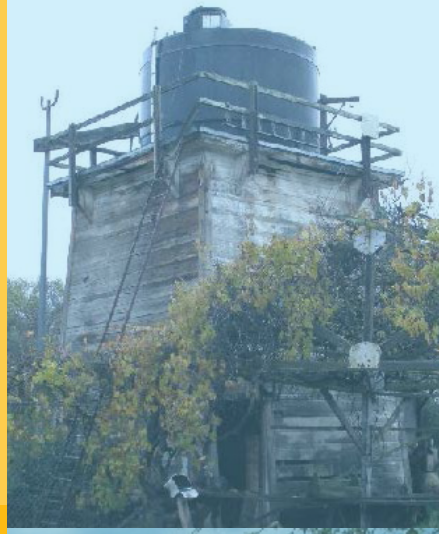
East Bay Regional Park District

Borel Property
Underground Storage Tank Removal and
Soil Remediation Project
Draft Environmental Impact Report

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March 2023

BOREL PROPERTY
UNDERGROUND STORAGE TANK
REMOVAL AND SOIL REMEDIATION PROJECT

Draft Environmental Impact Report

SCH No. 2022120433

Prepared for:

East Bay Regional Park District
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INTRODUCTION

This Environmental Impact Report (EIR) assesses the potentially significant environmental effects of implementation of the Borel Property Underground Storage Tank Removal and Soil Remediation Project ("Project") for the East Bay Regional Park District ("Park District"). The EIR analysis evaluates the Project's goal to remediate the hazardous condition caused by the leaking underground storage tank at 3020 Fostoria Way ("Project property").

ES.1 PROJECT OVERVIEW

The Project property contains a leaking underground storage tank (UST), which has contaminated the surrounding soil. This Project site is located in the southwestern extent of the Project property and is approximately 600 square feet (sq. feet). The objective of the proposed Project is to remediate the hazardous condition caused by the leaking UST at the Project Site. More specifically, the Project aims to:

- Remediate the Project sites through the removal of the leaking underground storage tank and prevent further release or threatened release of hazardous substances from the historical uses on the Project site.
- Complete remediation prior to the July 30, 2023, deadline imposed on the Park District by the California Regional Water Quality Control Board (RWQCB).
- Restore the Project site by removing all contaminated and oil-stained soil in order to:
  - Protect proximal environmental resources (e.g., vegetation, groundwater, surface water) from contamination;
  - Protect nearby communities from hazardous conditions;
  - Protect future property occupants and visitors; and
  - Allow the Project property to be developed into a future agricultural public park without any land use restrictions related to hazards and hazardous materials.

To accomplish these objectives, the Project proposes to demolish the ca. 1923 garage and a trellis attached to the garage that are within the vicinity of the UST and soil remediation area.

ES.2 SUMMARY OF IMPACTS AND MITIGATION MEASURES

A summary of the environmental impacts associated with implementation of the proposed Project, mitigation measures included to avoid or lessen the severity of potentially significant impacts, and residual impacts, is provided in **Table ES-1, Summary of Impacts and Mitigation Measures**, below.

Table ES-1
Summary of Impacts and Mitigation Measures

Project Impacts	Level of Significance Without Mitigation	Mitigation Measures	Level of Significance After Mitigation
Cultural Resources			
Impact CUL-1: Cause a substantial adverse change in the significance of a historical resource pursuant to Section 15064.5	Significant impact on a contributing element of a historic district; and a less than significant impact on the historic district.	**MM CUL-1** Prior to the proposed demolition of the ca. 1923 wood-framed garage, or any other ground-disturbing activities at the Project site, an Architectural Historian or Historian who meets the Secretary of Interior's Professional Qualification Standards (SOIs) shall complete equivalent to Historic American Building Survey (HABS) documentation of the garage within the context of the historic district. The documentation will comply with the National Park Service's HABS Level III documentation for the garage and shall include a sketch plan of the historic district, large format photographs of the interior and exterior of garage as well as contextual photographs of the garage within the setting of the historic district, and a short form historical report utilizing relevant historical context from the HRE.[1] The recordation shall document the physical characteristics of not only the building proposed for demolition, but also its relationship to the district setting and landscape, in effect, documenting a portion of the district setting, which could be considered a more meaningful way to mitigate or lessen the effects on the historic district. While the recordation will generally follow HABS guidance, it will not be submitted to the permanent collection at the Library of Congress. Following the completion of the documentation, the materials will be placed on file with the Park District archives, the Town of Danville, and with local historical societies (including at minimum the Danville Historical Society and the San Ramon Valley Museum).	Less than significant with mitigation incorporated.
Impact CUL-2: Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5.	Potentially Significant.	**MM CUL-2**: If archaeological resources are encountered during construction or during ground-disturbing activities, work in the immediate area should be halted and the District shall retain an archaeologist, who either meets or is supervised by an archaeologist who meets, the Secretary of the Interior's Professional Qualification Standards for archaeology (National Park Service 1983) immediately to evaluate the find. If necessary, the evaluation may require preparation of a treatment plan and archaeological testing for the California Register for Historical Resources eligibility. If the discovery proves to be significant under CEQA and cannot be avoided by the project, additional work may be warranted, such as data recovery, to mitigate any significant impacts to archeologic resources.	Less than significant with mitigation incorporated.

1 Evans & De Shazo. *A Historic Resource Evaluation of the Borel Ranch Located At 3020 Fostoria Way, Danville, Contra Costa County*. March 25, 2022.

Project Impacts	Level of Significance Without Mitigation	Mitigation Measures	Level of Significance After Mitigation
Impact CUL-3: Disturb any human remains, including those interred outside of dedicated cemeteries.	Potentially Significant.	MM-CUL-3 The Project site has a moderate sensitivity for buried Native American archaeological deposits and cultural materials, which could include human remains. Human remains can be encountered in fill, re-deposited, or disturbed soils, as well as intact soils. Given the moderate to high sensitivity of the Project site, even with the previous disturbance, there could still be a moderate likelihood of encountering human remains during Project implementation. If human remains are uncovered during construction, the construction contractors shall stop potentially damaging work, assess the significance of the find, and pursue appropriate management. California law recognizes the need to protect interred human remains, particularly Native American burials and associated items of patrimony, from vandalism and inadvertent destruction. The procedures for the treatment of discovered human remains are contained in California Health and Safety Code Sections 7050.5 and 7052 and California Public Resources Code Section 5097.94, 5097.98, and 5097.99.	Less than significant with mitigation incorporated.
Tribal Cultural Resources			
Impact TCR-1	Potentially significant	No TCR's have been identified within the Project. However, if such resources are identified during Project implementation, they would be treated according to Mitigation Measure CUL-2 and CUL-3.	Less than significant with mitigation incorporated.

ES.3 SCOPE OF THE EIR

This Draft EIR addresses the potential environmental effects of the Project and alternatives to the Project. The scope of the Draft EIR includes issues identified by the Park District during the preparation of the Notice of Preparation, as well as environmental issues raised by agencies and the general public in response to the scoping process and Notice of Preparation, as described below.

ES.3.1 Scoping Process

In compliance with the *State CEQA Guidelines*, the District has taken steps to maximize opportunities to participate in the environmental process. A Notice of Preparation (NOP) was distributed on December 16, 2022, to federal, state, regional, and local government agencies and other interested parties to solicit comments and inform the public of the Project. The Project was described, potential environmental effects associated with Project implementation were identified, and agencies and the public were invited to review and comment on the Notice of Preparation. The NOP review and comment period closed on January 16, 2023; although letters received later were accepted and evaluated as part of the preparation of this Draft EIR.

The following environmental issues were identified through the scoping process as being potential impacts associated with implementation of the proposed Project and are addressed in this Draft EIR:

- Cultural Resources

Specific impact topics were identified for each of these environmental issues and are discussed in this Draft EIR with respect to existing conditions, potential impacts, the significance of these potential impacts, and proposed mitigation for significant impacts.

Other sections required by CEQA include a discussion of growth inducement, cumulative impacts, significant irreversible environmental changes, and significant environmental effects that cannot be avoided. A discussion of alternatives to the Project is also presented in this Draft EIR.

ES.4 AREAS OF KNOWN CONTROVERSY AND ISSUES TO BE RESOLVED

This Draft EIR addresses the areas of environmental controversy and environmental issues to be resolved which are known to the District or were raised by agencies and the public during the scoping process. The District identified many of these during preparation of the NOP. The following summarizes the primary areas of controversy that have been identified and where they are addressed in this Draft EIR:

- As discussed in **Section 3.1, Cultural Resources**, the demolition of the ca. 1923 garage would remove aa contributing element of a historic district, recommended eligible to the CRHR, resulting in a substantial adverse change. The Project would result in a significant impact on a contributing element of a historic district.

ES.5 ALTERNATIVES TO THE PROPOSED PROJECT

As required by Section 15126.6 of the *CEQA Guidelines*, a range of reasonable alternatives to the Project that would attain most of the basic Project objectives but would avoid or substantially lessen any of its significant environmental effects must be examined. Project alternatives aim to identify and disclose ways to mitigate or avoid significant environmental effects that may result from the Project. Impacts found to be significant and unavoidable in **Section 3.0, Environmental Impact Analysis**, are impacts to historical resources.

Two alternatives were analyzed in detail in this document: No Project Alternative (Alternative 1), and Garage Preservation Alternative (Alternative 2). Alternative 1 would not implement the improvements under the Project. Alternative 2 assumes that the Project would be implemented, however the ca. 1923 garage and trellis attached to the garage would be preserved. Alternative 2 would remove the underground storage tank (UST) and remediate the contaminated soil surrounding the UST. These remediation activities would take place surrounding the garage and trellis and would leave them intact. Project alternatives are further discussed in **Section 4.0, Alternatives.**

ES.6 REVIEW OF THE DRAFT EIR

The Borel Property Underground Storage Tank Removal and Soil Remediation Project Draft EIR has been distributed to responsible and trustee agencies, other affected agencies, surrounding cities, and other interested parties in accordance with *State CEQA Guidelines* Section 15086. The Notice of Completion for the Draft EIR was also distributed as required by CEQA. During the 45-day public review period, the Draft EIR is available for review at the East Bay Regional Park District's website at: https://www.ebparks.org/. A hardcopy will also be available at 2950 Peralta Oaks Court, Oakland, CA 94605.

Written comments on the Draft EIR should be addressed to:

ATTN: Drake Hebert, Senior Planner
Agency: East Bay Regional Park District, Planning, Trails, and GIS
2950 Peralta Oaks Court
Oakland, CA 94605

Upon completion of the 45-day public review period, written responses to all significant environmental issues raised will be prepared and made available for review at least 10 days prior to consideration of the Final EIR before the East Bay Regional Park District Board. These environmental comments and their responses will be included as part of the Final EIR for consideration by decision makers for the Project.

ES.7 REFERENCES

Evans & De Shazo. *A Historic Resource Evaluation of the Borel Ranch Located At 3020 Fostoria Way, Danville, Contra Costa County*. March 25, 2022.

1.0 INTRODUCTION

1.1 PURPOSE OF THE ENVIRONMENTAL IMPACT REPORT

This introduction is intended to provide the reader with general information regarding the Borel Property Underground Storage Tank Removal and Soil Remediation Project (Project); (2) purpose of an environmental impact report (EIR); (3) standards for EIR adequacy; (4) format and content of this EIR; and (5) EIR procedural requirements for the proposed Project. This section is intended to educate the reader regarding the intent, format, and content of this EIR so that it can be easily understood.

All discretionary projects within the State of California are required to undergo an environmental review to determine the environmental impacts associated with implementation of the project in accordance with the California Environmental Quality Act (CEQA).

CEQA was enacted in 1970 by the California legislature to disclose to decision makers and the public the significant environmental effects of proposed activities and ways to avoid or reduce the environmental effects by requiring implementation of feasible alternatives or mitigation measures. CEQA applies to all California governmental agencies at all levels, including local agencies, regional agencies, state agencies, boards, commissions, and special districts. The East Bay Regional Park District (District) is the lead agency for the Project and, as such, is required to conduct an environmental review to analyze the potential environmental effects associated with the proposed Project.

One of the primary objectives of CEQA is to enhance public participation in the planning process. Community members are encouraged to participate in the environmental review process, request to be notified of meetings and release of documents, monitor newspapers for formal announcements, and submit substantive comments at every possible opportunity afforded by the lead agency. The environmental review process provides ample opportunity for the public to participate through scoping, public review of CEQA documents, and public hearings.

1.2 PROJECT BACKGROUND

This Draft EIR analyzes the potential environmental effects of the "Project." The proposed Project is located within the southern portion of the Town of Danville, in the San Ramon Valley in Contra Costa County, California. The approximately seven-acre Project property is located at 3020 Fostoria Way (APN 218-090-033). It is bound by Interstate-680 to the west, Fostoria Way to the south, Camino Ramon to the east, and single-family homes to the north. Camino Ramon provides vehicular access to the Project property.

The Project property is located on the boundary of the Town of Danville and City of San Ramon. Interstate-680, which provides access to the surrounding region, runs adjacent to the Project property along the west, and serves

as the western boundary between the two municipalities. Fostoria Way also serves as a boundary between the Town of Danville and the City of San Ramon to the south.

The Project property contains the last remaining patch of walnut orchard farmed by the Borel family in the Town of Danville and was also the site of their home. The orchard was left to the District in 2009 in the Borel Trust. The District finally took title to the Project site in 2019.

The District operates a system of parklands in Alameda and Contra Costa counties, east of the San Francisco Bay. The District manages 73 parks, totaling 1250,000 acres; 1,250 miles of trails; and 55 miles of shoreline.

The objective of the proposed Project is to remediate the hazardous condition caused by the leaking underground storage tank at the Project site. More specifically, the Project aims to:

- Remediate the Project site through the removal of the leaking underground storage tank and prevent further release or threatened release of hazardous substances from the historical uses on the Project property.
- The Project also includes the remediation of approximately 600 cubic yards of contaminated soil surrounding the UST.
- Complete remediation prior to the July 30th, 2023 deadline imposed on the District by the RWQCB
- Restore the Project site by removing all contaminated and oil-stained soil in order to:
  - Protect proximal environmental resources (e.g., vegetation, groundwater, surface water) from contamination;
  - Protect nearby communities from hazardous conditions;
  - Protect future property occupants and visitors; and
  - Allow the Project property to be developed into a future public park without any land use restrictions related to the hazards and hazardous materials.

1.3 PROJECT APPROVALS REQUESTED

As defined by CEQA, a Lead Agency is the public agency with the principal responsibility for approving a project. The District is the Lead Agency for consideration and approval of the Project. The District will hold a public hearing to consider certification of the EIR. The District must certify the Final EIR before making its decision on the Project.

1.3.1 Other Approvals

Implementation of various project components may also require approvals, permits, or notifications by the following public agencies:

Unauthorized Tank Release Notification to the Regional Water Quality Control Board (RWQCB) Final UST Removal Report will be submitted to RWQCB Notification to the Bay Area Air Quality Management District (BAAQMD) that UST will be removed UST Removal Permit from Contra Costa County

1.4 ENVIRONMENTAL REVIEW PROCESS

The environmental review process, as required under CEQA, is summarized below. The steps are presented in sequential order:

1. **Notice of Preparation (NOP)** Distributed. Immediately after deciding that an EIR is required, the lead agency files an NOP soliciting input on the EIR scope to "responsible," "trustee," and involved federal agencies; to the State Clearinghouse, if one or more state agencies is a responsible or trustee agency; and to parties previously requesting notice in writing. A scoping meeting to solicit public input on the issues to be assessed in the EIR, while not always required, may be conducted by the lead agency.

2. **Draft Environmental Impact Report (Draft EIR) Prepared.** The Draft EIR must contain a (1) table of contents or index, (2) summary, (3) project description, (4) environmental setting, (5) environmental impacts (direct, indirect, cumulative, growth-inducing and unavoidable impacts), (6) alternatives, (7) mitigation measures, (8) irreversible changes, and (9) organizations and persons consulted.

3. **Public Notice and Review.** The lead agency must prepare a Notice of Availability (NOA) of an EIR. The Notice must be posted in the County Clerk's office for 30 days (Public Resources Code Section 21092.3) and sent to anyone requesting it. Additionally, public notice of Draft EIR availability must be given through at least one of the following procedures: (1) publication in a newspaper of general circulation, (2) posting on and off the project site, and (3) direct mailing to owners and occupants of contiguous properties. The lead agency must consult with and request comments on the Draft EIR from responsible and trustee agencies, and adjacent cities and counties. The minimum public review period for a Draft EIR is 30 days. When a Draft EIR is sent to the State Clearinghouse for review, the public review period must be 45 days, unless a shorter period is approved by the State Clearinghouse (Public Resources Code 21091). Distribution of the Draft EIR may be required through the State Clearinghouse.

4. **Notice of Completion.** The lead agency must file a Notice of Completion with the State Clearinghouse as soon as it completes a Draft EIR.

5. **Final EIR.** A Final EIR must include (1) the Draft EIR or a revision thereof, (2) copies of comments received during public review, (3) list of persons and entities commenting, and (4) responses to comments.

6. **Certification of Final EIR.** Prior to approving a project, the lead agency shall certify that (1) the Final EIR has been completed in compliance with CEQA, (2) the Final EIR was presented to the decision-making body of the lead agency, and (3) the decision-making body reviewed and considered the information in the Final EIR. A Notice of Determination must be filed with the County Clerk within five days of the certification of the Final EIR.

7. **Lead Agency Project Decision**. The lead agency may (1) disapprove a project because of its significant environmental effects; (2) require changes to a project to reduce or avoid significant environmental effects; or (3) approve a project despite its significant environmental effects, if the proper findings and statement of overriding considerations are adopted.

8. **Findings / Statement of Overriding Considerations.** For each significant impact of the project identified in the EIR, the lead or responsible agency must find, based on substantial evidence, that either (1) the project has been changed to avoid or substantially reduce the magnitude of the impact; (2) changes to the project are within another agency's jurisdiction and such changes have or should be adopted; or (3) specific economic, social, or other considerations make the mitigation measures or project alternatives infeasible. If an agency approves a project with unavoidable significant environmental effects, it must prepare a written Statement of Overriding Considerations that sets forth the specific social, economic, or other reasons supporting the agency's decision.

9. **Mitigation Monitoring and Reporting Program (MMRP).** When an agency makes findings on significant effects identified in the EIR, it must adopt a reporting or monitoring program for mitigation measures that were adopted or made conditions of project approval to mitigate significant effects.

10. **Notice of Determination.** An agency must file a Notice of Determination after deciding to approve a project for which an EIR is prepared. A local agency must file the Notice with the County Clerk. The Notice must be posted for 30 days and sent to anyone previously requesting notice. Posting of the Notice starts a 30-day statute of limitations on CEQA challenges.

1.4.1 Notice of Preparation

In compliance with CEQA, the District completed a multi-step process to determine the appropriate scope of issues to be examined in this Draft EIR. Pursuant to *CEQA Guidelines* Section 15082, a NOP was prepared by the District and distributed on December 16, 2022, to the State Clearinghouse in the Office of Planning and Research, notifying the general public, responsible and trustee agencies, as well as interested parties that an EIR will be prepared for the

Project. The NOP was circulated for a 30-day review period that began on December 16, 2022, and ended on January 16, 2023. No comment letters were received on the NOP.

One of the primary objectives of CEQA is to enhance public participation in the planning process. Community members are encouraged to participate in the environmental review process, request to be notified of meetings and release of documents, monitor newspapers for formal announcements, and submit substantive comments at every possible opportunity afforded by the lead agency. The environmental review process provides various opportunities for the public to participate through scoping, public review of CEQA documents, and public hearings.

The public is invited to provide comments and concerns regarding the accuracy of this Draft EIR and the CEQA process. The comment period is indicated on the cover of this EIR. The Draft EIR will be circulated for review and comment by the public and other interested parties, agencies, and organizations for 45 calendar days. The Draft EIR is available on the East Bay Regional Park District website at:

Written comments may be submitted via:

Mail: ATTN: Drake Herbert, Senior Planner
East Bay Regional Park District
2950 Peralta Oaks Court
Oakland, CA 94605

E-mail: dhebert@ebparks.org

Pursuant to CEQA Guidelines Section 15088, the District will prepare written responses to any comments that raise significant environmental issues received during the noticed comment period and include those responses in the Final EIR. The public will also be provided with opportunities to present oral and written comments at future hearings and meetings on the Project. The District may but is not required to provide written responses to comments submitted after the circulation period for the Draft EIR.

1.5 AREAS OF CONTROVERSY / ISSUES TO BE RESOLVED

Potential areas of controversy and issues to be resolved by the District's decision-makers may include those environmental issue areas where the potential for an unavoidable and significant impact has been identified. Based on the NOP comment letters, issues known to be of concern in the community and therefore, potential areas of controversy, include cultural resources.

1.6 FINAL EIR AND EIR CERTIFICATION

Following the close of the public review period on the Draft EIR, the District will prepare and publish a Final EIR, which will contain a summary of all written and recorded oral comments on this EIR received during the public review period for the Draft EIR and written responses to those comments that raise environmental concerns, along with copies of the letters received, and any necessary revisions to the EIR. The Draft EIR, comments on the EIR and a list of persons, organizations, and public agencies that commented on the Draft EIR, response to comments, and any revisions to the Draft EIR will constitute the Final EIR. The Final EIR will be available for public review prior to consideration of certification of the document by the decision-makers. The District, in an advertised public meeting(s), will consider the documents and then, if found adequate, certify the Final EIR as completed in compliance with CEQA and the *CEQA Guidelines*.

1.7 ORGANIZATION OF THE EIR

An Initial Study (IS) has been prepared pursuant to *CEQA Guidelines* section 15063(c)(3), which states that an initial study may be used to focus an EIR on the effects of a proposed project that are determined to be significant, please refer to **Appendix 1.0-3, Initial Study**. The EIR is organized into the following chapters so the reader can easily obtain information about the Project and its specific issues:

- **Executive Summary:** This section provides a summary of the Project's potential environmental impacts that would result from implementation of the Project and development project, proposed mitigation measures where applicable, and the level of significance of the impact before and after mitigation.

- **Chapter 1.0, Introduction:** This chapter contains an overview of the purpose and focus of the Draft EIR, a discussion of the intended use of this Draft EIR, a description of the organization of the Draft EIR, and a discussion of the public review process and potential areas of controversy.

- **Chapter 2.0, Project Description:** This chapter describes the Project, including Project location, Project background, Project objectives and components.

- **Chapter 3.0, Environmental Impact Analysis**: This chapter is the primary focus of this Draft EIR. The environmental issue is considered in a separate section, which contains a discussion of the environmental setting, the regulatory setting, the methodology and the thresholds of significance. It also includes the analyses of environmental impacts of the Project, mitigation measures, conclusions regarding the level of significance after mitigation, and cumulative impacts for the following environmental topic and environmental issue:

  - **Section 3.1, Cultural Resources:** Changes to historic resources and impacts to archaeological or paleontological resource and human remains;

  - **Section 3.2, Tribal Cultural Resources:** Changes to Tribal cultural resources.

- **Chapter 4.0, Alternatives:** This chapter provides analysis of a range of reasonable alternatives to the Project in accordance with *CEQA Guidelines* Section 15126(f). The range of alternatives considered is based on their ability to feasibly attain most of the Project objectives and avoid or substantially lessen any of the significant effects of the Project:
  - **Alternative 1:** No Project
  - **Alternative 2:** Garage Preservation Alternative
- **Chapter 5.0, Other CEQA Considerations:** This chapter provides a summary of significant and unavoidable impacts of the Project and a discussion of potential growth inducing effects.
- **Chapter 6.0, List of Preparers:** This chapter lists the individuals involved in preparing the EIR and organizations and persons consulted.

1.8 CEQA FINDINGS FOR PROJECT APPROVAL

Where a certified EIR identifies significant environmental effects, *CEQA Guidelines* Sections 15091 and 15092 require the adoption of findings prior to approval of a project. Prior to approval of a project, one of three findings must be made, as required by PRC Section 21081 and *CEQA Guidelines* Section 15091:

- Changes or alterations have been required in, or incorporated into, the project that avoid or substantially lessen the significant environmental effect as identified in the Final EIR.
- Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.
- Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the Final EIR.
- If the District approves the Project, despite significant impacts identified in the Final EIR that cannot be feasibly mitigated, the District must state in writing the reasons for its actions, under *CEQA Guidelines* Section 15093. Those findings, called a Statement of Overriding Considerations, must be prepared to substantiate the District's decision to accept the unavoidable significant environmental effects of the Project when balanced against the benefits afforded by the specific plan or project, and must be supported by substantial evidence in the record.

1.9 MITIGATION MONITORING OR REPORTING PROGRAM

At the time of project approval, CEQA and the *CEQA Guidelines* require lead agencies to adopt a mitigation monitoring or reporting program for monitoring the revisions it has required in the project and the measures it has imposed to mitigate or avoid significant effects on the environment (*CEQA Guidelines* Section 21081.6; *CEQA Guidelines* Section 15097). This Draft EIR contains mitigation measures that if found feasible will be included in the Mitigation Monitoring and Reporting Program for the Project.

2.0 PROJECT DESCRIPTION

INTRODUCTION

This section of the draft environmental impact report (EIR) describes the existing Project property and surroundings, and evaluates the Project property's regional location, and land uses surrounding the proposed Borel Property Underground Storage Tank Removal and Soil Remediation Project ("Project") and its general plan and zoning designations. Additionally, this section includes a statement of the objectives sought by the Project and a general description of the Project's technical, economic, and environmental characteristics. The State California Environmental Quality Act (CEQA) Guidelines state that a Project Description need not be exhaustive but should provide the level of detail needed for the evaluation and review of potential environmental impacts.

The Project Description is the starting point for all environmental analysis required by the State CEQA Guidelines. Section 15146 of the State CEQA Guidelines states that the degree of specificity required in an EIR will correspond to the degree of specificity involved in the underlying activity, which is described in the EIR. The following Project Description serves as the basis for the environmental analysis contained in this EIR.

