dBA or less in residential outdoor activity areas. The SOUND32 computer model was used to test the effectiveness of various heights and lengths of soundwalls. The analysis concluded that a combination of 6-, 8-, and 10-foot soundwalls along the roadway frontage would be sufficient to reduce future vehicular traffic noise to acceptable levels. The heights and locations of these soundwalls are shown on Figure 1. The soundwalls would be located at the edge of the graded pads as proposed by the Applicant (Figure 2). This would be the most effective place to put the noise barriers. The proposed precast wall construction is a suitable noise barrier. To be effective, the barrier must be sealed at the base and over the face of the barrier to prevent noise from flanking under or through it.

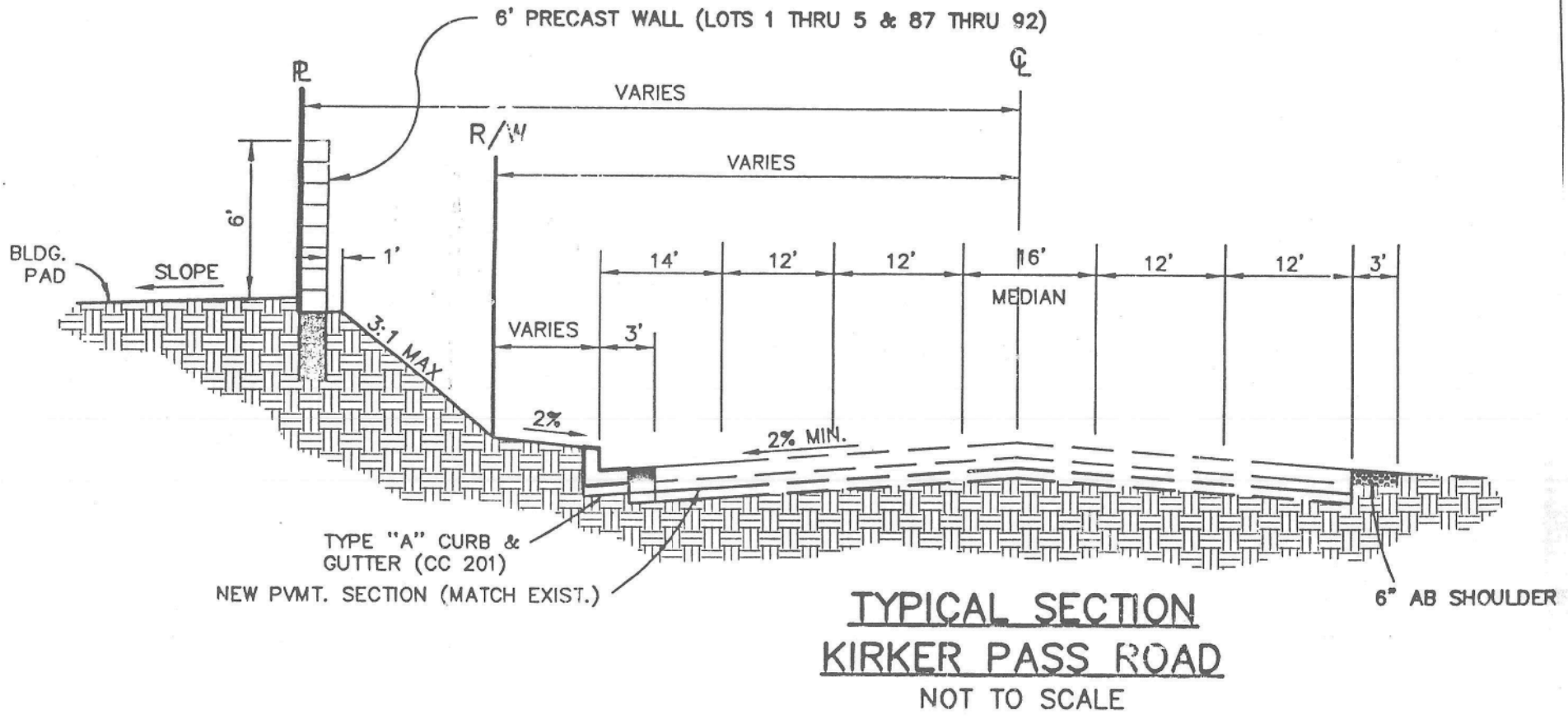
b. Other Noise Impacts

There are no other noise-related issues known to be significant for the proposed project. Increases in vehicular traffic noise on Kirker Pass Road would be less than substantial. There are no sensitive receptors known to exist near the project site which would be affected by short-term increases in noise levels resulting from project construction.



Note: Heights Measured Above Adjacent Building Pad Elevation

Partial Plan Showing Proposed Noise Barriers Along Kirker Pass Road | **Figure 1**



Source: Tentative Map and Preliminary Grading Plan, December 1999

Noise Barrier Wall Shown at Building Pad | **Figure 2**

Montreux Residential Subdivision Project
On-Site Noise Contours
Existing Conditions

ROADWAY NAME / Segment	Number of Lanes in Each Direction	Median Width	ADT Volume	Design Speed (mph)	Alpha Factor (1)	Vehicle Mix: Medium Trucks	Vehicle Mix: Heavy Trucks	Distance from Center of Roadway: CNEL at 75 Feet	DISTANCE TO CONTOUR: 75 CNEL	70 CNEL	65 CNEL	60 CNEL
ROADWAY NAME												
Railroad, North of California	2	0	10,780	35	0	1.8%	0.7%	63.3	-	-	-	159
Railroad, Between California and HWY 4 EB Ramp	2	0	23,370	35	0	1.8%	0.7%	66.7	-	-	109	340
Railroad, Between HWY 4 EB Ramp and Leland	2	0	22,290	35	0	1.8%	0.7%	66.5	-	-	104	324
Railroad, Between Leland and Atlantic	2	0	15,800	35	0	1.8%	0.7%	65.0	-	-	-	231
Railroad, Between Atlantic and Buchanan	2	0	14,400	35	0	1.8%	0.7%	64.6	-	-	-	211
Railroad, Between Buchanan and Primary	2	0	22,740	45	0	1.8%	0.7%	69.3	-	-	198	617
Railroad, Between Primary and Secondary	2	0	22,740	45	0	1.8%	0.7%	69.3	-	-	198	617
Railroad, Between Secondary and Myrtle	2	0	22,740	45	0	1.8%	0.7%	69.3	-	-	198	617
Railroad, Between Myrtle and Concord	2	0	24,200	35	0	1.8%	0.7%	66.8	-	-	113	352
Railroad, Between Concord and Clayton	2	0	28,260	35	0	1.8%	0.7%	67.5	-	-	132	410
Railroad, South of Clayton	2	0	14,090	35	0	1.8%	0.7%	64.5	-	-	-	206
Harbor, North of Buchanan	1	0	2,890	35	0	1.8%	0.7%	57.6	-	-	-	-
Loveridge, North of Buchanan	2	0	4,580	35	0	1.8%	0.7%	59.6	-	-	-	-
Somersville, North of Donlan	1	0	13,530	45	0	1.8%	0.7%	67.0	-	-	119	370
Somersville, South of Donlan	1	0	120	45	0	1.8%	0.7%	46.5	-	-	-	-
Buchanan, West of Railroad	1	0	1,870	35	0	1.8%	0.7%	55.7	-	-	-	-
Buchanan, Between Railroad and Harbor	1	0	15,020	35	0	1.8%	0.7%	64.7	-	-	-	220
Buchanan, Between Harbor and Loveridge	1	0	15,090	35	0	1.8%	0.7%	64.8	-	-	-	221
Buchanan, East of Loveridge	1	0	9,690	35	0	1.8%	0.7%	62.8	-	-	-	143

Notes:

(1) Alpha Factor: Coefficient of absorption relating to the effects of the ground surface. An alpha factor of 0 indicates that the site is an acoustically "hard" site, such as aspalt. An alpha factor of 0.5 indicates that the site is an acoustically "soft" site such, as heavily vegetated ground cover.

"-" = contour is located within the roadway lanes or within 75 feet of the roadway centerline.

Noise levels and distances to contours do not assume any natural or constructed barriers that may attenuate noise.

Assumed 24-Hour Traffic Distribution:	**Day**	**Evening**	**Night**	**Total**
Total ADT Volumes	77.70%	12.70%	9.60%	100.00%
Medium-Duty Trucks	87.43%	5.05%	7.52%	100.00%
Heavy-Duty Trucks	89.10%	2.84%	8.06%	100.00%

Notes to Modeler: The 24-hour traffic distribution and vehicle mix percentages are defaults. For project-specific numbers, obtain the 24-hour traffic distribution, vehicle mix percentages, and traffic volumes from the traffic engineer. For state and federal highways, obtain this information from the Caltrans website. Column G under Notes: should total 100%. Some jurisdictions have different distributions by roadway type, so check with that jurisdiction. An example is Riverside County.

Montreux Residential Subdivision Project
On-Site Noise Contours
Baseline No Project Conditions

ROADWAY NAME / Segment	Number of Lanes in Each Direction	Median Width	ADT Volume	Design Speed (mph)	Alpha Factor (1)	Vehicle Mix: Medium Trucks	Vehicle Mix: Heavy Trucks	Distance from Center of Roadway: CNEL at 75 Feet	DISTANCE TO CONTOUR: 75 CNEL	70 CNEL	65 CNEL	60 CNEL
ROADWAY NAME												
Railroad, North of California	2	0	11,270	35	0	1.8%	0.7%	63.5	-	-	-	166
Railroad, Between California and HWY 4 EB Ramp	2	0	25,210	35	0	1.8%	0.7%	67.0	-	-	118	366
Railroad, Between HWY 4 EB Ramp and Leland	2	0	24,410	35	0	1.8%	0.7%	66.9	-	-	114	355
Railroad, Between Leland and Atlantic	2	0	16,780	35	0	1.8%	0.7%	65.2	-	-	79	245
Railroad, Between Atlantic and Buchanan	2	0	14,940	35	0	1.8%	0.7%	64.7	-	-	-	219
Railroad, Between Buchanan and Primary	2	0	12,280	45	0	1.8%	0.7%	66.6	-	-	108	336
Railroad, Between Primary and Secondary	2	0	31,570	45	0	1.8%	0.7%	70.7	-	88	274	852
Railroad, Between Secondary and Myrtle	2	0	31,570	45	0	1.8%	0.7%	70.7	-	88	274	852
Railroad, Between Myrtle and Concord	2	0	26,260	35	0	1.8%	0.7%	67.2	-	-	123	381
Railroad, Between Concord and Clayton	2	0	30,210	35	0	1.8%	0.7%	67.8	-	-	141	438
Railroad, South of Clayton	2	0	14,930	35	0	1.8%	0.7%	64.7	-	-	-	219
Harbor, North of Buchanan	1	0	2,960	35	0	1.8%	0.7%	57.7	-	-	-	-
Loveridge, North of Buchanan	2	0	5,120	35	0	1.8%	0.7%	60.1	-	-	-	76
Somersville, North of Donlan	1	0	6,110	45	0	1.8%	0.7%	63.6	-	-	-	169
Somersville, South of Donlan	1	0	300	45	0	1.8%	0.7%	50.5	-	-	-	-
Buchanan, West of Railroad	1	0	2,000	35	0	1.8%	0.7%	56.0	-	-	-	-
Buchanan, Between Railroad and Harbor	1	0	12,350	35	0	1.8%	0.7%	63.9	-	-	-	181
Buchanan, Between Harbor and Loveridge	1	0	13,870	35	0	1.8%	0.7%	64.4	-	-	-	203
Buchanan, East of Loveridge	1	0	10,230	35	0	1.8%	0.7%	63.1	-	-	-	151

Notes:

(1) Alpha Factor: Coefficient of absorption relating to the effects of the ground surface. An alpha factor of 0 indicates that the site is an acoustically "hard" site, such as aspalt. An alpha factor of 0.5 indicates that the site is an acoustically "soft" site such, as heavily vegetated ground cover.

"-" = contour is located within the roadway lanes or within 75 feet of the roadway centerline.

Noise levels and distances to contours do not assume any natural or constructed barriers that may attenuate noise.

Assumed 24-Hour Traffic Distribution:	**Day**	**Evening**	**Night**	**Total**
Total ADT Volumes	77.70%	12.70%	9.60%	100.00%
Medium-Duty Trucks	87.43%	5.05%	7.52%	100.00%
Heavy-Duty Trucks	89.10%	2.84%	8.06%	100.00%

Notes to Modeler: The 24-hour traffic distribution and vehicle mix percentages are defaults. For project-specific numbers, obtain the 24-hour traffic distribution, vehicle mix percentages, and traffic volumes from the traffic engineer. For state and federal highways, obtain this information from the Caltrans website. Column G under Notes: should total 100%. Some jurisdictions have different distributions by roadway type, so check with that jurisdiction. An example is Riverside County.

Montreux Residential Subdivision Project
On-Site Noise Contours
Baseline Plus Project Conditions

ROADWAY NAME / Segment	Number of Lanes in Each Direction	Median Width	ADT Volume	Design Speed (mph)	Alpha Factor (1)	Vehicle Mix: Medium Trucks	Vehicle Mix: Heavy Trucks	Distance from Center of Roadway: CNEL at 75 Feet	DISTANCE TO CONTOUR: 75 CNEL	70 CNEL	65 CNEL	60 CNEL
ROADWAY NAME												
Railroad, North of California	2	0	11,370	35	0	1.8%	0.7%	63.5	-	-	-	167
Railroad, Between California and HWY 4 EB Ramp	2	0	25,910	35	0	1.8%	0.7%	67.1	-	-	121	376
Railroad, Between HWY 4 EB Ramp and Leland	2	0	25,410	35	0	1.8%	0.7%	67.0	-	-	119	369
Railroad, Between Leland and Atlantic	2	0	18,640	35	0	1.8%	0.7%	65.7	-	-	88	272
Railroad, Between Atlantic and Buchanan	2	0	16,510	35	0	1.8%	0.7%	65.2	-	-	78	241
Railroad, Between Buchanan and Primary	2	0	12,780	45	0	1.8%	0.7%	66.8	-	-	113	350
Railroad, Between Primary and Secondary	2	0	26,680	45	0	1.8%	0.7%	70.0	-	-	232	722
Railroad, Between Secondary and Myrtle	2	0	24,870	45	0	1.8%	0.7%	69.7	-	-	217	674
Railroad, Between Myrtle and Concord	2	0	26,960	35	0	1.8%	0.7%	67.3	-	-	126	391
Railroad, Between Concord and Clayton	2	0	30,800	35	0	1.8%	0.7%	67.9	-	-	144	446
Railroad, South of Clayton	2	0	15,160	35	0	1.8%	0.7%	64.8	-	-	-	222
Harbor, North of Buchanan	1	0	2,960	35	0	1.8%	0.7%	57.7	-	-	-	-
Loveridge, North of Buchanan	2	0	5,220	35	0	1.8%	0.7%	60.2	-	-	-	78
Somersville, North of Donlan	1	0	6,270	45	0	1.8%	0.7%	63.7	-	-	-	173
Somersville, South of Donlan	1	0	300	45	0	1.8%	0.7%	50.5	-	-	-	-
Buchanan, West of Railroad	1	0	2,000	35	0	1.8%	0.7%	56.0	-	-	-	-
Buchanan, Between Railroad and Harbor	1	0	12,660	35	0	1.8%	0.7%	64.0	-	-	-	186
Buchanan, Between Harbor and Loveridge	1	0	14,070	35	0	1.8%	0.7%	64.5	-	-	-	206
Buchanan, East of Loveridge	1	0	10,240	35	0	1.8%	0.7%	63.1	-	-	-	151

Notes:

(1) Alpha Factor: Coefficient of absorption relating to the effects of the ground surface. An alpha factor of 0 indicates that the site is an acoustically "hard" site, such as aspalt. An alpha factor of 0.5 indicates that the site is an acoustically "soft" site such, as heavily vegetated ground cover.

"-" = contour is located within the roadway lanes or within 75 feet of the roadway centerline.

Noise levels and distances to contours do not assume any natural or constructed barriers that may attenuate noise.

Assumed 24-Hour Traffic Distribution:	**Day**	**Evening**	**Night**	**Total**
Total ADT Volumes	77.70%	12.70%	9.60%	100.00%
Medium-Duty Trucks	87.43%	5.05%	7.52%	100.00%
Heavy-Duty Trucks	89.10%	2.84%	8.06%	100.00%

Notes to Modeler: The 24-hour traffic distribution and vehicle mix percentages are defaults. For project-specific numbers, obtain the 24-hour traffic distribution, vehicle mix percentages, and traffic volumes from the traffic engineer. For state and federal highways, obtain this information from the Caltrans website. Column G under Notes: should total 100%. Some jurisdictions have different distributions by roadway type, so check with that jurisdiction. An example is Riverside County.

Montreux Residential Subdivision Project
On-Site Noise Contours
Cumulative (Year 2030) No Project Conditions

ROADWAY NAME / Segment	Number of Lanes in Each Direction	Median Width	ADT Volume	Design Speed (mph)	Alpha Factor (1)	Vehicle Mix: Medium Trucks	Vehicle Mix: Heavy Trucks	Distance from Center of Roadway: CNEL at 75 Feet	DISTANCE TO CONTOUR: 75 CNEL	70 CNEL	65 CNEL	60 CNEL
ROADWAY NAME												
Railroad, North of California	2	0	12,380	35	0	1.8%	0.7%	63.9	-	-	-	182
Railroad, Between California and HWY 4 EB Ramp	2	0	28,570	35	0	1.8%	0.7%	67.5	-	-	133	414
Railroad, Between HWY 4 EB Ramp and Leland	2	0	28,060	35	0	1.8%	0.7%	67.5	-	-	131	407
Railroad, Between Leland and Atlantic	2	0	22,940	35	0	1.8%	0.7%	66.6	-	-	107	334
Railroad, Between Atlantic and Buchanan	2	0	19,670	35	0	1.8%	0.7%	65.9	-	-	92	287
Railroad, Between Buchanan and Primary	2	0	19,530	45	0	1.8%	0.7%	68.6	-	-	171	531
Railroad, Between Primary and Secondary	2	0	37,000	45	0	1.8%	0.7%	71.4	-	103	321	996
Railroad, Between Secondary and Myrtle	2	0	37,000	45	0	1.8%	0.7%	71.4	-	103	321	996
Railroad, Between Myrtle and Concord	2	0	35,930	35	0	1.8%	0.7%	68.5	-	-	167	519
Railroad, Between Concord and Clayton	2	0	38,960	35	0	1.8%	0.7%	68.9	-	-	181	562
Railroad, South of Clayton	2	0	16,620	35	0	1.8%	0.7%	65.2	-	-	78	243
Harbor, North of Buchanan	1	0	3,190	35	0	1.8%	0.7%	58.0	-	-	-	-
Loveridge, North of Buchanan	2	0	6,010	35	0	1.8%	0.7%	60.8	-	-	-	89
Somersville, North of Donlan	1	0	11,990	45	0	1.8%	0.7%	66.5	-	-	106	328
Somersville, South of Donlan	1	0	2,100	45	0	1.8%	0.7%	58.9	-	-	-	-
Buchanan, West of Railroad	1	0	1,800	35	0	1.8%	0.7%	55.5	-	-	-	-
Buchanan, Between Railroad and Harbor	1	0	17,530	35	0	1.8%	0.7%	65.4	-	-	82	256
Buchanan, Between Harbor and Loveridge	1	0	18,280	35	0	1.8%	0.7%	65.6	-	-	86	267
Buchanan, East of Loveridge	1	0	13,630	35	0	1.8%	0.7%	64.3	-	-	-	200

Notes:

(1) Alpha Factor: Coefficient of absorption relating to the effects of the ground surface. An alpha factor of 0 indicates that the site is an acoustically "hard" site, such as aspalt. An alpha factor of 0.5 indicates that the site is an acoustically "soft" site such, as heavily vegetated ground cover.

"-" = contour is located within the roadway lanes or within 75 feet of the roadway centerline.

Noise levels and distances to contours do not assume any natural or constructed barriers that may attenuate noise.

