



*"Small Town Atmosphere
Outstanding Quality of Life"*

DRAFT MITIGATED NEGATIVE DECLARATION OF ENVIRONMENTAL SIGNIFICANCE

LEAD AGENCY: Town of Danville -- (Riley Anderson-Barrett)

NAME OF PROJECT: MS 852-2019 - 2434 Tassajara Lane Lot Split

PROJECT DESCRIPTION: Minor Subdivision requests to subdivide a 0.78-acre parcel, located at 2434 Tassajara Lane, into two single-family residential lots with one home under construction on Parcel B. The site contains the Sycamore Valley Creek which runs through the southern portion of both parcels. There are no Town-protected trees on the subject property affected by this proposal.

ENVIRONMENTAL EFFECTS/MITIGATION MEASURES:

1. BIOLOGICAL RESOURCES: Will 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 Game or U.S. Fish and Wildlife Service? **Less than significant with mitigation incorporated/Less Than Significant Impact.** According to a biological resources analysis report prepared by Monk & Associates Environmental Consultants, special status species, such as the California red-legged frog, are unlikely to be impacted by this project. No California red-legged frogs were observed during a one day survey conducted by Monk & Associates. The project site is not designated as a "Critical Habitat." There are no known occurrences of the California Red-Legged Frog in Sycamore Creek with its nearest Critical Habitat found 2.1 miles north of the project site. The project site does not provide any habitat for the Alameda Whipsnake with

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its nearest Critical Habitat 1.9 north of the project site. The project site does not provide habitat for any other special-status species and no impacts to special-status species are expected from house construction. All raptors and other nesting migratory birds are protected under the Migratory Bird Treaty Act and their eggs and young are protected under California Fish and Game Codes.

***MITIGATION MEASURE 1:** If tree removal must take place between February 1st and August 31st, preconstruction nesting surveys shall be conducted by a qualified biologist to ensure no nesting birds would be impacted by the trees' removal. If birds are determined to be nesting in the tree(s) slated for removal or in a nearby tree that could be disturbed by noise, a non-disturbance buffer shall be demarcated around the nest tree and no disturbance shall occur within the buffer zone until the present birds have finished nesting. Once nesting is completed and the young birds are flying freely, the non-disturbance buffer may be removed.*

- 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 Game or US Fish and Wildlife Service? **Less than significant with mitigation incorporated/Less Than Significant Impact.** According to a biological resources analysis report prepared by Monk & Associates Environmental Consultants, the proposed project would not result in any direct impacts to the drainage feature or any other seasonal wetlands within the project site. The project will not result in any direct impacts to this draining feature or any other seasonal wetlands. No structures are proposed within this setback. No impacts are anticipated to the drainage feature, or its associated vegetation.

***MITIGATION MEASURE 2:** Wildlife exclusion fencing would be installed around the perimeter of the drainage channel and around the perimeter of the project site to ensure that ground dwelling wildlife species are precluded from accessing the construction area.*

***MITIGATION MEASURE 3:** The trail will be placed a minimum of 10 feet back from the top-of-bank to ensure protection of the riparian vegetation.*

***MITIGATION MEASURE 4:** No lights will be installed along the trail that may impact migrating wildlife along the creek.*

- 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? Less than significant with mitigation incorporated/Less Than Significant Impact. According to a biological resources analysis report prepared by Monk & Associates Environmental Consultants, the proposed project would not result in any direct impacts to the drainage feature or any other seasonal wetlands within the project site.

MITIGATION MEASURE 5: Stormwater and surface water runoff will be directed into the Town's storm drain system. Straw wattles and crushed rocks will encircle all storm inlets. Self-treating and self-retaining drainage areas are spread out throughout the site. Silt fences will prevent mobilized sediments and other construction debris from entering the adjacent creek corridor.

MITIGATION MEASURE 6: A Best Management Practices plan will be prepared and submitted to ensure no inadvertent siltation impacts to Sycamore Creek while the project is under construction.

MITIGATION MEASURE 7: The proposed trail will have a 10-foot setback from Sycamore Creek's top-of-bank.

- 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? Less than significant with mitigation incorporated/Less Than Significant Impact. According to a biological resources analysis report prepared by Monk & Associates Environmental Consultants, there is not any aquatic habitat that would provide breeding habitat for aquatic species. All raptors and other nesting migratory birds are protected under the Migratory Bird Treaty Act and their eggs and young are protected under California Fish and Game Codes.

MITIGATION MEASURE 8: Wildlife exclusion fencing would be installed around the

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perimeter of the drainage channel and around the perimeter of the project site to ensure that ground dwelling wildlife species are precluded from accessing the construction area.

MITIGATION MEASURE 9: *If tree removal must take place between February 1st and August 31st, preconstruction nesting surveys shall be conducted by a qualified biologist to ensure no nesting birds would be impacted by the trees' removal. If birds are determined to be nesting in the tree(s) slated for removal or in a nearby tree that could be disturbed by noise, a non-disturbance buffer shall be demarcated around the nest tree and no disturbance shall occur within the buffer zone until the present birds have finished nesting. Once nesting is completed and the young birds are flying freely, the non-disturbance buffer may be removed.*

- e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? **Less than Significant with Mitigation Incorporated.** There are forty-one trees on the site. Eight non-protected trees are proposed to be removed.

MITIGATION MEASURE 10: *The applicant shall be responsible for new tree plantings at a 1:1 for all trees to be removed. Replacement trees shall be of a species listed as a protected tree under the Town's Tree Preservation Ordinance.*

2. NOISE: Would the project result in:

- f) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project? **Less than Significant with Mitigation Incorporated.** Noise levels will temporarily be increased due to noise associated with the construction of the project. The noise impact will be less than significant given required standard mitigation measures.

MITIGATION MEASURE 11: *The applicant shall require their contractors and subcontractors to fit all internal combustion engines with mufflers, which are in good condition, and to locate stationary noise-generating equipment as far away from existing residences as feasible.*

Construction activity shall be restricted to the period between the weekday hours of 7:30 a.m. to 5:30 p.m. (Mondays through Fridays), unless otherwise approved in writing by the City

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Engineer for general construction activity and the Chief Building Official for building construction activity. Prior to any construction work on the site, including grading, the applicant shall install a minimum 3' x 3' sign at the project entry which specifies the allowable construction work days and hours, and lists the name and contact person for the overall project manager and all contractors and sub-contractors working on the job.

DETERMINATION: Based upon the above identified mitigation measures, no significant environmental impacts are anticipated to be associated with the subject project. A Draft Mitigated Negative Declaration of Environmental Significance has been prepared.

The Initial Study was prepared by the Planning Department, Town of Danville. Copies of the Initial Study may be obtained at the Town offices located at 510 La Gonda Way, Danville, California 94526.

ATTEST:

A handwritten signature in black ink, appearing to read 'RAB', is written over a horizontal line.

Riley Anderson-Barrett
Assistant Planner