2.1 ENVIRONMENTAL SETTING

Project Location

The proposed Project is located within the southern portion of the Town of Danville, in the San Ramon Valley in Contra Costa County, California, as shown **Figure 2.0-1, Regional and Site Location**. The approximately seven-acre Project property is located at 3020 Fostoria Way (APN 218-090-033). The Project property is bound by Interstate-680 to the west, Fostoria Way to the south, Camino Ramon to the east, and single-family homes to the north, as shown in **Figure 2.0-2**, **Project Site Plan**. Camino Ramon provides vehicular access to the Project property.

The Project property is located on the boundary of the Town of Danville and City of San Ramon. Interstate-680, which provides access to the surrounding region, runs adjacent to the Project property along the west, and serves as the western boundary between the two municipalities. Fostoria Way also serves as a boundary between the Town of Danville and the City of San Ramon to the south.

The Project Site is located in the southwestern extent of the Project property and is approximately 600 square feet (sq. ft.).

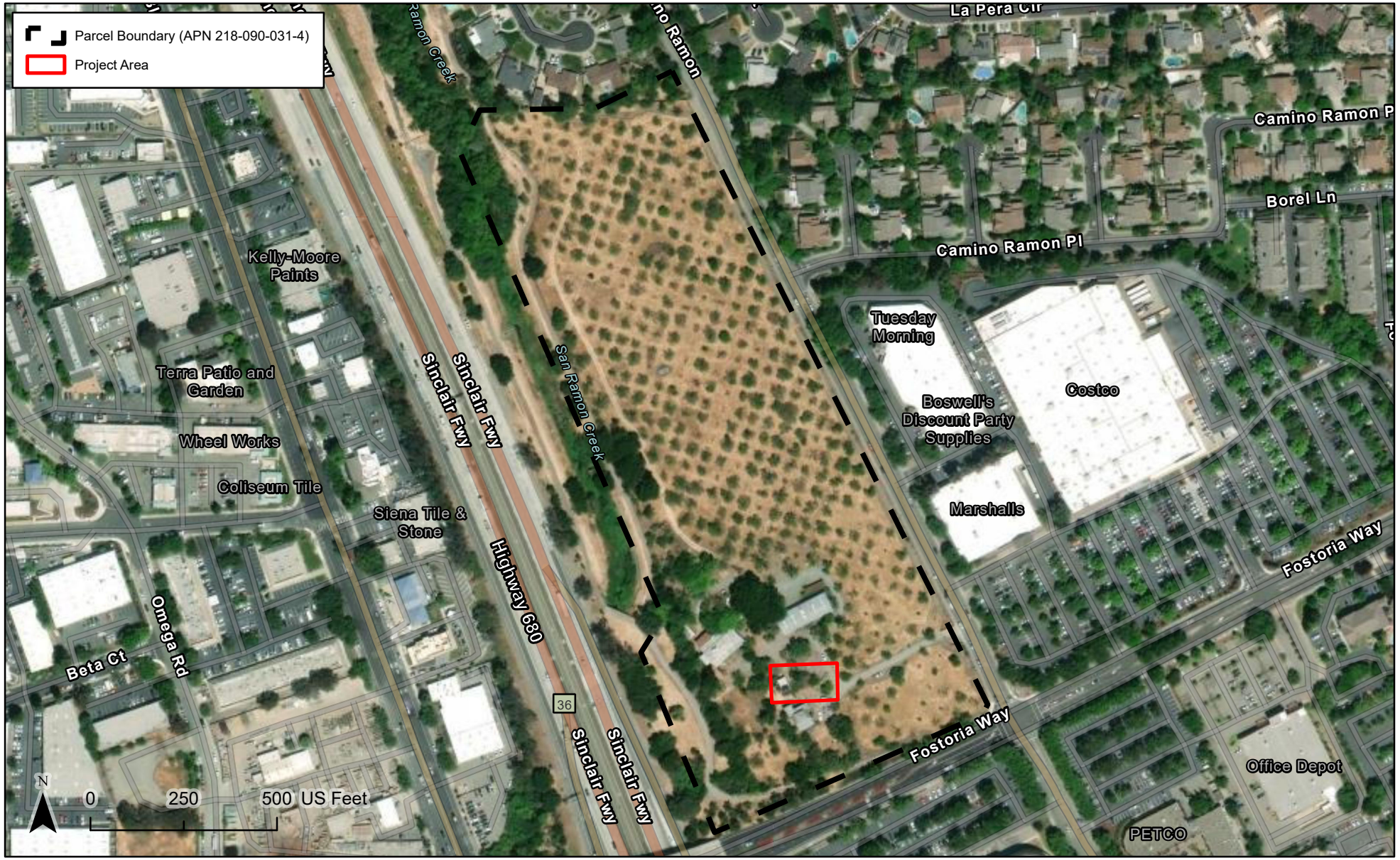
SOURCE: Esri, 2022

FIGURE **2.0-1**

IMPACT SCIENCES

Regional and Site Location

1481.001•11/22



SOURCE: Esri, 2022

FIGURE **2.0-2**

IMPACT SCIENCES

Project Site Plan

1481.001•11/22

Existing Conditions

The approximately seven-acre Project property contains a number of buildings and structures. These structures and the year they were built are shown in **Table 2.0-1, Borel Property Structures,** and in **Figure 2.0-3, Aerial Map of the Borel Ranch Property.**

Table 2.0-1
Borel Property Structures

Buildings/Structures	Year Built
Borel Residence	1923
Three tank houses (water towers)	1923
Garage	1923
Walnut Barn	1923
Barn (car barn)	1970
Shed building	1923
San Ramon rail depot	1927
Gable building	1960
Chicken coup	1923
Irrigation equipment	1923

The Project property currently contains a ca. 1923 house, three ca. 1923 tank houses (aka water towers), ca. 1923 garage, ca. 1923 walnut barn, ca. 1970 barn, ca. 1923 shed building, 1927 San Ramon rail depot, ca. 1960 gable building, ca. 1923 chicken coup, ca. 1923 irrigation equipment, and associated landscape, including a walnut orchard, dirt and gravel roads, and two gas pumps, previously recorded as P-07-004639.1 The Project property also contains an underground fuel tank that is to be removed.

A Phase II Environmental Site Investigation Report was completed on the property in August 2021, revealing the presence of a leaking underground storage tank (UST) and surrounding contaminated soil. The contamination plume extends underneath the ca. 1923 garage. The UST is estimated to have a capacity of 550 gallons, and the soil to be remediated is an estimated minimum volume of 600 cubic yards.

Surrounding Land Uses

The *Town of Danville 2030 General Plan* designates the Project property as General Commercial. This designation encourages the development of smaller commercial and retail uses focused on meeting resident's needs, as well as some regional needs. Under the Zoning Ordinance, the Project property is zoned P-1 Planned Unit District, which permits large-scale integrated development, infill development, or a General Plan special area, and requires cohesive design when flexible regulations are applied.

Surrounding land uses are primarily single-family homes and big-box commercial retail. Between I-680 and the western boundary of the Project property is a small linear parcel of land that is designated as General Open Space. On the other side of I-680, in the City of San Ramon, land uses include industrial and auto oriented uses, as well as a strip mall commercial development. South of Fostoria Way is a large office campus style development and big box commercial use surrounded by large parking lots. To the east of the Project property, is a commercial development and residential uses. To the north of the Project property are single family homes.

2.2 DESCRIPTION OF THE PROJECT

The objective of the proposed Project is to remove the UST and to remediate the hazardous condition caused by the leaking underground storage tank. More specifically, the Project aims to:

- Remediate the Project Site through the removal of the leaking underground storage tank and prevent further release or threatened release of hazardous substances from the historical uses on the Project site.
- The Project also includes the remediation of approximately 600 cubic yards of contaminated soil surrounding the UST.
- Complete remediation prior to the July 30, 2023, deadline imposed on the Park District by the Regional Water Quality Control Board (RWQCB)
- Restore the Project Site by removing all contaminated and oil-stained soil in order to:
  - Protect proximal environmental resources (e.g., vegetation, groundwater, and surface water) from contamination;
  - Protect nearby communities from hazardous conditions;
  - Protect future property occupants and visitors; and
  - Allow the Project property to be developed into a future agricultural public park without any land use restrictions related to hazards and hazardous materials.

In order to remove the UST and remediate the anticipated minimum of 600 cubic yards of contaminated soil, the Project proposes to demolish the ca. 1923 garage and a trellis attached to that garage within the immediate vicinity.

SOURCE: Evans & De Shazo, 2022

FIGURE **2.0-3**

IMPACT SCIENCES

Aerial map of the Borel Ranch Property: Location of Built Environment Resources

2.3 PROJECT SUMMARY

The Project supports its objectives to remediate and restore the Project site while protecting nearby communities, future site occupants and visitors by removal of the UST and remediation of 600 cubic yards of contaminated soil. The Project will also allow the site to be developed without any land use restrictions. The contaminated soil extends below the ca. 1923 garage. In order to remediate this soil, the Project proposes to demolish the ca. 1923 garage. The ca. 1923 is not individually eligible for the California Register of Historic Resources (CRHR) but is a contributing element to a historic district recommended eligible to the CRHR and is therefore a historical resource for the purposes of CEQA.

2.4 INTENDED USES OF THE EIR

This EIR will serve as the primary source of environmental information for the actions and approvals associated with the East Bay Regional Park District ("Park District"). In accordance with Section 21002.1 of CEQA, the purpose of this EIR is to provide the Park District, serving as the lead agency, information on: the potentially significant environmental impacts that would result from implementation of the Project; alternatives to the Project; and mitigation measures, which may reduce or avoid any significant effects. This EIR will also be used as an information document by other public agencies, in connection with any approvals or permits necessary for construction and operation of the Project. The Project evaluated in this EIR does not represent a commitment from the Park District to implement the Project. This EIR serves as an informational document regarding the impacts resulting from implementation of the Project if they are fully realized. Future projects that are not contained within the scope of this EIR will require further environmental review.

2.5 REVIEWS AND APPROVALS

As defined by CEQA, a lead agency is the public agency with the principal responsibility for approving a project. The East Bay Regional Park District, Facility Development and Planning Department is the Lead Agency for consideration and approval of the Project. The Park District must certify the Final EIR before moving forward with implementation of the Project.

Other Approvals

Implementation of various project components may also require approvals or permits by the following public agencies:

- Unauthorized Tank Release Notification to the RWQCB
- Final UST Removal Report will be submitted to RWQCB
- Notification to the Bay Area Air Quality Management District (BAAQMD) that UST will be removed
- UST Removal Permit from Contra Costa County

3.0 ENVIRONMENTAL IMPACT ANALYSIS

INTRODUCTION

This chapter analyzes the physical environmental impacts associated with the Borel Property Underground Storage Tank Removal and Soil Remediation Project ("Project") described in ***Section 2.0, Project Description****. The approach to the California Environmental Quality Act (CEQA) analysis of the Project considered is also presented in this chapter. For each resource topic analyzed in detail in the EIR, this chapter provides a description of the baseline environmental conditions, the regulatory framework, significance criteria, impacts analysis and identifies mitigation measures, if required.*

3.0.1 ORGANIZATION OF THIS CHAPTER

Each section of this chapter contains the following elements, pursuant to the CEQA requirements:

Environmental Setting. This section presents a description of the existing physical environmental conditions Borel Property, with respect to each resource topic as of December 2022, the month and year when the Facility Development and Planning Department issued a notice of preparation (NOP) for initiating environmental review. In addition, recent projects that have already been implemented and/or approved in the Project area are considered as part of the baseline physical conditions by which potential impacts of the Project are assessed.

Regulatory Framework. The regulatory section provides an overview of statutory and regulatory considerations that are applicable to the specific environmental topic.

Thresholds of Significance. Provides criteria for determining the significance of Project impacts for each environmental issue.

Methodology. Further clarifies which thresholds are used when describing the methods, procedures, and techniques used to estimate the Project's impacts. The methodology subsection of the chapters associated with each individual impact area will provide further explanation of what geographic area is used for the purposes of the impact analysis.

Impacts Analysis. Provides a discussion of the characteristics of the proposed Project that may have an effect on the environment, analyzes the nature and extent to which the proposed Project is expected to change the existing environment, and indicates whether the Project impacts meet or exceed the levels of significance thresholds.

Mitigation Measures. Identifies mitigation measures to reduce significant adverse impacts to the extent feasible.

Level of Significance after Mitigation. Provides a discussion of significant adverse environmental impacts that cannot be feasibly mitigated or avoided, significant adverse environmental impacts that can be feasibly mitigated or avoided, and adverse environmental impacts that are not significant.

Cumulative Impacts. This section considers the incremental effects of implementing the Project, together with the environmental effects of other closely related past, present, and reasonably foreseeable probable future projects within the Project area and in the surrounding neighborhood.

3.0.2 CLASSIFICATION OF IMPACTS

Impacts are categorized by type of impact, as follows:

No Impact. No adverse changes (or impacts) on the environment are expected.

Less than Significant. An impact that would not involve an adverse physical change to the environment,does not exceed the defined significance criteria, or would be eliminated or reduced to a less-than- significant level through compliance with existing local, state, and federal laws and regulations.

Less than Significant with Mitigation. An impact that is reduced to a less-than-significant level though implementation of the identified mitigation measures.

Significant and Unavoidable with Mitigation. An adverse physical environmental impact that exceedsthe defined significance criteria and can be reduced through compliance with existing local, state, and federal laws and regulations and/or implementation of all feasible mitigation measures but cannot be reduced to a less-than-significant level.

Significant and Unavoidable. An adverse physical environmental impact that exceeds the defined significance criteria and cannot be eliminated or reduced to a less-than-significant level through compliance with existing local, state, and federal laws and regulations and for which there are no feasible mitigation measures.

3.0.3 APPROACH TO CUMULATIVE IMPACTS

In compliance with *State CEQA Guidelines* Section 15130(a)(3), "an EIR shall discuss cumulative impacts of a project when the project's incremental effect is cumulatively considerable." If the combined cumulative impact associated with the project's incremental effect is significant, then the analysis must identify the project's fair share of a mitigation measure or measures designed to alleviate the cumulative impact and reduce project's contribution to less than cumulatively considerable level.

Past, present, and future reasonably foreseeable projects within the defined geographic area for a given cumulative issue must be considered. The cumulative impact analysis in each technical section includes a description of the cumulative analysis methodology and the geographic or temporal context in which the cumulative impact is analyzed.

Consistent with *State CEQA Guidelines* Section 15130(b), the cumulative impact analysis considers the effects of the Project including the proposed individual projects in combination with known or reasonably foreseeable projects that could combine with potential impacts of the Project. In addition, the cumulative impact analysis also considers

projections contained within previously approved planning documents, including but not limited to the *City of Danville General Plan*, as well as applicable associated environmental review documents. Some projects in the surrounding area include:

- **Borel 3021 Fostoria Way:** This includes a proposed development of 163 multifamily Townhomes on a 7-acre site. The site is currently vacant. The proposed density is approximately 23 units per acre. This project application is currently pending.

- **Diablo Road Trail:** This project consists of construction of an 8-foot-wide off-street paved multi-use path with 2-foot gravel shoulders along the southern shoulder of Diablo Road and a pedestrian and bicycle roadway crossing. The proposed project is envisioned as a 0.9-mile, mostly Class I, mixed-use path for pedestrians and cyclists that will connect the Diablo Road / Green Valley Road corridor to the west to Blackhawk Road / Mt. Diablo State Park south access to the east.

- **359 & 375 West El Pintado:** This project includes development of a 57-unit senior condominium project on a 1.8-acre site. Project density is 30 units per acre. The site is currently vacant.

3.1 CULTURAL RESOURCES

INTRODUCTION

This section presents an overview of the existing cultural resource conditions within the boundaries of the Project property. It also discusses the potential impacts to cultural resources (i.e., tribal, historical, and archeological resources) as a result of construction and operation associated with the implementation of the Project. A cultural resources study and historical resource evaluation have been completed for the proposed Project and are included as ***Appendix 3.1-1, Cultural Resource Inventory and Architectural Resource Evaluation,*** *of this EIR.*

3.1.1 ENVIRONMENTAL SETTING

3.1.1.1 Ethnographic and Pre-Contact Background

Pre-Contact Context

Pre-contact history of the southern San Francisco Bay area is complex due to the dramatic increase in human populations from middle to late Holocene times. Cultural chronology is quite variable spatially but is generally framed within a tripartite sequence that is commonly used in central California—Early, Middle, and Late. These temporal periods are preceded by early to middle Holocene occupation, often characterized as the Millingstone Period.[1]

The Millingstone Period (9000–5500 years Before Present; BPP) is characterized by small groups who travelled widely and practiced broad spectrum foraging of easily acquired plant and animal resources. Artifacts common to this time period are handstones and millingstones. Flaked stone implements, such as projectile points, are much less common than grinding and battering tools.[2] Common foods are thought to have included a variety of small seeds, shellfish, and small mammals.

The Early Period ranges from approximately 5500–2500 BP and encompasses an era where people are thought to still have practiced wide-ranging residential mobility but placed a greater emphasis on hunting larger game. Large pinnipeds, such as northern fur seal, are common to coastal archaeological sites during this time. Several styles of large projectile points correspond to this general time frame, which also marks the initial use of mortar and pestle technology.

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1 Milliken, R., R.T. Fitzgerald, M. Hylkema, R. Groza, T. Origer, D.G. Bieling, A. Leventhal, R. Wiberg, A. Gottsfield, D. Gillette, V. Bellifemine, E. Strother, R. Cartier, and D.A. Fredrickson. 2007. *Punctuated Culture Change in the San Francisco Bay Area. In California Prehistory: Colonization, Culture, and Complexity*. edited by T. L. Jones and K. A. Klar, pp. 99-123. Altamira Press, New York.

2 Fitzgerald, R.T. 2000. *Cross Creek: An Early Holocene/Millingstone Period Site. California State Water Project.* Coastal Branch Series Paper Number 12. San Luis Obispo.

The Middle Period dates from 2500–1000 BP and appears to represent a time when people were somewhat more residentially stable and practiced more logistical (short-term) mobility. By this time, people went on extended resource acquisition forays for the purpose of bringing subsistence or trade items back to residential base camps. Large, terrestrial mammals were hunted more often during this time and grinding implements become more common.[3]

The Late Period begins at 1000 BP and extends to ca. 1550 BP or perhaps more recently. The Late Period is characterized by increased sociopolitical complexity and settlement centralization. Large village sites in the northern San Francisco Bay are often found along perennial streams. There is continued prevalence of mortar and pestle technology, thought to signify a greater reliance on acorn than in earlier times. Other labor-intensive foods were also used with greater frequency during this latest time period. For example, sea otter and harbor seal were exploited more heavily. These animals are thought to be more labor-intensive to capture compared to other pinnipeds and large mammals, which were more commonly hunted in earlier time. Bow and arrow technology is also believed to have been adopted by aboriginal hunters during this latest precolonial interval.[4]

Ethnography

Indigenous people have stewarded and managed the California Bay Area landscape for thousands of years; since time immemorial from the Native viewpoint or since the early Holocene from the scientific. Archaeologists have yet to identify evidence of human occupation of the Bay Area from 11,500 to 8,000 cal B.C., when big game hunters were thought to be living in the area; presumably because it has been washed away by stream action, buried under more recent alluvium, or submerged on the continental shelf. However, evidence (including artifacts e.g., milling equipment, beads, stone tools; features e.g., hearths, hunting blinds; sites e.g., temporary campsites, semipermanent habitation sites) of occupation beginning in the early Holocene has been identified.

Based on the current understanding of ethnographic data, Indigenous people, who spoke languages now referred to as Bay Miwok, Delta Yokut, and Ohlone, managed, stewarded, and lived within the region now known as Contra Costa County.

Because California Indigenous territories were largely constructed by non-native individuals and often after or during the disintegration of traditional tribal territories, certain ethnographic regions are not well understood or defined. Some regions, such as ethnographic borders, may in fact, not have been well-defined and could have represented

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3 Milliken, R., R.T. Fitzgerald, M. Hylkema, R. Groza, T. Origer, D.G. Bieling, A. Leventhal, R. Wiberg, A. Gottsfield, D. Gillette, V. Bellifemine, E. Strother, R. Cartier, and D.A. Fredrickson. 2007. *Punctuated Culture Change in the San Francisco Bay Area. In California Prehistory: Colonization, Culture, and Complexity*. edited by T. L. Jones and K. A. Klar, pp. 107. Altamira Press, New York.

4 Hylkema, M.G. 2002. Tidal Marsh, *Oak Woodlands, and Cultural Florescence in the Southern San Francisco Bay Region. In Catalysts to Complexity: Late Holecene Societies of the California Coast*, edited by J. M. Erlandson and T. L. Jones, pp. 233-262. Perspectives in California Archaeology. Cotsen Institute of Archaeology, University of California, Los Angeles.

shared, or even disputed, areas. Based on current ethnographic information, the Project area appears to be located between the Tatcan, a Bay Miwok-speaking people, and the Ssouyen, a Chochenyo-Ohlone-speaking people. Discussion of Native Americans from the point of European contact through today can be found in **Section 3.2, Tribal Cultural Resources.**

Spanish and Mexican Periods

The following historical context was adapted from the HRE report for the Borel Ranch property. See **Appendix 3.1-1** for additional historical context, architectural and landscape descriptions, photographs, and details on the Borel Property's significance as a historic district.

Spanish explorers first traveled through the San Ramon Valley in 1772. For non-Indigenous peoples, however, this time created new opportunities for trade opened up when foreign ships that had previously been held off by Spanish military ports could provide a variety of provisions to local settlers throughout California. These new provisions, including tea, coffee, sugars, spices, and spirits, as well as a variety of manufactured goods soon made their way into the region. The taxes on these imported goods became the main source of revenue for the Mexican government in California. The hide and tallow trade that became the primary business activity in California during this time. During this time, the Mexican colonial authorities encouraged settlement of Alta California by providing large land grants called ranchos to politically prominent persons that were loyal to the Mexican Government and permitting foreigners to settle land. As a result, the 20 or so ranchos that had existed in Alta California during the Spanish period increased to roughly 800 ranchos that varied from 10,000 to 20,000 acres during the Mexican period.

During the Mexican period, the San Ramon Valley was broken up into two large land grants, both called *Rancho San Ramon*. The southern Rancho was a 20,968-acre Mexican land grant that was granted to Jose Maria Amador, the son of Pedro Amador who came to California in 1769, and the northern portion was an 8,917-acre land grant, where the Project property is located, which was granted to Mariano Castro and his uncle Bartolo Pacheco who came to California in 1775. Cattle hides and tallow were the economic base for the two San Ramon ranchos.

Early American Period

The end of the Mexican-American War marks the beginning of the American Period if California. The U.S. took possession of the lands that would become the states of California, New Mexico, Texas, and Arizona in 1848 through the signing of the Treaty of Guadalupe Hidalgo. Two weeks prior to the signing of the treaty, gold was discovered at Sutter's Mill, which marked the start of California's Gold Rush (1848-1855), sparking an influx of new settlers.

The U.S. Congress passed the California Land Act of 1851 to determine the validity of prior Spanish and Mexican land grants. The act required landowners who claimed title under the Mexican government to file a claim with the Commission within two years. Although the Commission eventually confirmed most of the original Mexican land

grants, the burden was on landowners to prove their title. The cost of litigation often forced the rancho owners to sell land and cattle to newly arriving settlers or to their lawyers hired to defend their land claims in court.

In 1850, California became a state, and Contra Costa County was one of the original 27 counties created.

History of the San Ramon Valley

In 1850, the area known as the San Ramon Valley, within Contra Costa County, was a sparsely populated rural area connected by dirt roads and creeks. As the influx of Euro-American settlers came into San Ramon Valley during the Gold Rush, many of them squatted on former rancho land. During this time, ownership of rancho land was highly disputed and surrounded by controversy, as many squatters challenged the ownership of the rancho land. These settlers planted grain, onions, and orchards of peaches, apples, and cherries.

Rural settlement continued through the 1850s and 1860s. By 1860, a stagecoach was running daily between the communities of Martinez, Lafayette, Walnut Creek, Pacheco, Alamo, and San Ramon. During this time, the San Ramon Valley consisted of several small villages, including Alamo, Danville, and a commercial area had emerged along present-day Front Street. The Danville post office opened in 1858 and by 1860, Danville had become an established center of trade. It was during this early period of development when the frontier Victorian-era character of the community was established. Several examples of this early period remain in Downtown Danville today. These include the Southern Pacific Railroad Depot (built in 1891) at 205 Railroad Avenue, the Danville Hotel (built in 1891) at 411 Hartz, and the Village Theatre (a portion of which was built in 1873 as a farmer's lodge and was subsequently used as the Grange Hall), which originally stood at 223 Front Street.

In 1890, Southern Pacific began construction of the rail line in the San Ramon Valley, after local farmers donated land and money for the right-of-way. Two depots, one in Danville and one San Ramon were constructed in San Ramon Valley.

In Contra Costa County the Chinese population increased between 1890 and 1900, with some Chinese working as tenant farmers within the eastern sections of the county. In the late 1890s, the San Ramon Valley, which was previously dominated by wheat crops and cattle ranching was now known for its walnut and pear orchards, with the surrounding hills used to grow grain and hay and for grazing livestock.

Between 1900 and World War II (WWII), Danville continued to evolve as a small, agriculturally oriented town. Many of the Town's most memorable and important structures were constructed during this era, including the Town Meeting Hall (originally built as a church in 1933) at 201 Front Street, the Veterans Memorial Building (built in 1925) at 400 Hartz Avenue, and the old firehouse (built in 1924) at 340-356 Hartz Avenue. This period in Danville's history was characterized by a variety of architectural styles and materials, creating the eclectic character that defines Old Town Danville, located within Downtown Danville, today. Reminders of early Danville history also can be found

beyond Downtown on former farms and ranches. Notable examples include the Podva Farmhouse on Podva Road, the Mendenhall/ Wood House on Camino Tassajara, the Historic Wood Family Ranch Headquarters, the Baldwin/ Elworthy/ Livermore Houses on San Ramon Valley Blvd, and the Osborn House off of Diablo Road. Other historic features are the National Park Service's Eugene O'Neill National Historic Site (Tao House, lying just north of the Town limits) and the Alamo Cemetery at the end of La Gonda Way

In the early 1900s, dirt roads began to be paved due to the growing popularity of the automobile. In the 1920s, the Southern Pacific railroad, which had been the primary mode of transportation for farmers, was in decline, and in 1927 the two-story San Ramon depot was removed.[5] In 1934, passenger transport ended on the San Ramon Valley Branch line.