Assumed 24-Hour Traffic Distribution:	**Day**	**Evening**	**Night**	**Total**
Total ADT Volumes	77.70%	12.70%	9.60%	100.00%
Medium-Duty Trucks	87.43%	5.05%	7.52%	100.00%
Heavy-Duty Trucks	89.10%	2.84%	8.06%	100.00%

Notes to Modeler: The 24-hour traffic distribution and vehicle mix percentages are defaults. For project-specific numbers, obtain the 24-hour traffic distribution, vehicle mix percentages, and traffic volumes from the traffic engineer. For state and federal highways, obtain this information from the Caltrans website. Column G under Notes: should total 100%. Some jurisdictions have different distributions by roadway type, so check with that jurisdiction. An example is Riverside County.

Montreux Residential Subdivision Project
On-Site Noise Contours
Cumulative (Year 2030) Plus Project Conditions

ROADWAY NAME / Segment	Number of Lanes in Each Direction	Median Width	ADT Volume	Design Speed (mph)	Alpha Factor (1)	Vehicle Mix: Medium Trucks	Vehicle Mix: Heavy Trucks	Distance from Center of Roadway: CNEL at 75 Feet	DISTANCE TO CONTOUR: 75 CNEL	70 CNEL	65 CNEL	60 CNEL
ROADWAY NAME												
Railroad, North of California	2	0	12,480	35	0	1.8%	0.7%	63.9	-	-	-	183
Railroad, Between California and HWY 4 EB Ramp	2	0	29,270	35	0	1.8%	0.7%	67.6	-	-	136	424
Railroad, Between HWY 4 EB Ramp and Leland	2	0	29,060	35	0	1.8%	0.7%	67.6	-	-	136	421
Railroad, Between Leland and Atlantic	2	0	24,240	35	0	1.8%	0.7%	66.8	-	-	113	352
Railroad, Between Atlantic and Buchanan	2	0	26,300	35	0	1.8%	0.7%	67.2	-	-	123	382
Railroad, Between Buchanan and Primary	2	0	21,550	45	0	1.8%	0.7%	69.1	-	-	188	585
Railroad, Between Primary and Secondary	2	0	38,860	45	0	1.8%	0.7%	71.6	-	108	336	1,045
Railroad, Between Secondary and Myrtle	2	0	38,930	45	0	1.8%	0.7%	71.6	-	108	337	1,047
Railroad, Between Myrtle and Concord	2	0	36,630	35	0	1.8%	0.7%	68.6	-	-	170	529
Railroad, Between Concord and Clayton	2	0	39,550	35	0	1.8%	0.7%	68.9	-	-	184	570
Railroad, South of Clayton	2	0	16,850	35	0	1.8%	0.7%	65.2	-	-	79	246
Harbor, North of Buchanan	1	0	3,190	35	0	1.8%	0.7%	58.0	-	-	-	-
Loveridge, North of Buchanan	2	0	6,110	35	0	1.8%	0.7%	60.8	-	-	-	91
Somersville, North of Donlan	1	0	12,150	45	0	1.8%	0.7%	66.6	-	-	107	333
Somersville, South of Donlan	1	0	2,100	45	0	1.8%	0.7%	58.9	-	-	-	-
Buchanan, West of Railroad	1	0	1,800	35	0	1.8%	0.7%	55.5	-	-	-	-
Buchanan, Between Railroad and Harbor	1	0	17,730	35	0	1.8%	0.7%	65.5	-	-	83	259
Buchanan, Between Harbor and Loveridge	1	0	18,480	35	0	1.8%	0.7%	65.6	-	-	87	270
Buchanan, East of Loveridge	1	0	13,640	35	0	1.8%	0.7%	64.3	-	-	-	200

Notes:

(1) Alpha Factor: Coefficient of absorption relating to the effects of the ground surface. An alpha factor of 0 indicates that the site is an acoustically "hard" site, such as aspalt. An alpha factor of 0.5 indicates that the site is an acoustically "soft" site such, as heavily vegetated ground cover.

"-" = contour is located within the roadway lanes or within 75 feet of the roadway centerline.

Noise levels and distances to contours do not assume any natural or constructed barriers that may attenuate noise.

Assumed 24-Hour Traffic Distribution:	**Day**	**Evening**	**Night**	**Total**
Total ADT Volumes	77.70%	12.70%	9.60%	100.00%
Medium-Duty Trucks	87.43%	5.05%	7.52%	100.00%
Heavy-Duty Trucks	89.10%	2.84%	8.06%	100.00%

Notes to Modeler: The 24-hour traffic distribution and vehicle mix percentages are defaults. For project-specific numbers, obtain the 24-hour traffic distribution, vehicle mix percentages, and traffic volumes from the traffic engineer. For state and federal highways, obtain this information from the Caltrans website. Column G under Notes: should total 100%. Some jurisdictions have different distributions by roadway type, so check with that jurisdiction. An example is Riverside County.

APPENDIX G

Traffic Study

This study has been updated and is included as a standalone appendix item in the Draft EIR. Please see the Appendix list in the Table of Contents of the Draft EIR to locate this item.

Comments on the NOP

Scoping Comments and Responses

Scoping Comment	Response
Project Description	
Include the architectural design plans to allow for evaluation of the project in relation to policy direction related to maintaining rural character.	Architectural design plans for the proposed project are not proposed, nor are they required, at this time. In accordance with the Pittsburg Municipal Code, Section 18.36.100, the project would undergo design review prior to issuance of a building permit (or site development permit) in order to evaluate the project in relation to policy direction provided by the City's General Plan and the adopted Development Review Design Guidelines.
List the United States Bureau of Reclamation under "Other Agencies Whose Approval May be Required."	United States Bureau of Reclamation had been added to the list of "Other Agencies Whose Approval May be Required." See **Chapter 3.0, Project Description**.
Aesthetics	
Analyze how the project would avoid, minimize, or lessen impacts to scenic resources.	See **Section 5.1, Aesthetics**, for an evaluation of this issue.
Include a consistency analysis of the proposed project with hillside protection policies contained in the City's General Plan.	**Chapter 4.0, Plans and Policies**, provides an evaluation of the project's consistency with these policies.
Analyze visual impacts of the proposed project from Kirker Pass Road, Black Diamond Mines Regional Preserve trails, and recent park acquisitions to the south (former "Thomas North" parcel) and southwest (former "Land Waste Management" and Affinto parcels).	Visual impacts of the proposed project from Kirker Pass Road are discussed in **Section 5.1, Aesthetics**. Visual impacts of the proposed project from Black Diamond Mines Regional Preserve trails and recent park acquisitions to the south were not included as the project site would be partially or entirely blocked from these locations by intervening topography.
Provide a thorough examination of impacts to landforms on the project site.	See **Section 5.1, Aesthetics**, for an evaluation of this issue.
Include visual simulations from Kirker Pass Road, the Black Diamond Mines Regional Preserve, and from the City of Pittsburg.	Visual simulations of the project site were prepared and are provided in **Section 5.1, Aesthetics**. Visual simulations of the project site from Black Diamonds Mines Regional Preserve trails and the City of Pittsburg were not prepared as the project site would be partially or entirely blocked from these locations by intervening topography.
Discuss the effects of light spillover on neighboring areas due to the proposed project.	See **Section 5.1, Aesthetics**, for an evaluation of this issue.
Discuss how the proposed project would affect neighboring hillsides.	Only the hillside on the northern portion of the project site would be substantially altered. No hillsides off-site would be affected by project implementation.
Analyze how the proposed project compares to the existing viewshed analysis in the General Plan.	**Chapter 4.0, Plan and Policies,** provides a discussion of how the proposed project compares to the existing viewshed analysis in the General Plan.
Discuss the new landscaping plan and analyze the visual impacts of the landscaping plan on surrounding visual conditions.	See **Section 5.1, Aesthetics**, for an evaluation of this issue.
Discuss the impact to trees and vegetation currently on the project site.	See **Section 5.1, Aesthetics**, for an evaluation of this issue.
Discuss the visual effects of the proposed water tank as seen from around the City.	See **Section 5.1, Aesthetics**, for an evaluation of this issue.
Discuss the visibility of the proposed project from the Black Diamonds Mines Regional Preserve trails and the marina.	See **Section 5.1, Aesthetics**, for an evaluation of this issue.

Scoping Comment	Response
Agricultural Land	
Reference and evaluate impacts to agricultural lands in accordance with terminology and criteria set forth in the Cortese-Knox-Hertzberg (CKH) Act.	See Section VI.2, Agriculture and Forestry Resources, in the Initial Study prepared for the proposed project (**Appendix 1.0)** for a discussion of impacts related agricultural lands. Information related to impacts to agricultural lands that are analyzed in accordance with terminology and criteria set forth in the CKH Act would be appropriately addressed within the Contra Costa LAFCO application materials, once a request for reorganization is submitted.
Note in the EIR that approval of the proposed project prior to the termination of the existing Williamson Act contract would be considered an impact; and that in the absence of the City making required findings for an accelerated termination of the contract, the project should be conditioned upon final closure and termination of the contract in January 2016.	See Section VI.2, Agriculture and Forestry Resources, in the Initial Study prepared for the proposed project (**Appendix 1.0)** for a discussion of impacts related to Williamson Act contract termination.
Air Quality	
Evaluate the consistency of the proposed project with the goals and objectives of the Bay Area Air Quality Management District's 2010 Clean Air Plan.	See **Section 5.2, Air Quality**, for an evaluation of this issue.
Construction and operation air pollutant emissions should be evaluated in the Draft EIR and any variations from the default values of the air pollutant emissions model should be fully explained.	See **Section 5.2, Air Quality**, for an evaluation of this issue.
Project emissions should be evaluated using the California Emissions Estimator Model (CalEEMod) as the URBEMIS model is no longer being supported and maintained by air districts in California.	See **Section 5.2, Air Quality**, for an evaluation of this issue.
Impacts from air pollution on the health of project residents and neighboring communities should be analyzed in a full health assessment. The assessment should examine, among other things, how the project's auto-orientation could impact obesity, heart and lung disease, and mortality rates.	Such an analysis would involve undue speculation about the lifestyles and exercise habits of the potential residents of the project. Section 15145 of the *State CEQA Guidelines* states that if a particular impact is too speculative for evaluation, then the Lead Agency should note its conclusion and terminate discussion of the impact. For this reason, health impacts due to the project's auto-orientation were not addressed.
Additional mitigation measures included in Table 8-2 of the *BAAQMD CEQA Guidelines* (May 2011) should be identified in the Draft EIR to mitigate construction impacts.	See **Section 5.2, Air Quality**, for an evaluation of this issue.
Emission estimates contained in the Initial Study attached to the Notice of Preparation, should be re-reviewed, as they seem to under estimate construction and grading emissions.	See **Section 5.2, Air Quality**, for an evaluation of this issue.
Provide further clarification regarding the project's impact related to fugitive particulate matter dust emissions.	See **Section 5.2, Air Quality**, for an evaluation of this issue.
Discuss the effects of dust during construction on adjacent neighborhoods.	See **Section 5.2, Air Quality**, for an evaluation of this issue.
Address allergies/breathing problems that could occur because of the proposed project.	See **Section 5.2, Air Quality**, for an evaluation of this issue.
Biological Resources	
Provide an analysis of special-status plant species that have the potential to occur on the project site.	See **Section 5.3, Biological Resources**, for discussion of this issue.
Address potential impacts to the California tiger salamander (*Ambystoma californiense*), a state and federally Threatened species, the California red-legged frog (*Rana draytonii*), a federally Threatened species and state species of special concern, and the Alameda whipsnake (*Masticophis lateralis euryxanthus*).	As discussed in **Section 5.3, Biological Resources**, the California tiger salamander, the California red-legged frog, and the Alameda whipsnake are unlikely to occur on the project site as suitable habitat for these species is not present on the site. As a result, no impacts to these species are expected to occur due to project construction.

Scoping Comment	Response
Provide measures to avoid re-colonization of the project site by the western burrowing owl (*Athene cunicularia*) if the site is graded and future construction is put on hold.	See **Section 5.3, Biological Resources**, for an evaluation of this issue.
Describe and analyze potential impacts to streams and wetlands on the project site as a result of project implementation.	See **Section 5.3, Biological Resources**, for an evaluation of this issue.
Clearly identify whether the proposed project intends to use the East Contra Costa Habitat Conservation Plan/Natural Community Conservation Plan (HCP/NCCP) to support Endangered Species Act compliance.	See **Section 5.3, Biological Resources**, for an evaluation of this issue.
Identify all HCP/NCCP requirements and City and HCP/NCCP stream setback requirements applicable to the proposed project and analyze the project's compliance with these policies.	See **Section 5.3, Biological Resources**, for an evaluation of this issue.
Analyze how the project would avoid, minimize, or lessen impacts to biological and aquatic resources.	See **Section 5.3, Biological Resources**, for an evaluation of this issue.
Describe and evaluate trees that would be affected by the proposed project and include mitigation measures to protect or replace impacted trees.	See **Section 5.3, Biological Resources**, for an evaluation of this issue.
Address impacts to existing wildlife on the project site (i.e., raccoons, coyotes, snakes, foxes, owls, rats/mice, quail, turkeys).	See **Section 5.3, Biological Resources**, for an evaluation of this issue.
Discuss the likelihood of animals on the project site being displaced into adjacent neighborhoods due to construction of the proposed project.	It is unlikely that any species would disperse into adjacent neighborhoods to the north of the project site as the species would seek habitat similar to the annual grassland habitat present on the project site. In addition, extensive annual grassland habitat exists to the east, west, and south of the project site, providing suitable replacement habitat for common wildlife species to relocate to once construction of the proposed project has commenced.
Analyze and adopt all feasible mitigation measures that could reduce the project's environmental effects, including outlining the responsible entity and the steps to be taken to ensure compliance. For example, ensure avoidance and mitigation of all significant impacts on habitat and endangered species.	See **Section 5.3, Biological Resources**, for an evaluation of this issue.
Cultural Resources	
Analyze how the project will avoid, minimize, or lessen impacts to cultural resources.	See Section VI.5, Cultural Resources, in the Initial Study prepared for the proposed project (**Appendix 1.0)** for a discussion of impacts to cultural resources, including mitigation measures to avoid any inadvertent impacts to previously unknown cultural resources encountered during construction.
Geology and Soils	
Discuss the suitability of soils on the project site for development.	See **Section 5.4, Geology and Soils**, for an evaluation of this issue.
Discuss the geological effects associated with the new water tank.	See **Section 5.4, Geology and Soils**, for an evaluation of this issue.
Greenhouse Gas Emissions	
The Draft EIR should include an analysis of GHG impacts, and incorporate fully enforceable measures to mitigate any potential impacts.	See **Section 5.5, Greenhouse Gas Emissions**, for an evaluation of this issue.

Scoping Comment	Response
The Draft EIR should evaluate the consistency of the proposed project with the goals and objectives of the Bay Area's Sustainable Communities Strategy (Plan Bay Area) and the Bay Area Air Quality Management District's 2010 Clean Air Plan.	See **Section 5.5, Greenhouse Gas Emissions**, for an evaluation of this issue.
The Draft EIR should examine how the project would help or hinder the region in meeting the goals and objectives of AB 32 (California Global Warming Solutions Act), Executive Order S-03-05, and SB 375 (Sustainable Communities and Climate Protection Act) and the County's ability to achieve the goals of the US Cool Counties Climate Stabilization Declaration, adopted by Contra Costa County Resolution 2007-541.	See **Section 5.5, Greenhouse Gas Emissions**, for an evaluation of this issue.
Impacts from greenhouse gas emissions on the health of project residents and neighboring communities should be analyzed in a full health assessment. The assessment should examine, among other things, how the project's auto-orientation could impact obesity, heart and lung disease, and mortality rates. The Draft EIR should also provide discussion of the greenhouse gas effects due to grading on the project site.	The request for an assessment of how the project's auto-orientation could impact obesity, heart and lung disease, and mortality rate would involve too much speculation about the lifestyles and exercise habits of the potential residents. Section 15145 of the *State CEQA Guidelines* states that if a particular impact is too speculative for evaluation, then the Lead Agency should note its conclusion and terminate discussion of the impact. Furthermore, this issue is not related to the potential effects of greenhouse gases on the environment. For these reasons, health impacts due to the project's auto-orientation are not addressed in the EIR.
Hazards and Hazardous Materials	
Describe the existing PG&E pipeline that appears to cross the property and how it would be affected by the proposed project.	The PG&E pipeline is located to the west of the project site and does not cross the property. The line would not be affected by the proposed project. In addition, as stated in the project description, there is a 10-inch high-pressure petroleum products pipeline which traverses the southern portion of the main project site (within the proposed greenwall area); however, this pipeline would be located more than 1,000 feet to the south of proposed residential development on the main project site and would not be impacted by the proposed development.
Include a discussion of potential fire hazards associated with the PG&E gas line west of the project site. Also discuss the adequacy of existing fire department protection in protecting against this hazard.	See Section VI.8b, Hazards and Hazardous Materials, in the Initial Study prepared for the proposed project (**Appendix 1.0)** for a discussion of fire hazards associated with the existing gas pipeline. Also, see **Section 5.6, Public Services**, of this Draft EIR for details related to the adequacy of existing fire department's ability to protect the site from a variety of fire hazards.
Any discussion of changing the topography of the project site should include plans for the PG&E gas line west of the project site.	Only the topography of the range in the northern portion of the project site would be affected by implementation of the proposed project. No off-site areas to the west, including the PG&E transmission line and pipeline corridor, would be affected by project implementation.
Hydrology	
Discuss flooding or heavy rain impacts to the area and adjacent neighborhoods.	Neither the project site nor the adjacent neighborhood is located within a 100-year flood plain. All storm flow on the project site would be detained in three storm water detention basins and would not affect adjacent neighborhoods. See Section VI.9, Hydrology, in the Initial Study prepared for the proposed project (**Appendix 1.0)** for a more detailed discussion of storm water drainage on the project site.

Scoping Comment	Response
Evaluate Initial Study Section VI.9(d) more completely, given the alteration of site drainage.	All site drainage would be directed towards three detention basins located on the project site. The basins have been designed to handle stormwater flows that would be generated on the project site once the residential development is constructed. See Section VI.9d, Hydrology and Water Quality, in the Initial Study prepared for the proposed project (**Appendix 1.0)** for a more detailed discussion of storm water drainage on the project site. As demonstrated by the analysis, stormwater would be detained in the detention basins, which would delay the flow of water downstream in the event of a storm, thus preventing erosion of existing stream banks and flooding downstream along Kirker Creek.
Land Use	
The latest version of the CKH Act was updated in November 2012.	The latest version of the CKH Act was used in the policy consistency analysis for the proposed project. See **Chapter 4.0, Plans and Policies**, of the Draft EIR for more detail.
The City of Pittsburg General Plan includes a provision limiting development on the project site to a maximum density of 3.0 dwelling units per acre. Does the proposed project comply with this provision?	As stated in **Chapter 3.0, Project Description**, the proposed average density on the project site is 2.4 units per acre.
Include an assessment of Local Agency Formation Commission (LAFCO) policies and CKH Act provisions in the Draft EIR.	See **Chapter 4.0, Plans and Policies**, of this Draft EIR for a complete discussion of LAFCO policies and CKH Act provisions.
Include a comprehensive analysis of the level of consistency of the project with existing plans and policies.	See **Chapter 4.0, Plans and Policies**, of the Draft EIR for a complete discussion of the consistency of the proposed project with General Plan goals and policies.
Noise	
Discuss the effect of noise from the proposed project on adjacent neighborhoods.	See Section VI.12, Noise, in the Initial Study prepared for the proposed project (**Appendix 1.0)** for a complete discussion of the impacts of construction and operational noise on adjacent neighborhoods.
Population and Housing	
Describe how the proposed project would assist the City in achieving its fair share of regional housing.	The City of Pittsburg has not yet met its regional housing allocation for 2007–2014. Of the 1,772 housing units allocated to the City, only 681 units have been constructed or approved. As a result, the 356 housing units provided by the proposed project would help the City meet its current regional housing obligation.
Public Services	
Include a discussion on how the proposed project would impact fire and police services, and what measures will be taken to mitigate the impacts.	See **Section 5.6, Public Services**, for an evaluation of this issue.
Explain the ability of existing City services to accommodate the proposed project.	See **Section 5.6, Public Services**, for an evaluation of this issue.