After WWII ended, the impacts of the war on growth and land use changed as the landscape of the San Ramon Valley was sold for housing developments. By the late 1950s and early 1960s a significant number of farms sold their land or placed their land into conservation easements to make way for housing developments and the construction of the Interstate 680 freeway.[6] In 1964, the section of Interstate 680 freeway from Walnut Creek to Danville was completed, and in 1966, the route through the middle of the San Ramon Valley from San Ramon to Dublin was constructed. During this time, county planners were working with the Greater San Ramon Improvement Association to generate a Master Plan.[7] The planners made it clear they thought the old buildings in San Ramon were eyesores and were advocating for the demolition of many of the area's older buildings to make way for modern office buildings and housing.

By 1970, the San Ramon Valley population had grown to 25,899 residents. In the early 19070s, developers Ken Volk and Bob McClain built the first San Ramon suburban designed community (a.k.a., bedroom community[8]) with a special district, the Valley Community Services district (VCSD) providing water, parks, sewer, fire protection, and garbage collection for the new homes. As housing continued to increase, the area was hit with a severe drought that caused grass and water for cattle to dry up, as such many of the ranchers and farmers sold land for housing on the San Ramon Valley's eastern and western hills, and much of the original ranch off Norris Canyon Road was sold. Danville incorporated as a Town in 1982. Today the San Ramon Valley is home to approximately 74,000 residents, and large corporations, such as Chevron and Pacific Bell.

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5 In 1937, Joseph Borel purchased the San Ramon rail depot (constructed in 1927) from the Southern Pacific and moved it to the Project property.

6 Sally Evans, "Cultural Resource Evaluation of the Proposed San Ramon Valley Apartments," Evans & De Shazo, 2016.

7 Beverly Lane, "Double D Days in 1966 fetes the new freeway", https://museumsrv.org/doubleddays/, accessed January 12, 2023.

8 Bedroom communities, or commuter towns, are residential areas where the majority of the residents live — but don't work. These areas are typically located not far from a larger city, the place where many of the residents will commute to their jobs. Available online at: https://moneywise.com/real-estate/what-is-a-bedroom-community, accessed February 7, 2023.

Walnut Orchard History (1860 – 1960)

During the 1860s, walnut orchards in California were a small crop that began under the guidance of several orchardists, including Joseph Sexton of Santa Barbara and Felix Gillet of Nevada City. However, the expansion of walnut orchards in Southern California proved difficult as growers struggled with seedlings or grafting to continue the hybridization of walnuts, and the fluctuating temperatures, particularly near the coast, created many natural diseases and other issues for the crop.

During the 1880s, the walnut industry in the San Ramon Valley expanded as grain and cattle ranching were replaced by fruit and nut farms. Early orchardists in Contra Costa County included Myron Ward Hall of Alamo, who began using producing seedlings and planted the earliest walnut orchards in Contra Costa County.

By the early 20th century, walnut orchards were abundant in Contra Costa County, and the San Ramon Valley was covered in hundreds of acres of English walnuts trees. In 1917, local farmers in the county banded together, creating the Contra Costa Walnut Growers Association. The Contra Costa Walnut Growers Association, located in Walnut Creek, packaged and sold most of the county's production until the plant closed in 1958.

During WWII, there was a shortage of labor in the San Ramon Valley, which resulted in families removing their young children from school to work on the family farms. For high school students attending San Ramon Valley High School, the school would let out early so that they, too, could help pick walnuts. During this time, women played a vital role in harvesting walnuts, forming a women's crew of walnut pickers, who worked throughout the San Ramon Valley during the war.

By 1950, Contra Costa County saw an increase of 1,184 walnut farms, with 12,862 acres of walnut orchards, earning $2,211,280 that year During this time, several types of irrigation systems were used to irrigate walnut orchards, including sprinkler systems, plastic soaker hoses, drip irrigation, and furrow and flood irrigation However, between 1954 and 1959, the number of walnut orchards decreased from 1,200 to 794 acres, a loss of about 1,000 acres by 1959[9]. As described in the next section walnut orcharding that took place within the Project property from ca. 1890 to ca. 1960, corresponding to the significant decline of walnut farming in the region.

By 1974, the total number of walnut orchard farms was reduced to 142 within approximately 4,086 acres of land. In 1992, only 105 walnut farms remained within about 1,483 acres. In 2017, only 498 acres of walnut orchards remained in County Costa County, ranking ninth in Contra Costa County's agriculture production. History of the Project Property (1890 –2007)

9 39 U.S. Department of Commerce, United State Census of Agriculture, Bureau of the Census, Counties and State Economic Area: California, 1959, Volume 1, Part 33, Washington, D.C.: United Sates Government Printing Office, 1959.

George McCamley Ownership

In the 1890s, the Project property was part of a once larger 216-acre parcel owned by George McCamley, who settled in the San Ramon Valley in 1855. He built a two-story house (no longer extant) on the west side of present-day Interstate 680 freeway. In 1914, Mary Ann Lucy Hack Oswill acquired two parcels of land from Annie, including a 156-acre property, where the current Project property is located, and the adjacent 52-acre property. It is unknown if the property was planted to walnut trees at this time.

John Fleitz and Maria Katherine Fleitz Ownership

By 1923, siblings John and Maria Katherine Fleitz purchased an approximately 50-acre portion of the 156-acre property, including the Project property, from the Oswill family. At this time, the Property included the ca. 1923 barn and a young Black walnut orchard. According to the Museum of the San Ramon Valley, the walnut orchard trees within the property are a graft of Persian walnut with native black walnut, first grafted by Alamo farmer Myron Ward Hall in 1873. It appears that John Fleitz constructed the ca. 1923 house, three ca. 1923 water towers, and the ca. 1923 garage. From 1923 to 1927, Maria, her brother John and his wife Magdelena Franz Fleitz, and Alexander Fleitz (John and Maria's father) were living within the property.

Fleitz-Borel Ownership

By 1938, the property was reduced to 43.95-acres and remained covered in walnut trees. In 1937, Joseph Borel purchased the 1927-constructed San Ramon rail depot from the Southern Pacific and moved it to the property (still extant). By 1945, Leo had sold his interest in the property to his sister Maria and her husband, Joseph Borel. Leo died in 1955.

Joseph and Maria Fleitz Borel; and Armand Borel Ownership

The Borel family began farming the walnut orchard, which Maria and her family had owned since 1923. At this time, the Borel Ranch, as it became known, consisted of approximately 43.95 acres of land, of which approximately 90% of the land was covered in walnut trees, which were crossed between Persian walnut and native black walnut trees. In the 1940s, Joseph and Armand Borel retrofitted the ca. 1923 walnut barn with walnut shelling and processing equipment to handle crops from the hundreds of walnut trees within the 43.95-acre property, including the current 16.65-acre property.

Armand returned to Borel Ranch and worked in the orchard with his family. Armand's mother, Maria, died in 1982, and his father, Joseph, the following year After the death of his parents, and although many farms were giving way to new housing developments, Armand continued to live within the Borel Ranch and farm the walnut orchards. However, by 1985, Armand sold a portion of his property for residential housing, retaining the current 16.65-acre

property. At this time, the address had changed to 3020 Fostoria Way. During the 1990s, Armand had several renters living with him at the Property, who likely helped manage the orchard trees.

After his death, Armand left the property to the Park District, as part of a trust. The Park District took title to the Project property in 2019.

Archaeological Resources

Documented pre-contact Native American archaeological resources in the part of the San Ramon Valley in the vicinity of the Project property are located primarily along the banks and within the riparian zone of the San Ramon Creek, which runs parallel to the Project property, approximately 180 feet to the west. The entire Project property has been subject to pedestrian survey two times, in 1990 and 2021; no pre-contact archaeological resources have been documented within the Project property as a result of either of these studies.

A number of historic-era archaeological resources were noted during the most recent pedestrian survey of the Project property but are outside of the current Project area In addition, over 100 glass fragments, ceramic fragments, cans, barrels, bullet casings, ceramic insulators, brick, machine parts, wood scraps, ferrous metal, and other historic items were observed on the surface near the complex of buildings in the southwestern portion of the Property that appear to be associated with historic-era and modern-era occupation and development of the Property; these artifacts have not been fully inventoried, mapped, or recorded, and are not located within the current Project area.

While no Native American archaeological resources were identified within the Borel Ranch Property as a result of the records search and pedestrian survey, desktop geoarchaeological review of the Project property indicates a moderate to high potential/sensitivity for buried pre-contact period archaeological resources. Although the current Project area includes disturbed soils, the possibility of redeposited Native American cultural resources cannot be discounted. Based on the moderate to high sensitivity of the soils and the historic-period disturbance, the Project area has a moderate sensitivity for buried Native American cultural resources.

No indicators of a potential subsurface historic-era artifact deposit (or feature) were observed within the Borel Ranch Property, including the current Project area. Overall, though the Borel Ranch Property has a high sensitivity for buried historic-period resources, given that the current Project Site is composed of the underground storage tank installed by the previous property owners and includes the historic-period driveway and garage, there is a low potential for buried historic-period resources within the current Project area.

Historical Resources

The Project property contains a number of buildings, structures, and objects within a walnut orchard. These resources and the year they were built are shown in **Table 3.1-1, Borel Ranch Historic District Buildings/Structures/Objects Contributors,** in **Figure 3.1-1, Aerial Map of the Borel Ranch Property**.

Table 3.1-1
Borel Property Buildings/Structures Contributors

Building/Structure	Year Built	Contributor to the historical district?	Individually eligible to the CRHR*
Borel residence	1923	Yes	No
Three tank houses (water towers)	1923	Yes	No
Garage†	1923	Yes	No
Walnut barn	1923	Yes	Yes
Barn (car barn)	1970	No	No
Shed	1923	Yes	No
San Ramon rail depot	1927 (relocated to property)	No	No
Gable building	1960	Yes	No
Chicken coop	1923	No	No
Irrigation equipment	1923	Yes	No
Walnut Orchard	Ca. 1900-1923	Yes	No

Notes:
† Building proposed to be demolished
**CRHR= California Register of Historical Resources*

In 1990, a Historic Architectural Form was completed by Archaeological Resource Management as part of a study conducted for the Fostoria Way Overcrossing EIR,[10] which concluded that the Borel Ranch Property appeared eligible for the National Register of Historic Places (NRHP) under Criterion A for its association with events that have made a significant contribution to the broad patterns of our history. The HRE for the Borel Property, which documented a number of buildings, structures, objects, and landscape features. The HRE recommended the property as eligible for listing in the California Register of Historical Resources (CRHR), as a historical district for its association with the agricultural practice of walnut orchard farming in the San Ramon Valley from ca. 1880 to ca. 1960. Therefore, the historic period of significance for the property and the proposed Project has been established in 1923 through 1960. It is recommended significant at the local level.

10 Archaeological Resource Management, 1990. Cultural Resource Evaluation for Fostoria Way Overcrossing EIR in the City of San Ramon, County of Contra Costa. Prepared for Public Affairs Management. S-012573. On file with the Northwest Information Center, Rohnert Park, California.

In addition, the HRE recommended the ca. 1923 walnut barn as individually eligible for listing in the CRHR under Criterion 3, as it embodies the distinctive characteristics of a type, period, or method of construction. The vernacular architecture of the walnut barn is associated with agricultural barns in the early twentieth century. The rectangular form of the barn and central section of the barn, raised above the shed roofs that extend from the main roof elevation, is a well-known barn style throughout the U.S. In addition, the integrated walnut processing system within the barn is particular to walnut orchards farms.

The Borel Ranch Property is a historic district composed of at least 12 built environment resources. Nine of the 12 built environment resources are contributing resources to the historical district (see **Table 3.1-1**). Contributing resources to the district include the ca. 1923 house, three ca. 1923 tank houses (1-3), ca. 1923 garage, ca. 1923 walnut barn, ca. 1923 shed building, ca. 1960 gable building, ca. 1923 irrigation equipment, and associated landscape, including the walnut trees (estimated planting between ca. 1900 to ca. 1920) and dirt and gravel roads. Non-contributing elements to the district include a ca. 1970 car barn, the 1927 San Ramon rail depot (relocated to the property in 1937), and ca. 1923 chicken coup, as well as objects that fall outside of the period of significance for the Property, which is ca. 1923 to ca. 1960.

The ca. 1923 wood-frame garage is not associated with any architectural style. The ca. 1923 garage is a rectangular form with a hipped roof and a concrete slab foundation, as shown in **Figure 3.1-2, South Elevation of the Ca. 1923 Garage, Facing North,** and **Figure 3.1-3, West and South Elevations of the Ca. 1923 Garage, Facing Northeast**. It is not individually eligible for the CRHR or local register but is eligible as a contributing resource to the Borel Ranch Property historic district.

SOURCE: Evans & De Shazo, 2022

FIGURE **3.1-1**

Aerial Map of the Borel Ranch Property

IMPACT SCIENCES

1481.001•11/22

SOURCE: Google Earth, 2022

FIGURE **3.1-2**

IMPACT SCIENCES

South Elevation of the Ca.1923 Garage, Facing North

1481.001•11/22

SOURCE: Google Earth, 2022

FIGURE **3.1-3**

IMPACT SCIENCES

West and South Elevations of the Ca. 1923 Garage, Facing Northeast

3.1.2 REGULATORY FRAMEWORK

Relevant state and local Cultural Resources regulations are discussed below.

3.1.2.1 State

California Environmental Quality Act

Under CEQA, public agencies must consider the effects of their actions on both "historical resources" and "unique archaeological resources." Pursuant to California Public Resources Code (PRC) Section 21084.1, a "project that may cause a substantial adverse change in the significance of an historical resource is a project that may have a significant effect on the environment." PRC 21083.2 requires agencies to determine whether a proposed project would have an effect on "unique archaeological resources."

"Historical resource" has a defined statutory meaning (see PRC 21084.1 and *State CEQA Guidelines* Sections 15064.5(a) and 15064.5(b)). Historical resources are those listed in or determined to be eligible for listing in the CRHR. The CRHR includes resources listed in or formally determined eligible for listing in the NRHP, as well as some California State Landmarks and Points of Historical Interest.

Properties of local significance that have been designated under a local preservation ordinance (local landmarks or landmark districts) or that have been identified in a local historical resources inventory may be eligible for listing in the CRHR and are presumed to be "historical resources" for purposes of CEQA unless a preponderance of evidence indicates otherwise (PRC 5024.1 and 14 CCR 4850). Unless a resource listed in a survey has been demolished or has lost substantial integrity, or there is a preponderance of evidence indicating that it is otherwise not eligible for listing, a lead agency should consider the resource potentially eligible for the CRHR.

In addition to assessing whether historical resources potentially impacted by a proposed project are listed or have been identified in a survey process, lead agencies have a responsibility to evaluate them against the CRHR criteria prior to making a finding as to a proposed project's impacts to historical resources (PRC 21084.1 and *State CEQA Guidelines* Section 15064.5(a)(3)). In general, a historical resource, under this approach, is defined as any object, building, structure, site, area, place, record, or manuscript that:

- Is historically or archaeologically significant, or is significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, or cultural annals of California; and
- Meets any of the following criteria:
  - Is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage;

- Is associated with the lives of persons important in our past;
- Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values; or
- Has yielded, or may be likely to yield, information important in prehistory or history (*State CEQA Guidelines* Section 15064.5(a)(3)).

These factors are known as "Criteria 1, 2, 3, and 4" and parallel NRHP Criteria A, B, C, and D. The fact that a resource is not listed or determined to be eligible for listing does not preclude a lead agency from determining that it may be a historical resource (PRC 21084.1 and *State CEQA Guidelines* Section 15064.5(a)(4)).

CEQA also distinguishes between two classes of archaeological resources: archaeological sites that meet the definition of a historical resource, as described above, and "unique archaeological resources." Under CEQA, an archaeological resource is considered "unique" if it:

- Contains information needed to answer important scientific research questions and there is a demonstrable public interest in that information;
- Has a special and particular quality such as being the oldest of its type or the best available example of its type; or
- Is directly associated with a scientifically recognized important pre-contact or historic event or person (PRC 21083.2(g)).

CEQA states that if a proposed project would result in an impact that might cause a substantial adverse change in the significance of a historical resource, then an EIR must be prepared, and mitigation measures should be considered. A "substantial adverse change" in the significance of a historical resource means physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of a historical resource would be materially impaired (*State CEQA Guidelines* Section 15064.5(b)(1)).

The *State CEQA Guidelines* (Section 15064.5(c)) also provide specific guidance on the treatment of archaeological resources, depending on whether they meet the definition of a historical resource or a unique archaeological resource. If the site meets the definition of a unique archaeological resource, it must be treated in accordance with the provisions of PRC 21083.2.

State CEQA Guidelines Section 15126.4(b) sets forth principles relevant to means of mitigating impacts on historical resources. It provides as follows:

- Where maintenance, repair, stabilization, rehabilitation, restoration, preservation, conservation or reconstruction of the historical resource will be conducted in a manner consistent with the Secretary of the Interior's *Standards for the Treatment of Historic Properties* with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings, the project's impact on the historical resource shall generally be considered mitigated below a level of significance and thus is not significant.

- Documentation of an historical resource, by way of historic narrative, photographs or architectural drawings, as mitigation for the effects of demolition of the resource will not mitigate the effects to a point where no significant effect on the environment would occur.

- Public agencies should, whenever feasible, seek to avoid damaging effects on any historical resource of an archaeological nature. The following factors shall be considered and discussed in an EIR for a project involving such an archaeological site:

  – Preservation in place is the preferred manner of mitigating impacts to archaeological sites. Preservation in place maintains the relationship between artifacts and the archaeological context. Preservation may also avoid conflict with religious or cultural values of groups associated with the site.

  – Preservation in place may be accomplished by, but is not limited to, the following:

    - Planning construction to avoid archaeological sites;

    - Incorporation of sites within parks, greenspace, or other open space;

    - Covering the archaeological sites with a layer of chemically stable soil before building tennis courts, parking lots, or similar facilities on the site.

    - Deeding the site into a permanent conservation easement.

  – When data recovery through excavation is the only feasible mitigation, a data recovery plan, which makes provision for adequately recovering the scientifically consequential information from and about the historical resource, shall be prepared and adopted prior to any excavation being undertaken. Such studies shall be deposited with the California Historical Resources Regional Information Center. Archaeological sites known to contain human remains shall be treated in accordance with the provisions of Section 7050.5 Health and Safety Code. If an artifact must be removed during project excavation or testing, curation may be an appropriate mitigation.

- Data recovery shall not be required for an historical resource if the lead agency determines that testing or studies already completed have adequately recovered the scientifically consequential information from and about the archaeological or historical resource, provided that the determination is documented in the EIR and that the studies are deposited with the California Historical Resources Regional Information Center.

Section 15064.5(f) deals with potential discoveries of cultural resources during project construction. That provision states that, "[a]s part of the objectives, criteria, and procedures required by Section 21082 of the Public Resources Code, a lead agency should make provisions for historical or unique archaeological resources accidentally discovered during construction. These provisions should include an immediate evaluation of the find by a qualified archaeologist. If the find is determined to be an historical or unique archaeological resource, contingency funding and a time allotment sufficient to allow for implementation of avoidance measures or appropriate mitigation should be available. Work could continue on other parts of the building site while historical or unique archaeological resource mitigation takes place.

State CEQA Guidelines Section 15064.5(e), requires that excavation activities be stopped whenever human remains are uncovered, and that the county coroner be called in to assess the remains. If the county coroner determines that the remains are those of Native Americans, the Native American Heritage Commission (NAHC) must be contacted within 24 hours. At that time, the lead agency must consult with the appropriate Native Americans, if any, as identified in a timely manner by the NAHC. Section 15064.5 of the *State CEQA Guidelines* directs the lead agency (or applicant), under certain circumstances, to develop an agreement with the Native Americans for the treatment and disposition of the remains.

California Register of Historical Resources

The California Register of Historical Resources (CRHR) is "an authoritative listing and guide to be used by State and local agencies, private groups, and citizens in identifying the existing historical resources of the State and to indicate which resources deserve to be protected, to the extent prudent and feasible, from substantial adverse change."[11] The CRHR was enacted in 1992, and its regulations became official on January 1, 1998. The CRHR is administered by the California Office of Historic Preservation (OHP). The criteria for eligibility for the CRHR are based upon NRHP criteria. Certain resources are determined to be automatically included in the CRHR, including California properties formally determined eligible for, or listed in, the NRHP. To be eligible for the CRHR, a property must be significant at the local, state, and/or federal level under one or more of the following four criteria:

11 California Public Resources Code, Section 5024.1[a]. Available online at: http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=PRC&sectionNum=5024.1. Accessed May 16, 2022.

1. Is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage;

2. Is associated with the lives of persons important in our past;

3. Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values; or

4. Has yielded, or may be likely to yield, information important in prehistory or history.

A resource eligible for the CRHR must meet one of the criteria of significance described above and retain enough of its historic character or appearance (integrity) to be recognizable as a historical resource and to convey the reason for its significance. It is possible that a historic resource may not retain sufficient integrity to meet the criteria for listing in the NRHP, but it may still be eligible for listing in the CRHR.

Additionally, the CRHR consists of resources that are listed automatically and those that must be nominated through an application and public hearing process. The CRHR automatically includes the following:

- California properties listed on the NRHP and those formally determined eligible for the NRHP;
- California Registered Historical Landmarks from No. 770 onward; and
- Those California Points of Historical Interest that have been evaluated by the State Office of Historic Preservation (OHP) and have been recommended to the State Historical Resources Commission for inclusion on the CRHR.

California Health and Safety Code

California Health and Safety Code Sections 7050.5, 7051, and 7054 address the illegality of interference with human burial remains (except as allowed under applicable PRC Sections), and the disposition of Native American burials in archaeological sites. These regulations protect such remains from disturbance, vandalism, or inadvertent destruction, and establish procedures to be implemented if Native American skeletal remains are discovered during construction of a project, including treatment of the remains prior to, during, and after evaluation, and reburial procedures.

California Public Resources Code

PRC Section 5097.5 provides protection for tribal resources on public lands, where Section 5097.5(a) states, in part, that:

> *No person shall knowingly and willfully excavate upon, or remove, destroy, injure, or deface, any historic or pre-contact ruins, burial grounds, archaeological or vertebrate paleontological site, including fossilized*

> *footprints, inscriptions made by human agency, rock art, or any other archaeological, paleontological or historical feature, situated on public lands, except with the express permission of the public agency having jurisdiction over the lands.*

No person shall knowingly and willfully excavate upon, or remove, destroy, injure, or deface, any historic or pre-contact ruins, burial grounds, archaeological or vertebrate paleontological site, including fossilized footprints, inscriptions made by human agency, rock art, or any other archaeological, paleontological or historical feature, situated on public lands, except with the express permission of the public agency having jurisdiction over the lands.

PRC Section 5097.9 establishes the NAHC to make recommendations to encourage private property owners to protect and preserve sacred places in a natural state and to allow appropriate access to Native Americans for ceremonial or spiritual activities. NAHC is authorized to assist Native Americans in obtaining appropriate access to sacred places on public lands, and to aid state agencies in any negotiations with federal agencies for the protection of Native American sacred places on federally administered lands in California.

California PRC Section 5097.98, as amended by Assembly Bill 2641, provides procedures in the event human remains of Native American origin are discovered during project implementation. PRC Section 5097.98 requires that no further disturbances occur in the immediate vicinity of the discovery, that the discovery is adequately protected according to generally accepted cultural and archaeological standards, and that further activities consider the possibility of multiple burials. PRC Section 5097.98 further requires the NAHC, upon notification by a County Coroner, designate and notify a Most Likely Descendant (MLD) regarding the discovery of Native American human remains. Once the MLD has been granted access to the site by the landowner and inspected the discovery, the MLD then has 48 hours to provide recommendations to the landowner for the treatment of the human remains and any associated grave goods. In the event that no descendant is identified, or the descendant fails to make a recommendation for disposition, or if the landowner rejects the recommendation of the descendant, the landowner may, with appropriate dignity, reinter the remains and burial items on the property in a location that will not be subject to further disturbance.

PRC Section 5097.99 prohibits acquisition or possession of Native American artifacts or human remains taken from a Native American grave or cairn after January 1, 1984, except in accordance with an agreement reached with the Native American Heritage Commission.

California Penal Code.

California Penal Code Section 622.5 provides the following: "Every person, not the owner thereof, who willfully injures, disfigures, defaces, or destroys any object or thing of archeological or historical interest or value, whether situated on private lands or within any public park or place, is guilty of a misdemeanor."

3.1.2.2 Local

2030 General Plan

The Town's *General Plan* policies applicable to cultural resources include, but are not limited to, the following:

Policy 8.01 Ensure that the remodeling and renovation of historic buildings respects the character of the building and its setting.

Policy 8.03 Discourage the demolition of historically important buildings. Where it is no longer feasible to continue using an older building for its originally intended use, the reuse of the buildings for contemporary purposes should be encouraged.

Policy 8.04 Encourage the use of the State Historic Building Code for historic buildings and other structures that contribute to the Town's historic character. Use flexibility when applying zoning regulations to historic sites and buildings.

Policy 8.05 Where appropriate and feasible, retain physical elements of Danville that contribute to the aesthetic and historic character of agricultural areas and former agricultural areas, such as barns, outbuildings, bridges, heritage trees, and fences.

Policy 8.06 Recognize heritage trees, landscapes, and other outdoor features as potential contributors to historic character and afford protection to such features where appropriate.

Policy 8.08 Where feasible and relevant, ensure that the Town's historic preservation program meets state and federal standards.

Policy 8.13 Continue to survey and inventory historic resources in Danville, using criteria that are consistent with the U.S. Secretary of the Interior standards.

Policy 8.14 Ensure that development approvals do not result in the loss of significant archaeological resources by requiring full compliance with state and federal laws regarding the assessment and recovery of such resources.

Danville Heritage Resource Commission

The Heritage Resource Commission (HRC) is a seven-member board responsible for establishing criteria for identifying historic sites, inventorying and protecting these sites, and developing preservation incentives for property owners. The HRC has the authority to recommend the adoption of standards to the Town Council for the alteration,

construction, rehabilitation, restoration, or removal of designated improvements and to enforce these standards through the review of building permit and development applications. The review process provides an opportunity for public comment on proposed changes to historic structures and the design of new buildings in the historic Downtown area.

Historic Preservation Ordinance

The Town of Danville Historic Preservation Ordinance (Municipal Code 32-72.1) addresses the community's desires for preservation of historical resources. The Ordinance mandates the Town adopt a survey of historical resources that could be protected from demolition or exterior alterations. Property owners can request that their properties be designated as heritage resources, which are eligible for economic and land use incentives.

Criteria for Designation of a Heritage Resource

Section 32-72.4 of the Municipal Code establishes criteria for determining whether a structure, site (or portion of a site), improvement or natural feature may be considered for designation as a heritage resource pursuant to subsection 32-72.6 if it has maintained its historic integrity, is over fifty (50) years of age (less than fifty (50) years if it can be demonstrated that sufficient time has passed to understand the historical significance of the resource), and meets at least one (1) of the following criteria:

a. Is representative of a particular architectural style or reflects special elements of a distinct historical period, type, style or way of life important to the Town;

b. Is a type of building or is associated with a business or use that was once common but is now rare;

c. Is representative of the evolution or development or associated with the cultural, religious, educational, political, social or economic growth of the community, region, state or nation;

d. Represents the work of a notable builder, engineer, designer, artist or architect;

e. Is the site of an historical event or is associated with persons or events that have made a meaningful contribution to the community, region, state or nation;

f. Has a high potential for yielding information or archaeological interest;

g. Embodies elements of outstanding or innovative attention to architectural or engineering design, detail, craftsmanship or use of materials; and familiar visual feature of the neighborhood, community or Town;

h. Is a geographically definable area, possessing a significant concentration or continuity of site, improvements, natural features or objects unified bypast events or physical development; or

i. Is an unusual natural feature.

3.1.3 THRESHOLDS OF SIGNIFICANCE

The following thresholds for determining the significance of impacts related to Cultural Resources, including Historical Resources and Archeological Resources are contained in the environmental checklist form contained in Appendix G of the most recent update of the *CEQA Guidelines*. Implementation of the Project could result in significant impacts if any of the following would occur:

Impacts related to Cultural Resources are considered significant if the project would:

- Cause a substantial adverse change in the significance of a historical resource pursuant to Section 15064.5.
- Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5.
- Disturb any human remains, including those interred outside of dedicated cemeteries.

3.1.4 METHODOLOGY

The Secretary of the Interior has issued standards and guidelines for the identification and evaluation of historic properties (Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation [48 FR 44720–44726]), which are used to ensure that the procedures utilized are adequate and appropriate. The identification and evaluation of historic properties are dependent upon the relationship of individual properties to other similar properties. Information about properties regarding their prehistory, history, architecture, and other aspects of culture must be collected and organized to define these relationships, which is the intent of this cultural resources inventory. Projects in compliance with CEQA to identify historical resources follow the same professional standards and guidelines.

Intensive surveys are used to precisely document the historical resources within a given area or when information is needed for particular properties for later evaluation and treatment decisions. Such surveys entail the documentation of the types of properties that are present, the precise locations and boundaries of all identified properties, the method of survey (including the extent of survey coverage), and data on the appearance, significance, and integrity of each property.

Field Methods

A cultural resources pedestrian survey of the Borel Ranch property, which included the current Project area, was completed December 29, 2021, by Evans & De Shazo, Inc. (EDS), Principal Archaeologist Sally Evans, M.A., RPA, and Principal Architectural Historian Stacey De Shazo, M.A. During the architectural survey, multiple photographs were

taken of the property and buildings on the Borel Ranch parcel. Architectural and landscape features and their condition were noted. The survey noted the age, architectural style, character-defining features, materials, and alterations of the built environment resources, at least 45 years in age, within the roperty.

The archaeologist inspected areas of exposed ground surface, walking a series of east-to-west-oriented linear transects spaced approximately 10 meters apart, starting in the northwest corner of the property. Overall, the soil visibility throughout the property was poor (less than 15 percent) due to the thick grasses and other vegetation. In areas where ground visibility was hindered by grasses, the surveyor used an archaeological hand mattock to conduct surface scrapings to expose the underlying surface soils. When observed, small piles of soil produced by ground-burrowing animals were also inspected.

Professional cultural and heritage resources management consulting firm ASM Affiliates, Inc. (ASM), peer-reviewed previously prepared cultural reports (as noted below); however, ASM did not conduct a survey of historical resources for the impacts assessment.

Research Methods

ASM peer-reviewed two previously prepared cultural reports: a Cultural Resource Study (CRS) and Historic Resource Evaluation (HRE) both completed for the Borel Ranch by EDS. Through review of these reports, ASM developed an understanding of the CEQA historical resources present in the Project area. ASM's assessment of impacts is solely based on the photographs and information in the 2022 reports.

EDS conducted archival research sufficient to develop a general historic context for the San Ramon Valley and site-specific information. EDS conducted a literature and contacted local archival repositories including the Contra Costa County Assessor/Recorder Office, Museum of the San Ramon Valley, San Ramon Library, San Ramon Valley Historical Society, and Contra Costa County Historical Society. Online research was conducted through the following sources:

- www.newspapers.com
- www.ancestry.com
- www.calisphere.org (University of California [UC])
- https://oac.cdlib.org/ Online Archives of California
- http://www.library.ca.gov/ (California State Library)
- https://cdnc.ucr.edu/ California Digital Newspaper Collection
- https://mil.library.ucsb.edu/ap_indexes/FrameFinder/ (U.C. Santa Barbara Library)

- http://pcad.lib.washington.edu (Pacific Coast Architecture Database)
- https://aiahistoricaldirectory.atlassian.net (American Architects Directory)
- https://www.nass.usda.gov/AgCensus/ (United States Department of Agriculture)

Records Search Results

In 2021, the Park District conducted a Property-specific records search of its cultural resources database, which includes a data subscription to the Northwest Information Center (NWIC) of the California Historical Resources Information Systems (CHRIS: File #21-0634). On November 12, 2021, the Park District provided EDS site records and studies pertaining to the Property. EDS also reviewed following list of documents:

- Office of Historic Preservation (OHP) Built Environment Resource Directory (BERD) for Contra Costa County, California
- OHP Archaeological Resources Directory for Contra Costa County, California
- National Register of Historic Places
- California Register of Historical Resources
- California Inventory of Historic Resources
- California Historical Landmarks
- California Points of Historical Interest
- Five Views: Ethnic Sites Survey for California (California Department of Parks and Recreation 1988)
- Historic Resource Inventory of Contra Costa County (Preliminary Draft 1976, Draft Updates in 1989, 2010, 2016, 2019)

3.1.5 ENVIRONMENTAL IMPACTS

Impact CUL-1 **Cause a substantial adverse change in the significance of a historical resource pursuant to Section 15064.5.**

Section 15064.5(a)(2-3) of the *CEQA Guidelines* require that state and local public agencies evaluate the potential for historical resources to be impacted by discretionary activities, using the criteria outlined in California public resources code (PRC) section 5024.1.

As discussed in **Section 3.1.1, Environmental Setting,** a Historic Resource Evaluation (HRE) was prepared in 2022[12] and concluded that the Project site contains two historical resources recommended eligible for the CRHR, the Borel Ranch Historic District and the Walnut Barn, which is a contributor to the Borel Ranch Historic District and individually eligible for listing in the CRHR. The Borel Ranch property includes nine contributing elements (irrigation materials, three ca. 1923 tank houses, ca. 1960 gable building, ca. 1923 shed, ca. 1923 barn, ca. 1923 Borel residence, and the ca. 1923 garage) including the associated landscape and walnut orchard, and three non-contributing (the 1927 San Ramon rail depot, the ca. 1923 chicken coop, and the ca. 1970 barn).

The current Project proposes to demolish the ca. 1923 wood-framed garage and an attached modern trellis. Although the ca. 1923 garage was not recommended individually eligible to the CRHR, it is a contributing element of the larger CRHR-eligible Borel Ranch Historic District. Based upon the dimensional lumber and the hardware, the trellis appears to be of modern construction and was therefore not specifically addressed in the 2022 HRE.

The Borel Ranch Historic District is eligible for listing in the CRHR under Criterion 1, for its association with walnut orchard farming practices within the San Ramon Valley, with a period of significance between ca. 1923 to ca. 1960. The loss of the ca. 1923 garage would materially alter in, an adverse manner, those physical characteristics of a historical resource (the historic district) that conveys its historical significance and that justifies its eligibility for inclusion in the CRHR.

Per Section 21084.1 of the *State CEQA Guidelines*, demolition of the ca. 1923 garage would remove part of an eligible historic district, resulting in a substantial adverse change. The project would result in a significant impact on a contributing resource of a historic district, which is a CEQA historical resource.

Level of Significance Before Mitigation

Significant impact to the Borel Ranch Historic District with the loss of one of its contributing resource.

Mitigation Measures

MM CUL-1 Prior to the proposed demolition of the ca. 1923 wood-framed garage, or any other ground-disturbing activities at the Project Site, an Architectural Historian or Historian who meets the Secretary of Interior's Professional Qualification Standards (SOIs) shall complete equivalent to Historic American Building Survey (HABS) documentation of the garage within the context of the historic district. The documentation will be similar to the National Park Service's HABS Level III documentation for the garage and include a sketch plan of the historic district, digital photography

12 Evans & De Shazo. *A Historic Resource Evaluation of the Borel Ranch Located At 3020 Fostoria Way, Danville, Contra Costa County*. March 25, 2022.

of the interior and exterior of garage as well as contextual photographs of the garage within the setting of the historic district, and a short form historical report utilizing relevant historical context from the HRE. The recordation shall document the physical characteristics of not only the building proposed for demolition, but also its relationship to the district setting and landscape, in effect, documenting a portion of the district setting, which could be considered a more meaningful way to mitigate or lessen the effects on the historic district. While the recordation will generally follow HABS guidance, it will not be submitted to the permanent collection at the Library of Congress. Following the completion of the documentation, the materials will be placed on file with the Park District archives, the Town of Danville, and with local historical societies (including at minimum the Danville Historical Society and the San Ramon Valley Museum).

Significance After Mitigation

Implementation of **MM CUL-1** would reduce the Project's potential impacts to the Borel Ranch Historic District to a ***less-than-significant impact with mitigation incorporated.***

Impact CUL-2 Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5.

No archaeological resources were identified in the current Project Site as a result of the 2022 Cultural Resources Survey.

The Project is mapped as a Holocene-age, medium grained alluvial fan and basin deposits, suggesting that the landform is young enough that there is a potential for buried pre-contact resources that may not be visible on the surface. In addition, pre-contact archaeological resources for the part of the San Ramon Valley in the vicinity of the Project Site are located primarily along the banks and within the riparian zone of the San Ramon Creek. San Ramon Creek runs parallel to the Project Site, approximately 180 feet to the west. As a result, the area surrounding the Project Site is considered archeologically sensitive for Native American resources. However, portions of the Project Site have been previously disturbed by the installation of the UST. These factors indicate that there is a moderate potential for buried Native American resources within the Project site.

The Project site is documented as having been continuously occupied and/or used as an agricultural landscape since it was purchased in the 1890s by George McCamley until the death of Armand Borel in 2007. Given the previous disturbance of the Project Site (the installation of the UST), and because of the historic-period use of the vicinity of the Project Site as a fuel area, there is a low to moderate potential to encounter buried historic-period archaeological resources.

However, with **Mitigation Measure MM CUL-2** to ensure that work in the immediate area of the find is halted until an archaeologist evaluates the find and determines appropriate subsequent procedures. Compliance with **Mitigation Measure MM CUL-2** would reduce impacts to less than significant levels.

Level of Significance Before Mitigation

Potentially Significant Impact.

Mitigation Measures

MM CUL-2 If archaeological resources are encountered during construction or during ground-disturbing activities, work in the immediate area should be halted and the Park District shall retain an archaeologist meeting the SOI's Professional Qualification Standards for Archaeology immediately to evaluate the find. If necessary, the evaluation may require preparation of a treatment plan and archaeological testing for CRHR eligibility. If the discovery proves to be significant under CEQA and cannot be avoided by the project, additional work may be warranted, such as data recovery excavation, to mitigate any significant impacts to archaeological resources.

Significance After Mitigation

Implementation of **MM CUL-2** would reduce the Project's potential impacts to archaeological resources to a ***less-than-significant impact with mitigation incorporated.***

Impact CUL-3 Disturb any human remains, including those interred outside of dedicated cemeteries.

No dedicated cemetery exists on the Project Site or in the vicinity of the Project. As the Project area has been subject to past subsurface disturbance associated with agricultural activities, the potential to discover intact human remains is moderate. The Project Site has a moderate sensitivity for buried Native American archaeological deposits and cultural materials, which could include human remains. Human remains can be encountered in fill, re-deposited, or disturbed soils, as well as intact soils. Given the moderate sensitivity of the Project Site, even with the previous disturbance, there could still be a moderate likelihood of encountering human remains during Project implementation.

However, if human remains were to be uncovered during Project-related activities, implementation of **Mitigation Measure MM CUL-3** would reduce impacts to *less than significant with mitigation incorporated.*

Level of Significance Before Mitigation

Potentially Significant Impact.

Mitigation Measure

MM CUL-3 In the event that human remains are found, the Project will be required to comply with the procedures set forth by Health and Safety Code Section 7050.5 and Public Resources Code Section 5097.94 of the State of California, this includes the following:

- In the event of discovery or recognition of any human remains in any location other than a dedicated cemetery, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains until the coroner of the county in which the human remains are discovered has determined, in accordance with Chapter 10 (commencing with Section 27460) of Part 3 of Division 2 of Title 3 of the Government Code, that the remains are not subject to the provisions of Section 27491 of the Government Code or any other related provisions of law concerning investigation of the circumstances, manner and cause of any death, and the recommendations concerning the treatment and disposition of the human remains have been made to the person responsible for the excavation, or to his or her authorized representative, in the manner provided in Section 5097.98 of the Public Resources Code. The coroner shall make his or her determination within two working days from the time the person responsible for the excavation, or his or her authorized representative, notifies the coroner of the discovery or recognition of the human remains.

- If the coroner determines that the remains are not subject to his or her authority and if the coroner recognizes the human remains to be those of a Native American or has reason to believe that they are those of a Native American, he or she shall contact, by telephone within 24 hours, the Native American Heritage Commission.

Compliance with the *General Plan* and existing State regulations would reduce impacts to less than significant levels.

Level of Significance Before Mitigation

Implementation of **MM CUL-3** would reduce the Project's potential impacts to human remains uncovered during Project-related activities to *less than significant with mitigation incorporated*.

3.1.6 CUMULATIVE IMPACTS

Impacts to cultural resources (including historical resources) tend to be site specific and are assessed on a site-by-site basis. The Project is contained within the Project Site and would not impact historic or archeological resources within the surrounding community and region. Additionally, the eligible historic district identified within the Project Site would not be impacted by development off-site. As a result, no cumulative impact to cultural resources would occur. Further, proper mitigation, as defined by *State CEQA Guidelines* Section 15126.4(b), implemented in conjunction with cumulative development in the area, would ensure that no significant cumulative impacts are anticipated.

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3.2 TRIBAL CULTURAL RESOURCES

INTRODUCTION

This section presents an overview of the existing tribal cultural resource (TCR) conditions within the boundaries of the Project site within the Borel Ranch property. It discusses the potential impacts to Tribal Cultural Resources as a result of construction activities associated with the implementation of the Project. The broader cultural history for the Project site is provided in ***Section 3.1, Cultural Resources****.*

3.2.1 SETTING

As indicated in **Section 3.1, Cultural Resources**, Indigenous people have stewarded and managed the California Bay Area landscape for thousands of years; since time immemorial from the Native viewpoint or since the early Holocene from the scientific. Based on the current understanding of ethnographic data, Indigenous people, who spoke languages now referred to as Bay Miwok, Delta Yokut, and Ohlone, managed, stewarded, and lived within the region now known as Contra Costa County. The Bay Miwok, Delta Yokut, and Ohlone languages are not distinct and cohesive language units. With the exception of the term "Yokut," these language designations are Euro-American terms that were bestowed upon Indigenous peoples as a way to identify and categorize them by western standards. The local tribes did not need language group names because they did not experience life at the language scale.[1]

The Project area appears to be located between the Tatcan, a Bay Miwok-speaking people, and the Ssouyen, a Chochenyo-Ohlone-speaking people. It may be tempting to categorize the Project area as falling within either Tatcan and Bay Miwok territory or Ssouyen and Chochenyo-Ohlone territory. However, given the intricate nature of the pre-contact socio-political tribal landscape, it seems more likely that the Project location was a shared, or even possibly a disputed, area.

The following provides a very brief ethnohistory for the Ohlone and Bay Miwok speakers.

Ohlone/Costanoan

Two Euro-American terms—Costanoan and Ohlone—are commonly used to refer to the Indigenous peoples who inhabited the region from where the San Joaquin and Sacramento rivers empty into the San Francisco Bay west to the San Francisco peninsula and southwards to Point Sur (generally the East Bay, Peninsula, and South Bay, in today's lexicon).

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1 Milliken, R., R.T. Fitzgerald, M. Hylkema, R. Groza, T. Origer, D.G. Bieling, A. Leventhal, R. Wiberg, A. Gottsfield, D. Gillette, V. Bellifemine, E. Strother, R. Cartier, and D.A. Fredrickson. 2007. Punctuated Culture Change in the San Francisco Bay Area. In California Prehistory: Colonization, Culture, and Complexity. edited by T. L. Jones and K. A. Klar, pp. 107. Altamira Press, New York.

The term Costanoan, is derived from the Spanish term Costanos, which translates to "coast people." The term Ohlone is derived from the anglicized version of a local tribe from the San Mateo County coast. The Spanish documented the tribe as the "Oljon". It is possible that "Oljon" arose from a single root term that signified a western area or westerly direction that was applied to them by their Sierra Miwok neighbors to the east. [2]

The Costanoan language is comprised of six different languages (Karkin, Awaswas, Mutsun, Rumsen, Chalon and Bay Costanoan), and the Bay Costanoan Ohlone language includes three different dialects (Chochenyo, Raymatush, and Tamyen).

The pre-contact Ohlone subsisted as hunter-gatherers and relied on local terrestrial and marine flora and fauna for subsistence. The predominant plant food source was the acorn, but they also exploited a wide range of other plants, including various seeds, buckeye, berries, and roots. Protein sources included grizzly bear, elk, sea lions, antelope, and black-tailed deer as well as smaller mammals such as raccoon, brush rabbit, ground squirrels, and wood rats. Waterfowl, including Canadian geese, mallards, green-winged teal, and American widgeon, were captured in nets using decoys to attract them. Fish also played an important role in the Chochenyo diet and included steelhead, salmon, and sturgeon.

The pre-contact Ohlone were politically organized into autonomous tribelets that had distinct cultural territories. Individual tribelets contained one or more villages with a number of seasonal camps for resource procurement within the tribelet territory. The tribelet chief could be either male or female, and the position was inherited patrilineally, but approval of the community was required. The tribelet chief and council were essentially advisors to the community and were responsible for feeding visitors, directing hunting and fishing expeditions, ceremonial activities, and warfare on neighboring tribelets.

Bay Miwok

Ethnographically, Bay Miwok speakers occupied the eastern portions of Contra Costa County, from Walnut Creek east to the Sacramento-San Joaquin Delta, including the northern slopes of Mount Diablo. They inhabited the interior valleys of the East Bay but may also have had access to the Bayshore in the present East Oakland. The direct estimates of Bay Miwok populations are limited to Anza's April 3, 1776, visit to a village near Antioch, where the population was estimated to be 400 persons. Based on this figure and the number of known villages from which later mission-affiliated Bay Miwok speakers hailed, the total population, circa 1776, has been estimated to be at about 1,700

2 Milliken, R., R.T. Fitzgerald, M. Hylkema, R. Groza, T. Origer, D.G. Bieling, A. Leventhal, R. Wiberg, A. Gottsfield, D. Gillette, V. Bellifemine, E. Strother, R. Cartier, and D.A. Fredrickson. 2007. Punctuated Culture Change in the San Francisco Bay Area. In California Prehistory: Colonization, Culture, and Complexity. edited by T. L. Jones and K. A. Klar, pp. 107. Altamira Press, New York.

persons.[3] The Bay Miwok were the first of the Eastern Miwok to be affiliated with the mission system. The first recorded converts, which occurred at Mission San Francisco in 1794, were recorded as being from the Saclan village in the Tice Valley. These first Bay Miwok baptisms occurred between 1805 and 1812.

The pre-contact Bay Miwok tribes occupied central and eastern Contra Costa County. The Bay Miwok lived next to creeks and camped on Mount Diablo in the summer.[4] The Tatcans were closely related to the Saclans and probably lived in the Alamo-Danville area. Their territory was the San Ramon Creek watershed, which extends from around Crow Canyon Road north to Walnut Creek.

Pre-contact Bay Miwok villages consisted of structures that included domed, conical dwellings built of thatched grass, sweat houses, and secret society dance houses). Populations living adjacent to the bays and waterways of the region relied heavily on shellfish and aquatic animals for food. For populations, such as the Tatcan, living on the interior, a variety of plant foods were gathered on a seasonal basis with acorns being the most important vegetal staple since they could be collected and stored in great quantity. Deer, elk, and antelope were the major game hunted, while rabbits and other small animals, game birds, waterfowl, and fish were also hunted. Stone, bone, and shell tools and ornaments were manufactured, and the fiber crafts, especially basketry were well developed.[5]

3.2.1.1 Ethnohistoric Background

The first recorded intrusion into the lives of Indigenous people of what is now the greater Bay Area, occurred in 1542, when Juan Rodriguez Cabrillo anchored in the region that became known as Monterey. Numerous European expeditions followed, by sea and land. These early encounters heralded a time of tremendous dislocation and upheaval in the lives of Indigenous people. The entry of Spanish missionaries, soldiers, and later civilians introduced a tumultuous time, where extensive socio-cultural and environmental changes made it impossible for Indigenous people to continue their traditional, pre-contact way of life.

The first European contact with the Ohlone was probably in 1602, when Sebastian Vizcaíno's expedition moored in Monterey. The first Spanish expedition into what is now Alameda County occurred in 1770. The estimated Ohlone population in 1770—when the first mission was established in Ohlone territory—was approximately 10,000. By 1832, the population had declined to fewer than 2,000, mainly due to diseases introduced by the European explorers and settlers.

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3 Hylkema, M.G. 2002. Tidal Marsh, Oak Woodlands, and Cultural Florescence in the Southern San Francisco Bay Region. In Catalysts to Complexity: Late Holecene Societies of the California Coast, edited by J. M. Erlandson and T. L. Jones, pp. 233-262. Perspectives in California Archaeology. Cotsen Instiute of Archaeology, University of California, Los Angeles.

4 Town of Danville. "Historic Danville." Available online at: https://www.danville.ca.gov/308/Historic-Danville, accessed November 8, 2022.

5 Milliken, Randall, A Time of Little Choice: The Disintegration of Tribal Culture in the San Francisco Bay Area 1769-1810, Ballena Press, Menlo Park, California, 1995.

Spanish colonial explorers reached Bay Miwok territory in 1794. The Bay Miwok were the first of the Eastern Miwok to be affiliated with the mission system. The first converts, which occurred at Mission San Francisco in 1794, were recorded as being from the Saclan village in the Tice Valley. These first Bay Miwok baptisms occurred between 1805 and 1812.[6]

When the Spanish mission system rapidly expanded across California, the Ohlone and Bay Miwok traditional way of life was irreversibly altered. The pre-contact hunter-gatherer subsistence economy was replaced by an agricultural economy, and the Spanish missionaries prohibited traditional social activities. In 1821, Mexico declared its independence from Spain and took possession of "Alta California", marking the end of the Spanish period (1769 – 1821) and the beginning of the Mexican period, also referred to as the "rancho" period in Alta California. In 1833, the missions in California were secularized by the Mexican government and mission-owned land was dissolved. Although Spanish missionaries had promised to return mission lands to local Indigenous one day, only a tiny number of Ohlone/Costanoan, and no Bay Miwok individuals are identified as receiving land. Instead, many became serf-like laborers on non-Indigenous-owned ranchos, with most of the Indigenous labor actually being coerced through the use of force. Older boys and men worked as vaqueros while older girls and women worked as housekeepers, cooks, and childcare workers.[7]

Through the Spanish, Mexican, and American periods, Ohlone and Bay Miwok descendants retained, and continue to retain, a strong a retain a strong and vital presence in the San Francisco Bay Area, actively participate in educating the greater Bay Area community about Indigenous California, protecting and preserving their ancestral heritage sites, continuing and revitalizing traditional cultural practices (e.g., basket making, language preservation programs, innovative foodway practices), and stewarding and managing their ancestral homeland.

3.2.2 REGULATORY FRAMEWORK

For this Project, there are no federal regulations of relevance to tribal cultural resources.

3.2.2.2 State Laws and Regulations

Assembly Bill 52

Assembly Bill 52 (AB 52), which was approved in September 2014 and became effective on July 1, 2015, requires that CEQA lead agencies consult with a California Native American tribe that is traditionally and culturally affiliated with the geographic area of a proposed project, if so, requested by the tribe. A provision of the bill, chaptered in

6 Milliken, Randall, A Time of Little Choice: The Disintegration of Tribal Culture in the San Francisco Bay Area 1769-1810, Ballena Press, Menlo Park, California, 1995.