Scoping Comment	Response
A Memorandum of Understanding (MOU) between the City of Pittsburg and Altec Homes dated May 3, 2006, requires the developer of the proposed project to provide an open space dedication (800+ acres formally known as Southport) and pay an open space fee ($2,000/unit) to mitigate potential impacts to regional parks and open space. Include in the mitigation monitoring and reporting program and include as a condition of approval the details on how and/or when these provisions would be executed. Explain how the permanent green belt areas, required by the May 3, 2006, MOU between the City of Pittsburg and Altec Homes, would be protected and how natural resources in the green belt would be managed.	The dedication of the Southport Property, which is located in the southeast hills immediately south of the Thomas Ranch property, for open space is not part of the proposed project, nor is it required to be included as a component of this project. The open space fee identified in the May 3, 2006, MOU, is not a mitigation requirement under *State CEQA Guidelines*, Section 15126.4(3), therefore it has not been included as mitigation for this project. Rather, all of the details related to implementation of this previously agreed upon fee would be included in the Development Agreement proposed to accompany this project. Requirements for permanent green belts on this property are part of the Pittsburg General Plan (more specifically, see Policy 2-P-73 which directly relates to this project). The Initial Study prepared for this project (see **Appendix 1.0**) includes an analysis related to the project's compliance with applicable General Plan policies, and specific requirements regarding the method for preservation and ongoing maintenance of the greenwall located on the southern portion of the project site has been set forth in Mitigation Measure LUP-1.
Provide details of public access (pedestrian and bicycle) improvements from the project site to existing and future open space. Key connections from the project site should include access to Black Diamond Mines Regional Preserve and regional trail access to the Black Diamond Mines Regional Preserve trail on the Concord Naval Weapons Station.	See **Section 5.6, Public Services**, for an evaluation of this issue.
Discuss potential impacts resulting from the lack of recreational facilities (i.e., parks and sports fields) on the project site.	See **Section 5.6, Public Services**, for an evaluation of this issue.
Traffic and Transportation	
Analysis of the project's potential direct and cumulative impacts to the State Route (SR) 4 mainline should be included in the Draft EIR. More specifically, potential impacts to the intersection of California Avenue at SR 4 westbound on-ramp, the intersection of Railroad Avenue at SR 4 eastbound and westbound ramps, and the adjacent mainline segment between Loveridge Road and Interstate 680 (I-680), including the SR 4/SR 242 interchange and the SR 4/I-680 interchange should be addressed.	Traffic from the proposed project was considered in all the design studies that were conducted to determine the required improvements to SR 4 that are currently under construction. The proposed project would not increase the traffic on any segment of SR 4 by more than 1 percent. As a result, further study of the mainline freeway system would not be expected to yield any new meaningful information related to the potential for project traffic impacts; therefore, this information was not added to the analysis.
The trip distribution assumption of 11 percent on Kirker Pass Road/Ygnacio Valley Road under existing and future conditions seems unrealistic given that the project is located with reasonable proximity of the City of Concord and many trips would likely travel this route to/from I-680. This is especially true during the PM peak period when traffic signal metering is not in effect on Ygnacio Valley Road or Kirker Pass Road to influence route choice, unlike the AM peak period when signal metering is in effect at Kirker Pass/Myrtle Drive and Ygnacio Valley Road/Oak Grove Road. The trip distribution assumption on Kirker Pass Road/Ygnacio Valley Road under existing and future conditions should be re-evaluated.	See **Section 5.7, Traffic and Transportation**, for an evaluation of this issue.

Scoping Comment	Response
Housing, jobs and neighborhood services should be located near major mass transit centers, with connecting streets configured to facilitate walking and biking as a means of promoting mass transit use and reducing regional vehicle miles travels and traffic impacts on state highways.	The project site would connect with the local transit system and, as discussed in **Section 5.7, Traffic and Transportation**, would be required to provide a pedestrian/bicycle connection to the neighborhood to the north. In addition, the project site is located within close proximity of existing and proposed mass transit centers, such as the Pittsburg-Bay Point Bay Area Rapid Transit (BART) station and the future Railroad Avenue eBART station. As a result, the presence of these amenities would reduce regional vehicle miles traveled by project residents and lessen traffic impacts on state highways.
Travel Demand Management (TDM) policies should be developed to promote usage of nearby public transit lines and reduce vehicle trips on the state highway system.	TDM measures, such as carpool programs and transit vouchers, would be more appropriate to reduce trips associated with non-residential uses. Therefore, no TDM measures were formulated for the proposed project.
Secondary impacts on pedestrians and bicyclists resulting from any traffic impact measure should be analyzed.	As discussed in **Section 5.7, Traffic and Transportation**, the project-level analysis considered future development in the area and analyzed traffic conditions with and without the James Donlon Boulevard Extension project (also commonly referred to as the Buchanan Road Bypass). In addition, the project-level analysis assumed a traffic signal at the project entrance. As the analysis shows, the project would have no negative effects on the local transportation system when considering these conditions, and no mitigation measures with respect to alleviating traffic congestion are required. Thus, there is no need to analyze secondary impacts on pedestrians and bicyclists that could result from a mitigation measure.
The project's fair share contribution, financing, scheduling, implementation responsibilities, and lead agency monitoring should be fully discussed for all proposed mitigation measures.	As discussed in **Section 5.7, Traffic and Transportation**, mitigation is proposed that requires the project applicant to construct a sidewalk along the west side of Kirker Pass Road, or some other alternative pedestrian access route, connecting the project site to the nearest existing sidewalk to the north. The mitigation requires that the sidewalk or alternative pedestrian route be in place prior to occupancy of the first units constructed on the project site. The project applicant will be solely responsible for funding this improvement.
Identify traffic fees to be used for project mitigation.	The proposed project would be required to pay a Local Transportation Mitigation Fee (LTMF) and a Regional Transportation Development Impact Mitigation Fee (RTDIMF), both of which are standard conditions of approval for new residential subdivisions.
Evaluate Ygnacio Valley Road intersections at Cowell Road, Ayers Road, and Alberta/Pine Hollow Road. The LOS analysis at these intersections should be conducted to evaluate project impacts on intersection LOS, vehicle delay, and queuing conditions during the PM peak hour.	Project-level and cumulative impacts to intersections along Ygnacio Valley Road in the City of Concord were not analyzed as a limited amount of traffic from the proposed project would travel through these intersections. As discussed in **Section 5.7, Traffic and Transportation**, only 11 percent of the project's trips (about 37 PM peak hour trips) were assumed to continue west on Ygnacio Valley Road towards Walnut Creek, and this distribution is considered valid given the travel patterns of existing residential development to the north of the project site. The CCTA standard for including signalized intersections in a traffic impact analysis is at least 50 peak hour trips. As the proposed project would add less than 50 peak hour trips to intersections along Ygnacio Valley Road, the analysis of these intersections was deemed to be unnecessary.
Calculate the project contribution to PM peak hour traffic growth on Ygnacio Valley Road under cumulative conditions.	See **Section 5.7, Traffic and Transportation**, for an evaluation of this issue.

Scoping Comment	Response
The proposed project should be halted until the Buchanan Road Bypass has been funded and completed due to existing congested traffic conditions.	The proposed project has not been approved at this time. If approved and constructed prior to the construction of the bypass, as shown by the analysis in **Section 5.7, Transportation and Traffic**, with and without the construction of the bypass, the project would not result in significant traffic impacts at local intersections.
Address traffic circulation for Kirker Pass Road heading northbound and southbound, potential impacts created by the Buchanan Road Bypass and any possible mitigation, and how the additional signal at the project entrance would affect traffic in and out of Pittsburg.	See **Section 5.7, Traffic and Transportation**, for an evaluation of this issue.
Identify whether or not there would be sidewalks and pedestrian pathways for the public along Kirker Pass Road, and who would be responsible for the associated costs.	See **Section 5.7, Traffic and Transportation**, for evaluation of this issue.
Analyze and adopt feasible mitigation measures that could reduce the project's environmental effects, including outlining the responsible entities and the steps to be taken to ensure compliance. For example, the EIR should include measures to mitigate the environmental effects of additional car trips in the area, such as expanded public transportation options, and funding for air quality mitigation programs, explanation as to how the on- and off-site measures would be funded and constructed, and how required resources to support future operations would be obtained.	As discussed in **Section 5.7, Traffic and Transportation**, the project would have no negative effects on the local transportation system when considering these conditions, and no mitigation measures with regard to traffic are required. However, mitigation is proposed that requires the project applicant to construct a sidewalk along the west side of Kirker Pass Road, or some other alternative pedestrian access route, connecting the project site to the nearest existing sidewalk to the north. The project applicant will be solely responsible for funding this improvement.
Impacts from vehicle miles traveled on the health of project residents and neighboring communities should be analyzed in a full health assessment. The assessment should examine, among other things, how the project's auto-orientation could impact safety for bicyclists and pedestrians, and the number and rate of automobile accidents.	The request for an assessment of how vehicle miles traveled would affect the health of residents and neighboring communities would involve too much speculation about the lifestyles and exercise habits of the potential residents. Section 15145 of the *State CEQA Guidelines* states that if a particular impact is too speculative for evaluation, then the Lead Agency should note its conclusion and terminate discussion of the impact. For these reasons, health impacts due to the project's auto-orientation are not addressed in the EIR.
Water Quality	
The proposed project is required to obtain coverage under the General Permit of Storm Water Discharges Associated with Construction Activities (Construction General Permit), Construction General Permit Order No. 2009-009-DWQ. The construction General Permit requires the development and implementation of a Storm Water Pollution Prevention Plan (SWPPP).	See Section VI.9, Hydrology, in the Initial Study prepared for the proposed project (**Appendix 1.0)** for a detailed discussion of construction water quality requirements.
Phase I and II Municipal Separate Storm Sewer System (MS4) permits are applicable to the proposed project. These permits require permittees to reduce pollutants and runoff flow from the project site during operation.	See Section VI.9, Hydrology, in the Initial Study prepared for the proposed project (**Appendix 1.0)** for a detailed discussion of operational water quality requirements.
The proposed project is required to obtain a permit pursuant to Section 404 of the Clean Water Act from the United States Army Corps of Engineers (USACE) as the project would involve the discharge of dredged or fill material in navigable waters or wetlands.	See **Section 5.3, Biological Resources**, of the Draft EIR for a detailed discussion of Section 404 requirements.
The proposed project is required to obtain a permit pursuant to Section 401 of the Clean Water Act from the Central Valley Water Board as the project will disturb waters of the United States.	See **Section 5.3, Biological Resources**, of this Draft EIR for a detailed discussion of Section 401 requirements.

Scoping Comment	Response
If USACE determines that only non-jurisdictional water of the state are present in the proposed project area, the proposed project will require a Waste Discharge Requirement (WDR) permit to be issued by the Central Valley Water Board.	See **Section 5.3, Biological Resources**, of this Draft EIR for a more detailed discussion of WDR requirements. Please note that the USACE would determine which water features fall under federal jurisdiction. A determination of which water features fall under state jurisdiction would be made by either the State or Regional Water Quality Control Board.
Water Supply	
Limit the start of any construction activities until the Contra Costa Water District (CCWD) advises the City of Pittsburg in writing that all water-related entitlements have been obtained and all CCWD regulations have been met.	Mitigation Measure UTL-1 stipulates that no grading or building permits shall be issued until the project site has been annexed into the CCWD service area and the developer provides the City with a "Will Serve" letter from the CCWD verifying that the project site has been included in the Central Valley Project. See Section VI.17d, Utilities and Service Systems, in the Initial Study prepared for the proposed project (**Appendix 1.0)** for additional discussion related to water demand and supply.
Analyze and adopt all feasible mitigation measures that could reduce the project's environmental effects, including outlining the responsible entity and the steps to be taken to ensure compliance. For example, the EIR should include measures to fully mitigate the increased water demand generated by the project through on- and off-site mechanisms.	See Section VI.17d, Utilities and Service Systems, in the Initial Study prepared for the proposed project (**Appendix 1.0)** for a detailed discussion of water demand and supply. As demonstrated by the analysis the project site has been included in the CCWD's water supply and demand projections, and mitigation is not needed to mitigate any impacts related to the project's water demand. The only mitigation regarding water supply included in the analysis is a requirement that the project site be annexed into the CCWD service area prior to issuance of a grading or building permit.
Sewer	
Discuss the effects of wastewater generated on the project site on sewer capacity. Would the costs of any required sewer upgrades be passed on to taxpayers?	The proposed project is accounted for in the Delta Diablo Sanitation District's (DDSD) Conveyance and Treatment Master Plans. Any sewer upgrades would be funded by normal user fees. See Section VI.17d, Utilities and Service Systems, in the Initial Study prepared for the proposed project (**Appendix 1.0)** for a more detailed discussion of sewer capacity.
Include influent flow to the DDSD Wastewater Treatment Plant for the most recent reporting period (2012).	See Section VI.17d, Utilities and Service Systems, in the Initial Study prepared for the proposed project (**Appendix 1.0)** for a detailed discussion of sewer capacity. As stated in the Initial Study, the DDSD plant has an average dry weather flow capacity of 16.5 million gallons per day (mgd). The most recent reporting period (2012) indicates that the current average dry weather flow to the plant is 12.7 mgd. Therefore, the DDSD plant has enough capacity to serve the proposed project, and the units on the project site were accounted for in the DDSD's Conveyance and Treatment Master Plans.
Alternatives	
Include an environmentally sensitive alternative which is designed in a manner that is consistent with the policy direction for hillside development, and that is also consistent with the existing pre-zoning for the site (Hillside Planned Development [HPD] and Open Space [OS]).	See **Chapter 6.0, Alternatives**, of this Draft EIR for a detailed discussion of the No Project and Existing General Plan and Zoning alternatives.
An off-site alternative located on a flatter site within the existing city limits should also be considered.	See **Chapter 6.0, Alternatives**, of this Draft EIR for a discussion of this alternative and why it was eliminated from further consideration.

Scoping Comment	Response
Cumulative Effects	
Cumulative impacts of the proposed project, plus Tuscany Meadows, Sky Ranch II, and the James Donlon Boulevard Extension Project, should be addressed in the EIR.	An analysis of cumulative impacts of the proposed project, plus Tuscany Meadows, Sky Ranch II and the James Donlon Boulevard Extension Project is included at the end of each topical section in **Chapter 5.0, Environmental Setting, Impacts, and Mitigation Measures**.
Miscellaneous	
The southern hills experience strong wind gusts.	Comment noted. Wind gusts experienced in the southern hills is an existing condition, and implementation of the proposed project would neither increase nor decrease the intensity of the wind in the area.
Explain the ability of existing City services to accommodate the proposed project.	See **Section 5.6, Public Services**, of this Draft EIR for a detailed discussion of how the project would affect fire, police, school, and park services. See Section VI.17, Utilities and Service Systems, in the Initial Study prepared for the proposed project (**Appendix 1.0)** for a detailed discussion of how the project would affect water, sewer, storm water, and waste disposal services.
The air pollution, greenhouse gas emissions, and vehicle miles traveled of the project would have significant impacts on the health of residents as well as neighboring communities. These impacts should be analyzed in a full Health Impact Assessment. This assessment should examine, among other things, how the project's auto-orientation could impact obesity, heart and lung disease and mortality rates, safety for bicyclists and pedestrians, and the number and rate of automobile accidents.	The purpose of CEQA is to disclose the physical adverse effects of a project on the environment. Impacts associated with obesity, heart and lung disease and mortality rates, safety for bicyclists and pedestrians, and the number and rate of auto accidents are not considered physical effects on the environmental and thus are not CEQA issues. The physical impacts on the environment due to criteria pollutant emissions, greenhouse gas emissions, and vehicle miles traveled associated with the proposed project are analyzed in **Sections 5.2, Air Quality, 5.4, Greenhouse Gas Emissions, and 5.7, Transportation and Traffic,** of the Draft EIR.
Will there be Section 8 residents in Montreux?	The proposed project would be required to comply with the City's inclusionary housing ordinance. As such, the proposed project would either provide restricted units or pay an in lieu fee, in accordance with Pittsburg Municipal Code Chapter 18.86, Inclusionary Housing.
Examine how the proposed project may divert development from nearby downtowns, Priority Development Areas, and Growth Opportunity Areas, thus leading to physical blight elsewhere in Pittsburg and throughout the region. Also assess the economic trade-offs of focusing development in this area.	The City's General Plan provides for growth both in the downtown area and in the southern hills, with this specific site included in the plans for future residential development. As a result, the proposed project would not create new development beyond what was already anticipated in the Pittsburg General Plan, and it would therefore, not inadvertently divert development away from other areas in the City or the region. A discussion related to the economic trade-off of focusing development in this area, rather than other areas in the City, is not a CEQA issue according to Section 15131(a) of the *State CEQA Guidelines*.
Explore how the project may interfere with or impede the implementation of other growth management plans and policies and transportation investments.	The project has been considered in the City's growth management plans and policies and transportation investments as the project site is located within the City's Urban Limit Line and is located less than 2 miles from a future BART station.

DEPARTMENT OF TRANSPORTATION
111 GRAND AVENUE
OAKLAND, CA 94612
PHONE (510) 286-6053
FAX (510) 286-5559
TTY 771

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April 25, 2013

CC004086
CC-4-23.05
SCH# 2013032079

Ms. Kristin Vahl Pollot
Planning Department
City of Pittsburg
65 Civic Avenue
Pittsburg, CA 94565

Dear Ms. Pollot:

Montreaux Residential Subdivision Project – Notice of Preparation (NOP)

Thank you for including the California Department of Transportation (Caltrans) in the environmental document review process for the project referenced above. We have reviewed the NOP and have the following comments to offer.

Traffic Impact Study (TIS)
One of Caltrans' ongoing responsibilities is to collaborate with local agencies to avoid, eliminate, or reduce to insignificance potential adverse impacts by local development on State highways. In our letter, dated May 13, 2010, we requested information to be detailed in the TIS to ensure that project-related impacts to State highways be thoroughly assessed. We appreciate the submittal of the 2011 TIS, attached as Appendix G to the NOP.

In regard to the 2011 TIS:

1. Please explain how the TIS will be utilized in the pending Draft Environmental Impact Report (DEIR).

2. Please explain how the TIS will be updated, as the environmental review process moves forward.

3. Please include potential direct and cumulative impacts to the State Route (SR) 4 mainline. In particular, Caltrans is concerned about potential impacts to Intersection 1 (California Avenue at SR 4 westbound on-ramp), Intersection 2 (Railroad Avenue at SR 4 eastbound and westbound ramps) and the adjacent mainline segment between Loveridge Road and Interstate (I-)680, including the SR 4/SR 242 interchange and the SR 4/I-680 interchange.

4. Caltrans believes the 11% Existing Trip Generation on Kirker Pass Road (see, Figure 5, page 15) is undervalued and should be higher, as drivers often use Railroad Avenue and Kirker Pass Road to bypass SR 242 when traveling to Ygnacio Valley Road and I-680. Field observations show when SR 4 becomes congested during peak hours, the traveling public will use Kirker Pass Road/ Ygnacio Valley Road as an alternative.

Vehicle Trip Reduction

Caltrans encourages you to locate any needed housing, jobs and neighborhood services near major mass transit centers, with connecting streets configured to facilitate walking and biking, as a means of promoting mass transit use and reducing regional vehicle miles traveled and traffic impacts on the State highways.

We also encourage you to develop Travel Demand Management (TDM) policies to promote usage of nearby public transit lines and reduce vehicle trips on the State Highway System. These policies could include lower parking ratios, car-sharing programs, bicycle parking and showers for employees, and providing transit passes to residents and employees, among others. For information about parking ratios, see the Metropolitan Transportation Commission (MTC) report *Reforming Parking Policies to Support Smart Growth* or visit the MTC parking webpage: http://www.mtc.ca.gov/planning/smart_growth/parking.

In addition, secondary impacts on pedestrians and bicyclists resulting from any traffic impact mitigation measures should be analyzed. The analysis should describe any pedestrian and bicycle mitigation measures and safety countermeasures that would in turn be needed as a means of maintaining and improving access to transit facilities and reducing vehicle trips and traffic impacts on State highways.

Lead Agency

As the lead agency, the City of Pittsburg (City) is responsible for all project mitigation, including any needed improvements to State highways. The project's fair share contribution, financing, scheduling, implementation responsibilities and lead agency monitoring should be fully discussed for all proposed mitigation measures.

This information should also be presented in the Mitigation Monitoring and Reporting Plan of the environmental document. Required roadway improvements should be completed prior to issuance of the Certificate of Occupancy. Since an encroachment permit is required for work in the State ROW, and Caltrans will not issue a permit until our concerns are adequately addressed, we strongly recommend that the City work with both the applicant and Caltrans to ensure that our concerns are resolved during the environmental process, and in any case prior to submittal of an encroachment permit application. Further comments will be provided during the encroachment permit process; see the end of this letter for more information regarding encroachment permits.