7 Milliken, Randall, A Time of Little Choice: The Disintegration of Tribal Culture in the San Francisco Bay Area 1769-1810, Ballena Press, Menlo Park, California, 1995.

CEQA Section 21084.2, also specifies that a project with an effect that may cause a substantial adverse change in the significance of a TCR is a project that may have a significant effect on the environment.

Defined in Section 21074(a) of the Public Resources Code, TCRs are:

1. Sites, features, places, cultural landscapes, sacred places and objects with cultural value to a California Native American tribe that are either of the following:

    a. Included or determined to be eligible for inclusion in the CRHR; or

    b. Included in a local register of historical resources as defined in subdivision (k) of Section 5020.1.

2. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Section 5024.1. In applying the criteria set forth in subdivision (c) of Section 5024.1 for the purposes of this paragraph, the lead agency shall consider the significance of the resource to a California Native American tribe.

TCRs are further defined under Section 21074 as follows:

a. A cultural landscape that meets the criteria of subdivision (a) is a TCR to the extent that the landscape is geographically defined in terms of the size and scope of the landscape; and

b. A historical resource described in Section 21084.1, a unique archaeological resource as defined in subdivision (g) of Section 21083.2, or a "nonunique archaeological resource" as defined in subdivision (h) of Section 21083.2 may also be a TCR if it conforms with the criteria of subdivision (a).

Mitigation measures for TCRs must be developed in consultation with the affected California Native American tribe(s) pursuant to newly chaptered Section 21080.3.2, or according to Section 21084.3. Section 21084.3 identifies mitigation measures that include avoidance and preservation of TCRs and treating TRCs with culturally appropriate dignity, taking into account the tribal cultural values and meaning of the resource.

3.2.4 THRESHOLDS OF SIGNIFICANCE

The following thresholds for determining the significance of impacts related to Tribal Cultural Resources are contained in the environmental checklist form contained in Appendix G of the most recent update of the *CEQA Guidelines*. Adoption and/or implementation of the Proposed Master Plan could result in significant impacts if any of the following would occur:

- Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of

the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:

- Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or

- A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.

3.2.5 METHODOLOGY

The tribal cultural resources analysis considers the presence and absence of known tribal resources, as well as the potential for significant cultural resources to occur, within the Project site and considers the potential impacts on such resources from adoption and implementation of the Project.

The analysis of tribal resources identifies the likelihood of Project activities to potentially result in a significant impact to tribal cultural resources. The impact analysis below is based on information collected from record searches at the Northwest Indian College (NWIC), the Native American Heritage Commission (NAHC), additional archival research, pedestrian surveys, and outreach to Native American representatives identified by the NAHC as potentially having an interest in or additional information on the Master Plan area.

3.2.6 ENVIRONMENTAL IMPACTS

Impact TCR-1 **Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:**

i) Listed or eligible for listing in the California Register of Historical Resources, or in the local register of historical resources as defined in Public Resources Code Section 5020.1(k), or

ii) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1,

the lead agency shall consider the significance of the resource to a California Native American tribe.

On December 7, 2022, the Park District contacted the NAHC for a search of its Sacred Lands File. The NAHC responded on December 13, 2022 with negative results.

Pursuant to Public Resources Code (PRC) Section 21080.31.(b), one Native American tribe (the Confederated Villages of Lisjan) has formally requested that the Park District notify them of projects in their area of traditional and cultural affiliation. The Park District notified the Confederated Villages of Lisjan of the current proposed Project via certified mail, and email, on January 10, 2023. The specific details of consultation are confidential pursuant to California law, however, a summary of events related to communication between the tribe and the Park District are provided in the following paragraph.

The Confederated Villages of Lisjan responded on January 10, 2023, via email. They did not request consultation pursuant to AB52 but did wish to be contacted if there were any findings as a result of Project implementation. The Park District responded on January 11, 2023, confirming receipt of the response and thanking the Confederated Villages of Lisjan for their request, and concluded consultation for this Project.

The Project involves ground disturbance, which has the potential to impact previously unidentified TCRs.

As discussed under **Impact CUL-2**, the Project site considered sensitive for buried archaeological resources due to its proximity to San Ramon Creek. New TCRs may be identified through implementation of the proposed Project. If previously unidentified TCRs are encountered during construction activities, there is a potential for destruction, damage, or loss of the TCRs. The Project-related construction activities that could result in such adverse impacts include demolition and excavation, which will disturb the surface and subsurface deposits associated with TCRs. Given the potential to damage these unknown tribal cultural resources, impacts are potentially significant.

Level of Significance Before Mitigation

Potentially Significant Impact.

Mitigation Measures

MM TCR-1 **Unanticipated Discovery of Tribal Cultural Resources** No TCR's have been identified within the Project. However, if such resources are identified during Project implementation, they would be treated according to **Mitigation Measure CUL-2 and CUL-3.**

Significance After Mitigation

Implementation of **MM TCR-1** would reduce the Project's potential impacts to TCRs to a *less-than-significant impact with mitigation incorporated.*

3.2.7 CUMULATIVE IMPACTS

Impacts to TCRs tend to be site specific and are assessed on a site-by-site basis. Where such resources exist, implementation of the Project together with other development in the City of Sunnyvale and region could result in an incremental adverse impact to TCRs. In this case, the cumulative impact would be to unknown TCRs. However, provided that proper mitigation, as defined by *State CEQA Guidelines* Section 15126.4(b), is implemented in conjunction with cumulative development in the area, no significant cumulative impacts are anticipated.

3.2.8 REFERENCES

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4.0 ALTERNATIVES

INTRODUCTION

This section of the program environmental impact report (EIR) provides a comparative analysis of the merits of alternatives to the Project pursuant to Section 15124.6 of the 2022 California Environmental Quality Act (CEQA) Statutes and Guidelines, as amended. According to the guidelines, an EIR shall describe a range of reasonable alternatives to the project or to its location, which would feasibly attain most of the basic objectives of the project but avoid or substantially lessen any of the significant effects. The EIR shall evaluate the comparative merits of the alternatives. It need not consider every conceivable alternative to a project; rather, it must consider a reasonable range of potentially feasible alternatives that will foster informed decision making and public participation.

4.1 CONSIDERATIONS

The range of alternatives in an EIR is governed by a "rule of reason" that requires the EIR to set forth only those alternatives necessary to make a reasoned choice. The alternatives shall be limited to ones that would avoid or substantially lessen any significant effects of the project (Section 15124.6(f)). Of those alternatives, the EIR need examine in detail only the ones that the lead agency determines could feasibly attain most of the project's basic objectives. The range of feasible alternatives shall be selected and discussed in a manner to foster meaningful public participation and informed decision making. When addressing feasibility, the *State CEQA Guidelines* state that "among the factors that may be taken into account when addressing the feasibility of alternatives are site suitability, economic viability, availability of infrastructure, general plan consistency, other plans or regulatory limitations, jurisdictional boundaries (projects with a regionally significant impact should consider the regional context), and whether the proponent can reasonably acquire, control or otherwise have access to the alternative site (or the site is already owned by the proponent)." The *State CEQA Guidelines* also state that the alternative discussion need not be presented in the same level of detail as the assessment of the Project.

Therefore, several factors need to be considered in determining the range of alternatives to be analyzed in an EIR and the level of detail that analysis should provide. These factors include (1) the nature of the significant impacts of the project, (2) the ability of alternatives to avoid or substantially lessen impacts associated with the Project, (3) the ability of the alternatives to meet most of the basic objectives of the project, and (4) the feasibility of the alternatives.

The selection and discussion of alternatives is intended to foster meaningful public participation and informed decision making. An EIR need not consider an alternative whose effect cannot be reasonably ascertained and whose implementation is remote and speculative. The *State CEQA Guidelines* also require the analysis of a no project alternative, and the identification of the environmentally superior alternative. Where the environmentally superior

alternative is the no project alternative, the EIR shall also identify an environmentally superior alternative among the other alternatives."[1]

In addition, the *State CEQA Guidelines* require an EIR to identify any alternatives that were considered by the lead agency but were rejected as infeasible during the scoping process and briefly explain the reasons underlying the lead agency's determination.[2]

Accordingly, several alternatives that might avoid or substantially lessen project impacts were considered. Two alternatives were selected for further analysis, as detailed below.

4.2 PROJECT OBJECTIVES

The alternatives to the Project selected for analysis in this EIR were developed to avoid or substantially lessen one or more of the significant environmental impacts associated with the project, while still attaining most of the basic objectives of the project. The objective of the Project is to remediate the hazardous condition caused by the leaking underground storage tank. More specifically, the Project aims to:

- Remediate the Project site through the removal of the leaking underground storage tank and prevent further release or threatened release of hazardous substances from the historical uses on the Project site.
- The Project also includes the remediation of approximately 600 cubic yards of contaminated soil surrounding the UST.
- Complete remediation prior to the July 30th, 2023, deadline imposed on the Park District by the California Regional Water Quality Control Boards (RWQCB).
- Restore the Project sites by removing all contaminated and oil-stained soil in order to:
  - Protect proximal environmental resources (e.g., vegetation, groundwater, surface water) from contamination;
  - Protect nearby communities from hazardous conditions;
  - Protect future property occupants and visitors; and
  - Allow the Project property to be developed into a future agricultural public park without any land use restrictions related to hazards and hazardous materials.

1 *State CEQA Guidelines* Section 15126.6(e)(2)

2 *State CEQA Guidelines* Section 15126.6(c)

4.3 SELECTION OF ALTERNATIVES FOR ANALYSIS

According to the *State CEQA Guidelines*, the discussion of alternatives should focus on alternatives to a project or its location that can feasibly avoid or substantially lessen the significant effects of the project. The State CEQA Guidelines indicate that the range of alternatives included in this discussion should be sufficient to allow decision makers a reasoned choice. The alternative discussion should provide decision makers with an understanding of the merits and disadvantages of these alternatives.

Section 3.0, Environmental Impact Analysis, concludes that Project implementation would not result in any significant and unavoidable environmental impacts. All potential adverse environmental impacts identified in the Initial Study (**Appendix 1.0-3**) could be reduced to less than significant levels through implementation of mitigation measures. As a result, the EIR identifies mitigation measures to reduce potential impacts to less than significant levels related to Cultural Resources and Tribal Cultural Resources.

The Park District has developed and considered the following alternatives to the Project.

Alternative 1 – No Project

Section 15126(2)(4) of the *State CEQA Guidelines* requires evaluation of the No Project Alternative. As described in the *State CEQA Guidelines*, the purpose of describing and analyzing the No Project Alternative is to allow decision makers to compare the impacts of approving the Project with the impacts of not approving the Project. However, "No Project" does not necessarily mean that development will be prohibited. The No Project Alternative includes "what would be reasonably expected to occur in the foreseeable future if the Project were not approved, based on current plans and consistent with available infrastructure and community services."[3]

For purposes of this EIR, the No Project Alternative (Alternative 1) assumes that the Project would not be executed. The Project Site would operate as-is, and no demolition or remediation activities would occur.

Alternative 2 – Garage Preservation

The Garage Preservation Alternative (Alternative 2) assumes that the Project would be implemented, however the ca. 1923 garage and trellis attached to the garage would be preserved. Alternative 2 would remove the underground storage tank (UST) and remediate as much contaminated soil as possible surrounding the UST. These remediation activities would take place surrounding the garage and trellis and would leave them intact.

3 *State CEQA Guidelines* § 15126.6[e][2]

This Alternative would require the remediation schedule to be extended in order to secure the garage and trellis and to use horizontal remediation techniques (e.g., soil vapor extraction, horizontal extraction) that require longer time periods to accomplish remediation to regulatory standards. Therefore, the RWQCB deadline would be missed.

It also would be possible to leave impacted soils in place, but hazardous substances remaining in place would restrict future park uses and require expenditures to support indefinite monitoring costs.

4.4 ANALYSIS METHODOLOGY

Each of the alternatives selected for analysis is evaluated in sufficient detail to determine whether its overall environmental impacts would be less, similar, or greater in comparison to the impacts of the Project. The impact analyses sections for the Project set forth in **Chapter 3.0, Environmental Impact Analysis**, of this EIR include mitigation measures that reduce the environmental impacts associated with buildout of the Project. The analysis assumes that equally effective mitigation measures would apply to the alternatives. Additionally, this analysis assumes all project alternatives would comply with all applicable federal, State, and local regulations, policies, and ordinances.

The analysis under each Alternative includes the following:

- An evaluation of the environmental impacts anticipated to occur for each environmental issue analyzed in **Chapter 3.0** of this EIR and a determination as to the significance of those impacts. This discussion also includes an analysis of whether the Alternatives would avoid or substantially lessen any of the significant environmental impacts associated with implementation of the Project. Where the impacts of the alternative and the Project were roughly equivalent the comparative impact is said to be similar.

- A summary of the comparative impacts across all of the environmental issues.

4.5 COMPARATIVE IMPACT ANALYSIS

Alternative 1 – No Project

Cultural and Tribal Cultural Resources

Under the No Project Alternative, no demolition or remediation activities would occur. The identified eligible historic district within the Project site that includes nine built resources, the associated landscape, as well as several objects within the Property, would remain intact, and **Mitigation Measure MM CUL-1**, requiring a qualified historian to complete HABS documentation of the garage, would not be required. There would be no potential to unearth previously unknown historic or archaeological resource, and/or unknown human remains. As no construction or ground disturbance would occur, no impacts to cultural resources would occur, and **Mitigation**

Measures MM CUL-2, MM CUL-3, and **TCR-1** would not be required. Therefore, Alternative 1 would have no impact to cultural resources or tribal cultural resources, and impacts would be less than the Project.

Relationship to the Proposed Project Objectives

Alternative 1 would not achieve the Project's objectives of remediating the hazardous condition caused by the leaking underground storage tank. The environmental effects of the No Project Alternative are included in **Table 4.0-1, Comparison of Alternatives to the Project**, below.

Alternative 2 – Garage Preservation

Cultural Resources

Under the Garage Preservation Alternative, the ca. 1923 garage and trellis attached to the garage would be preserved and the UST would be removed. Similar to the Project, ground disturbing activities would be required to remove some/all of the contaminated soil from the leaking UST from the Project site. As a result, the project would have the potential to impact buried prehistoric artifacts, as well as previously undiscovered human remains during construction activities. Alternative 2 would be subject to **Mitigation Measures MM CUL-2, MM CUL-3** and **MM TCR-1**, which would reduce impacts to archaeological resources and/or Tribal Cultural Resources to a less than significant level. Alternative 2 would preserve the ca 1923. garage and trellis, which is part of the eligible historic district associated with the agricultural practice of walnut orchard farming in the San Ramon Valley from ca. 1880 to ca. 1960. The preservation of this resource would remove the need for **Mitigation Measure MM CUL-1** and would and would ensure impacts to historical resources would be less than significant. As such, impacts under the Garage Preservation Alternative would be less than significant and would be reduced compared to the Project.

Relationship to the Project Objectives

The Project's objective includes remediation of the hazardous condition caused by the leaking UST. Alternative 2 could meet this objective removing and/or remediating approximately 600 cubic yards of contaminated soil surrounding the UST. However, methods to remediate the contaminated soil in place would fail to meet other Project objectives. Thorough remediation of the contaminated soil would not be reasonably possible by the July 30th timeline imposed on the Project. Additionally, another Project objective is for the property to be developed into a future public agricultural park with no constraints on use. Soil remediation techniques such as soil vapor extraction, would not effectively address the impacts to groundwater quality, and would require ongoing monitoring. This monitoring would constrain future uses and increase operating costs of the park site. For these reasons, while Alternative 2 would be less significant when compared to the Project, Alternative 2 would not meet all Project objectives.

4.6 ENVIRONMENTALLY SUPERIOR ALTERNATIVE

Section 15126.6 of the *State CEQA Guidelines* requires that an "environmentally superior" alternative be selected among the alternatives that are evaluated in an EIR. In general, the environmentally superior alternative is the alternative that would be expected to generate the fewest adverse impacts. If the No Project Alternative is identified as environmentally superior, then another environmentally superior alternative shall be identified among the other alternatives.

Table 4.0-1, Comparison of Alternatives to the Project, summarizes the impact of each alternative and whether impacts would be similar, less, or greater when compared to the Project. The No Project Alternative (Alternative 1) would reduce impacts to cultural resources compared to the Project by eliminating all proposed construction associated with the Project. However, Alternative 1 would not meet the Project's objectives.

The Garage Preservation Alternative (Alternative 2) would similarly reduce impacts compared to the Project, as overall construction would be reduced, and no demolition of the ca. 1923 garage and attached trellis would occur. The Garage Preservation Alternative would reduce impacts to historic resources, and impacts to archaeological resources and human remains would be less than significant and similar to the Project. Alternative 2 is identified as the environmentally superior alternative because it would reduce the Project related impacts to historic resources. However, Alternative 2 would not meet the Projects objectives.

4.7 COMPARISON OF ALTERNATIVES

Table 4.0-1 summarizes the effects of the alternatives.

Table 4.0-1
Comparison of Alternatives to the Project

Environmental Issue Area	Project	No Project	Alternative 2
Historic Resources	Less than significant impact with **Mitigation Measure CUL-1**	Less, no impact	Less, less than significant impact
Archaeological Resources	Less than significant impact with **Mitigation Measure CUL-2** and **Mitigation Measure TCR-1**	Less, no impact	Similar, less than significant impact with **Mitigation Measure CUL-2** and **Mitigation Measure TCR-1**
Human Remains	Less than significant impact with **Mitigation Measure CUL-3**	Less, no impact	Similar, less than significant impact with **Mitigation Measure CUL-3**

5.0 OTHER CEQA CONSIDERATIONS

Section 15126 of the California Environmental Quality Act (CEQA) Guidelines requires that all phases of a project must be considered when evaluating its impact on the environment. As part of this analysis, in addition to the impact analysis done in ***Chapter 3.0*** *and the alternative analysis in* ***Chapter 4.0****, the EIR must also analyze and identify (1) significant irreversible environmental effects that would result from implementation of the Project, (2) growth-inducing impacts of the Project, and (3) any secondary impacts from the proposed mitigation measures identified in* ***Chapter 3.0****. These impacts are analyzed in this Chapter.*

5.1 SIGNIFICANT IRREVERSIBLE ENVIRONMENTAL EFFECTS

Section 21100(b)(2)(B) of the *CEQA Guidelines* and Section 15126.2(c) of the *CEQA Guidelines* require that an EIR include a detailed statement setting forth "[a]ny significant effect on the environment that would be irreversible if the project is implemented" (Public Resources Code § 21100(b(2)(B). "Significant irreversible environmental changes" include the use of nonrenewable natural resources during the initial and continued phases of the project, should this use result in the unavailability of these resources in the future. Primary impacts and, particularly, secondary impacts generally commit future generations to similar uses. Also, irreversible damage can result from environmental accidents associated with projects. Irretrievable commitments of these resources are required to be evaluated in an EIR to ensure that such consumption is justified (*CEQA Guidelines* §15126.2(c)).

Implementation of the Project would cause irreversible environmental changes consisting of the following:

Project construction and operation resulting from the implementation of the Project would result in the consumption of natural resources; including water, electricity, natural gas, and fossil fuels. Implementation of the Project would involve construction and operation that would use fossil fuels and other natural materials, such as wood and metals. Demolition and remediation activities would also emit pollution into the air, from construction machines and vehicles, and from vehicles traveling to and from the Project site. These projects would also consume fossil fuels (petroleum and natural gas), and electricity generated by fossil fuels and other non-renewable resources during operation. As described throughout the Initial Study (see **Appendix 1.0-3**), the Project would be required to comply with federal, state, and local requirements, such as Title 24 requirements and the use of such resources would not be unusual as compared to other construction projects and would not substantially affect the availability of such resources. However, the Project would not involve wasteful or unjustifiable use of energy or other resources, and energy conservation efforts would also occur with demolition and remediation activities.

5.2 GROWTH INDUCEMENT

CEQA Guidelines Section 15126.2(d) requires that an environmental impact report (EIR) evaluate the growth-inducing impacts of a proposed action. A growth-inducing impact is defined by *CEQA Guidelines* Section 15126.2 (d) as follows:

> *the ways in which a proposed project could foster economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment. Included in this are projects which would remove obstacles to population growth…Increases in the population may tax existing community service facilities, requiring construction of new facilities that could cause significant environmental effects. Also…the characteristic of some projects which may encourage and facilitate other activities that could significantly affect the environment, either individually or cumulatively.*

There are two types of growth-inducing impacts a project may have: direct and indirect. To assess the potential for growth-inducing impacts, the project features that may encourage and facilitate activities that individually or cumulatively may affect the environment must be evaluated.

Direct growth-inducing impacts occur when the development of a project imposes new burdens on a community that directly induces population growth or the construction of additional developments in the same area of the proposed project, thereby triggering related growth associated impacts. Included in this analysis are projects that would remove physical obstacles to population growth (such as a new road into an undeveloped area or a wastewater treatment plant that could allow more construction in the service area). Construction of these types of infrastructure projects cannot be considered isolated from the development they trigger. In contrast, projects that physically remove obstacles to growth, projects that indirectly induce growth, are those that may provide a catalyst for future unrelated development in an area (such as a new residential community that requires additional commercial uses to support residents).

A project can have a direct and/or indirect growth inducement potential. Direct growth inducement would result if a project, for instance, is involved in the construction of new housing. A project would have indirect growth inducement potential if it establishes substantial new permanent employment opportunities (e.g., commercial, industrial, or governmental enterprises) or if it would involve a construction effort with substantial short-term employment opportunities that would indirectly stimulate the need for additional housing and services to support the new employment demand. Similarly, a project would indirectly induce growth if it would remove an obstacle to additional growth and development, such as removing a constraint on a required public service. For example, a project providing increased water supply in an area where water service historically limited growth could be considered growth inducing.

The *CEQA Guidelines* explain that the environmental effects of induced growth are considered indirect impacts of the proposed action. These indirect impacts or secondary effects of growth may result in significant, adverse environmental impacts. Potential secondary effects of growth include increased demand on other community impacts such as degradation of air and water quality, degradation or loss of plant and animal habitat, and conversion of agricultural and open space land to developed uses.

Typically, the growth-inducing potential would be considered significant if it stimulates human population growth or a population concentration above what is assumed in local and regional land use plans, or in projections made by

regional planning authorities. Significant growth potential could also occur if the project provides infrastructure or service capacity to accommodate growth levels beyond those permitted by local or regional plans and policies.

As discussed below, this analysis evaluates whether the Project would directly or indirectly induce economic, population, or housing growth in the surrounding environment.

Direct and Indirect Growth-Inducing Impacts

The Project proposes to demolish the ca. 1923 garage and a trellis attached to that garage, as well as remove the underground storage tank (UST). The Project also includes the remediation of approximately 600 cubic yards of contaminated soil surrounding the UST. The Project would not directly include the construction or development of housing facilities. Therefore, the Project will not directly or indirectly cause population growth.

The Town of Danville currently has a population of 43,240[1] and 16,101 housing units.[2] Given that the Project would not induce population or housing growth, the Town of Danville is projected to grow according to ABAG's Plan Bay Area 2050. These projections are derived from a combination of sources and considers factors such as birth rates; migration rates; historical trends; household size; market and economic projections; existing and planned land uses; and consistency with relevant adopted local, regional, and state land use policies and growth strategies.

Additionally, the Project would be consistent with the Town of Danville's General Plan, particularly Goal 28: Minimize the risk of personal injury and property damage resulting from the production, use, storage, disposal and transportation of hazardous materials. Policy 28.02 requires that if hazardous materials are found that they are cleaned up to residential standards under appropriate regulatory agency oversight.

Construction that would occur as a result of implementation of the Project would include a need for construction labor during short time periods. Due to the employment patterns of construction workers in the Bay Area, and the market for construction labor, construction workers are not likely, to any significant degree, to relocate their households because of the job opportunities presented by the proposed Project. The construction industry differs from most other industry sectors in several important ways that are relevant to potential impacts on housing:

- There is no regular place of work. Construction workers commute to job sites that change many times in the course of a year. These often-lengthy daily commutes are made possible by the off-peak starting and ending times of the typical construction workday.

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1 U.S. Census Bureau. "QuickFacts; Danville town, California. Available online at: https://www.census.gov/quickfacts/fact/table/danvilletowncalifornia/PST045221, accessed November 3, 2022.

2 California Department of Finance. "E-5 Population and Housing Estimates for Cities, Counties, and the State, 2011-2021 with 2010 Census Benchmark." Available online at: https://dof.ca.gov/Forecasting/Demographics/Estimates/estimates-e5-2010-2021/, accessed November 3, 2022.

- Many construction workers are highly specialized (e.g., crane operators, steel workers, and masons), and move from job site to job site as dictated by the demand for their skills.

- The work requirements of most construction projects are also highly specialized, and workers are employed on a job site only as long as their skills are needed to complete a particular phase of the construction process.

Therefore, the construction activities associated with the implementation of the Project would not induce indirect growth.

5.3 POTENTIAL SECONDARY EFFECTS

CEQA Guidelines Section 15126.4(a)(1)(D) states that, "[i]f a mitigation measure would cause one or more significant effects in addition to those that would be caused by the project as proposed, the effects of the mitigation measures shall be discussed but, in less detail, than the significant effects of the project as proposed." In accordance with the *CEQA Guidelines*, the following provides a discussion of the potential impacts that could occur from implementation of the proposed mitigation measures.

Cultural Resources

Mitigation Measure **MM CUL-1** would reduce the Project's potential impacts to historic resources to a less than significant impact by completing the equivalent to Historic American Building Survey (HABS) documentation of the garage within the context of the historic district. The documentation will comply with the National Park Service's HABS Level III documentation for the garage and shall include a sketch plan of the historic district, large format photographs of the interior and exterior of garage as well as contextual photographs of the garage within the setting of the historic district, and a short form historical report utilizing relevant historical context from the HRE. This measure is procedural and would not result in additional secondary impacts.

Mitigation Measure **MM CUL-2** would reduce the Project's potential impacts to buried precontact artifacts to a less than significant impact by requiring work to be halted in the event archaeological are encountered during ground-disturbing activities. This measure is procedural and would not result in additional secondary impacts.

Mitigation Measure **MM CUL-3** would reduce the Project's potential impacts to buried precontact artifacts to a less than significant impact by requiring that if human remains are uncovered during construction, the construction contractors shall stop potentially damaging work, assess the significance of the find, and pursue appropriate management. This measure is procedural and would not result in additional secondary impacts.

No TCR's have been identified within the Project. However, if such resources are identified during Project implementation, Mitigation Measure **MM TCR-1** would require that they would be treated according to **Mitigation**

Measure CUL-2 and CUL-3. These measures are procedural and would not result in additional secondary impacts.

5.4 REFERENCES

U.S. Census Bureau, "QuickFacts; Danville town, California." Available online at: https://www.census.gov/quickfacts/fact/table/danvilletowncalifornia/PST045221, accessed November 3, 2022.

California Department of Finance. "E-5 Population and Housing Estimates for Cities, Counties, and the State, 2011-2021 with 2010 Census Benchmark." Available online at: https://dof.ca.gov/Forecasting/Demographics/Estimates/estimates-e5-2010-2021/, accessed November 3, 2022.

6.0 EFFECTS NOT FOUND TO BE SIGNIFICANT

SUMMARY

This section addresses issues for which the Project were determined to have no potential for significant effects during the Initial Study process and were, therefore, not discussed in detail in the EIR. The items discussed below are included in the environmental checklist in Appendix G of the California Environmental Quality Act (CEQA) Guidelines. These discussions address the CEQA Guidelines Appendix G questions for each of the environmental topic areas where the Project would result in either a less than significant impact or no impact. Items not addressed in this section are addressed in ***Section 3.1*** *of this Environmental Impact Report (EIR).*

6.1 AESTHETIC RESOURCES

The proposed Project would not have a substantial adverse effect on a scenic vista.

No Impact. The Project sites is not located within a Town designated Scenic Hillside area, nor a Major Ridgeline area. The Project property is primarily flat, and the foothills of the Las Trampas Regional Wilderness Park are visible in the distance from the Project sites looking northwest.

The Project consists of the removal of the ca. 1923 garage, trellis attached to that garage, and a leaking underground storage tank (UST). The Project will also include the removal of the contaminated soil surrounding that UST. The Project would not construct any additional structures that may impact existing scenic views of the Las Tramas Regional Wilderness Park. The remainder of the existing former agricultural land will be preserved. Therefore, the Project would have no impacts to a scenic vista.

The proposed Project would not substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway.

Less Than Significant Impact. The Project sites is located adjacent to a State-designated Scenic Highway I-680. However, the Project sites is shielded from I-680 by intervening trees. The Project would not alter the visual character of the existing Project sites. The Project would demolish the ca. 1923 garage, which is a historical resource for the purposes of CEQA due to its status as a contributing factor to a recommended eligible historic district to the California Register of Historical Resources (CRHR). However, the demolition would not make the historic district ineligible for listing. The overall viewshed of the site would not change because the property would still retain its agricultural characteristics. Additionally, the vegetation that creates a visual buffer between the Project property and I-680 would remain. No new structures would be constructed. Therefore, the Project would have a less than significant impact on scenic resources within a state scenic highway.

The proposed Project would not substantially degrade the existing visual character or quality of public views of the site and its surrounding or would conflict with applicable zoning and other regulations governing scenic quality.

No Impact. With the exception of the removal of the garage and trellis, the Project would preserve the existing landscape and remainder of the structures. The appearance of the Project property would remain the same as existing conditions, and the Project would not alter the visual character of the Project property. The public views of the foothills of the Las Tramas Regional Wilderness Park will remain visible from the Project Site and adjacent streets. Therefore, no impact would occur.

The proposed Project would not create a new source of substantial light or glare which would adversely affect day or nighttime views in the area.

No Impact. As stated above, with the exception of the removal of the garage and trellis, the Project would preserve the existing landscape and remainder of the structures. Removal of the garage, trellis, underground storage tank, and surrounding soil would not introduce new sources of light or glare on-site, or in the surrounding community. Construction activities would take place during daytime hours. As a result, no impact would occur.

6.2 AGRICULTURE AND FORESTRY RESOURCES

The proposed Project would not convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use.

No Impact. According to the California Department of Conservation's California Important Farmland Finder, the Project Site is classified as Unique Farmland. However, as noted in **Section 3.1, Cultural Resources**, Existing Setting, the Project Site has not been actively used for walnut production since 2009 and no longer qualifies for the Unique Farmland designation, as it has not had active cultivation in more than four years. The Project would not convert any Prime Farmland, Unique Farmland, or Farmland of Statewide Importance. No impacts would occur.

The proposed Project would not conflict with existing zoning for agricultural use, or a Williamson Act contract.

No Impact. According to the California Department of Conservation's California Important Farmland Finder, the Project property is classified as Unique Farmland. However, as noted above in the Existing Setting, the Project property has not been actively used for walnut production since 2009 and no longer qualifies for the Unique Farmland designation, as it has not had active cultivation in more than four years. Additionally, the Project would not remove,

alter, or otherwise impact any of the existing walnut trees on the site. The Project would not convert any Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to another use. No impacts would occur.

The proposed Project would not conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 12220(g)), timberland (as defined by Public Resources Code Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g)).

No Impact. The Project property is currently under a Williamson Act Contract. However, the Project does not propose any changes to the existing uses on the site. The Project involves the demolition of the ca. 1923 garage and trellis, removal of the underground storage tank, and remediation of contaminated site. The Project property will remain as dormant agricultural land with associated structures, and therefore, would not conflict with the existing Williamson Act contract. Therefore, no impacts would occur.

The proposed Project would not result in the loss of forest land or conversion of forest land to non-forest use?

No Impact. The Project property is currently designated as Commercial by the *Danville 2030 General Plan* and is zoned as Planned Unit District (P-1). The Project property was formerly used for agricultural purposes but has not had active agricultural use since 2009. The Project property no longer qualifies as Unique Farmland, as it has not been in active cultivation in over four years. The Project property is not zoned for agricultural uses and/or forestland/timberland, nor does it contain any forest land. Therefore, the Project would not convert farmland and/or forest land/timberland to non-agricultural or non-forest land uses. No impacts would occur.

The proposed Project would not involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use.

No Impact. As discussed above, the Project would have no impact with respect to conversion of Farmland to non-agricultural use; conflict with existing agricultural zoning; result in the loss of forest land or conversion of forest land to non-forest use; or other conversion of farmland to non-agricultural use.

6.3 AIR QUALITY

The proposed Project would not conflict with or obstruct implementation of the applicable air quality plan.

Less than Significant Impact. The most recent clean air plan is the Bay Area 2017 Clean Air Plan. The Plan includes control measures that are intended to reduce air pollutant emissions in the Bay Area either directly or

indirectly. The Project would not conflict with the latest Clean Air planning efforts since the Project is not considered growth-inducing and would consist of demolition and remediation. It would not have the potential to substantively alter air quality attainment statuses for the region. Therefore, the Project would not conflict with or obstruct implementation of the applicable air quality plan.

The proposed Project would not result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non- attainment under an applicable federal or state ambient air quality standard.

Less than Significant Impact. Construction emissions from the Project may result from vehicle trips to and from the Project site, and use of heavy equipment for excavation and earth moving required for demolition and remediation activities. Excavation and demolition may generate emissions of ozone precursors (reactive organic gas [ROG] and nitrogen oxide [NO_x]), carbon dioxide (CO), and dust (particulate matter measuring less than 10 microns in diameter [PM10] and less than 2.5 microns in diameter [PM2.5]). However, implementation of *General Plan* Policy 34.03, which includes best practices such as regular watering, would reduce impacts to a less than significant level.

The proposed Project would not expose sensitive receptors to substantial pollutant concentrations.

Less than Significant Impact. Construction activity and the associated generation of diesel particulate matter (DPM) emissions from the use of off-road diesel equipment required for demolition and remediation activities would be short term and exhaust from construction equipment dissipates rapidly. Therefore, short-term construction activities would not generate a significant health risk. Furthermore, construction would comply with California regulations limiting the idling of heavy-duty construction equipment to no more than 5-minutes, which would reduce nearby sensitive receptors' exposure to temporary and variable DPM emissions.[1] The Project consists of demolition and remediation activities, and therefore, it would not create additional vehicle trips to the Project property during operation. As a result, the Project would not conflict with a program, plan, ordinance, or policy that aims to reduce vehicle miles traveled (VMT) and associated mobile emissions. Impacts would be less than significant.

The proposed Project would not result in other emissions (such as those leading to odors) adversely affecting a substantial number of people.

Less than Significant Impact. The Bay Area Air Quality Management District (BAAQMD) CEQA Guidelines identify certain land uses as sources of odors. These land uses include wastewater treatment plants, food processing facilities, composting facilities, petroleum refineries, chemical manufacturing, landfills, dairies, and fiberglass manufacturing. The Project will remain as a non-operating walnut farm, which is not considered an odor source.

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1 California Air Resources Board. "Regulation for In-Use Off-Road Diesel-Fueled (Off-Road Regulation)." Available online at: https://ww2.arb.ca.gov/our-work/programs/use-road-diesel-fueled-fleets-regulation, accessed March 17, 2023.

Construction activities associated with the Project may generate detectable odors from heavy-duty equipment exhaust. However, construction-related odors would be short-term in nature and cease upon completion of the Project. Impacts would be less than significant.

6.4 BIOLOGICAL RESOURCES

The proposed Project would not 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 regulation, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service.

Less than Significant Impact. The Project site is located within the Diablo Quadrant of the California 7.5-minute quadrangles under the California Natural Diversity Database (CNDDB). According to the CNDDB, several special-status wildlife species have the potential to occur within the vicinity of the Project Site. Specifically, approximately two amphibians (California tiger salamander and the foothill yellow-legged frog), two birds (Swainson's hawk, and the tricolored blackbird), one mammal (the San Joaquin kit fox), one reptile (Alameda whipsnake), and two insects as candidate endangered (the Crotch bumble bee and the western bumblebee). The Project would not introduce new habitable structures or uses that would significantly affect the habitat of any plant or wildlife species. Additionally, the Project would not result in the disturbance or removal of any trees, thereby leaving any existing habitat for any special status-bird species unaffected. Therefore, Project operations would not introduce new significant impacts to the habitats of any existing wildlife species.

Further, buildings such as the ca. 1923 garage included in this project have the potential to host roosting bats. As part of the Park District's due diligence on the project site, a roosting bat survey was conducted to analyze the project site for potential bat habitat and signs of nesting bats. The survey concluded that the garage did not provide suitable habitat and no signs of current or historical use by bats were observed.

Project construction, including demolition and remediation activities, could disturb any existing candidate, sensitive, or special status species present on-site, as well as the movement of any species. However, the project would be subject to the policies in the *General Plan* to reduce significant impacts to biological resources. General Plan Policy 21.10 would require preparation of a biological assessment, and General Plan Policy 21.11 requires the protection of the nests of raptors and other birds when in active use, as required by CFGC and the MBTA. Consistent with the *General Plan 2030*, implementation of General Plan Policies 21.10 and 21.11 would ensure impacts to nesting birds are less than significant. Further, the project would be subject to the mitigation measures included in the *2023-2032 Housing Element Update EIR*, which requires preconstruction surveys to be conducted with special attention to the western burrowing owl, special-status amphibians and reptiles, and the American badger. With the abovementioned

mitigation measures and General Plan policies, construction-related impacts associated with the Project would be less than significant.

The proposed Project would not have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service.

No Impact. While no riparian habitat exists within the Project property, the San Ramon Creek runs adjacent to the Project property to the west.[2] The Project involves the demolition of the garage and trellis, as well as removal of the underground storage tank (UST) and associated contaminated soil remediation. The Project would not impact the San Ramon Creek. Furthermore, the remediation of contaminated soil would eliminate the potential for contamination to migrate into the ground water and streambed, potentially benefiting San Ramon Creek. As a result, the Project would have no impact on riparian habitats or other sensitive natural communities surrounding the Project Site.

The proposed Project would not have a substantial adverse effect on state- or federally-protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means.

No Impact. The Project site is not located within any federally recognized wetlands. [3] Therefore, no impact to federally protected wetlands would occur.

The proposed Project would not interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors or impede the use of native wildlife nursery sites.

No Impact. The Project does not involve the construction of any new structures that would interfere with the movement of any native resident or migratory wildlife species. The Project would not remove any existing trees from the Project property, nor would the Project impact the adjacent riparian habitat of San Ramon Creek. The Project property is surrounded by development on all sides and would not remove or impact a wildlife corridor. No impact would occur.

The proposed Project would not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.

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2 U.S. Fish & Wildlife Service. National Wetlands Inventory. Available online at: https://fwsprimary.wim.usgs.gov/wetlands/apps/wetlands-mapper/, accessed November 1, 2022.

3 U.S. Fish & Wildlife Service. "National Wetlands Inventory." Available online at: https://fwsprimary.wim.usgs.gov/wetlands/apps/wetlands-mapper/, accessed November 1, 2022.

No Impact. Construction associated with the Project would not impact existing trees on the Project property. The Project would also be required to comply with Section 32-79 of the Municipal Code, the Tree Preservation Ordinance, which restricts the alteration or removal of Town street trees. No impact would occur.

The proposed Project would not conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.

No Impact. The Project property is not located in an area subject to an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved conservation plans. Therefore, no impact would occur.

6.5 ENERGY

The proposed Project would not result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation.

Less than Significant Impact. Construction activity would use energy in the form of petroleum-based fuels to power construction vehicles and equipment throughout the Project property, construction worker travel to and from the Project property, and vehicles used to deliver materials to the Project property.

Construction equipment would be maintained to applicable standards, and construction activity andassociated fuel consumption and energy use would be temporary and typical of construction sites. The Project would comply with Title 24 and CALGreen standards. Therefore, the Project would not involve the inefficient, wasteful, and unnecessary use of energy during construction, and the construction-phase impact related to energy consumption would be less than significant.

The Project's operational energy impacts would be no greater than its existing operational energy uses, as the Project includes removal of a garage, trellis, UST, and soil remediation. The Project does not include any changes to the current operation of the Project Site. The Project's on-site operational energy impact would be considered less than significant.

The proposed Project would not conflict with or obstruct a state or local plan for renewable energy or energy efficiency.

Less than Significant Impact. The Project would comply with all state and local plans and policies described above for renewable energy and energy efficiency. Therefore, implementation of the Project would result in less than significant impacts associated with renewable energy or energy efficiency plans.

6.6 GEOLOGY AND SOILS

The proposed Project would not directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:

i. **Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map, issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.**
ii. **Strong seismic ground shaking**
iii. **Seismic-related ground failure, including liquefaction**
iv. **Landslides**

Less than Significant Impact. The California Geological Survey (CGS) establishes regulatory zones around active faults, called Alquist-Priolo Earthquake Fault Zones, which extend from 200 to 500 feet on each side of the known fault. These zones identify areas where a potential surface fault rupture could prove hazardous for buildings used for human occupancy. Development projects located within an Alquist-Priolo Earthquake Fault Zone are required to prepare special geotechnical studies to characterize hazards from any potential surface ruptures. The Project is not located within a State of California Earthquake Fault Hazard Zone or an Alquist-Priolo Earthquake Fault Zone [4], and the Project would not result in any new habitable structures. Therefore, no impact would occur.

Adherence to current building codes and engineering practices would ensure that the Project would not expose people, property, or infrastructure to seismically induced ground shaking hazards that are greater than the average risk associated with locations in active fault lines and would minimize the potential to expose people or structures to substantial risk, loss, or injury. Additionally, the Project involves the demolition of an existing garage, the removal of a UST, and the remediation of contaminated soil from that leaking UST, and would not build any structures, habitable or otherwise, or add any feature that could add to the risk of loss, injury, or death on the Project property. With compliance with existing regulatory requirements, Project impacts associated with seismic ground shaking would be less than significant.

Liquefaction is a seismic phenomenon in which loose, saturated, fine-grained granular soils behave similarly to a fluid when subjected to high-intensity ground shaking. Liquefaction occurs when three general conditions exist: (1) shallow groundwater; (2) low-density, fine, clean sandy soils; and (3) high intensity ground motion. The Project site is not

4 California State Geoportal, *CGS Seismic Hazards Program: Alquist-Priolo Fault Hazard Zones*, Available online at: https://gis.data.ca.gov/maps/ee92a5f9f4ee4ec5aa731d3245ed9f53/explore?location=34.271027%2C-119.286924%2C14.14, accessed September 6, 2022.

located within an area with shallow groundwater, sandy soils, or within a State of California Earthquake Fault Hazard Zone. Therefore, the Project site is not susceptible to liquefaction. No impact would occur.

Landslides and other types of slope failures, such as lateral spreading, can result in areas with varying topography in the event of an earthquake. The topography of the Project property is relatively flat with no significant slopes existing within its vicinity. The Project site is not located within a landslide zone and is not susceptible to landslides. Thus, the Project would not result in potential adverse effects involving landslides. No impacts would occur.

The proposed Project would not result in substantial soil erosion or the loss of topsoil.

Less than Significant Impact. Construction activities associated with the Project would result in ground surface disruption during demolition, removal of the UST and excavation of contaminated soil, which would temporarily expose soils, allowing for possible erosion. The Project would be required to comply with federal, regional, and local regulations pertaining to soil erosion related-construction activity. Therefore, impacts would be less than significant.

The proposed Project and would not be located on a geologic unit or expansive 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.

Less than Significant Impact. Expansive soils contain types of clay minerals that occupy considerably more volume when they are wet or hydrated than when they are dry or dehydrated. Soil volume changes associated with changes in the moisture content of near-surface expansive soils can cause upward movement of the ground when they become wet or cause settlement when they dry out, exerting forces on structures and potentially causing damage to building foundations. The Project includes excavation of approximately 600 cubic yards of soil to remediate the contaminated soil from the leaking UST. The Project is not located within an area that is subject to landslides, lateral spreading, or subsidence and Project construction and operational activities would not have the potential to trigger these impacts on or offsite. As a result, impacts would be less than significant.

The proposed Project would not have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of waste water.

No Impact. The Project includes demolition of the ca. 1923 garage and trellis, the removal of an existing UST, and remediation of contaminated soil surrounding the UST. No additional structures or residences are proposed at this time. Any future development on the Project Site would be connected to the Contra Costa County Sanitary District (CCCSD) sanitary system, and sewer infrastructure would be able to serve the Project Site. Therefore, the Project would have no impact on soils due to the use of septic tanks or alternative wastewater disposal systems.

The proposed Project would not directly or indirectly destroy a unique geologic feature.

Less than Significant Impact. The Town of Danville is underlain by sedimentary deposits that have the potential to contain fossils. The Project proposes the excavation of approximately 600 cubic feet of soil, which could unearth previously unknown paleontological resources. California Public Resources Code Section 5097.2 prohibits excavation or removal of any "vertebrate paleontological site … or any other archaeological, paleontological or historical feature, situated on public lands, except with the express permission of the public agency having jurisdiction over such lands." General Plan Policy 24.09 requires development projects to consult with a qualified paleontologist or geologist to determine whether fossils or geologic features with high scientific value are present. Compliance with state and local regulations would ensure there would be no destruction of paleontological resources. Impacts would be less than significant.

6.7 GREENHOUSE GAS EMISSIONS

The proposed Project would not generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment.

Less than Significant Impact. Greenhouse gas (GHG) emissions associated with the Project would occur over the short-term from construction activities, consisting primarily of emissions from equipment exhaust and worker and trips from the demolition and excavation activities. The BAAQMD Guidelines state that GHG emissions from construction represent a very small portion of a project's lifetime GHG emissions. The Project does not include any changes to the operation of the Project property. The Project would not generate additional trips to the Project property, and therefore, the Project would not generate any additional operational emissions. Impacts would be less than significant.

The proposed Project would not conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases.

No Impact. There would be no additional structures or vehicle trips associated with Project operation. Thus, the project would not interfere with BAAQMD significance thresholds, or the Association of Bay Area Governments' strategies to reduce GHG emissions. Furthermore, the Project would not add additional population to the surrounding area that would lead to increased VMT and associated mobile emissions.

In addition to State and federal measures, The Town Danville Sustainability Action Plan (SAP) identifies measures to further reduce GHG emissions. The Project's operational GHG impacts would be no greater than its existing operational GHG emissions. Thus, the Project would comply with all applicable plans, policies, and programs adopted for the purpose of reducing GHG emissions. The net increase in GHG emissions, direct and indirect, would be consistent with applicable greenhouse gas reduction strategies. No Impact would occur.

6.8 HAZARDS AND HAZARDOUS MATERIALS

The proposed Project would not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials.

Less than Significant Impact. Construction activities would involve the use of potentially hazardous materials, including vehicle fuels, oils, and fluids. All hazardous materials would be transported, contained, stored, used, and disposed of in accordance with manufacturers' instructions and would be handled in compliance with all applicable standards and regulations. Construction related hazardous materials use would be temporary, and does not constitute routine transport, use, or disposal. The Project includes the removal of the leaking UST, and remediation of approximately 600 cubic yards of soil. The Project would require the one-time transportation of the removed contaminated soil and UST. Adherence to General Plan Policy 28.02 and compliance with applicable standards and regulations would ensure that construction and remediation activities would not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials. As the current contaminated conditions on the Project Site, the Project would result in a beneficial impact regarding hazardous materials, and a less than significant impact would occur.

The proposed Project would not 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.

Less than Significant Impact. A Phase I and Phase II Environmental Site Assessment prepared in January 2022 identified current hazardous conditions regarding the release of chemicals from the UST that likely spread to the groundwater table. The Project involves the removal of the UST, and remediation of the surrounding soil. Demolition and excavation activities could result in the exposure of existing identified contaminants. However, the Project involves a Remedial Action Workplan to ensure proper treatment of contaminated soil. As a result of the remediation activities associated with the Project, the Project would have a beneficial impact regarding the release of hazardous materials into the environment.

Furthermore, in accordance with General Plan Policy 28.05, any asbestos containing materials, lead based paint, or polychlorinated biphenyls (PCBs) found to be present in buildings or structures proposed for demolition would be removed in accordance with uniformly applied federal, state, and local regulations to ensure worker safety and avoid release into the environment. Therefore, the Project would have a less than significant impact.

The proposed Project would not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school.

Less than Significant Impact. There is one school located within one-quarter mile of the Project property: The Redwoods International Montessori Preschool & Kindergarten, approximately 0.2 miles west. However, the Remedial Action Workplan associated with the Project to remove the hazardous existing conditions would ensure that the Project would not emit hazardous emissions that would impact the nearby school. Therefore, impacts would be less than significant.

The proposed Project would not 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.

Less than Significant Impact. The Project site is designated as "pending review" by the State Water Resources Control Board GeoTracker list.[5] However, since the site status is pending review and labeled as "Non-Case Information" the site does not appear on the GeoTracker map. This is a remediation Project and therefore, due to the nature of the Project, impacts would be less than significant.

The proposed Project would not result in a safety hazard or excessive noise for people residing or working in the project area.

No Impact. The Project is not located within an airport land use plan and there are no public or private airports or airstrips within two miles of the Project Site. The closest airport to the Project is the Livermore Municipal Airport, located approximately 10.3 miles southeast of the Project site. Therefore, no impacts would occur.

The proposed Project would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan.

No Impact. The Town of Danville Emergency Operations Plan identifies the Town's responsibilities during natural disasters and human-caused emergencies and provides a response and recovery framework to coordinate the Town's services to address the disaster or emergency. Additionally, the General Plan includes several goals and policies for maintaining high levels of emergency preparedness. Policies 29.02, 29.03 and 29.04 address on-going preparation and training for emergency preparedness. Policy 29.03 also provides for emergency traffic control plans in collaboration with other jurisdictions in San Ramon Valley in the event of planned or emergency closure of I-680 or other major circulation routes within the community. All Project construction activities would be contained on the Project property, the construction phase of the Project would not block existing driveways and emergency routes. As such, construction activities would not conflict with the evacuation guidelines outlined in the Emergency Operations Plan.

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5 State Water Resources Board, GeoTracker List, available at: https://geotracker.waterboards.ca.gov/profile_report?global_id=T10000019760 , accessed on February 14, 2023

The proposed Project would not expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires.

No Impact. The Project site is not located in a Very High Fire Severity Zone.[6] The California Department of Forestry and Fire Protection (Cal Fire) does not identify any such zones within the City of Danville or surrounding communities.[7] The Project site is adjacent to an urbanized area. The Project area itself would not expose people or structures to risk of loss, injury, or death from wildland fires as it is in an urbanized area that is not prone to wildfires. Thus, the Project would not expose persons or structures to wildfire hazard risks. No impact would occur, and no further analysis is necessary.

6.9 HYDROLOGY/WATER QUALITY

The proposed Project would not violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality.

Less than Significant Impact. The Project proposes to demolish the ca. 1923 garage and a trellis attached to that garage, as well as remove the underground storage tank (UST). The Project also includes the remediation of contaminated soil surrounding that UST. The Project would involve soil disturbance through demolition and excavation of contaminated soil. This would result in soil exposure, which could lead to mobilization by rainfall/runoff and/or wind as these are the primary modes of sediment releases. Thus, Project-related construction activities could increase on-site erosion and siltation and may result in temporary impacts to surface water quality of nearby San Ramon Creek. Dislodged sediments may be discharged into the storm drain system. In accordance with the Construction General Permit (CGP) requirements, the Project would incorporate Best Management Practices (BMPs) that intercept stormwater and prevent pollutants from discharging into San Ramon Creek and the storm drain system.

The proposed Project would not substantially decrease groundwater supplies or interfere substantially with groundwater recharge such the project may impede sustainable groundwater management of the basin.

Less than Significant Impact. The Project site is located in the San Ramon Valley groundwater basin. However, the Town of Danville does not pump groundwater from the basin. Project would not install any groundwater wells, would not require the use of groundwater for any new uses, and would not otherwise directly withdraw any

6 CAL FIRE, "FHSZ Viewer." Available online at: https://egis.fire.ca.gov/FHSZ/, accessed November 2, 2022.

7 CalFire. "California Fire Hazard Severity Zones." Available online at: https://egis.fire.ca.gov/FHSZ/, accessed November 16, 2022.

groundwater. Thus, the Project would not substantially deplete groundwater supply, nor would the Project interfere with groundwater recharge. Impacts would be less than significant.