Mitigation Reporting Guidelines

The California Environmental Quality Act requires the adoption of reporting or monitoring programs when public agencies include environmental impact mitigation as a condition of project approval.

Reporting or monitoring takes place after project approval to ensure implementation of the project in accordance with mitigation adopted during the CEQA review process.

Some of the information requirements detailed in the attached Guidelines for Submitting Transportation Information from a Reporting Program include the following:

- Name, address, and telephone number of the CEQA lead agency contact responsible for mitigation reporting;

- Type of mitigation, specific location, and implementation schedule for each transportation impact mitigation measure; and

- Certification section to be signed and dated by the lead agency certifying that the mitigation measures agreed upon and identified in the checklist have been implemented, and all other reporting requirements have been adhered to, in accordance with Public Resources Code Sections 21081.6 and 21081.7.

Further information is available on the following website:
http://www.dot.ca.gov/hq/tpp/offices/ocp/igr_ceqa.html.

Traffic Impact Fees
Please identify traffic impact fees to be used for project mitigation. Development plans should require traffic impact fees based on projected traffic and/or based on associated cost estimates for public transportation facilities necessitated by development. Scheduling and costs associated with planned improvements on the State ROW should be listed, in addition to identifying viable funding sources correlated to the pace of improvements for roadway improvements, if any.

State Route 4 is critical to regional and interregional traffic in the San Francisco Bay region. It is vital to commuting, freight, and recreational traffic and is one of the most congested regional freeway facilities. The traffic generated by this proposed project, together with other projects in the vicinity will have a cumulative significant regional impact to the already congested State Highway System. Therefore, Caltrans appreciates the City's continuing work with the TRANSPLAN on the Regional Transportation-Development Impact Mitigation Fee Program to mitigate and plan for the impact of future growth on the regional transportation system.

Encroachment Permit
Please be advised that any work or traffic control that encroaches onto the State ROW requires an encroachment permit that is issued by Caltrans. To apply, a completed encroachment permit application, environmental documentation, and five (5) sets of plans clearly indicating State ROW must be submitted to the address below. David Salladay, District Office Chief, Office of Permits, California Department of Transportation, District 4, P.O. Box 23660, Oakland, CA 94623-0660. Traffic-related mitigation measures should be incorporated into the construction plans prior to the encroachment permit process. See the website linked below for more information:
http://www.dot.ca.gov/hq/traffops/developserv/permits.

Should you have any questions regarding this letter, please call Brian Brandert of my staff at (510) 286-5505.

Sincerely,

ERIK ALM, AICP
District Branch Chief
Local Development - Intergovernmental Review

c: Scott Morgan (State Clearinghouse)

State of California – The Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Bay Delta Region
7329 Silverado Trail
Napa, CA 94558
(707) 944-5500
www.wildlife.ca.gov

EDMUND G. BROWN JR., Governor
CHARLTON H. BONHAM, Director

April 26, 2013

Ms. Kristin Pollot
City of Pittsburg
65 Civic Avenue
Pittsburg, CA 94565

Dear Ms. Pollot:

Subject: Montreux Project, Initial Study and Notice of Preparation of Environmental Impact Report, SCH #2013032079, City of Pittsburg, Contra Costa County

The California Department of Fish and Wildlife (CDFW) has reviewed the Initial Study for the Montreux Project (Project) in the City of Pittsburg, Contra Costa County. The City of Pittsburg (City) concurrently provided a Notice of Preparation of a draft Environmental Impact Report (EIR). The Initial Study and Notice of Preparation were received at our office April 2, 2013.

The Project includes entitlements and a preliminary grading plan for site improvements (i.e., stormwater basins, roads, and utility infrastructure) and creation of 356 residential building pads. The preliminary grading plan includes changes to the site topography, including cuts to the hill slopes of approximately 75 vertical feet in some locations and fills of between 10 to 85 feet of graded soil in low portions of the site. The entire graded site would be re-contoured.

CDFW is identified as a Trustee Agency pursuant to the California Environmental Quality Act (CEQA) § 15386. As a trustee for the State's fish and wildlife resources, CDFW has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants and the habitat necessary for biologically sustainable populations of those species pursuant to California Fish and Game Code § 1802. In this capacity, CDFW administers the California Endangered Species Act (CESA), the Native Plant Protection Act, the Lake and Streambed Alteration Program and other provisions of the Fish and Game Code that afford protection to the State's fish and wildlife trust resources. Pursuant to our jurisdiction, CDFW has the following concerns, comments, and recommendations regarding the Project.

Under Section 15063(g) of the CEQA Guidelines, a lead agency should obtain the recommendations of responsible and trustee agencies as to whether an Environmental Impact Report or Negative Declaration should be prepared for a project. Based on preliminary review of the Project, CDFW concurs with the City's decision to prepare a draft EIR. This recommendation is based on the complexity of the project, the potential for take of listed and special-status species, and other issues, such as habitat modification and loss.

However, as described further in this letter, impacts pertaining to biological resources were scoped out in the Initial Study. CDFW is concerned that several potential impacts pertaining to biological resources have not been fully addressed and require additional disclosure. These impacts are described below.

Special-Status Plants

The Initial Study does not address potential impacts to special-status plant species; therefore, analysis of this topic should be provided in the draft EIR. Special-status plant species potentially occurring in the Project area include:

- Contra Costa goldfields (*Lasthenia conjugens*)
- showy golden madia (*Madia radiata*)
- chaparral ragwort (*Senecio aphanactis*)
- Suisun Marsh aster (*Symphyotrichum lentum*)
- Hoover's cryptantha (*Cryptantha hooveri*)
- Contra Costa wallflower (*Erysimum capitatum* var. *angustatum*)
- caper-fruited tropidocarpum (*Tropidocarpum capparideum*)
- Mt. Diablo manzanita (*Arctostaphylos auriculata*)
- Contra Costa manzanita (*Arctostaphylos manzanita* ssp. *laevigata*)
- round-leaved filaree (*California macrophylla*)
- Brewer's western flax (*Hesperolinon breweri*)
- Hall's bush-mallow (*Malacothamnus hallii*)
- diamond-petaled California poppy (*Eschscholzia rhombipetala*)
- Antioch Dunes buckwheat (*Eriogonum nudum* var. *psychicola*)
- Mt. Diablo buckwheat (*Eriogonum truncatum*)
- shining navarretia (*Navarretia nigelliformis* ssp. *radians*)
- Hospital Canyon larkspur (*Delphinium californicum* ssp. *interius*)
- Mt. Diablo fairy-lantern (*Calochortus pulchellus*)

Botanical surveys should be conducted by a qualified botanist with knowledge of local plant species during the blooming period for all special-status plant species potentially occurring within the proposed Project area. Please refer to CDFW protocols for surveying and evaluating impacts to rare plants available at http://www.dfg.ca.gov/habcon/plant/. The assessment should include endangered, threatened, and locally unique species and sensitive habitats. Rare, threatened and endangered species to be addressed should include all those which meet the CEQA definition (see CEQA Guidelines, section 15380). The potential for special-status plant species, including those listed by the California Native Plant Society should be evaluated.

California Tiger Salamander, California Red-Legged Frog and Alameda Whipsnake

The Initial Study does not address potential impacts to the California tiger salamander (*Ambystoma californiense*), a state and federally threatened species, to the California red-legged frog (*Rana draytonii*), a federally threatened species and state species of special

concern, or to the Alameda whipsnake (*Masticophis lateralis euryxanthus*). These species are known to occur in the Project area, utilize habitat types found on the project site, and are presumed extant. Please include a description of these species, potential impacts to these species and their habitats, and mitigation measures that would address the impacts.

Western Burrowing Owl

The Initial Study indicates that surveys and avoidance measures will be conducted for western burrowing owl (*Athene cunicularia*) as described in the East Contra Costa HCP/NCCP. Please note that the avoidance measures in the HCP/NCCP are intended as guidance related to construction impacts and assume that construction will proceed to completion once initiated. If the site is graded and future construction is placed on hold for one construction season or more, there is potential that the site will be recolonized by resident or breeding owls. After such a gap in construction activities, surveys and avoidance measures should be reinitiated prior to further earthmoving. After HCP/NCCP fees are paid to mitigate for habitat loss, the site may be disked periodically after initial grading to reduce the likelihood of recolonization; however, surveys should be conducted prior to disking to minimize the potential for take of owls. The property owner may also wish to maintain grass at a height of two feet or more from January 1 to March 30 to reduce the likelihood of colonization during the breeding season. The grass may be cut in the late spring, after the peak of the burrowing owl breeding season, to reduce fire danger.

Lake and Streambed Alteration Agreement

Streams and wetlands serve important ecological functions in the dry foothills of eastern Contra Costa County. They may support rare species, such as hydrophilic plants, provide breeding habitat for rare amphibians and invertebrates, or provide a water source for terrestrial animals. Based on the Initial Study, it is unclear how the Project would affect on-site streams and wetlands, including accessibility to those features. Potential impacts on streams and wetlands should be described and analyzed in detail in the draft EIR.

The Initial Study states that "[a]dherence to the requirements of the Section 404 permit and Streambed Alteration Agreement would mitigate the impacts to jurisdictional waters" (p. 39). Because the purpose of CEQA is to disclose impacts and feasible mitigation for those impacts to the public, CEQA Guidelines [Section 15126.4 (a)(1)(B)] stipulate that it is not appropriate to defer feasible mitigation measures to a future date. Also, the Court of Appeal in San Joaquin Raptor Rescue Center v. County of Merced (2007) 149 Cal. App. 4th 645 struck down mitigation measures that required formulating management plans developed in consultation with state and federal wildlife agencies after project approval. As written, the Initial Study defers mitigation for streams to CDFW and the U.S. Army Corps of Engineers (USACE) permits issued after the Project has been approved by the lead agency. The City should consult with CDFW and USACE regarding appropriate mitigation for stream and wetland impacts. Issuance of a Lake and Streambed Alteration Agreement (LSAA) is subject to CEQA; therefore, the draft EIR should fully identify the potential impacts to streams and provide adequate avoidance, mitigation, monitoring and reporting commitments for completion of an agreement.

According to the Initial Study, there is a "seasonal wetland swale in the southeast part of the site that is tributary to Kirker Creek" (Initial Study: p. 39). This feature may be considered an ephemeral creek and is potentially jurisdictional under Section 1602 of California Fish and Game Code. Please contact CDFW to determine whether alteration of this feature would be subject to an LSAA.

To obtain additional information about the LSAA notification process, please access our website at http://www.dfg.ca.gov/habcon/1600/; or to request a notification package, contact the Lake and Streambed Alteration Program at (707) 944-5520.

Conclusion

CDFW appreciates the opportunity to comment on the Project. CDFW staff is available to meet with you to further clarify our comments and provide technical assistance on any changes necessary to protect resources. If you have any questions, please contact Ms. Randi Adair, Senior Environmental Scientist, at (707) 944-5596.

Sincerely,

Scott Wilson
Acting Regional Manager
Bay Delta Region

cc: State Clearinghouse

CALIFORNIA
Water Boards

EDMUND G. BROWN JR.
GOVERNOR

MATTHEW RODRIQUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

Central Valley Regional Water Quality Control Board

22 April 2013

Kirstin Pollot
City of Pittsburg
65 Civic Avenue
Pittsburg, CA 94565

CERTIFIED MAIL
7012 2210 0002 1419 9821

COMMENTS TO NOTICE OF PREPARATION FOR THE DRAFT ENVIRONMENTAL IMPACT REPORT, MONTREUX RESIDENTIAL SUBDIVISION PROJECT, CONTRA COSTA COUNTY

Pursuant to the City of Pittsburg's 2 April 2013 request, the Central Valley Regional Water Quality Control Board (Central Valley Water Board) has reviewed the *Notice of Preparation for the Draft Environmental Impact Report* for the Montreux Residential Subdivision Project, located in Contra Costa County.

Our agency is delegated with the responsibility of protecting the quality of surface and groundwaters of the state; therefore our comments will address concerns surrounding those issues.

Construction Storm Water General Permit

Dischargers whose project disturb one or more acres of soil or where projects disturb less than one acre but are part of a larger common plan of development that in total disturbs one or more acres, are required to obtain coverage under the General Permit for Storm Water Discharges Associated with Construction Activities (Construction General Permit), Construction General Permit Order No. 2009-009-DWQ. Construction activity subject to this permit includes clearing, grading, grubbing, disturbances to the ground, such as stockpiling, or excavation, but does not include regular maintenance activities performed to restore the original line, grade, or capacity of the facility. The Construction General Permit requires the development and implementation of a Storm Water Pollution Prevention Plan (SWPPP).

For more information on the Construction General Permit, visit the State Water Resources Control Board website at:
http://www.waterboards.ca.gov/water_issues/programs/stormwater/constpermits.shtml.

Phase I and II Municipal Separate Storm Sewer System (MS4) Permits[1]

The Phase I and II MS4 permits require the Permittees reduce pollutants and runoff flows from new development and redevelopment using Best Management Practices (BMPs) to the maximum extent practicable (MEP). MS4 Permittees have their own development standards, also known as Low Impact Development (LID)/post-construction standards that include a hydromodification component. The MS4 permits also require specific design concepts for LID/post-construction BMPs in the early stages of a project during the entitlement and CEQA process and the development plan review process.

For more information on which Phase I MS4 Permit this project applies to, visit the Central Valley Water Board website at:
http://www.waterboards.ca.gov/centralvalley/water_issues/storm_water/municipal_permits/.

Industrial Storm Water General Permit

Storm water discharges associated with industrial sites must comply with the regulations contained in the Industrial Storm Water General Permit Order No. 97-03-DWQ.

For more information on the Industrial Storm Water General Permit, visit the Central Valley Water Board website at:
http://www.waterboards.ca.gov/centralvalley/water_issues/storm_water/industrial_general_permits/index.shtml.

Clean Water Act Section 404 Permit

If the project will involve the discharge of dredged or fill material in navigable waters or wetlands, a permit pursuant to Section 404 of the Clean Water Act may be needed from the United States Army Corps of Engineers (USACOE). If a Section 404 permit is required by the USACOE, the Central Valley Water Board will review the permit application to ensure that discharge will not violate water quality standards. If the project requires surface water drainage realignment, the applicant is advised to contact the Department of Fish and Game for information on Streambed Alteration Permit requirements.

If you have any questions regarding the Clean Water Act Section 404 permits, please contact the Regulatory Division of the Sacramento District of USACOE at (916) 557-5250.

Clean Water Act Section 401 Permit – Water Quality Certification

If an USACOE permit, or any other federal permit, is required for this project due to the disturbance of waters of the United States (such as streams and wetlands), then a Water Quality Certification must be obtained from the Central Valley Water Board prior to initiation of project activities. There are no waivers for 401 Water Quality Certifications.

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[1] Municipal Permits = The Phase I Municipal Separate Storm Water System (MS4) Permit covers medium sized Municipalities (serving between 100,000 and 250,000 people) and large sized municipalities (serving over 250,000 people). The Phase II MS4 provides coverage for small municipalities, including non-traditional Small MS4s, which include military bases, public campuses, prisons and hospitals.

Waste Discharge Requirements

If USACOE determines that only non-jurisdictional waters of the State (i.e., "non-federal" waters of the State) are present in the proposed project area, the proposed project will require a Waste Discharge Requirement (WDR) permit to be issued by Central Valley Water Board. Under the California Porter-Cologne Water Quality Control Act, discharges to all waters of the State, including all wetlands and other waters of the State including, but not limited to, isolated wetlands, are subject to State regulation.

For more information on the Water Quality Certification and WDR processes, visit the Central Valley Water Board website at:
http://www.waterboards.ca.gov/centralvalley/help/business_help/permit2.shtml.

If you have questions regarding these comments, please contact me at (916) 464-4684 or tcleak@waterboards.ca.gov.

for Trevor Cleak
Environmental Scientist

BAY AREA
AIR QUALITY
MANAGEMENT
DISTRICT

May 6, 2013

Ms. Kristin Pollot
City of Pittsburg
Development Services – Planning Department
65 Civic Avenue
Pittsburg, CA 94565

Subject: Montreux Residential Subdivision Notice of Preparation

Dear Ms. Pollot,

The Bay Area Air Quality Management District (District) staff reviewed the notice of preparation (NOP) and initial study (IS) for the proposed Montreux Residential Subdivision (Project). District staff understands that the Project consists of a request for rezoning, approval of a vesting tentative map and preliminary grading plan, approval of a development agreement, and annexation of the Project site into the City of Pittsburg and municipal utilities service area. This would allow for up to 356 single family detached residential units on a 148 acre site that is currently undeveloped grazing land at the City's outer urban boundary.

The analysis provided in the initial study concludes that potential impacts to local and regional air quality and greenhouse gases will be less than significant, and therefore, will not be further evaluated in the draft environmental impact report (DEIR). District staff does not support this conclusion based on the information provided in the NOP and IS.

District staff was unable to verify the emissions estimates provided in the analysis, and no justification was provided to explain changes to the URBEMIS model's default values. Construction and operational emissions should be evaluated in the DEIR and any changes to the default values should be fully explained and justified with substantial evidence. For example, operational emissions were estimated using URBEMIS with vehicle trip rates from the Project's traffic study (found in Appendix G). A trip rate of 7.54 per day is substantially lower than trip rate for a suburban single family subdivision (9.56 per day) and more comparable to rates for low rise apartments (6.84 per day). Staff believes the Project is more appropriately characterized as a suburban subdivision and recommends that City staff clearly explain any discount to trip generation, considering the following factors:

- Project location is on the outer fringe of current City limits
- Proposed in an area dominated by undeveloped grazing lands
- Minimal roadway access to retail or commercial areas
- Limited bicycle facilities and pedestrian connectivity
- Minimal access to the local or regional transit network
- Proposed street grid is relatively unconnected to surrounding neighborhoods

District staff conducted a separate greenhouse gas (GHG) analysis using the District's post-processor model, "BGM", with available information to confirm estimates. A copy of the modeling outputs are attached here for your convenience. Staff finds that GHG emissions exceed the City's thresholds, and therefore, recommends the DEIR include an analysis of GHG impacts, and incorporate fully enforceable measures to mitigate any potential impacts. Staff supports several

proposed mitigation measures but recommends that they be amended to make the measures mandatory. For example, require solar panels to be installed on all homes (GHG-1.1) and require solar or tankless water heaters (GHG-1.4) as opposed to just recommending they be installed. Additional measures include, but are not limited to, requiring the Project to:

- Meet or exceed Title 24 building energy efficiency standards by 20%
- Install low-flow or high-efficiency residential water fixtures
- Incorporate cool roof and cool paving strategies for buildings and streetscapes
- Plant drought tolerant landscaping or water efficient irrigation systems
- Use reclaimed water for irrigation
- Provide residents with composting services

District staff also recommends Project emissions be evaluated using "CalEEMod" because the URBEMIS model is no longer being supported and maintained by Air Districts in California. The CalEEMod model is available for free download at www.caleemod.com. Furthermore, staff recommends the City evaluate the Project's consistency with the goals and objectives of the Bay Area's regional draft Sustainable Communities Strategy (Plan Bay Area) and the District's 2010 Clean Air Plan.

District staff is available to assist the City in addressing these comments. If you have any questions, please contact Ian Peterson, Environmental Planner II, at (415) 749-4783.