The proposed Project would not substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:

i) **result in substantial erosion or siltation on- or off-site;**

ii) **substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site;**

iii) **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; or**

iv) **impede or redirect flood flows?**

Less than Significant Impact. The Project proposes to demolish the ca. 1923 garage and a trellis attached to that garage, as well as remove the underground storage tank (UST). The project also includes the remediation of contaminated soil surrounding that UST. The Project would not cause an increase in the impervious surfaces on the Project property. There would be no change in the drainage patterns of the site, nor any increased runoff.

Construction activities associated with the Project would involve soil disturbance through demolition and excavation of contaminated soil. This would result in soil exposure which could lead to mobilization by rainfall/runoff and/or wind as these are the primary modes of sediment releases. As discussed above, the Project would comply with the regulations outlined the San Francisco Bay Regional Water Quality Control Board's CGP and the County's MS4 pertaining to impacts to the water quality surface waters and select and implement BMPs to adequately offset the increase in erosion and sedimentation caused by the Project.

The Project property is generally flat and is located in a Zone X (unshaded), which is not considered a Special Flood Hazard Area and would not result in impacts to the 100-year flood. As a result, the Project would not substantially alter the existing drainage pattern of the area in a manner which would result in flooding on- or off-site; 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; or impede or redirect flood flows.

The proposed Project would not result in flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation.

Less than Significant Impact. As previously discussed, the Project property is located in a Zone X (unshaded), which is not subject to seiches or tsunamis. The Project would be required to comply with Provisions C.3, the Danville Stormwater Management and Discharge Control Ordinance, and General Plan Policies 26.02 and 26.03 to reduce the impacts of stormwater runoff and potential flooding. Therefore, the Project would not risk release of pollutants due to inundation from flood hazard, tsunami, or seiche zones. Impacts would be less than significant.

The proposed Project would not conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan.

Less than Significant Impact. As discussed, the Project would comply with Provision C.3 of the MRP and would implement the Town's Stormwater Management and Discharge Control Ordinance and Grading Ordinance to reduce pollutants from construction. Therefore, the Project would not conflict with or obstruct implementation of the San Francisco Bay Basin Plan or a sustainable groundwater management plan. Impacts would be less than significant.

6.10 LAND USE/PLANNING

The proposed Project would not physically divide an established community.

No Impact. The Project proposes to demolish the ca. 1923 garage and a trellis attached to that garage, as well as remove the underground storage tank (UST). The Project also includes the remediation of contaminated soil surrounding that UST. The Project would not include any physical features that would physically divide the community. The Project would not alter the existing zoning or uses on the Project Site. No impacts would occur.

The proposed Project would not cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect.

No Impact. The Project would not alter the existing land uses on-site. The Project proposes to demolish the ca. 1923 garage and a trellis attached to that garage, as well as remove the underground storage tank (UST). The Project also includes the remediation of contaminated soil surrounding that UST. The Project would not alter the existing zoning or uses on the Project property. Operation of the site would remain the same. Accordingly, the Project would be consistent with applicable General Plan policies.

6.11 MINERAL RESOURCES

The proposed Project would not result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state.

No Impact. There are no known mineral resources in the Town of Danville. As a result, implementation of the Project would not result in the loss of availability of a known mineral resource.

The proposed Project would not result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan.

No impact. The Project is not located in an area with known mineral resources. Therefore, implementation of the Project would not result in the loss of availability of a mineral resource recovery site.

6.12 NOISE

The proposed Project would not result in generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies.

Less than Significant Impact. The greatest noise impact would be associated with construction activities, such as demolition of the ca. 1923 garage and trellis, removal of the UST, and excavation of contaminated soil. Noise impacts resulting from construction depend on the noise generated by various pieces of construction equipment, the timing and duration of noise-generating activities, the distance between construction noise sources and noise-sensitive receptors, any shielding provided by intervening structures or terrain, and ambient noise levels. Excavation activities generate high noise levels, as it often requires simultaneous use of heavy equipment. Per the Municipal Code, construction would be limited to the hours of 7:30 a.m. and 7:00 p.m. The Project would also be subject to General Plan Policy 27.13 which would require standard noise reduction measures for all phases of construction to minimize exposure to adjacent receptors. This would reduce impacts to a less than significant level.

The Project's operational noise impacts would be no greater than its existing operational noises. The Project does not result in population growth or any additional vehicle trips. There would be no changes in traffic noise levels on adjacent streets. No operational impact would occur.

The proposed Project would not result in generation of excessive groundborne vibration or groundborne noise levels.

Less than Significant Impact. Construction equipment such as pile drivers, which will not be used as part of the Project, are known to generate substantial vibration levels that if used in the vicinity of sensitive land uses may expose persons to excessive vibration levels as well as have the potential to damage buildings. Other construction equipment such as bulldozers and vibratory rollers do not create the vibration levels of pile drivers; however, these types of equipment are more likely to operate continuously and closer to sensitive receptors, and they may expose persons to excessive vibration levels. The Project's construction activities include the demolition of the ca. 1923 garage and

trellis, removal of the UST, and excavation of contaminated soil. The Project would not employ pile drivers but may utilize equipment that generates excessive vibration levels.

The severity of the vibration impact is determined by the proximity of the project with respect to buildings and receptors. General Plan Policy 27.12 requires the preparation of groundborne vibration studies by qualified professionals in accordance with industry-accepted methodology where heavy construction activities involving significant site grading, underground, or foundation work will occur within 50 feet of residential or other vibration sensitive uses. The demolition and excavation work will be located on the southern portion of the Project property, and the nearest sensitive receptors are approximately 885 and 1,261 feet away. Therefore, General Plan Policy 27.12 would not be applicable. Given the nature of the Project's construction activities and distance between the location of the construction activities and the nearest sensitive receptors, vibration impacts would be less than significant.

The proposed Project would not expose people residing or working in the project area to excessive noise levels from a private airstrip or public use airport.

No Impact. The Project is not located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport and therefore there would be no impact.

6.13 POPULATION AND HOUSING

The proposed Project would not induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure).

No Impact. The Project does not involve the construction of residential uses. The number of residences on the Project property and in the surrounding area will not change as a result of the Project. Therefore, the Project would not generate substantial population growth in the Town of Danville. No impacts would occur.

The proposed Project would not displace substantial numbers of existing people or housing units, necessitating the construction of replacement housing.

No Impact. Construction Activities associated with the Project would be contained within the Project property. The Project does not propose removal of the existing unoccupied single-family home. The Project would not displace existing people or housing that would necessitate the construction of replacement housing elsewhere. No impacts would occur.

6.14 PUBLIC SERVICES

The proposed Project would not 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:

Fire Protection

No Impact. The Project proposes to demolish the ca. 1923 garage and trellis, as well as remove the UST. The Project also includes the remediation of contaminated soil surrounding that UST. The Project would not facilitate population growth or introduce new structures that would result in the need for additional fire protection services or facilities. The construction activities would be contained to the Project Site and would not impact service response times. The Project would comply with all state and local regulations. No impact would occur.

Police Protection

No Impact. The Project proposes to demolish the ca. 1923 garage and trellis, as well as remove the UST. The Project also includes the remediation of contaminated soil surrounding that UST. The Project would not facilitate population growth or introduce new structures that would result in the need for additional police protection services. The construction activities would be contained to the Project site and would not impact service response times. No impact would occur.

Schools

No Impact. Impacts to schools are typically associated with population associated with implementation of a project. As stated previously, the Project does not contain a residential component, and no changes to the operation of the Project property would occur. As such, the Project would not result in a substantial increase in the student population resulting in the need for new or expanded schools. No impacts would occur.

Parks

No Impact. There is no increase in population anticipated from the Project that would substantially increase demand on local parks such that deterioration of facilities would occur. Therefore, there would be no impact to existing neighborhood and regional parks.

Other Public Facilities

No Impact. Impacts to library services are typically associated with population increases. As stated, the Project does not contain a residential component, and there would be no change to operation of the Project property that would result in an increase in population and demand for public library services. As such, no impacts would occur.

6.15 RECREATION

The proposed Project would not increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated.

No Impact. The Project proposes to demolish the ca. 1923 garage and trellis, as well as remove the underground storage tank (UST). The Project also includes the remediation of contaminated soil surrounding that UST. The Project would not facilitate population growth or introduce new structures that would result in the increased use of existing parks or substantial physical deterioration of park facilities within the surrounding area. No impact would occur.

The proposed Project does not include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment.

No Impact. The Project is located on a former walnut farm. It does not include recreational facilities or would require the construction or expansion of recreational facilities. No impact would occur.

6.16 TRANSPORTATION

The proposed Project would not conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities.

No Impact. The Project proposes to demolish the ca. 1923 garage and trellis, as well as remove the underground storage tank (UST). The Project also includes the remediation of contaminated soil surrounding that UST. Construction-related trucks and vehicles for the Project would be nominal and would be parked off-road within the Project property. Thus, Project-related construction activities and operations would not impact the existing roadway and bicycle circulation system along Fostoria Way and Camino Ramon. Therefore, the project would have no impact.

The proposed Project would not conflict or be inconsistent with *CEQA Guidelines* section 15064.3, subdivision (b).

Less than Significant Impact. *CEQA Guidelines* Section 15064.3(b)(3) states, "If existing models or methods are not available to estimate the vehicle miles traveled for the particular project being considered… may analyze the project's vehicle miles traveled qualitatively. Such a qualitative analysis would evaluate factors such as the availability of transit, proximity to other destinations, etc." The Project is limited to demolition and excavation activities. During construction, materials delivery and similar construction truck trips would occur, however these would be limited in terms of duration and would cease once construction operation are complete. For Project operation, the Project does not propose any changes to existing operations. As a result, trips and associated VMT would be expected to remain similar to existing conditions. Therefore, the Project would remain consistent with Section 15064.3(b) of the *CEQA Guidelines*. Less than significant impacts would occur.

The proposed Project would not substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment).

No Impact. The Project proposes to demolish the ca. 1923 garage and trellis, as well as remove the underground storage tank (UST). The Project also includes the remediation of contaminated soil surrounding that UST. The Project property layout and design would remain the same. Vehicle access to and from the Project property would remain via Camino Ramon, the same as existing conditions. As design and layout of the Project Site would remain the same, the Project would not include any design features that would substantially increase hazards or incompatible use. No impacts would occur.

The proposed Project would not result in inadequate emergency access.

No Impact. The Project would not remove or close the existing vehicle driveway on-site. Access to the Project property would continue to be provided via Camino Ramon. Additionally, the Project would be subject to General Plan Policies 12.02, 12.05, 14.02, which aim to maintain a safe circulation network. As such, the Project would not result in inadequate emergency access and no impact would occur.

6.17 TRIBAL CULTURAL RESOURCES

The proposed Project would not cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:

i) **Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or**

ii) **A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.**

Less than Significant Impact. The Town of Danville has a long history of Native American settlement. As discussed under Impact CUL-2, the Project property considered moderately sensitive for buried archaeological resources due to its proximity to San Ramon Creek. As a result, while there are no known tribal cultural resources within the Project site it is possible that the Project could unearth previously unknown resources during demolition and excavation activities. Therefore, impacts to tribal cultural resources is potentially significant. However, if such resources are identified during Project implementation, they would be treated according to Mitigation Measure CUL-2 or CUL-3.

6.18 UTILITIES / SERVICE SYSTEMS

The proposed Project would not require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects.

Less than Significant Impact. The Project includes demolition of the ca. 1923 garage and trellis attached to that garage, as well as removal of the underground storage tank (UST). The Project also includes the remediation of contaminated soil surrounding that UST. The Project would not introduce new habitable structures or electrical systems to the Project property. The Project would not result in an increase in demand for utility services. Thus, the Project would not increase the demand for water, wastewater, electricity, natural gas, or telecommunication services that would result in the relocation or construction of new facilities.

The number of impervious surfaces on the Project property would not increase. As such, the Project would not result in the need for the relocation or construction of new storm water drainage systems.

The Project would be subject to General Plan Policy 20.02 that requires the Town to coordinate development approvals with the appropriate agencies to ensure that adequate water quantity, quality, and distribution can be provided without adverse impacts. Policy 20.03 would ensure that all water infrastructure would meet EBMUD standards. Policy 20.08 would ensure that the Project's stormwater discharges comply with Regional Water Quality Control Board San Francisco Bay Municipal Regional Permit Compliance requirements. Compliance with these policies would reduce any impacts on utilities to a less than significant level.

The proposed Project would have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years.

No Impact. The Project includes demolition of the ca. 1923 garage and trellis attached to that garage, as well as removal of the underground storage tank (UST). The Project also includes the remediation of contaminated soil surrounding that UST. The Project does not include any new habitable structures such as residential or commercial development that would increase the demand for water. As a result, the Project would not substantially deplete the Town's potable water supply, and the Project would not impact water demand forecasts included in the 2020 UWMP. No impact would occur.

The proposed Project would result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments.

No Impact. The Project would not directly result in an increase in wastewater generation. The Project would not change wastewater usage from existing conditions. The Project does not include any new habitable structures such as residential or commercial development. As a result, there would be no change in the amount of wastewater generated on the site. As such, Central San would continue to be able to accommodate wastewater generated from the Project property. No impact would occur.

The proposed Project would not generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals.

No Impact. The Project does not propose any new habitable structures, such as residential or commercial uses, that would generate any additional solid waste. As a result, there would be no change in the amount of solid waste generated on the Project property. As such, Contra Costa Solid Waste Authority and the Keller Canyon Landfill would continue to be able to accommodate solid waste generated from the Project property. No impact would occur.

The proposed Project would comply with federal, state, and local management and reduction statutes and regulations related to solid waste.

No Impact. The Project would be required to comply with Central Contra Costa Solid Waste Authority Ordinance 97-01 that regulates the amount of waste disposed in landfills, and General Plan Policy 31.05 that would reduce construction waste. In addition, future residential development would be required to comply with the Town's Construction and Demolition Recycling Ordinance, which requires that 65 percent of construction debris be diverted from landfills.

6.19 WILDFIRES

The proposed Project would not substantially impair an adopted emergency response plan or emergency evacuation plan.

Less than Significant Impact. The Project includes demolition and excavation activities, and all construction activities associated with the Project would be contained on-site. As stated in **Section 6.8, Hazards and Hazardous Materials**, the Project would not conflict with the current emergency response operations outlined in the Town of Danville Emergency Operations Plan, or General Plan policies. Thus, no impacts to an adopted emergency response or evaluation plan would occur.

The proposed Project would not exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire due to slope, prevailing winds, and other factors.

No Impact. The Project includes demolition and excavation activities and would not exacerbate wildfire risks on or offsite. Operationally, the Project would not build habitable structures, and would therefore not expose project occupants to pollutant concentrations or the uncontrolled spread of a wildfire. The Project property is not designated as a very high fire severity zone. As a result, no impacts related to wildfire would occur.

The proposed Project would not require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment.

No Impact. The Project proposes to demolish the ca. 1923 garage and trellis attached to that garage, as well as remove the underground storage tank (UST). The Project also includes the remediation of contaminated soil surrounding that UST. The Project does not include any new habitable structures such as residential or commercial that would require the installation or maintenance of associated infrastructure that may exacerbate fire risk. Operation of the Project property would remain the same. As a result, no impact would occur.

The proposed Project would not expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes.

No Impact. The Project does not facilitate population growth or introduce new structures. As a result, the Project would not result in wildfire risks that would expose people or structures to significant risks, including downslope or downstream flooding or landslides. No impacts would occur.

6.20 REFERENCES

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7.0 LIST OF PREPARERS AND PERSONS CONSULTED

This Environmental Impact Report was prepared by the East Bay Regional Park District with the assistance of staff listed below from Impact Sciences, Inc., and ASM Affiliates, Inc.

7.1 LEAD AGENCY

East Bay Regional Park District

2950 Peralta Oaks Court
Oakland, California 94605

Drake Hebert, Senior Planner
Annamarie Guerrero, Cultural Services Coordinator

7.2 DRAFT EIR PREPARERS

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Kay Real, AICP, Planner
Annalie Sarrieddine, Associate Planner
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2034 Corte Del Nogal
Carlsbad, CA 92011

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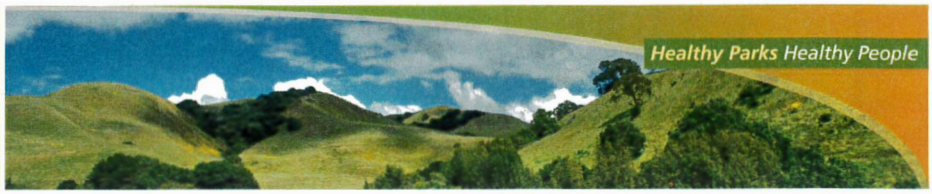
Sherri Andrews, M.A, J.D, RPA, Senior Archaeologist
Marilyn Novell, M.S., Architecture Historian/Historian

APPENDIX 1.0-1

CEQA Notices

East Bay Regional Park District



2950 PERALTA OAKS COURT • OAKLAND • CALIFORNIA • 94605-0381 • T: 1-888-EBPARKS • F: 510-569-4319 • TRS RELAY: 711 • EBPARKS.ORG

Notice of Preparation
Draft Environmental Impact Report for the Borel Property Underground Storage Tank Removal and Soil Remediation Project

TO: Agencies, Organizations, and Interested Parties **DATE:** December 16, 2022

Lead Agency/Project Proponent: East Bay Regional Park District

The East Bay Regional Park District (Park District), as the Lead Agency under the California Environmental Quality Act (CEQA), is preparing an Environmental Impact Report (EIR) for the proposed Borel Property Underground Storage Tank and Soil Remediation Project (Project). The Park District is requesting identification of environmental issues and information that you or your organization believes should be considered in the EIR. The Project would include the removal of an underground storage tank (UST), remediation of contaminated soil surrounding that UST, and demolition of a ca. 1923 garage, which is a contributing element to a district recommended eligible to the California Register of Historical Resources (CRHR). The remediation is being designed and will be implemented under the oversight of the San Francisco Bay Regional Water Quality Control Board.

PROJECT LOCATION

The Project is located within the southern portion of the Town of Danville (Danville), in the San Ramon Valley in Contra Costa County, California, as shown **Figure 1, Regional Context**. The approximately seven-acre Project site is located at 3020 Fostoria Way, Danville, CA 94583 (APN 218-090-033). The Project site is bound by Interstate 680 to the west, Fostoria Way to the south, Camino Ramon to the east, and single-family homes to the north (as shown in **Figure 2, Project Location)**. Camino Ramon provides vehicular access to the Project site. Adjacent land uses include single-family homes, commercial offices, and big-box commercial retail. The Project Site is designated as Commercial per the Danville 2030 General Plan, and is zoned P-1 Planned Unit District, which permits large-scale integrated development and infill development. The General Plan also designates the Project site as a Special Concern Areas, which are defined as particular geographic areas or subareas of Danville that require more detailed discussion of long-range planning issues. This designation allows for more focused, place-based recommendations.

PROJECT DESCRIPTION

The Project site is the last remaining walnut orchard, farmed by the Borel family in the Town of Danville and was also the site of their home. The current walnut orchard was planted in the early 1900s and has been under Borel family ownership since 1923. The property contains a number of buildings and structures, as well as an underground

fuel tank to fuel cars and farming equipment. The buildings and structures and the year they were built are shown in **Table 1, Borel Property Structures.**

Table 1
Borel Property Structures

Structure	Year Built	Historic Status
Borel Residence	1923	Contributing Factor to a Recommended Eligible District
Three tank houses (water towers)	1923	Contributing Factor to a Recommended Eligible District
Garage	1923	Contributing Factor to a Recommended Eligible District
Walnut Barn	1923	Individually Eligible for Listing
Barn (car barn)	1970	Not Eligible
Shed	1923	Contributing Factor to a Recommended Eligible District
San Ramon rail depot	1927	Not Eligible
Gable building	1960	Contributing Factor to a Recommended Eligible District
Chicken coup	1923	Not Eligible

The associated landscape on the Project site is composed of a walnut orchard, dirt and gravel roads, and two gas pumps. These resources, with the exception of the barn (aka the car barn), the San Ramon rail depot building, and the chicken coup, have been previously recorded and recommended eligible, as a district, to the CRHR. These resources appear eligible under Criterion 1, as they are associated with the agricultural practice of walnut orchard farming in the San Ramon Valley from ca. 1880 to ca. 1960. The ca. 1923 walnut barn was determined to be individually eligible as a historic resource on the CRHR under Criterion 3 for its association with Vernacular architecture with the period of significance of ca. 1923 and retains all seven aspects of integrity. The San Ramon rail depot was determined not to be a contributing element due to its relocation from its original location. The ca. 1923 garage is not considered to be individually eligible, but is considered to be a contributing element of an eligible historic district.

A Phase II Environmental Site Assessment was completed on the property in August 2021, revealing the presence of the leaking UST and surrounding contaminated soil. The contamination plume extends underneath the ca. 1923 garage. As discussed above, the garage was found to be a contributing element of a recommended eligible historic district, and as such is considered a historical resource for the purposes of CEQA. The Project proposes to demolish the ca. 1923 garage and a trellis attached to the garage, remove the UST and remediate the contaminated soil surrounding that UST. The UST is estimated to be 550 gallons, and the soil to be remediated is an estimated minimum volume of 600 cubic yards.

ISSUES TO BE ADDRESSED IN THE IS AND EIR

The Project could result in potentially significant environmental impacts. The Park District will prepare an Initial Study (IS) and an EIR to evaluate the physical environmental effects of the Project. The IS will assess both project specific and cumulative impacts for all topics required under CEQA and will identify which environmental topic areas may be significantly impacted by the Project. The EIR will further examine the issues identified in the IS to have

potentially significant impacts, identify mitigation measures, and analyze whether the mitigation measures would reduce potentially significant environmental impacts to a less-than-significant level. The Draft EIR will include the IS as an appendix and a 45-day public review period.

Based on the Project Description and the Lead Agency's understanding of the environmental issues associated with the Project, it is anticipated that implementation of the Project has the potential to result in significant environmental effects associated with some or all of the following topics, consistent with Appendix G of the *CEQA Guidelines* and analyzed in the IS and, if identified as having a potentially significant impact, in detail in the EIR:

- Aesthetics
- Agricultural and Forestry Resources
- Air Quality
- Biological Resources
- Cultural Resources
- Energy
- Geology and Soils
- Greenhouse Gas Emissions
- Hazards and Hazardous Materials
- Hydrology and Water Quality
- Land Use and Planning
- Mineral Resources
- Noise
- Population and Housing
- Public Services
- Recreation
- Transportation
- Tribal Cultural Resources
- Utilities and Service Systems
- Wildfire

The IS and EIR will analyze the reasonably foreseeable indirect physical changes to the environment in the above topic areas caused by the Project.

Alternatives to be analyzed in the EIR are to be defined and analyzed consistent with the requirements of *CEQA Guidelines*, Section 15126.6. The alternatives to be evaluated in the EIR may include, but are not limited to, the "No Project" Alternative, as required by CEQA and alternative land use configurations.

RESPONSIBLE AND TRUSTEE AGENCIES

The Park District requests your agency's views on the scope and content of the environmental information relevant to your agency's statutory responsibilities in connection with the Project, in accordance with *CEQA Guidelines* Section 15082(b). Your agency will need to use the EIR prepared by the Park District when considering any permits or other project approvals that your agency must issue. As such, your responses to this Notice of Preparation (NOP), at a minimum, should identify: (1) significant environmental issues and reasonable alternatives and mitigation measures that your agency will need to have explored in the EIR; and (2) whether your agency will be a responsible or trustee agency for this project.

REVIEW AND RESPONSE PERIOD

In accordance with *CEQA Guidelines* Section 15082, this NOP is being circulated for a 30-day comment period. Responses to this NOP must be provided during this response period as outlined below:

Friday, December 16 2022, through Monday, January 16 2023.

DOCUMENT AVAILABILITY

The NOP can be viewed on the Park District's website at: https://www.ebparks.org/

A hardcopy of the NOP will also be available at 2950 Peralta Oaks Court, Oakland, CA 94605.

SUBMITTAL OF WRITTEN COMMENTS

The Lead Agency solicits comments regarding the scope, content, and specificity of the EIR from all interested parties requesting notice, responsible agencies, agencies with jurisdiction by law, trustee agencies, and involved agencies. All interested parties are invited to assist in identifying issues to be addressed in the EIR. Commenters will have an opportunity to provide input to the Park District and consultant team preparing the EIR. The District requests that written comments be provided at the earliest possible date, but **no later than Monday, January 16, 2023**.