Sincerely,

Jean Roggenkamp
Deputy Air Pollution Control Officer

cc: BAAQMD Director John Gioia
BAAQMD Director David Hudson
BAAQMD Director Mary Piepho
BAAQMD Director Mark Ross

Urbemis 2007 Version 9.2.4

Summary Report for Annual Emissions (Tons/Year)

File Name: H:\Planning\Planning_Division\CEQA\CEQA General\CEQA Guidelines Update 2009\CEQA Guidelines Implementation\IP Projects Reviewed\Pittsburg\Montreux Project\MontruexProjectIP.urb924

Project Name: Montreux - BAAQMD

Project Location: Contra Costa County

On-Road Vehicle Emissions Based on: Version : Emfac2007 V2.3 Nov 1 2006

Off-Road Vehicle Emissions Based on: OFFROAD2007

CONSTRUCTION EMISSION ESTIMATES

	ROG	NOx	CO	SO2	PM10 Dust	PM10 Exhaust	PM10	PM2.5 Dust	PM2.5	PM2.5	CO2
2014 TOTALS (tons/year unmitigated)	0.40	2.37	2.97	0.00	13.06	0.14	13.20	2.73	0.12	2.85	484.22
2014 TOTALS (tons/year mitigated)	0.40	2.37	2.97	0.00	2.97	0.14	3.11	0.62	0.12	0.75	484.22
Percent Reduction	0.00	0.00	0.00	0.00	77.26	0.00	76.47	77.21	0.00	73.85	0.00
2015 TOTALS (tons/year unmitigated)	0.55	2.88	7.24	0.01	0.04	0.17	0.21	0.01	0.16	0.17	1,150.74
2015 TOTALS (tons/year mitigated)	0.55	2.88	7.24	0.01	0.04	0.17	0.21	0.01	0.16	0.17	1,150.74
Percent Reduction	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
2016 TOTALS (tons/year unmitigated)	0.50	2.63	6.82	0.01	0.04	0.15	0.19	0.01	0.14	0.15	1,150.88
2016 TOTALS (tons/year mitigated)	0.50	2.63	6.82	0.01	0.04	0.15	0.19	0.01	0.14	0.15	1,150.88
Percent Reduction	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
2017 TOTALS (tons/year unmitigated)	9.24	0.60	1.67	0.00	0.01	0.03	0.04	0.00	0.03	0.03	297.53
2017 TOTALS (tons/year mitigated)	5.59	0.60	1.67	0.00	0.01	0.03	0.04	0.00	0.03	0.03	297.53
Percent Reduction	39.50	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00

AREA SOURCE EMISSION ESTIMATES

	ROG	NOx	CO	SO2	PM10	PM2.5	CO2
TOTALS (tons/year, unmitigated)	4.46	1.38	2.01	0.00	0.00	0.00	1,734.40

OPERATIONAL (VEHICLE) EMISSION ESTIMATES

	ROG	NOx	CO	SO2	PM10	PM2.5	CO2
TOTALS (tons/year, unmitigated)	3.00	3.58	34.57	0.05	9.13	1.74	4,953.40

SUM OF AREA SOURCE AND OPERATIONAL EMISSION ESTIMATES

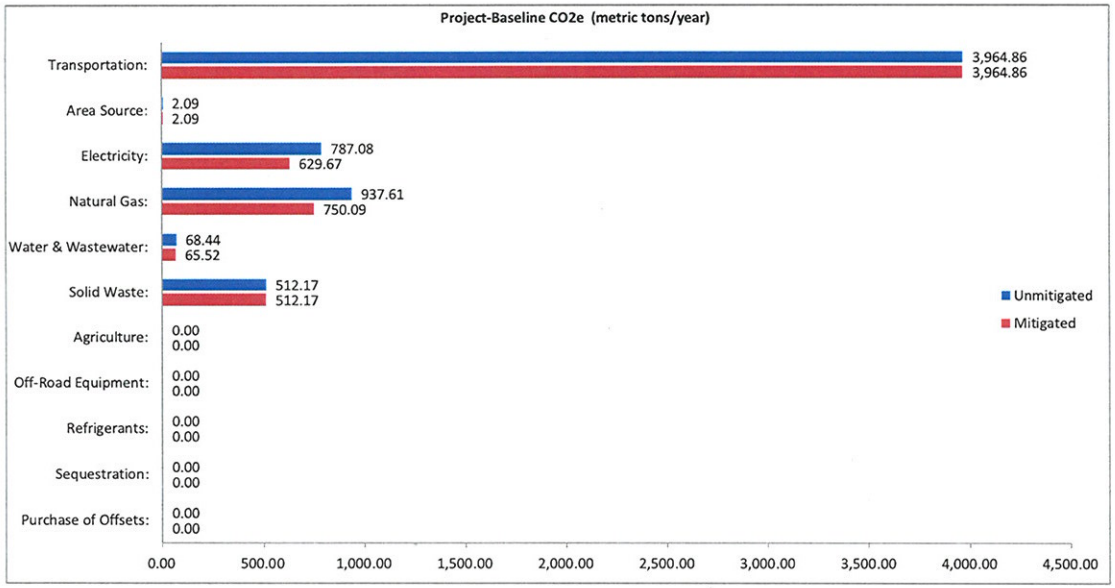
	ROG	NOx	CO	SO2	PM10	PM2.5	CO2
TOTALS (tons/year, unmitigated)	7.46	4.96	36.58	0.05	9.13	1.74	6,687.80

Summary Results

Project Name: Montreux - BGM BAAQMD Run
Project and Baseline Years: 2018 N/A

Results	Unmitigated Project-Baseline CO2e (metric tons/year)	Mitigated Project-Baseline CO2e (metric tons/year)
Transportation:	3,964.86	3,964.86
Area Source:	2.09	2.09
Electricity:	787.08	629.67
Natural Gas:	937.61	750.09
Water & Wastewater:	68.44	65.52
Solid Waste:	512.17	512.17
Agriculture:	0.00	0.00
Off-Road Equipment:	0.00	0.00
Refrigerants:	0.00	0.00
Sequestration:	N/A	0.00
Purchase of Offsets:	N/A	0.00
Total:	6,272.24	5,924.39

Baseline is currently: **OFF**
Baseline Project Name:
Go to Settings Tab to Turn On Baseline



Detailed Results

Unmitigated	CO2 (metric tpy)	CH4 (metric tpy)	N2O (metric tpy)	CO2e (metric tpy)	% of Total
Transportation*:				3,964.86	63.21%
Area Source:	2.09	0.00	0.00	2.09	0.03%
Electricity:	785.83	0.01	0.00	787.08	12.55%
Natural Gas:	935.21	0.09	0.00	937.61	14.95%
Water & Wastewater:	68.33	0.00	0.00	68.44	1.09%
Solid Waste:	3.63	24.22	N/A	512.17	8.17%
Agriculture:	0.00	0.00	0.00	0.00	0.00%
Off-Road Equipment:	0.00	0.00	0.00	0.00	0.00%
Refrigerants:	N/A	N/A	N/A	0.00	0.00%
Sequestration:	N/A	N/A	N/A	N/A	N/A
Purchase of Offsets:	N/A	N/A	N/A	N/A	N/A
Total:				6,272.24	100.00%

Baseline	CO2 (metric tpy)	CH4 (metric tpy)	N2O (metric tpy)	CO2e (metric tpy)	% of Total
Transportation*:				0.00	N/A
Area Source:	0.00	0.00	0.00	0.00	N/A
Electricity:	0.00	0.00	0.00	0.00	N/A
Natural Gas:	0.00	0.00	0.00	0.00	N/A
Water & Wastewater:	0.00	0.00	0.00	0.00	N/A
Solid Waste:	0.00	0.00	N/A	0.00	N/A
Agriculture:	0.00	0.00	0.00	0.00	N/A
Off-Road Equipment:	0.00	0.00	0.00	0.00	N/A
Refrigerants:	N/A	N/A	N/A	0.00	N/A
Sequestration:	N/A	N/A	N/A	N/A	N/A
Purchase of Offsets:	N/A	N/A	N/A	N/A	N/A
Total:				0.00	0.00%

* Several adjustments were made to transportation emissions after they have been imported from URBEMIS.
After importing from URBEMIS, CO2 emissions are converted to metric tons and then adjusted to account for the "Pavley"
regulation. Then, CO2 is converted to CO2e by multiplying by 100/95 to account for the contribution of other GHGs (CH4, N2O, and HFCs [from leaking air conditioners]).
Finally, CO2e is adjusted to account for th low carbon fuels rule.

Mitigated	CO2 (metric tpy)	CH4 (metric tpy)	N2O (metric tpy)	CO2e (metric tpy)	% of Total
Transportation*:				3,964.86	66.92%
Area Source:	2.09	0.00	0.00	2.09	0.04%
Electricity:	628.66	0.01	0.00	629.67	10.63%
Natural Gas:	748.17	0.07	0.00	750.09	12.66%
Water & Wastewater:	65.42	0.00	0.00	65.52	1.11%
Solid Waste:	3.63	24.22	N/A	512.17	8.65%
Agriculture:	0.00	0.00	0.00	0.00	0.00%
Off-Road Equipment:	0.00	0.00	0.00	0.00	0.00%
Refrigerants:	N/A	N/A	N/A	0.00	0.00%
Sequestration:	N/A	N/A	N/A	0.00	0.00%
Purchase of Offsets:	N/A	N/A	N/A	0.00	0.00%
Total:				5,924.39	100.00%

Mitigation Measures Selected:

Transportation: Go to the following tab: Transp. Detail Mit for a list of the transportation mitigation measures selected (in URBEMIS)

Electricity: The following mitigation measure(s) have been selected to reduce electricity emissions.

Natural Gas: The following mitigation measure(s) have been selected to reduce natural gas emissions.

Water and Wastewater: The following mitigation measure(s) have been selected to reduce water and wastewater emissions.

Drought Tolerant Landscaping	10 % Reduction Outdoor Use
Low Flush Toilets	2 % Reduction Indoor Use

Solid Waste: The following mitigation measure has been selected to reduce solid waste related GHG emissions.

Ag: No existing mitigation measures available.

Off-Road Equipment: No existing mitigation measures available.

Refrigerants: The following mitigation measure has ben selected to reduce refrigerant emissions:

Carbon Sequestration: Project does not include carbon sequestration through tree planting.

Emission Offsets/Credits: Project does not include purchase of emission offsets/credits.

CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION
651 Pine Street, Sixth Floor • Martinez, CA 94553-1229
e-mail: LTexe@lafco.cccounty.us
(925) 335-1094 • (925) 335-1031 FAX

May 6, 2013

Kristin Pollot, Associate Planner
City of Pittsburg
Development Services – Planning Department
Civic Center – 65 Civic Avenue
Pittsburg, CA 94565

SUBJECT: Notice of Preparation of a Draft Environmental Impact Report (DEIR)
Montreux Residential Subdivision

Dear Kristi:

Thank you for including the Contra Costa Local Agency Formation Commission (LAFCO) on the distribution list for the above referenced project. LAFCO staff has reviewed the DEIR, and we offer general and specific comments and questions below.

General Comments

As a Responsible Agency pursuant to the CEQA, LAFCO may need to rely on the City's environmental document in consideration of any future boundary change [e.g., annexation, sphere of influence (SOI) amendment] applications relating to this project.

LAFCO is an independent, regulatory agency with discretion to approve, wholly, partially or conditionally, or disapprove, changes of organization or reorganizations. In accordance with the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (CKH Act), LAFCO is required to consider a variety of factors when evaluating a proposal, including, but not limited to the proposal's potential impacts on agricultural land and open space, provision of municipal services and infrastructure to the project site, timely and available supply of water, fair share of regional housing, etc..

The factors relating to boundary and SOI changes are contained in Government Code (GC) §§56668 and 56425, respectively. Including an assessment of these factors in the City's environmental document will facilitate LAFCO's review and the LAFCO process. In addition, as LAFCO is subject to the provisions of SB 375, the environmental document should utilize the most current standards and thresholds of significance with respect to air quality and greenhouse gas emissions analyses. Deficiencies in the environmental document as required by LAFCO may result in the need for additional CEQA compliance work.

If LAFCO will be asked to rely on the City's environmental document for a future boundary change, the document should specifically 1) reference the LAFCO action(s) in the Project Description (i.e., SOI amendment, annexation), 2) list LAFCO as Other Public Agencies Whose Approval is Required, and 3) most importantly, the LAFCO action(s) and relevant factors should be adequately evaluated in the environmental document. For example, if the project will require an SOI amendment and/or annexation to a sewer district, this action and the relevant analysis should be specifically addressed in the environmental document.

Specific Comments

1. **Other Public Agencies Whose Approval May be Required**

   As noted in the Utilities and Service Systems section of the Initial Study, the provision of water to the project site is subject to approval by the U.S. Bureau of Reclamation. You may wish to note this in "Other Agencies Whose Approval May be Required."

2. **Consistency with Existing Plans and Policies**

a. Section V. of the Initial Study references the 2007 version of the CKH Act. Please note that the CKH Act is updated annually and was last updated in November 2012. We recommend you use the most current version.

b. One of the factors LAFCO must consider in its review of a boundary change proposal is consistency with a city's General Plan (GC §56375). The City's General Plan includes a provision limiting development in this area to a maximum density of 3.0 dwelling units per acre. *Does the proposed project comply with this provision?*

c. We note the references in the DEIR to local LAFCO policies and the CKH Act, and the discussion regarding various relevant sections of the CKH Act (e.g., GC §§56749, 56377, etc.). As noted above, the factors relating to boundary changes are contained in GC §56668. Including an assessment of these factors in the City's environmental document will facilitate LAFCO's review and the LAFCO process.

d. One of the factors LAFCO may consider in its review of a proposed boundary change is regional growth goals and policies. The Association of Bay Area Governments (ABAG) and the Metropolitan Transportation Commission (MTC) recently released the *Draft Plan Bay Area* and corresponding DEIR, which lays out the Bay Area's first-ever Sustainable Communities Strategy in accordance with SB 375. A discussion of how the Montreux project fits with the *Plan Bay Area* should be included in the City's EIR.

3. **Agricultural Resources**

a. We note that the project site includes lands designated for agricultural use. The CKH Act contains its own definitions of *agricultural lands* (GC §56016) and *prime agricultural land* (GC §56064). The City's environmental document should specifically reference and evaluate impacts to agricultural lands in accordance with the terminology and criteria set forth in the CKH Act in order for LAFCO to reply on the City's EIR for its actions.

b. The project site has an active Williamson Act contract with a non-renewal filed and an expiration date of January 2016. The City's EIR should note that approval of the proposed project prior to the termination of the existing Williamson Act contract would be considered an impact; and that in the absence of the City making required findings for an accelerated termination of the contract, the project should be conditioned upon final closure and termination of the contract in January 2016.

4. **Population and Housing** – One of the factors LAFCO must consider in its review of a boundary change proposal is the extent to which the project will affect the city in achieving its respective share of meeting the regional housing needs (GC §56668). To what extent will the Montreux residential project assist the City in achieving its fair share of regional housing?

5. **Public Services**

a. Fire Service - The Initial Study notes that the proposed project will have a potentially significant impact on fire service in terms of risk/threat, response times, and location of the nearest fire station, and that these issues will be analyzed in the EIR.

Another factor LAFCO must consider is the extension of service to the project area, as well as the impacts to service on adjacent areas as a result of the project. Since completion of the LAFCO Fire & Emergency Medical Services Municipal Service Review (MSR) in 2009, LAFCO has expressed concern with the sustainability of fire and EMS in the wake of severe fiscal and service challenges as a result of the recent economic downturn, collapse of the local housing market and significant decrease in local property taxes on which fire agencies rely. Numerous fire stations throughout the County have been closed, and additional station closures are on the horizon. LAFCO will look for specific information in the City's EIR on how the proposed development project will impact fire services, and what measures will be taken to mitigate the impacts.

b. Police Service - The Initial Study references information relating to police service response times as contained LAFCO's 2008-09 East County Sub-regional MSR. Please note that in August 2011, LAFCO completed a Law Enforcement MSR which contains more current information and may be useful in preparing the EIR.

It should also be noted that in conjunction with annexation to a city, the subject property is typically detached from all County Service Areas (CSAs), including CSA P-6, the countywide police services CSA.

6. **Utilities and Service Systems**

a. Water Service – The City's Initial Study indicates that no grading or building permits will be issued until the project site has been annexed into the Contra Costa Water District, and the developer provides the City with a "will serve" letter from CCWD verifying that the project site has been included in the Central Valley Project. LAFCO will also require a similar "will serve" letter verifying the provision of water service to the project site.

In addition, as part of the annexation application, LAFCO will require a detailed Plan for Service pursuant to GC §56653 which must address all municipal services and provide the following information: 1) an enumeration and description of the services to be extended to the affected territory; 2) the level and range of those services; 3) an indication of when those services can feasibly be extended to the affected territory; 4) an indication of any improvement or upgrading of structures, roads, sewer or water facilities, or other conditions the local agency would impose or require within the affected territory if the change of organization or reorganization is completed; and 5) information with respect to how those services will be financed.

b. Wastewater Service – As noted above, the Plan for Service must also address wastewater services.

Thank you for the opportunity to comment. We look forward to receiving copies of future environmental notices and documents relating to this project.

In the meanwhile, feel free to contact the LAFCO office if you have any questions.

Sincerely,

Lou Ann Texeira
Executive Officer

c: LAFCO Planner

CONTRA COSTA
WATER DISTRICT

1331 Concord Avenue
P.O. Box H2O
Concord, CA 94524
(925) 688-8000 FAX (925) 688-8122
www.ccwater.com

April 29, 2013

Sent by Email (PDF): Kvahl@ci.pittsburg.ca.us
Original to Follow

Ms. Kristin Vahl Pollot
Planning & Building Dept.
City of Pittsburg
65 Civic Avenue
Pittsburg, CA 94565-3814

Subject: Request for Comments on the Notice of Preparation (NOP) for the Montreux Residential Development

Dear Ms. Vahl:

The Contra Costa Water District (CCWD) is in receipt of a request for comments on the Notice of Preparation (NOP) for the proposed Montreux residential development in an unincorporated area of Contra Costa County west of the intersection of Kirker Pass Road and Nortonville Road near the southern limits of the City of Pittsburg. The proposed Montreux development includes a request for rezoning, request for approval of a vesting Tentative Map and preliminary grading plan for 356 single family homes, request for approval of a development agreement and annexation of the project into the City of Pittsburg, CCWD and Delta Diablo Sanitation District. The Montreux subdivision will be connected to the four-way intersection aligned with the planned James Donlon expressway (formally known as the Buchanan Road Bypass).

CCWD is also in receipt of a Draft EIR for the James Donlon Boulevard Extension Project. The James Donlon Boulevard Extension Project will connect the Montreux subdivision on the west, the Sky Ranch II residential Project to the east, and potentially new subdivisions along the new road. None of these areas have authorization to receive access to Central Valley Project water from CCWD.

CCWD manages and maintains water facilities that are owned and operated by the United States Bureau of Reclamation (Reclamation). This includes the Contra Costa Canal as well as a number of untreated water laterals. CCWD provides wholesale water service from Reclamation to the City of Pittsburg who in turn provides retail water service. At this time, no water service is provided to the area where the project is proposed.

CCWD notes that the Initial Study states that annexation of the project area to the CCWD Service Area would be required. Accordingly, CCWD requests that the EIR on the project consider the following, similar to CCWD comments made on the project in CCWD's April 26, 2010 letter (attached):

1. The proposed project is outside of the City of Pittsburg and is outside of the CCWD Service Area. This area has no entitlements to allow for the provision of water service on either a temporary or long term basis. See map attached.

2. Under CCWD regulations any proposed use of water will require that the area where such water will be used be annexed to the CCWD service area. In addition, any use of water will require review by Reclamation for inclusion to its Central Valley Project (CVP) area. Before water service entitlements are established, Reclamation will require National Environmental Policy Act (NEPA) review. Of particular importance for the NEPA review is the Endangered Species Act and Cultural Resources (Section 106 of the National Historic Preservation Act). The CEQA document should clearly identify whether the project intends to use the East Contra Costa County Habitat Conservation Plan/Natural Community Conservation Plan (HCP/NCCP) to support Endangered Species Act compliance.

3. The City of Pittsburg would need to submit to CCWD an application on behalf of the project developers for an annexation to CCWD and inclusion into the CVP.

4. The environmental review should clearly define the amount of construction water that will be needed as well as the degree of permanent landscaping that will be included. The environmental document should also clearly limit the start of any construction activities until CCWD advises the City of Pittsburg in writing that all water-related entitlements as well as all CCWD regulations have been obtained.

5. The CEQA document should clearly define the relationship between the Montreux, Sky Ranch II and any potentially new residential developments and the proposed James Donlon Boulevard Extension Project in terms of likely traffic flow.

6. The environmental issues associated with Montreux, Sky Ranch II and the James Donlon Boulevard Extension Project are linked. All of these areas require CVP inclusion review in order to provide water service. Pertinent to Section 15335 of the 2012 CEQA Guidelines all three related projects should be addressed in the cumulative impacts section of the Draft EIR. Of particular interest is compliance with the Endangered Species Act (ESA) for each of these projects. The most productive approach to ESA compliance is

through the HCP/NCCP. Compliance with HCP/NCCP should facilitate timely review by Reclamation for CVP water use.

Please contact me at (925) 688-8119 should you have further questions.

Sincerely,

Mark A. Seedall
Principal Planner

MAS/JMT/rlr

Attachment

cc: Ryan Olah, U.S. Fish & Wildlife Service
Scott Wilson, California Dept. of Fish & Wildlife
Shauna McDonald, Reclamation, Fresno
Eileen James, Reclamation, Tracy
Chuck Siek, Reclamation, Fresno

f

CONTRA COSTA
WATER DISTRICT

1331 Concord Avenue
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Concord, CA 94524
(925) 688-8000 FAX (925) 688-8122
www.ccwater.com

April 26, 2010

VIA FACSIMILE (925)252-4814
Hard Copy to Follow

Ms. Kristin Vahl
Planning & Building Dept.
City of Pittsburg
65 Civic Avenue
Pittsburg, CA 94565-3814

Subject: Request for Comments on the Montreux Residential Development (AP-10-684)

Dear Ms. Vahl:

The Contra Costa Water District (CCWD) is in receipt of a request for comments on the proposed Montreux residential development in an unincorporated area of Contra Costa County west of the intersection of Kirker Pass Road and Nortonville Road near the southern limits of the City of Pittsburg.

CCWD manages and maintains water facilities that are owned and operated by the United States Bureau of Reclamation (Reclamation). This includes the Contra Costa Canal as well as a number of untreated water laterals. CCWD provides wholesale water service from the United States Bureau of Reclamation to the City of Pittsburg who in turn provides retail water service. At this time, no water service is provided to the area where the project is proposed.

CCWD would request that the EIR on the project consider the following:

1. The proposed project is outside of the City of Pittsburg and is outside of the Contra Costa Water District. This area has no entitlements to allow for the provision of water service on either a temporary or long term basis. See Attachment 1.

2. Under CCWD regulations any proposed use of water will require that the area where such water will be used be annexed to the CCWD service area. In addition, any use of water will require review by the United States Bureau of Reclamation for inclusion to its Central Valley Project area. Before water service entitlements are established, United States Bureau of Reclamation review will require National Environmental Policy Act (NEPA) review. Of particular importance for the NEPA review is the Endangered Species Act and Cultural Resources (Section 106 of the National Historic Preservation Act). The CEQA document should clearly identify whether the project intends to use the East Contra Costa County Habitat Conservation Plan to support Endangered Species Act compliance.

3. The City of Pittsburg would need to submit to CCWD an application on behalf of the project developers for an annexation to CCWD and inclusion into the Central Valley Project (CVP).

4. The environmental review should clearly define the amount of construction water that will be needed as well as the degree of permanent landscaping that will be included. The environmental document should also clearly limit the start of any construction activities until CCWD advises the City of Pittsburg in writing that all water related entitlements as well as all CCWD regulations have been obtained.

Please contact me at (925) 688-8119 should you have further questions.

Sincerely,

Mark A. Seedall

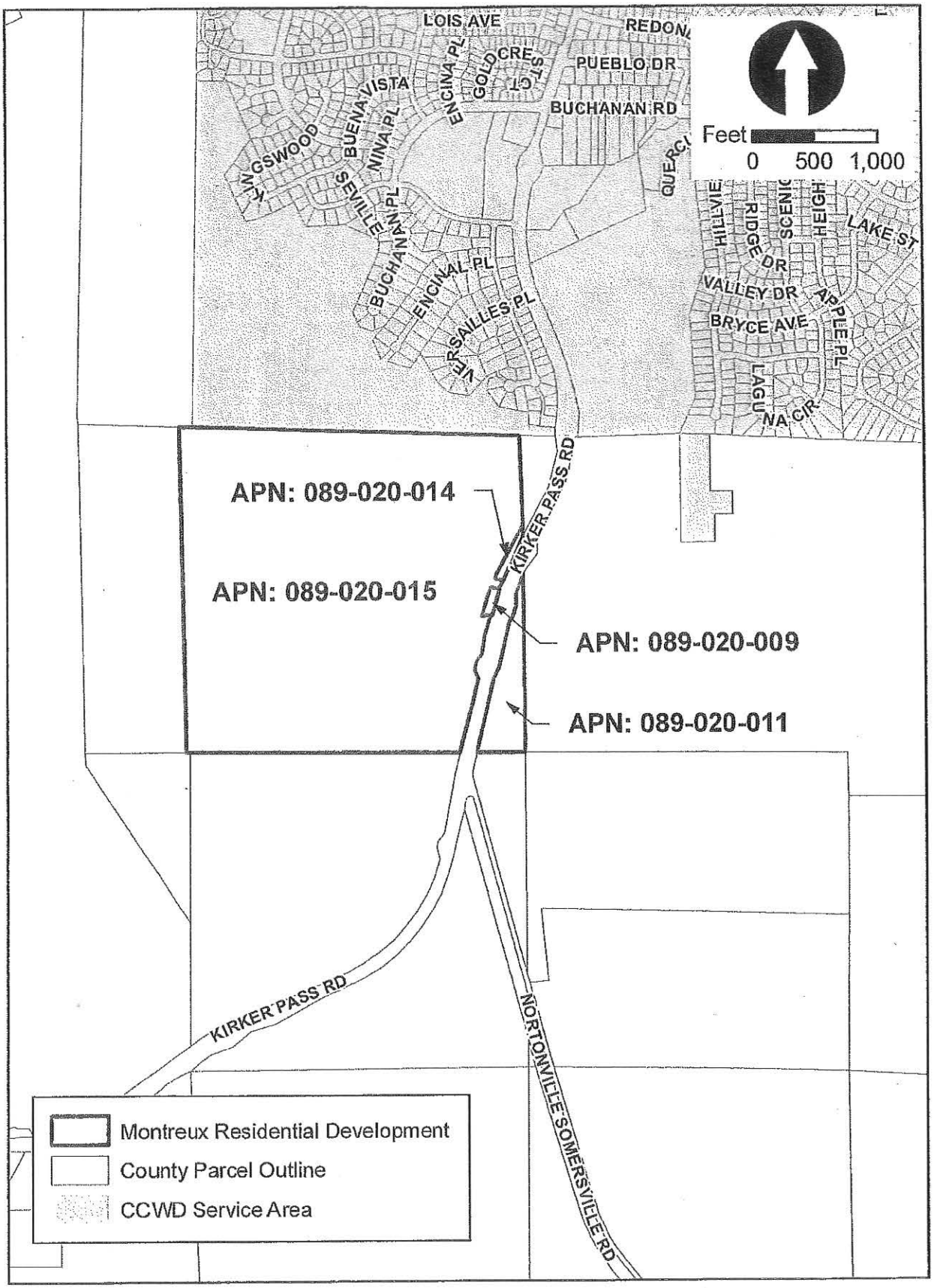
Mark A. Seedall
Principal Planner

MAS/jmt/rlr:mlc

Attachment 1

CCWD Service Area in Relationship to the
Montreux Residential Development

Attachment 1
April 2010



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www.ccwater.com

May 17, 2013

VIA FACSIMILE (925)252-4814
Hard Copy to Follow

Ms. Kristin Vahl Pollot
Planning & Building Dept.
City of Pittsburg
65 Civic Avenue
Pittsburg, CA 94565-3814

Subject: Request for Comments on the Notice of Preparation (NOP) for the Montreux Residential Development

Dear Ms. Vahl:

The purpose of this correspondence is to supplement CCWD's April 26, 2013 comment letter (attached) on the NOP for the project. The U.S. Bureau of Reclamation (Reclamation) has the following comments that should also be addressed in the Draft EIR for the project.

Reclamation notes that the cultural resources section of the March 2013 draft Initial Study (IS) and the IS appendices do not address Section 106 of the Historic Preservation Act issues. As stated in our April 26 comment letter on the project, any proposed use of water will require that the area where such water will be used be annexed to the CCWD service area. In addition, any use of water will require review by Reclamation for inclusion to its Central Valley Project (CVP) area. Before water service entitlements are established, Reclamation review will require National Environmental Policy Act (NEPA) review.

The cultural resources section of the IS (pages 41-43) states that surveys were originally conducted in 1995 for this project by Holman and Associates, resulting in the identification of a historic ranch complex in the project Area of Potential Effect(APE). This was, at the time, considered to be a significant historic resource under CEQA criteria, and recordation and archival research was recommended. However, when Holman and Associates returned to the project site in 1999 to gather additional data, they found that the ranch complex had been demolished.

The IS further recommends that archaeological monitoring and mechanical grading and trenching be conducted as mitigation measures at the former ranch

Ms. Kristin Vahl Pollot
Montreux Residential Development
May 17, 2013

site. This cannot be considered as mitigation of adverse effects under the Section 106 regulations at 36 CFR Part 800. The list of issues on page 41 of the IS states that cultural resource impacts would be less than significant with mitigation. Adverse effects to historic properties cannot be mitigated to less than significant under the Section 106 regulations. The actual mitigation measures proposed on pages 42-43 only address the discovery of archaeological resources or human remains during project construction.

The historic ranch complex, or what remains of it, needs to be evaluated for eligibility under the four National Register of Historic Places criteria pursuant to 36 CFR Part 800.4(c)(1). Additionally, the cultural resource survey referenced in the IS as Holman and Associates 2000 was not provided in the appendices, or elsewhere. The date of this document, some 13 years ago, indicates that a new cultural resource survey and report is needed, one that is directed toward 106 compliance and which could be used by Reclamation for a consultation with the California State Historic Preservation Officer (SHPO). The existing IS and likely the 2000 cultural resource report, will not provide sufficient documentation for a SHPO consultation.

Please contact me at (925) 688-8119 should you have further questions.

Sincerely,

Mark A. Seedall
Principal Planner

MAS/jmt

Attachment: April 26, 2013 Comment Letter

cc: Ryan Olah, U.S. Fish & Wildlife Service
Scott Wilson, California Dept. of Fish & Wildlife
Shauna McDonald, Reclamation, Fresno
Eileen James, Reclamation, Tracy
Chuck Siek, Reclamation, Fresno

Delta Diablo Sanitation District

OFFICE AND TREATMENT PLANT: 2500 PITTSBURG-ANTIOCH HIGHWAY, ANTIOCH, CA 94509-1373
TEL.: (925) 756-1900 ADMIN. FAX: (925) 756-1961 MAINT. FAX: (925) 756-1963 OPER. FAX: (925) 756-1962 TECH. SVCS. FAX: (925) 756-1960
www.ddsd.org

April 30, 2013

Ms. Kristin Pollot, Project Planner
City of Pittsburg
65 Civic Avenue
Pittsburg, CA 94565

SUBJECT: NOTICE OF PREPARATION OF DRAFT EIR, FOR PROPOSED MONTREUX SUBDIVISION AND ANNEXATION, APN 089-020-009, 014, AND 015, IN VICINITY OF KIRKER PASS ROAD, PITTSBURG

Dear Ms. Pollot:

Thank you for providing the Delta Diablo Sanitation District (District) a copy of the initial study for the subject project. The proposed project includes rezoning of hillside planned development to RS-6 single family residential consistent with the existing general plan designation; request for approval of a vesting tentative map and preliminary grading plans for 356 single family homes; request for approval of a development agreement to provide an extended term for project approval; and annexation of the project site to the City, the District, and Contra Costa Water District.

WASTEWATER CONVEYANCE AND TREATMENT

The project site is located within the District sphere of influence but is not located within the District service area. The initial study correctly notes that the project site will need to annexed to Delta Diablo Sanitation District prior to receiving service. The City of Pittsburg (City) is responsible for the wastewater collection system from the project site to the designated District regional wastewater conveyance facility, the Rossmoor Bypass Sewer, which is located west of the intersection of Frontage Road and Dover Way, Pittsburg. The regional conveyance facilities transport wastewater to the Delta Diablo Sanitation District Wastewater Treatment Plant located at 2500 Pittsburg-Antioch Highway, Antioch. After secondary treatment, the effluent is either discharged through a deep-water outfall to New York Slough, or further processed through the District's Recycled Water Facility to tertiary Title 22 recycled water standards and distributed for reuse.

As noted in the initial study, the District has wastewater conveyance and treatment facilities planned and under construction to increase system capacity. The District collects Capital Facilities Capacity Charges to build capacity as it is consumed by new connections. Capacity is provided through facilities constructed by the District as prescribed in its Conveyance and Treatment Plant Master Plans. A 2009 City planning projection of 360 single family homes for

the sewer basin is used in these District planning documents, including the District's 2011 Wastewater Treatment Master Plan Update.

The Delta Diablo Sanitation District Wastewater Treatment Plant NPDES Permit allows an average dry weather flow of 16.5 million gallons per day (mgd). An EIR for the expansion of the wastewater treatment plant capacity to an average dry weather flow of 22.7 mgd was completed in April 1988. The initial study notes treatment plant influent flow through the 2009 reporting period. It is suggested that the EIR also include the influent flow in the most recent reporting period. In 2012, the average dry weather flow influent to the treatment plant was 12.7 mgd.

Sincerely,

Patricia Chapman
Associate Engineer

PEC:clk

cc: Dean Eckerson, Principal Engineer, DDSD
Caroline Quinn, District Engineer, DDSD
Amanda Wong Roa, Environmental Compliance Engineer, DDSD
Ron Nevels, Senior Engineer, City of Pittsburg
District File DEV.02-DEVDOC-667
Chron File

East Bay Regional Park District

Healthy Parks Healthy People

2950 PERALTA OAKS COURT P.O. BOX 5381 OAKLAND CALIFORNIA 94605-0381 T: 1-888-EBPARKS F: 510-569-4319 TDD: 510-633-0460 WWW.EBPARKS.ORG

April 29, 2013

Kristin Vahl
City of Pittsburg
Planning Division
65 Civic Avenue
Pittsburg, CA 94565

Sent to KPollot@ci.pittsburg.ca.us
Via Email on 04/29/13

RE: Black Diamond Mines Regional Preserve: Montreux Residential Development Notice of Preparation

Dear Ms. Vahl,

Thank you for notifying East Bay Regional Park District ("District") of the Notice of Preparation for the proposed Montreux residential development project in Pittsburg. The District has a long term commitment to protecting and maintaining open space in the area and providing public access and recreation opportunities. We are also signatories to the East Contra Costa County Habitat Conservation Plan/Natural Communities Protection Plan (HCP/NCCP) and partners with the East Contra Costa County Habitat Conservancy (HCP Conservancy) and share the Plan's vision to protect and recover special-status species. The project is located north of the District's Black Diamond Mines Regional Preserve and east of the former Concord Naval Weapons Station where we are working with the City of Concord, the U.S. Navy and the National Park Service to establish a regional park. The project also adjoins the habitat preserve system of the HCP/NCCP and now owned by the District.

Increased residential population resulting from the project may significantly impact regional park and open space, cultural resources and our capacity to maintain and protect these resources. The Memorandum of Understanding between the City of Pittsburg and Altec Homes dated May 3, 2006 (Montreux MOU) requires the developer of Montreux provide an open space dedication (800+ acres formally known as Southport) and pay an open space fee ($2,000/unit) to mitigate potential project impacts, but does not provide adequate assurances under CEQA for how or when the mitigation will take place. To ensure the effectiveness of this mitigation, the City should include these details in the Draft EIR mitigation monitoring and reporting program and memorialize them as conditions of approval for the vesting tentative map and development agreement. We also ask that the City provide details for when the city-wide open space fee referenced in the MOU (Section 3(D)) will be enacted.

The project will disrupt a scenic natural landscape featuring a major tributary to Kirker Creek. Biological, cultural and aesthetic/scenic resource impacts concern us due to the project's close proximity to our parks and Kirker Pass, a scenic route in Contra Costa County. Undergrounding and reconfiguration of the Kirker Creek tributary will eliminate an important habitat feature for a range

of species that utilize riparian habitat and surrounding grasslands. This may diminish the value of special status species habitat restoration we've completed in the upper watershed. The development should be modified to avoid these impacts. For us to better understand and evaluate impacts to land use planning, open space, park operations and maintenance, biological resources, scenic resources and water quality, we request the Draft Environmental Impact Report address the following:

1. Identify all HCP/NCCP requirements and City and HCP/NCCP stream setback requirements applicable to the project and analyze the project's compliance with these policies.

2. Analyze how the project will avoid, minimize or lessen impacts to scenic, biological, cultural and aquatic resources.

3. Analyze project compliance with City General Plan hillside protection policies.

4. Analyze visual impacts of the development from Kirker Pass Road, Black Diamond Mines Trails and recent park acquisitions to the south (former "Thomas North" parcel) and southwest (former "Land Waste Management" and Affinito parcels). The initial study does not provide information supporting its conclusion that the project is not visible from parklands. We are available to assist with identifying and providing access to areas of open space from which analysis should be conducted.

5. Consistent with City General Plan urban design, open space, recreation and youth elements, include as part of the project description and impact analysis details of public access (pedestrian and bicycle) improvements from the subdivision to existing and future open space, regional trails and park areas. Key connections from the subdivision should include access to Black Diamond Mines Regional Preserve and regional trail access to the Concord Naval Weapons Station to Black Diamond Mines Trail. A copy of the District's master plan map is available for download at: http://www.ebparks.org/Assets/files/2007MasterPlanMap.pdf

6. How will the permanent green belt areas required by the Montreux MOU be permanently protected as open space and how will natural resources for this green belt be managed.

Thank you for your review and consideration of our comments. We request that we be notified of any public meetings or hearings scheduled for this project and that a copy of any CEQA notices or associated documents be forwarded to us for this project. If you have any questions or comments, please contact me at (510) 544-2627 or via email at cbarton@ebparks.org.

Sincerely,

Chris Barton
Senior Planner

Attachment: MOU dated May 3, 2006

cc: John Kopchik, Executive Director, HCP Conservancy

MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding is made on this 3RD day of MAY, 2006 ("Memorandum"), by and among the City of Pittsburg, a municipal corporation ("City"), Altec Homes, Inc., a California corporation ("Developer"), Albert D. Seeno, III, and Albert D. Seeno, Jr.

1. On November 8, 2005, the registered voters of the City will vote on whether or not to adopt a voter-approved urban limit line for the City ("City Urban Limit Line").

2. The City Urban Limit Line initiative, if adopted by the voters of the City of Pittsburg, will provide for the inclusion of, among other properties, the Montreux Property, Faria Costa Property and Thomas Ranch within the Urban Limit of the City of Pittsburg.

3. It is the desire of the parties to this agreement to have the new City Urban Limit Line be a permanent line, beyond which no urban development can occur in the future and to provide maximum public benefit for the residents of the City of Pittsburg for its housing, transportation, open space and park needs.

NOW, THEREFORE, for good and valuable consideration, the receipt of which is hereby acknowledged, the parties hereto agree as follows:

A. The City of Pittsburg ("City"), after the passage of the City of Pittsburg Urban Limit Line on November 8, 2005, will commence a General Plan study which will 1) seek to provide sufficient language in its General Plan to prevent the ability of urban utilities and services from extending beyond the voter approved Urban Limit Line; 2) establish guidelines for the development of a permanent green belt between areas to remain outside the Urban Limit Line and urban development to occur on new lands being brought inside the new voter approved Urban Limit Line and 3) analyze the amendments of land use designations within Nortonville Valley and within intended green belt areas from current land use designations to Open Space. The new green belt areas shall generally encompass a) the southerly 1/5 (approximately) of the Montreux property; b) the area within the Thomas property south of the southerly PG&E transmission corridor and that potential triangular area north of the southerly PG&E transmission corridor, but south of the final alignment of the Buchanan Road Bypass, just east of Kirker Pass Road; and c) the area within the Faria Costa property between the Concord City border and the first set of ridges, including the tops of these same ridges, which run generally parallel to the common border. The City will consider, as part of this study, additional General Plan amendments that transfer lost development rights as a result of the proposed greenbelts to other portions of these properties, while not

G. Developer, Albert D. Seeno, Jr., and Albert D. Seeno, III shall dedicate a Green Wall within their properties being brought inside the new voter approved Urban Limit Line from new urban development proposed on same properties, including the Faria Costa Property and the Montreux property. A Green Wall is defined as a buffer or greenbelt, through which no urban services (sewer and water) may penetrate. Furthermore, Developer, Albert D. Seeno, Jr., and Albert Seeno, III agrees to site future housing on the Faria Costa property in such a manner as determined through a certified EIR that will alleviate potential visual impacts of the project on the City of Concord.

H. The parties agree that, in the event the voters do not pass the City Urban Limit Line Initiative, this MOU will automatically be null and void.

WHEREFORE, the parties have executed this Memorandum as of the date set forth above.

ACKNOWLEDGMENT REQUIRED

ATTEST:
DEPUTY City Clerk

CITY:

THE CITY OF PITTSBURG,
a municipal corporation

By:
Name: MARC S. GRISHAM
Its: CITY MANAGER

Albert D. Seeno Jr.:

SEECON FINANCIAL & CONSTRUCTION CO., INC.,
a California corporation

By:
Name: Albert D. Seeno, Jr.
Its: President

Developer:

ALTEC HOMES, INC.,
a California corporation

By:
Name: Albert D. Seeno, III
Its: President

Kristin Pollot

From: Kuzbari, Ray [Ray.Kuzbari@cityofconcord.org]
Sent: Friday, April 05, 2013 4:54 PM
To: Kristin Pollot
Cc: Paul Reinders; Johnson, Carol
Subject: Comments on NOP for Montreux Subdivision Project

Good afternoon Kristin,

Thank you for the opportunity to review the Notice of Preparation of a Draft EIR for the proposed Montreux Residential Subdivision project. I have specifically reviewed the traffic study previously prepared for this project in 2011. Based on this review, I would like to submit the following comments:

- The project trip distributions shown in Figures 5 and 12 assume 33% to 38% of the project trips would use SR-4 (to/from the west), while only 11% of the trips would use Ygnacio Valley Road. These trip distributions may not be realistic, considering that the project is located within a reasonable proximity of the City of Concord and many of the trips will likely travel to/from I-680. This is especially true during the PM peak period when traffic signal metering is not in effect on Ygnacio Valley Road or Kirker Pass Road to influence route choice, unlike the AM peak period when signal metering is in effect at KirKer Pass Road/Myrtle Drive and Ygnacio Valley Road/Oak Grove Road.

- The study intersections in the City of Concord should include the Ygnacio Valley Road intersections at Cowell Road, Ayers Road, and Alberta Way/Pine Hollow Road. The LOS analysis at these intersections should be conducted to evaluate project impacts on intersection LOS, vehicle delay, and queuing conditions during the PM peak hour.

- The traffic study should calculate the project contribution to PM peak hour traffic growth on Ygancio Valley Road under cumulative conditions.

If you have any questions regarding these comments, please feel free to contact me at the phone number listed below, or via email.

Sincerely,

Ray Kuzbari
Transportation Manager
Community & Economic Development Department
City of Concord
1950 Parkside Drive, M/S 52
Concord, CA 94519
(925) 671-3129, Fax (925) 671-3381

GREENBELT ALLIANCE

April 29, 2013

Kristin Vahl Pollot, AICP
Associate Planner
City of Pittsburg
65 Civic Avenue
Pittsburg, California 94565

Subject: Notice of Preparation for the Montreux Residential Subdivision Project

Dear Ms. Vahl Pollot:

Thank you for the opportunity to comment on the Notice of Preparation (NOP) for the proposed Montreux Residential Subdivision.

By way of introduction, Greenbelt Alliance is a membership-based, non-profit public benefit organization with over 4,000 active members in the San Francisco Bay Area. Our purpose is to protect and preserve open space within the nine-county Bay Area region and to promote the development of livable, walkable, transit-oriented communities in the region through public policy development, advocacy, and education.

Our staff, board, and members have worked for more than fifty years to protect and enhance the quality of life in Contra Costa County, including participation in the creation of Measure C (1990), Measure J (2004), and Measure L (2006), the tightening of the County's Urban Limit Line (2000), and the passage of park bond measures AA (1988) and WW (2008). We have participated in numerous land use issues in and adjacent to the City of Pittsburg, including the preparation of hillside preservation policies, the 2011 Faria annexation proposal, and the Pittsburg/Bay Point BART specific plan. We therefore have a direct and substantial organizational interest in the scope and quality of the environmental impact analysis of the Montreux Project and its resultant impacts on the surrounding environment and communities.

Greenbelt Alliance has serious concerns with the environmental and economic effects of the proposed project and we request that the Draft Environmental Impact Report (DEIR) contain a thorough and complete examination of these critical issues.

Some of the most pressing concerns are addressed below:

MAIN OFFICE • 312 Sutter Street, Suite 510, San Francisco, CA 94108 • (415) 543-6771 • FAX: (415) 543-6781
SOUTH BAY OFFICE • 1922 The Alameda, Suite 213, San Jose, CA 95126 • (408) 983-0856 • FAX: (408) 983-1001
EAST BAY OFFICE • 1601 N. Main Street, Suite 105, Walnut Creek, CA 94596 • (925) 932-7776 • FAX: (925) 932-1970
NORTH BAY OFFICE • 555 5th Street, Suite 300 B, Santa Rosa, CA 95401 • (707) 575-3661 • FAX: (707) 575-4275
INFO@GREENBELT.ORG • WWW.GREENBELT.ORG

The EIR must fully analyze the environmental and economic effects of the project

Greenhouse Gas Emissions and Vehicle Miles Traveled

The proposed project is far outside of existing urbanized areas, lacks sufficient transit access, and includes no urban design features that would provide opportunities for non-motorized transportation to meet daily needs.

This anticipated increase in greenhouse gas emissions (GHGs) and vehicle miles travelled would negatively impact the region's ability to achieve the environmental goals of AB 32 of 2006 (Nuñez and Pavley), Executive Order S-03-05 and SB 375 of 2008 (Steinberg). It would also interfere with achievement of Contra Costa County's commitment to reduce *countywide* GHG emissions to 80% below baseline levels by 2050 (*See* County Resolution 2007-541 adopting U.S. Cool Counties Climate Stabilization Declaration[1]). Additional vehicle miles traveled would also negatively impact the local and regional transportation system.

The EIR should examine these impacts, specifically addressing whether the project will help or hinder the region in meeting the goals and objectives of AB 32, S-03-05, and SB 375[2] and the County's ability to achieve Resolution 2007-541.

Likewise the EIR should investigate how the project will impact the success of the Bay Area's new SB 375 Sustainable Communities Strategy (SCS)/Regional Transportation Plan (RTP) and how the SCS/RTP will influence the feasibility of the transportation-related elements of this project.

Air Pollution and Health

The air pollution, greenhouse gas emissions, and vehicle miles travelled of the project will have significant impacts on the health of residents of the project as well as neighboring communities. These impacts should be analyzed in a full Health Impact Assessment. This assessment should examine, among other things, how the project's auto-orientation could impact obesity, heart and lung disease and mortality rates, safety for bicyclists and pedestrians, and the number and rate of automobile accidents.

Blight in Existing Neighborhoods

The proposed project calls for "leapfrog" development on a greenfield site far away from existing urbanized areas. Meanwhile, the City Pittsburg has invested considerable resources into redevelopment and revitalization of its urban core. The DEIR should examine how the project may divert development from nearby downtowns, Priority Development Areas, and Growth Opportunity Areas, leading to physical blight elsewhere in Pittsburg and throughout the region. In addition to studying the environmental effects of this blight, the city should also conduct an Economic Impact analysis to assess the overall economic trade-offs of focusing development in this area. It should also explore how the project may interfere with or impede the implementation of other growth management plans and policies and related transportation investments.

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[1] http://www.cccounty.us/DocumentView.aspx?DID=2245

[2] The California Attorney General has filed numerous comment letters with agencies whose analysis under CEQA failed to properly analyze a project's greenhouse gas emissions and has adopted a settlement agreement with the City of Stockton to resolve that city's inappropriate treatment of greenhouse gas emissions in its General Plan. These documents and related resources from the California Attorney General are incorporated by reference.

Impacts on Landscape, View, Habitat, and Endangered Species

Development within the plan area would significantly impact the landforms of the project site, while affecting many essential habitats and species – in direct contradiction of existing policies, particularly regarding hillside development (e.g. General Plan Policy 2-P-23, General Plan Policy 2-G-8). The DEIR must thoroughly examine these impacts and include an extensive consistency analysis of the project in relation to existing plans and policies, particularly policies related to hillside development.

The EIR must analyze and impose feasible and enforceable measures to mitigate or avoid the significant environmental effects of the project

CEQA requires an EIR to describe all feasible mitigation measures that could minimize significant environmental impacts. (Cal. Code Regs., tit. 14, §15126.4.) According to CEQA statute and case law, these measures cannot be vague, unenforceable, and difficult to monitor.

Accordingly, the EIR for this project must analyze and adopt all feasible mitigation measures that could reduce the project's environmental effects, outlining the responsible entity and the steps that will be taken to ensure compliance. For example, the EIR must include measures to:

- ensure avoidance and mitigation of all significant impacts on habitat and endangered species
- mitigate the environmental effects of additional car trips in the areas, such as expanded public transportation options and funding for air quality mitigation programs, explaining how the on and off-site measures will be funded and constructed, and how required resources to support future operations will be obtained
- fully mitigate the increased water demand generated by the project through on-site and off-site mechanisms

There are numerous data sources to aid in the assessment of the full range of feasible mitigation measures. The Bay Area Air Quality Management District has prepared suggested mitigation measures to reduce criteria air pollutants specifically for use in the CEQA process. The California Attorney General's website also includes an extensive list of climate change mitigation measures for consideration in the CEQA process[3].

Conclusion

The Montreux project would negatively impact the local environment, diminish the environmental health of the San Francisco Bay Area, and contribute cumulatively to the growing global climate crisis. The project would also result in unneeded financial costs at a time of deep economic crisis. Numerous reports show costs borne by existing taxpayers are higher for development projects that are built beyond the existing service area, rather than projects constructed within urban service boundaries[4]. A nation-wide study by the American Public Health Association notes that sprawl style development leads to a 10% increase in annual

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[3] http://ag.ca.gov/globalwarming/pdf/GW_mitigation_measures.pdf

[4] See in particular TCRP Report 74: *Costs of Sprawl* by the Transit Cooperative Research Program, sponsored by the Federal Transit Administration. http://onlinepubs.trb.org/onlinepubs/tcrp/tcrp_rpt_74-a.pdf
In addition, the Sacramento Area Council of Governments (SACOG) and other public agencies have developed computer models to estimate and compare these costs.

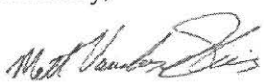
public service deficits. New roadway construction to service this area would be particularly costly, likely in excess of $100 million.

By focusing instead on enhancing the city's ongoing efforts to promote compact, mixed-use development within the existing development footprint, Pittsburg could tap into an array of well-documented environmental, economic, and social equity benefits, supporting the residents of our communities as well as the entire Bay Area region[5]. For example, studies show developing in controlled growth scenarios provides a saving of 9.2% in local lane-miles constructed and 11.8% in local road costs. Controlled growth scenarios demonstrate combined water and sewer infrastructure reductions by 8.6% in California[6]. These savings would benefit the whole region, with more resources available to build our local economies and improve our quality of life. This focus would also help better prepare Pittsburg for the pronounced shift in the real estate market toward redevelopment of urban centers and away from construction in the outskirts of suburban areas[7] to meet our region's evolving housing demands.

We therefore urge the city to thoroughly investigate the full range of environmental and economic impacts of the project, along with all feasible mitigation measures and alternatives. This assessment will demonstrate that the project should -- and must -- be rejected to help protect the long-term viability of our region.

Thank you for your consideration of these comments.

Sincerely,



Matt Vander Sluis
Senior Field Representative, East Bay
Greenbelt Alliance
(925) 932-7776
mvandersluis@greenbelt.org

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[5] For examples, see:
Center for Clean Air Policy's *Growing Wealthier: Smart Growth, Climate Change and Prosperity* (2011)
http://www.growingwealthier.info/index.aspx

American Lung Association in California's *Land Use, Climate Change & Public Health Issue Brief* (2010)
http://www.lungusa.org/associations/states/california/assets/pdfs/advocacy/land-use-climate-change-and.pdf

TransForm's *Windfall for All: How Connected, Convenient Neighborhoods Can Protect Our Climate and Safeguard California's Economy* (2009) http://www.transformca.org/windfall-for-all

Bartholomew, Winkelman, Walters, and Chen *Growing Cooler: The Evidence on Urban Development and Climate Change* (2008) http://www.smartgrowthamerica.org/documents/growingcoolerCH1.pdf

[6] *TCRP Report 74: Costs of Sprawl*
[7] See US EPA's Residential Construction Trends in America's Metropolitan Regions
http://www.epa.gov/smartgrowth/pdf/metro_res_const_trends_10.pdf

April 29, 2013

Kristin Vahl Pollot, AICP
Associate Planner
City of Pittsburg
Civic Center
65 Civic Avenue
Pittsburg, California 94565

Subject: Notice of Preparation (NOP) for the Montreux Residential Subdivision Project (APN: 089-020-009; 011; 014; and 015).

Dear Ms. Vahl Pollot:

Save Mount Diablo (SMD) appreciates the opportunity to comment on the Notice of Preparation for the proposed Montreux Residential Subdivision project. SMD is a non-profit conservation organization founded in 1971 which acquires land for addition to parks on and around Mt. Diablo, and monitors land use planning which might affect protected lands and resources. Save Mount Diablo has an interest in the lands surrounding Black Diamond Mines Regional Preserve, and between it and the Keller Landfill and the Naval Weapons Station Concord. SMD supports open space preservation in the vicinity of these areas in order to preserve open space scenic values, recreational opportunities and wildlife habitat, especially in the corridor between these areas.

General Comments

The setting of the Montreux property is open space. It is surrounded by the PG&E buffer and Keller Preserve to the west; the East Bay Regional Park District's Black Diamond Mines Preserve to the east; Save Mount Diablo's Wayne Thomas property across Kirker Pass Road; and the Concord Naval Weapons Station property to the south. These properties have been preserved to protect endangered species, agriculture, recreation resources and open space. Our fundamental question is: *How would a cookie cutter subdivision that proposes to fill in drainages, remove trees and entire hillsides be*

1901 Olympic Blvd., # 320, Walnut Creek, CA 94596 • T (925) 947-3535 • SaveMountDiablo.org • Tax ID # 94-2681735

consistent in the steep and landslide-prone hills south of Pittsburg, surrounded by properties that have been preserved for endangered species, recreation, open space and their aesthetic values?

The project has been around for decades. Why would it be proposed at this time given the large number of units that have been approved but not built or are still under consideration in Sky Ranch II, Tuscany Meadows and other projects? Also, what is the disposition of the open space to the north, and why would the City of Pittsburg consider allowing the removal of hillsides within this open space that form the aesthetic backdrop for the entire City and wider region?

Specific Comments

In reviewing the NOP, SMD is concerned about the following issues and requests that information be included in the DEIR to address these critical matters.

1) ***The Project Description is Incomplete:*** The DEIR project description should include the architectural design plans to allow for evaluation of the project in relation to policy direction related to maintaining rural character. According to the NOP, "No architectural design plans have been submitted at this time, and the future design of the units would be subject to design review". Particularly, given the visual sensitivity of the project proposed within the southern hills of Pittsburg, the architectural plans and specifications should be included in the DEIR. It is premature to evaluate the project without this information. The Project Description should also describe the existing PG&E pipeline that appears to cross the property and how it would be affected by the proposed project.

2) ***The Project design is fundamentally inconsistent with the policy guidance provided in the General Plan for Hillside Areas.*** The NOP notes that "Grading would include cuts to the hill slopes of approximately 75 vertical feet in some locations and fills of between 10 and 85 feet of graded soil in the low portions of the site. The northern ridgeline (with an elevation of up to 655 feet) would be significantly reconfigured. Most of the existing ridgeline would be graded and re-contoured, with the crest of the ridge shifted toward the north and graded to conform to the topography of the north side of the hills. A partially buried water tank would be added at the top of the hill on the northern boundary of the site."

General Plan Policy 4-G-4 indicates "Encourage development that preserves unique natural features such as topography, rock outcroppings, mature trees, creeks and ridgelines in the design of hillside neighborhoods." The project as proposed removes key features such as ridgelines, rock-outcroppings, mature trees, and ephemeral drainages.

Policy 2-P-75 indicates: "Cluster new residential development within the hills to maximize preservation of open space resources and viewsheds." The proposed project does not cluster units. It is a standard residential subdivision.

Other General Plan policy direction that should be considered in the DEIR includes:

- "Natural topography be retained to the maximum extent feasible, and large-scale grading discouraged". The project involves massive grading, and removal of an entire hillside and ridgeline.

- "No development on minor and major ridgelines (as identified on Figure 4-2, above) with residential construction on flatter slopes encouraged." The site is being flattened and northerly ridgelines removed.

- "Development designed and clustered so as to be minimally visible from Kirker Pass Road". Units are not clustered. The development would dramatically affect views from Kirker Pass Road.

Given the inconsistency of the proposed project with policies applicable to hillside areas, the Initial Study Land Use Section 10 (b) should be identified as a ***Potentially Significant Impact***, and should be fully evaluated in the DEIR. The DEIR should include a comprehensive analysis of the level of consistency of the project with existing plans and policies.

3) ***The Project is fundamentally inconsistent with the Viewshed Protection objectives stated in the General Plan.*** The project consists of a standard urban subdivision located within the visually sensitive hills south of the City of Pittsburg. The Aesthetic section of the DEIR should include visual simulations from Kirker Pass Road, the Black Diamond Mines Regional Preserve, and from the City of Pittsburg. The hills form a key aesthetic backdrop to the City; General Plan Figure 4-1, the Viewshed Analysis, identifies the 500-foot Contour and Major and Minor Ridgelines that

should be protected. The project as proposed would dramatically affect the topography of the site by lowering and re-contouring key ridgelines, thereby significantly affecting visual quality of these hillsides.

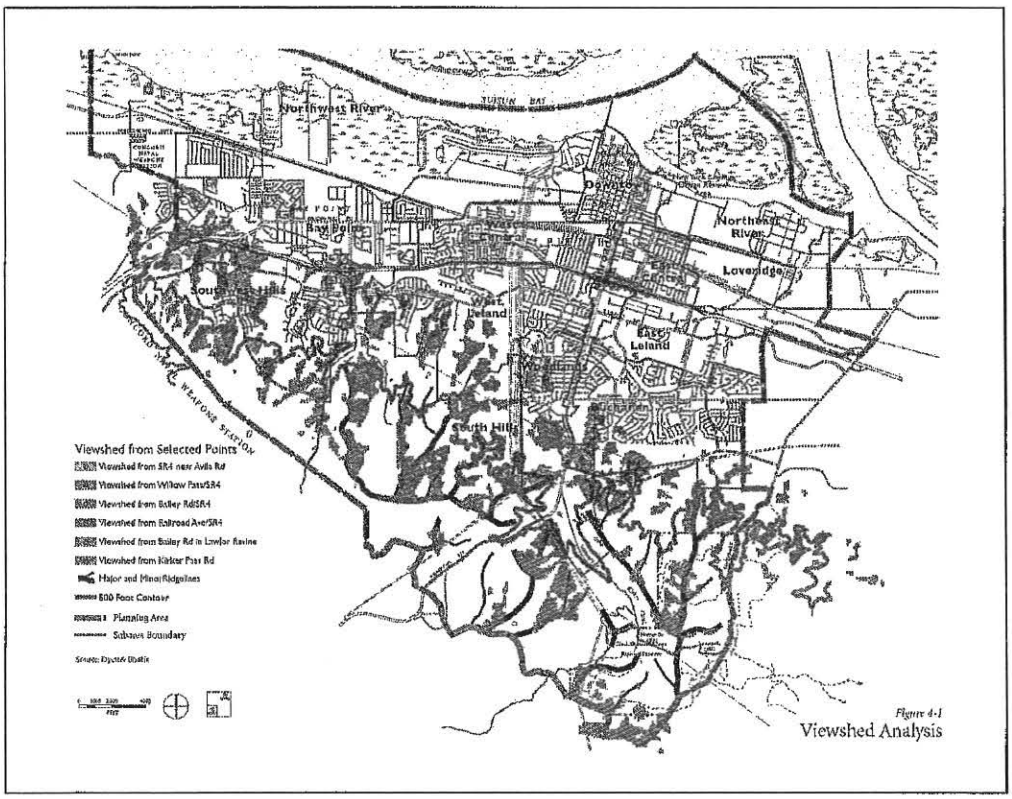


Figure 4-1
Viewshed Analysis

General Plan Policy 2-P-23 indicates: "Restrict development on minor and major ridgelines (as defined by Figure 4-2). Encourage residential construction on flatter natural slopes or non-sensitive graded areas that reduce environmental and visual impacts. Minimize cut-an-fill of natural hillsides." The proposed project does not protect these ridgelines and does not encourage construction on flatter natural slopes. Instead, the project proposes massive grading to flatten slopes and ridgelines. It is designed in a manner that is diametrically opposed to this policy direction.

Similarly, General Plan Policy 2-G-8 indicates: Ensure that hillside development enhances the built environment, improves safety through slope stabilization, is respectful of topography and other natural constraints and preserves ridgelines and viewsheds. Again, the proposed project is designed in a manner that is fundamentally inconsistent with this direction.

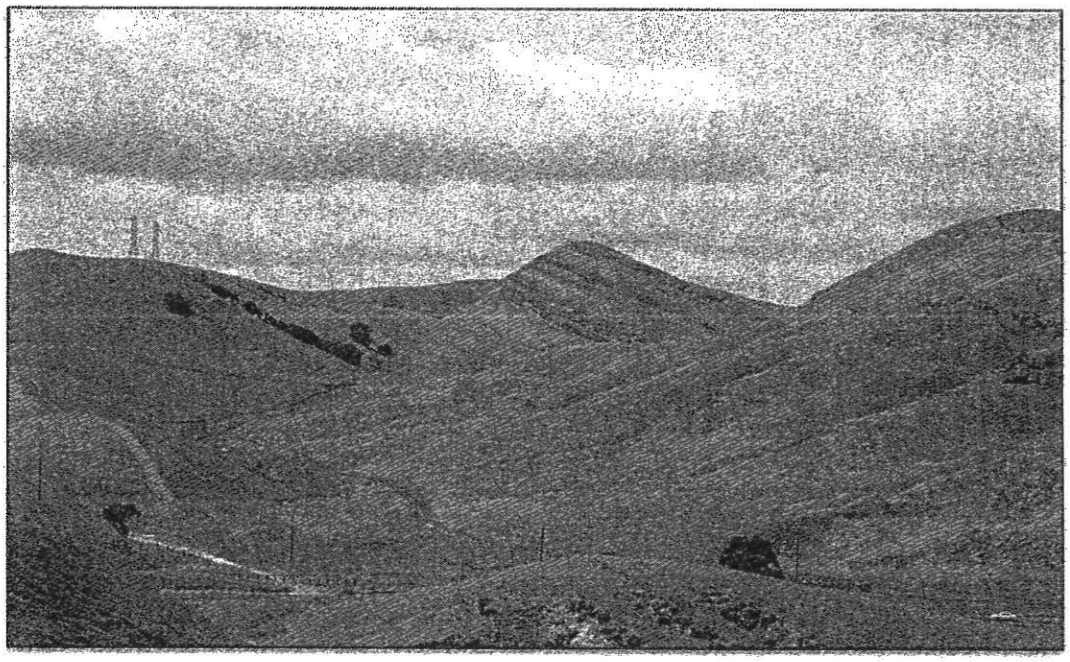
The DEIR should include an extensive consistency analysis of the project in relation to existing plans and policies, particularly policies related to hillside development.

4) ***The Project consists of 'Leap Frog' Development:*** The project represents leap-frog development that contradicts current land use practices that promote development that is close to public transportation and existing urban services. By proposing a project outside of the existing city limits and service boundaries, the applicant is creating a project that would result in much higher greenhouse gases during construction and over the long term than would be the case for sites already within the city limits and already served with urban services.

   The DEIR should evaluate the project in relation to General Plan Policy 2-G-1: "Maintain compact urban form within the City's projected municipal boundary. Ensure that hillside lands not environmentally suitable for development are maintained as open space."

5) ***The Project design should protect Wetlands and Creek Channels.*** According to the NOP, a total of 0.468 acres of wetlands and creek channels were delineated on the project site. This total includes 0.342 acres of jurisdictional waters of the US, including wetlands and 0.126 acres of non-jurisdictional isolated wetlands and ephemeral creeks. Degradation of these resources conflicts with General Plan Policy 2-P-25 "As a condition of approval, ensure that residential developers incorporate natural creeks as open space amenities into the design of residential neighborhoods." Initial Study Issue 9 (d) should be evaluated more completely, given the alteration of site drainage that would result from the project. The DEIR should study potentially significant impacts related to biological resources and hydrology.

6) ***Mature Trees should be Protected:*** The project site supports a number of mature oak trees along drainage and hillside areas. The DEIR should describe and evaluate trees that would be affected by the proposed project. Mitigation measures should be included to protect or replace impacted trees.



View across Kirker Pass Road toward the Montreux Project site
(Photo by Scott Hein; original photo cropped to focus on the Montreux property)

The Seeno companies have a long history of grading, encroaching on streams, cutting trees and performing work on various properties they control, prior to environmental analysis and without permits. This was the case for the trees removed without a permit on the Montreuxu site, in 1999, and is part of a pattern.

7) ***The Mass Grading that is proposed would result in Potentially Significant Impacts to Air Quality and Greenhouse Gases.*** Removal/ flattening of the northern hillside within the project site not only conflicts with the policy direction in the General Plan, but also results in potentially significant impacts related to air quality and greenhouse gases. Both issues should be studied in the DEIR as potentially significant impacts and cumulative impacts.

The NOP mentions that basic construction mitigation measures would be implemented as indicated in Table 8-1 of the BAAQMD CEQA Guidelines (May 2011) (*8-1 Basic Construction Mitigation Measures*). As a project involving massive grading and removal of entire ridgelines, at minimum, the additional mitigation measures included in Table 8-2 *Additional Construction Mitigation Measures*, should also be identified in the DEIR to mitigate construction impacts. The NOP seems to vastly underestimate construction emissions.

NOP *Table 1: Estimate Construction Emissions* indicates that "The PM10 and PM2.5 emissions are for the vehicle exhaust component only." However, the BAAQMD CEQA Guidelines, on page B-10, indicate that URBEMIS assumes that fugitive PM dust emissions from soil disturbance activities and travel on unpaved roads account for approximately 79 percent and 21 percent of total the fugitive PM dust emissions, respectively. The NOP Appendix B Air Quality and GHG Modeling Data indicates that PM10 levels in 2014 would be 82.84 lbs per day mitigated. The BAAQMD threshold indicated in Table 1 on page 28 of the NOP is 82 lbs per day, so the project appears to exceed the threshold of significance. The DEIR should provide further clarification regarding the project's impact related to fugitive particulate matter dust emissions.

8) ***The DEIR should include Alternatives that are designed to be consistent with the General Plan policy direction provided for Hillside development and an Alternative Located within the Existing City Limits.*** The proposed project appears to have been designed in a manner that ignores the policy framework related to Hillside Development. The DEIR should include an environmentally sensitive alternative which is designed in a manner that is consistent with the policy direction for hillside development, and that is also consistent with the existing pre-zoning for the site (Hillside Planned Development (HPD) and Open Space (OS)). Given the standard urban subdivision that is proposed, an off-site alternative located on a flatter site within the existing city limits should also be considered.

   The NOP notes that "with the approval of the proposed change from HPD to RS-6, the proposed project would be consistent with the City of Pittsburg Zoning Ordinance." However, currently, the proposed project is not consistent with the existing zoning. In 2005, Pittsburg voters approved the City of Pittsburg Voter Approved Urban Limit Line and Prezoning Act. Measure P included prezoning of the site for HPD and OS. While prezoning can be changed by either a subsequent vote of the voters at a city election or by a majority vote of the City Council, SMD believes that the prezoning as HPD and OS is critical for preserving the hillsides south of Pittsburg. Apart from the No Project Alternative and an off-site alternative located within the city limits, the alternatives considered should be consistent with the HPD and OS pre-zoning, given the visually sensitive location in the hills south of the City of Pittsburg.

9) ***Cumulative and Growth Inducing Impacts:*** The project should be evaluated together with the James Donlon Extension, Tuscany Meadows, and Sky Ranch II projects. Together, these developments are likely to result in a surplus of housing that will be growth-inducing for the region. Unlike projects that are built near city centers served by public transportation, cumulative and growth-inducing impacts related to aesthetics,

traffic, air quality, geology, hydrology, land use, noise, public services and utilities will all be unnecessarily aggravated, and should be studied in the DEIR.

10) ***The Hillside Preservation Ordinance is Needed to Evaluate this Project:*** The project is premature and should not be considered until the City of Pittsburg has finalized its Hillside Preservation Ordinance which was started several years ago, and then apparently put on-hold. General Plan Policy 2-P-21 indicates:

"Revise the City's Hillside Preservation Ordinance to reflect General Plan policy direction. Revisions may include but are not limited to:

- Designating protected ridgelines, creeks and other significant resources areas, along with daylight plane or setback standards;
- Defining protected viewsheds;
- Designating location and density of low-density hillside residential development based on slope stability and visual impact;
- Provision of well-designed hillside projects that provide larger, family-oriented lots and
- Protection of significant ridgelines and incorporation of hill forms into project design."

Since the City of Pittsburg has not yet finalized its Hillside Preservation Ordinance, the DEIR should evaluate the project in relation to the direction provided by Policy 2-P-21 indicated above.

Thank you for the opportunity to submit comments on the proposed Montreux Residential Subdivision NOP and the information required in the DEIR to comply with the California Environmental Quality Act (CEQA).

Save Mount Diablo also requests notification of all materials distributed related to the project and associated environmental process, and all public discussions, meetings and hearings conducted.

Sincerely,

Nancy Woltering

Nancy Woltering
Land Conservation Analyst

Kristin Pollot

From: garywfraser@comcast.net
Sent: Monday, April 01, 2013 1:48 PM
To: Kristin Pollot
Subject: MONTREUX RSEIDENTIAL SUBDIVISION

GARY FRASER
5 VISTA DIABLO, PITTSBURG
925-487-0813 garywfraser@comcast.net

We have been residents in Pittsburg since 1976. Having watched the growth of the city I have strong reservations regarding the addition of large sub-divisions. This Montreux Residential Sub-division and the sub-division being planned for the area of Somersville Road and Buchanan Road should be halted. Until the Buchanan Road Bypass has been funded and completed. We are already prisoners in our homes during hours of commute and school day traffic. So putting hundreds of more cars in the city at this time would be intolerable.

Kristin Pollot

From: pkwygal@comcast.net
Sent: Thursday, April 04, 2013 9:32 AM
To: Kristin Pollot
Subject: Montreux Residential Subdivision

Any discussion of changing the topography of the Montreux project should include plans for the gas line of PG&E. It is a major old line on the style of San Bruno and runs directly behind the Woodland Heights subdivision - which is adjacent to Montreux. To build homes with inadequate fire department protection on top of a large, old gas line seems asking for trouble.

Peggy Wygal, property owner
24 Kingswood Dr
Pittsburg CA 94565
925 439 2435

4/9/2012

City of Pittsburg
Development Services - Planning Dept.
Civic Center, Pittsburg, Ca 94565

ATTENTION: Kristin Pollot, Associate Planner

Good afternoon, my name is Victoria Cuburo and I have resided @ 9 Alta Vista Ct, Pittsburg, Ca since 1986.

I am writing in response to the Notice of Preparation letter I recently received in regard to the Draft Environmental Impact report. The project title: Montreux Residential Subdivision Applicant: Altec Homes/Seecon

I urge you to reconsider any and all additional residential build up on these hillsides! My home has shifted; swayed, bubbled up in many places (internal

and externally. There are constant major cracks in the holding joints of my 14 ft ceilings, there is a good 3-4 inch GAPING GAP between my front porch & the actual front door, a good 1.5 inch gap between the outside sliding door & the house, the initial block concrete patio has lifted and is an absolute hazard to any back yard guests. My fencing has been replaced (at my expense) at least six times and is still falling in sections, shifting & SINKING!

My swimming pool (which is on the upper level) facing the hills loses water constantly (We had numerous contractors basically just SAY:

* They should have NEVER allowed building on your site.

I have had major plumbing problems (* See Ronny Enrico- Enrico Plumbing) so many issues that I have GIVEN up! Literally, I give up!

One more 5.0 or above quake & I doubt the house nor the pool will survive! I have numerous pictures & testimonials I can provide you with!

It is a disaster waiting to happen, also what about all the wildlife we provide a safe place for here?: the raccoons, coyotes, snakes, foxes not to mention the beautiful grazing cattle — Where will they go?

It is so sad, this is not Progress - it is pure Greed & Profit!

* Come by anytime & will show you what happens when you build on a hillside!

Please do not allow this, how many more homes do you want people to grow to love & then give up on due to structural issues that a builder could not Care/ less about!

Please DO NOT PERMIT This Project!

P.S. - The wind blows here at such force, hurricane force literally!

Sincerely,

Victoria M. Cubero
(current owner)
Alta Vista Ct. Pittsburg, 94565
Phone: 415-244-0592

City of Pittsburg

EIR Scoping Meeting Notes

April 23, 2013

On Tuesday, April 23rd, 2013, a public scoping meeting was held to discuss the proposed Montreux Residential Subdivision and associated Focused Environmental Impact Report (EIR) to be prepared. The following comments and questions were received from attendees:

- What will happen to the existing animals on site? Will they be forced from their habitats and/or spread into adjacent neighborhoods?
    - Species of concern include: owls, snakes, rats/mice, etc.
    - There is a concern about possible animal infestations in adjacent neighborhoods during construction.
- Traffic Circulation:
    - Has the traffic circulation for Kirker Pass Road, heading northbound and southbound, been addressed?
    - What impacts will the Buchanan Bypass create or mitigate?
    - How will an additional signal affect traffic in and out of Pittsburg?
    - Will there be sidewalks and pedestrian pathways for the public along Kirker Pass?
    - Who will be responsible for the costs of the sidewalks, the developer or the taxpayers?
- Pollution during and after construction:
    - Current site conditions have minimal light; will light pollution been addressed?
    - How will noise affect the adjacent neighborhoods?
    - How will dust affect the adjacent neighborhoods?
- What are the impacts to sewer and sanitation?
    - How will the capacity change? Will it increase?
    - Will the costs be passed on to taxpayers?
- Ridgeline Topography Alterations:
    - How will the neighboring hillsides be affected?
    - Concern that there is a disconnect between the General Plan policies and project design.
    - How will the new hillside development compare to the General Plan policies related to hillside development?
- What kind of impact will the removal of hillsides have related to Air Quality and GHG emissions?
- How does the project compare to the existing viewshed analysis in the General Plan?
- Will there be flooding or heavy rain impacts to the area and adjacent neighbors?
- What type of landscaping will be installed on site? There is a concern related to how the landscaping will look (aesthetically).
    - Will current trees be maintained on site?

    - Will there be new additions of trees and other landscaping?
- Will there be additional geological or grading impacts associated with the addition of a new water tank?
    - Will the water tank have visual impacts as seen from around the city?
- Will the site be visible from the Black Diamond Regional Trails? From the Marina?
- Concern for lack of recreational amenities on site, including:
    - Parks
    - Baseball/Soccer Fields
    - Bike Lanes
- Would like to see an environmentally superior alternative for the project that is in line with the general plan policies related to hillside development. Such a project would include:
    - Clustered development
    - Pathways along creeks
    - Avoidance of large areas of cut and fill
    - And respect for current topography
- Will the project need to be annexed into the City of Pittsburg?
- How will current City services be affected?
    - Will current City services be able to handle the new development?
    - Concern related specifically to fire and police services.
- Will there be Section 8 residents in Montreux?

Kristin Pollot

From: Louise Lawson [jasmine100@comcast.net]
Sent: Sunday, April 28, 2013 10:02 PM
To: Kristin Pollot; 'Nancy Woltering'; quiltingmd@aol.com; ced30@aol.com; rogeredwardriley@gmail.com; s.foss@comcast.net; fossarino@comcast.net
Subject: RE: Montreux - Scoping Session Comments

Hi Kristin,

Please add allergies/breathing problems.
And under species of concern, please add endangering the California Quail.

Thank you

Louise Lawson

From: Kristin Pollot [mailto:KPollot@ci.pittsburg.ca.us]
Sent: Friday, April 26, 2013 8:24 AM
To: 'jasmine100@comcast.net'; Nancy Woltering; 'quiltingmd@aol.com'; 'ced30@aol.com'; 'rogeredwardriley@gmail.com'; 's.foss@comcast.net'; 'fossarino@comcast.net'
Subject: Montreux - Scoping Session Comments

Good Morning,

Please see attached for a summary of all the comments received during the scoping session on Tuesday the 23rd. Please let me know if I missed anyone on the list or if I copied an email incorrectly, as some of the handwriting was hard to read.

Also note, that the comments will be responded to as part of the EIR. When the draft is ready to release for public comment, I will be sure to include you all in the mailing list.

Thank you all for your time,

Kristin Vahl Pollot, AICP
Associate Planner
City of Pittsburg, Planning Department
65 Civic Avenue
Pittsburg, CA 94565
(925) 252-6941

www.ci.pittsburg.ca.us

Kristin Pollot

From: quiltingmd@aol.com
Sent: Monday, April 29, 2013 1:38 PM
To: Kristin Pollot
Cc: Louise Lawson
Subject: Re: Montreux - Scoping Session Comments

And the wild turkeys, if they aren't already on the list.

Myrdell Dybdal

Sent from my iPad

On Apr 29, 2013, at 9:01 AM, Kristin Pollot <KPollot@ci.pittsburg.ca.us> wrote:

> Hi Louise - I will attached these extra comments to the summary.
>
> Thanks,
>
> **Kristin Pollot**
> **(925) 252-6941**
>
> ---
>
> **From:** Louise Lawson [mailto:jasmine100@comcast.net]
> **Sent:** Sunday, April 28, 2013 10:02 PM
> **To:** Kristin Pollot; 'Nancy Woltering'; quiltingmd@aol.com; ced30@aol.com; rogeredwardriley@gmail.com; s.foss@comcast.net; fossarino@comcast.net
> **Subject:** RE: Montreux - Scoping Session Comments
>
> **Hi Kristin,**
>
> **Please add allergies/breathing problems.**
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> **Thank you**
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>
> ---
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> **Sent:** Friday, April 26, 2013 8:24 AM
> **To:** 'jasmine100@comcast.net'; Nancy Woltering; 'quiltingmd@aol.com'; 'ced30@aol.com'; 'rogeredwardriley@gmail.com'; 's.foss@comcast.net'; 'fossarino@comcast.net'
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Thank you all for your time,

Kristin Vahl Pollot, AICP
Associate Planner
City of Pittsburg, Planning Department
65 Civic Avenue
Pittsburg, CA 94565
(925) 252-6941

www.ci.pittsburg.ca.us

Kristin Pollot

From: ced30@aol.com
Sent: Monday, April 29, 2013 8:49 PM
To: Kristin Pollot
Subject: Montreaux

KRISTIN: We live in the same neighborhood as Louise Lawson, who mention quail to you. We also have turkeys walking around our lane (St. John Lane) and on Valle Vista in addition to the quail she mentioned...thanks...chuck dybdal

City of Pittsburg

kemarl comment list.

City of Pittsburg, Planning Department
Montreux Residential Subdivision Project
EIR Scoping Meeting
April 23, 2013

SIGN IN SHEET

Name	Organization	Mailing Address	Phone	Email
Louise Lawson	RESIDENT	120 Yellowood PL.	925-432-8137	jasmine100@comcast.net
Lloyd LAWSON	NEIGHBORING RESIDENT	120 Yellowood Pl	925 432-8137	—
NANCY Woltering	SAVE Mt. DIABLO	1901 Olympic Blvd., Suite 320 Walnut Cr	925-947-3535	nwoltering@savemountdiablo.org
chuck dybdahl		4476 St. John Lane	925-439-7752	[illegible]@aol.com
Myrdell Dybdahl	Resident	4476 St. John Lane	925-439-7752	quilting[illegible]@aol.com
Boris Kelley		101 FAIR OAKS Wy		
Nancy Parent		65 Civic Ave		
Roger Riley		5999 Nortonville Road	(925) 252 1488	rogeredwardriley@gmail.com
Steve Foss		181 Versailles Place	925 4321320	Sfoss@comcast.net
Mike Marino	Resident	4444 Buchanan Pl. Pittsburg CA.	925·698·1921	Fossorino@comcast.net
MARK GARGALIKIS		4300 ST PAUL CIR PITTSBURG		
Louis Parsons		4006 PORT CHICAGO	925-682-6419	