Please submit comments electronically via email or send a hard copy via mail (including name and contact information) to the following:

Email: dhebert@ebparks.org

Mail:
ATTN: Drake Hebert, Senior Planner
Agency: East Bay Regional Park District, Planning, Trails, and GIS
2950 Peralta Oaks Court
Oakland, CA 94605

30-DAY NOP COMMENT PERIOD:
Friday, December 16 2022, through Monday, January 16 2023

Drake Hebert

Drake Hebert, Senior Planner

East Bay Regional Park District

Attachments:

- Figure 1, Regional Context
- Figure 2, Project Location

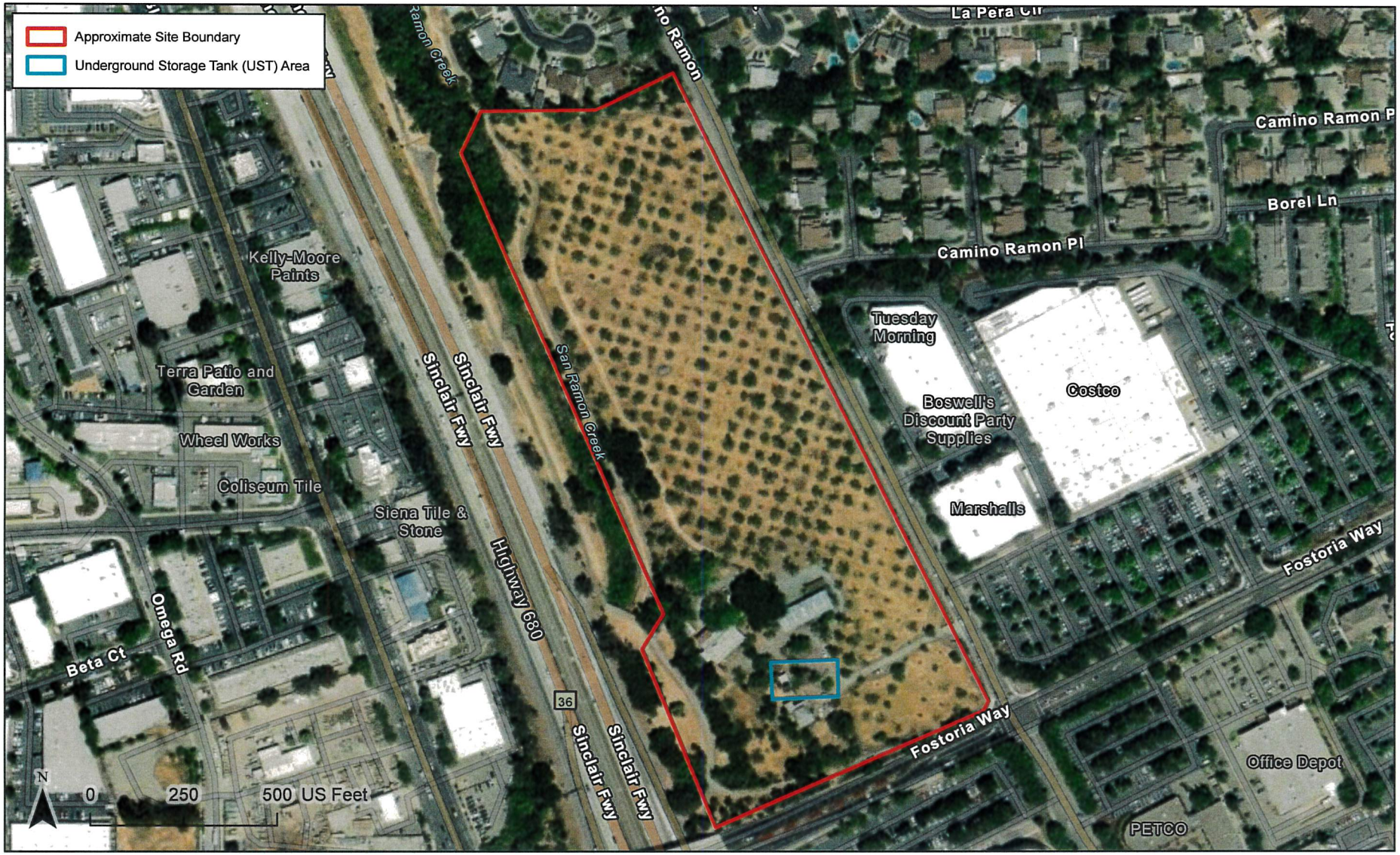
SOURCE: Esri, 2022

FIGURE 1

IMPACT SCIENCES

Regional and Site Location

1481.001•11/22



SOURCE: TRC, 2022; Esri, 2022

FIGURE 2

IMPACT SCIENCES

Project Site Plan

1481.001•11/22

Notice of Preparation

To: State Clearinghouse - OPR
1400 Tenth Street
Sacramento, CA 95814
(Address)

From: East Bay Regional Park District
2950 Peralta Oaks Court
Oakland, CA 94605-0381
(Address)

Subject: Notice of Preparation of a Draft Environmental Impact Report

East Bay Regional Parks District 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 will 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 Drake Hebert at the address shown above. We will need the name for a contact person in your agency.

Project Title: Borel Property Underground Storage Tank Removal and Soil Remediation Project

Project Applicant, if any: East Bay Regional Park District

Date 12/16/22

Signature Drake Hebert

Title Senior Planner

Telephone 510-544-2334

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

Print From

Summary Form for Electronic Document Submittal

Form F

Lead agencies may include 15 hardcopies of this document when submitting electronic copies of Environmental Impact Reports, Negative Declarations, Mitigated Negative Declarations, or Notices of Preparation to the State Clearinghouse (SCH). The SCH also accepts other summaries, such as EIR Executive Summaries prepared pursuant to CEQA Guidelines Section 15123. Please include one copy of the Notice of Completion Form (NOC) with your submission and attach the summary to each electronic copy of the document.

SCH #: _____

Project Title: Borel Property Underground Storage Tank Removal and Soil Remediation Project

Lead Agency: East Bay Regional Park District

Contact Name: Drake Hebert

Email: dhebert@ebparks.org Phone Number: 510-544-2334

Project Location: Town of Danville, Contra Costa County
City *County*

Project Description (Proposed actions, location, and/or consequences).

The proposed Project includes the removal of an underground storage tank (UST), remediation of contaminated soil surrounding that UST, and demolition of a ca. 1923 garage and attached trellis, which is a contributing element to a district recommended eligible to the California Register of Historical Resources (CRHR).

Identify the project's significant or potentially significant effects and briefly describe any proposed mitigation measures that would reduce or avoid that effect.

The Project proposes the demolition of a ca. 1923 garage and attached trellis, which is a contributing element to a district recommended eligible to the California Register of Historical Resources (CRHR). As a result, the project may have a potentially significant impact on historical resources.

If applicable, describe any of the project's areas of controversy known to the Lead Agency, including issues raised by agencies and the public.

Not applicable.

Provide a list of the responsible or trustee agencies for the project.

Air Resources Board
Caltrans District 4
Department of Fish and Game Region 3
Department of Health Services
Native American Heritage Commission
Office of Historic Preservation
Department of Parks and Recreation
Public Utilities Commission
Regional Water Quality Control Board #2
Natural Resources Agency
SWRCB: Water Quality
Department of Toxic Substances Control

Notice of Completion & Environmental Document Transmittal

Mail to: State Clearinghouse, P.O. Box 3044, Sacramento, CA 95812-3044 (916) 445-0613
For Hand Delivery/Street Address: 1400 Tenth Street, Sacramento, CA 95814

SCH #

Project Title: Borel Property Underground Storage Tank Removal and Soil Remediation Project

Lead Agency: East Bay Regional Park District | Contact Person: Drake Hebert
Mailing Address: 2950 Peralta Oaks Court | Phone: (510) 881-1833
City: Oakland | Zip: 94605 | County: Alameda

Project Location: County: Contra Costa | City/Nearest Community: Danville
Cross Streets: Bound by Fostoria Way, I-680, and Camino Ramon | Zip Code: 90201
Longitude/Latitude (degrees, minutes and seconds): 37 ° 46 ′ 53.5 ″ N / 121 ° 58 ′ 33.1 ″ W Total Acres: 7
Assessor's Parcel No.: 218-090-031 | Section: 4 | Twp.: 2S | Range: 1W | Base:
Within 2 Miles: State Hwy #: I-680 | Waterways: San Ramon Creek
Airports: | Railways: | Schools:

Document Type:

CEQA: ☒ NOP ☐ Early Cons ☐ Neg Dec ☒ Mit Neg Dec ☐ Draft EIR ☐ Supplement/Subsequent EIR (Prior SCH No.) ☐ Other:
NEPA: ☐ NOI ☐ EA ☐ Draft EIS ☐ FONSI
Other: ☐ Joint Document ☐ Final Document ☐ Other:

Local Action Type:

☐ General Plan Update ☐ General Plan Amendment ☐ General Plan Element ☐ Community Plan
☐ Specific Plan ☐ Master Plan ☐ Planned Unit Development ☐ Site Plan
☐ Rezone ☐ Prezone ☐ Use Permit ☐ Land Division (Subdivision, etc.)
☐ Annexation ☐ Redevelopment ☐ Coastal Permit ☒ Other: Demolition and Excavation Permits

Development Type:

☐ Residential: Units ____ Acres ____
☐ Office: Sq.ft. ____ Acres ____ Employees ____
☐ Commercial: Sq.ft. ____ Acres ____ Employees ____
☐ Industrial: Sq.ft. ____ Acres ____ Employees ____
☐ Educational:
☐ Recreational:
☐ Water Facilities: Type ____ MGD ____
☐ Transportation: Type
☐ Mining: Mineral
☐ Power: Type ____ MW ____
☐ Waste Treatment: Type ____ MGD ____
☐ Hazardous Waste: Type
☒ Other: Demolition and soil remediation

Project Issues Discussed in Document:

☒ Aesthetic/Visual ☒ Agricultural Land ☒ Air Quality ☒ Archeological/Historical ☒ Biological Resources ☐ Coastal Zone ☒ Drainage/Absorption ☒ Economic/Jobs
☐ Fiscal ☒ Flood Plain/Flooding ☒ Forest Land/Fire Hazard ☒ Geologic/Seismic ☒ Minerals ☒ Noise ☒ Population/Housing Balance ☒ Public Services/Facilities
☒ Recreation/Parks ☒ Schools/Universities ☐ Septic Systems ☒ Sewer Capacity ☒ Soil Erosion/Compaction/Grading ☒ Solid Waste ☒ Toxic/Hazardous ☒ Traffic/Circulation
☒ Vegetation ☒ Water Quality ☒ Water Supply/Groundwater ☒ Wetland/Riparian ☒ Growth Inducement ☒ Land Use ☒ Cumulative Effects ☐ Other:

Present Land Use/Zoning/General Plan Designation:

Former agricultural use/Planned Unit District/Commercial

Project Description: *(please use a separate page if necessary)*

The Project proposes to demolish the ca. 1923 garage and a trellis attached to the garage, remove the underground storage tank (UST) and remediate the contaminated soil surrounding that UST. The UST is estimated to be 550 gallons, and the soil to be remediated is an estimated minimum volume of 600 cubic yards.

Note: The State Clearinghouse will assign identification numbers for all new projects. If a SCH number already exists for a project (e.g. Notice of Preparation or previous draft document) please fill in.

Reviewing Agencies Checklist

Lead Agencies may recommend State Clearinghouse distribution by marking agencies below with and "**X**".
If you have already sent your document to the agency please denote that with an "**S**".

X	Air Resources Board	X	Office of Historic Preservation
	Boating & Waterways, Department of		Office of Public School Construction
	California Emergency Management Agency	X	Parks & Recreation, Department of
	California Highway Patrol		Pesticide Regulation, Department of
X	Caltrans District # 4	X	Public Utilities Commission
	Caltrans Division of Aeronautics	X	Regional WQCB # 2
X	Caltrans Planning	X	Resources Agency
	Central Valley Flood Protection Board		Resources Recycling and Recovery, Department of
	Coachella Valley Mtns. Conservancy		S.F. Bay Conservation & Development Comm.
	Coastal Commission		San Gabriel & Lower L.A. Rivers & Mtns. Conservancy
	Colorado River Board		San Joaquin River Conservancy
X	Conservation, Department of		Santa Monica Mtns. Conservancy
	Corrections, Department of		State Lands Commission
	Delta Protection Commission		SWRCB: Clean Water Grants
	Education, Department of	x	SWRCB: Water Quality
	Energy Commission		SWRCB: Water Rights
X	Fish & Game Region # 3		Tahoe Regional Planning Agency
	Food & Agriculture, Department of	x	Toxic Substances Control, Department of
	Forestry and Fire Protection, Department of		Water Resources, Department of
	General Services, Department of		
X	Health Services, Department of		Other:
	Housing & Community Development		Other:
X	Native American Heritage Commission		

Local Public Review Period (to be filled in by lead agency)

Starting Date December 16, 2022 Ending Date January 16, 2022

Lead Agency (Complete if applicable):

Consulting Firm: Impact Sciences, Inc.
Address: 811 W. 7th Street, 2nd Floor, Suite 200
City/State/Zip: Los Angeles, CA
Contact: Kay Real
Phone: (213) 935-1901 Ext. 232

Applicant: East Bay Regional Parks District
Address: 2950 Peralta Oaks
City/State/Zip: Oakland, CA 94605
Phone: (510) 881-1833

Signature of Lead Agency Representative: Drake Hebert **Date:** 12/16/22

Authority cited: Section 21083, Public Resources Code. Reference: Section 21161, Public Resources Code.

APPENDIX 1.0-3

Initial Study

BOREL PROPERTY
UNDERGROUND STORAGE TANK REMOVAL AND SOIL REMEDIATION PROJECT

Initial Study

Prepared for:

East Bay Regional Park District
2950 Peralta Oaks Court
Oakland, CA 94605

Prepared by:

Impact Sciences, Inc.
811 W. 7th Street, Suite 200
Los Angeles, CA 90017

March 2023

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1 AESTHETICS

INTRODUCTION

This section describes the existing visual resources within the city, identifies the regulatory framework with respect to regulations that address visual resources, and evaluates the significance of the potential changes to visual resources that could result from implementation of the Borel Property Underground Storage Tank Removal and Soil Remediation Project ("Project").

REGULATORY SETTING

California State Scenic Highways Program

The California State Scenic Highways Program was designed to protect and enhance the natural scenic beauty of California highways and adjacent corridors through special conservation treatment and identify highways that are designated as "Official" state scenic highways or "Eligible" to be a state scenic highway.

Town of Danville Municipal Code

The Town of Danville Municipal Code is the primary regulatory tool that shapes the form and character of physical development in the Town. Standards and regulations established in the Municipal Code are used to implement the goals and policies of the *General Plan*. Two sections of the Municipal Code—Zoning Regulations and Subdivision Regulations—contain regulations to maintain the aesthetic quality of the Town's built environment.

General Plan Policies

The Town's *General Plan* policies applicable to aesthetics include, but are not limited to, the following:

Policy 2.02 Preserve Danville's visual qualities and the identity of its neighborhoods by restricting development on visible ridges and hillsides, protecting trees and riparian areas, and maintaining open space in the community.

Policy 2.03 Where development is allowed on existing legal lots within Scenic Hillside or Major Ridgeline areas, require the preservation of the undeveloped remainder of the parcel in its natural state through the dedication of scenic easements to the Town of Danville.

Policy 2.04 Where hillside development occurs, require that project design be sensitive to visual impacts. Design guidelines for hillside sites should address mass, color, materials, and screening requirements, and should discourage excessive grading and flat pad construction.

Policy 2.05 On developable properties with steep hillsides, encourage clustering in the flatter parts, conservation of open space on the steeper parts, and the protection of natural features such as trees, creeks, knolls, ridgelines, and rock outcroppings.

Policy 2.07 Improve the appearance of the community by encouraging aesthetically designed buildings, screening, adequate setbacks, and landscaping

Policy 2.08 Protect the visual qualities of designated scenic routes by reviewing proposed projects with respect to their visual impacts.

Policy 8.05 Where appropriate and feasible, retain physical elements of Danville that contribute to the aesthetic and historic character of agricultural areas and former agricultural areas, such as barns, outbuildings, bridges, heritage trees, and fences.

Town of Danville Scenic Hillside and Major Ridgeline Development Ordinance

The Scenic Hillside and Major Ridgeline Development ordinance implements planning and development goals by placing strict limits on the development of Town-identified major ridgeline areas. The Ordinance establishes requirements for special permits for development within scenic hillside areas and mandatory design standards for hillside projects.

ENVIRONMENTAL SETTING

Areas in the Town that are designated as Scenic Hillsides or Major Ridgelines include the Sycamore Valley Regional Open Space Preserve, Sherburne Hills, Las Trampas Regional Wilderness Park, and the area north of I-680 between Alamo Springs Drive and Toyon Terrace. These designated areas provide scenic vistas within the Town. The Project sites is not located within one of these designated areas. The foothills of the Las Tramas Regional Wilderness Park are visible in the distance from the Project sites looking northwest.

The I-680 Freeway, which runs parallel adjacent to the Project sites, is a State-designated Scenic Highway.[1]

1 Caltrans. California State Scenic Highway System Map. Available online at: https://caltrans.maps.arcgis.com/apps/webappviewer/index.html?id=465dfd3d807c46cc8e8057116f1aacaa, accessed November 11, 2022.

The Project Site is located in a highly developed area surrounded by commercial and residential uses. The Project Site itself is comprised of former agricultural land. Sources of light and glare within the Town of Danville are primarily from street lighting and night-time lighting from commercial development. Residential lighting is typically screened with trees.

DISCUSSION OF POTENTIAL PROJECT IMPACTS

a) Have a substantial adverse effect on a scenic vista.

No Impact. The Project sites is not located within a Town designated Scenic Hillside area, nor a Major Ridgeline area. The Project property is primarily flat, and the foothills of the Las Trampas Regional Wilderness Park are visible in the distance from the Project sites looking northwest.

The Project consists of the removal of the ca. 1923 garage, trellis attached to that garage, and a leaking underground storage tank (UST). The Project will also include the removal of the contaminated soil surrounding that UST. The Project would not construct any additional structures that may impact existing scenic views of the Las Tramas Regional Wilderness Park. The remainder of the existing former agricultural land will be preserved. Therefore, the Project would have no impacts to a scenic vista.

b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway.

Less Than Significant Impact. The Project sites is located adjacent to a State-designated Scenic Highway I-680. However, the Project sites is shielded from I-680 by intervening trees. The Project would not alter the visual character of the existing Project sites. The Project would demolish the ca. 1923 garage, which is a historical resource for the purposes of CEQA due to its status as a contributing factor to a recommended eligible historic district to the CRHR. However, the demolition would not make the historic district ineligible for listing. The overall viewshed of the site would not change because the property would still retain its agricultural characteristics. Additionally, the vegetation that creates a visual buffer between the Project property and I-680 would remain. No new structures would be constructed. Therefore, the Project would have a less than significant impact on scenic resources within a state scenic highway.

c) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point.) If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality.

No Impact. With the exception of the removal of the garage and trellis, the Project would preserve the existing landscape and remainder of the structures. The appearance of the Project property would remain the same as existing conditions, and the Project would not alter the visual character of the Project property. The public views of the foothills of the Las Tramas Regional Wilderness Park will remain visible from the Project Site and adjacent streets. Therefore, no impact would occur.

d) **Create a new source of substantial light or glare that would adversely affect day or nighttime views in the area.**

No Impact. As stated above, with the exception of the removal of the garage and trellis, the Project would preserve the existing landscape and remainder of the structures. Removal of the garage, trellis, underground storage tank, and surrounding soil would not introduce new sources of light or glare on-site, or in the surrounding community. Construction activities would take place during daytime hours. As a result, no impact would occur.

2 AGRICULTURE & FORESTRY RESOURCES

INTRODUCTION

This section describes the existing agricultural resources within the region and evaluates the significance of the changes in agricultural resources that could result from the Project.

REGULATORY SETTING

Farmland Mapping and Monitoring Program

The California Department of Conservation's Farmland Mapping and Monitoring Program (FMMP) assesses the location, quality, and quantity of agricultural land and conversion of these lands over time. Agricultural land designated in accordance with soil quality and irrigation status. The highest quality land is identified as Prime Farmland. In CEQA analyses, the FMMP classifications and published county maps are used, in part, to identify whether agricultural resources that could be affected are present on-site or in the Project property.

California Land Conservation Act

The California Land Conservation Act (Williamson Act) enables local governments to enter into contracts with private landowners to restrict parcels of land to agricultural or related open space uses. In return, landowners receive lower property tax assessments.

General Plan Policies

The Town's *General Plan* policies applicable to agriculture and forestry include, but are not limited to, the following:

Policy 7.06 Support and promote actions that improve the long-term economic viability of agriculture in the Tri-Valley region, including the Tassajara Valley. Encourage the use of "right-to- farm" ordinances and/or buffer zones between urban and rural areas in the Tri-Valley area in order to preserve the long-term viability of agriculture.

Policy 8.05 Where appropriate and feasible, retain physical elements of Danville that contribute to the aesthetic and historic character of agricultural areas and former agricultural areas, such as barns, outbuildings, bridges, heritage trees, and fences.

Policy 21.02 Maintain open space in appropriate areas, including areas of scenic beauty, areas of economically viable agriculture, and areas where natural hazards such as flooding and land instability preclude safe development.

Policy 21.04 Require adequate buffering and effective fencing between agricultural and urban land uses. The urban land use should be responsible for the creation and maintenance of such buffers and the urban property owners should assume the responsibility for potential impacts upon adjacent uses. Where appropriate, disclosure notices should be used to advise homebuyers of nearby agricultural activities as a means of ensuring that such activities may continue when they are properly conducted.

ENVIRONMENTAL SETTING

The Town of Danville does not include any Prime Farmland or Farmland of Statewide Importance. The Project property was formerly used as a walnut orchard and is currently designated by the Department of Conservation as Unique Farmland. The Unique Farmland designation includes land other than Prime Farmland that is used for production of specific high-value food and fiber crops. However, the Project property has not been actively used for agriculture since 2009. In order to qualify as Unique Farmland, "land must have been cropped at some time during the four years prior to the mapping date."[2] As a result, the Project property no longer qualifies for the Unique Farmland designation.

The Project property is currently under an active William Act contract,[3] which provides a tax incentive for its preservation as agricultural or open space use.

DISCUSSION OF POTENTIAL PROJECT IMPACTS

a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use.

No Impact. According to the California Department of Conservation's California Important Farmland Finder, the Project property is classified as Unique Farmland. However, as noted above

2 California Department of Conservation. "Important Farmland Categories." Available online at: https://www.conservation.ca.gov/dlrp/fmmp/Pages/Important-Farmland-Categories.aspx, accessed October 27, 2022.

3 Contra Costa County. 2016 Agricultural Preserves Map. Available online at: https://www.contracosta.ca.gov/DocumentCenter/View/882/Map-of-Properties-Under-Contract?bidId=, accessed December 1, 2022.

in the Existing Setting, the Project property has not been actively used for walnut production since 2009 and no longer qualifies for the Unique Farmland designation, as it has not had active cultivation in more than four years. Additionally, the Project would not remove, alter, or otherwise impact any of the existing walnut trees on the site. The Project would not convert any Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to another use. No impacts would occur.

b) **Conflict with existing zoning or land use designation for agricultural use, or a Williamson Act contract.**

No Impact. The Project property is currently under a Williamson Act Contract. However, the Project does not propose any changes to the existing uses on the site. The Project involves the demolition of the ca. 1923 garage and trellis, removal of the underground storage tank, and remediation of contaminated site. The Project property will remain as dormant agricultural land with associated structures, and therefore, would not conflict with the existing Williamson Act contract. Therefore, no impacts would occur.

c- e) **Conflict with existing zoning or land use designation for, or cause rezoning of, forest land (as defined in Pub. Resources Code, § 12220(g)), timberland (as defined by Pub. Resources Code, § 4526), or timberland zoned Timberland Production (as defined by Gov. Code, § 51104(g));**

Result in the loss of forest land or conversion of forest land into non-forest use; or

Involve other changes in the existing environment which, due to their location or nature, could result in conversion of farmland to non-agricultural use or conversion of forest land to non-forest use.

No Impact. The Project property is currently designated as Commercial by the *Danville 2030 General Plan* and is zoned as Planned Unit District (P-1). The Project property was formerly used for agricultural purposes but has not had active agricultural use since 2009. The Project property no longer qualifies as Unique Farmland, as it has not been in active cultivation in over four years. The Project property is not zoned for agricultural uses and/or forestland/timberland, nor does it contain any forest land. Therefore, the Project would not convert farmland and/or forest land/timberland to non-agricultural or non-forest land uses. No impacts would occur.

3 AIR QUALITY

INTRODUCTION

This section describes the ambient air quality of the local and regional area and provides a comparison of existing air quality to applicable state and federal pollutant standards. In addition, sources of air emissions in the vicinity of the Project are identified and discussed. This section also identifies the plans and policies developed in efforts to improve air quality. Finally, this section evaluates potential air quality impacts associated with construction and operation of the Project. Sources used in this discussion include the Bay Area Air Quality Management District (BAAQMD) Air Quality Guidelines and air quality data from the California Air Resources Board (CARB).

REGULATORY SETTING

California Air Resources Board (CARB)

The CARB is responsible for the coordination and administration of both federal and state air pollution control programs within California. In this capacity, the CARB conducts research, sets California Ambient Air Quality Standards, compiles emission inventories, develops suggested control measures, and provides oversight of local programs. The CARB's 35 Air Districts are responsible for regional air quality planning, monitoring, and stationary source and facility permitting. The Project sites is located within the San Francisco Bay Air Basin (Basin).

2017 Clean Air Plan

The Bay Area Air Quality Management District (BAAQMD) is the agency primarily responsible for assuring that the federal and state ambient air quality standards are maintained in the San Francisco Bay Area. Regional air quality management districts, such as BAAQMD, must prepare air quality plans specifying how state and federal air quality standards will be met. BAAQMD's most recently adopted plan is the Bay Area 2017 Clean Air Plan (2017 CAP). The 2017 CAP focuses on two related BAAQMD goals: protecting public health and protecting the climate. To protect public health, the 2017 CAP describes how BAAQMD will continue its progress toward attaining state and federal air quality standards and eliminating health risk disparities from exposure to air pollution among Bay Area communities. To protect the climate, the 2017 CAP includes control measures designed to reduce emissions of methane and other super-greenhouse gases (GHGs) that are potent climate pollutants in the near-term, and to decrease emissions of carbon dioxide by reducing fossil fuel combustion.

Bay Area Air Quality Management District (BAAQMD) CEQA Air Quality Guidelines

The BAAQMD CEQA Air Quality Guidelines are intended to serve as a guide for those who prepare or evaluate air quality impact analyses for projects and plans in the San Francisco Bay Area. Jurisdictions in the San Francisco Bay Area Air Basin utilize the thresholds and methodology for assessing air quality impacts developed by BAAQMD within their CEQA Air Quality Guidelines.

General Plan Policies

The Town's *General Plan* policies applicable to air quality include, but are not limited to, the following:

Policy 33.01 Make land use and transportation decisions which promote walking and bicycling and help to sustain public transportation.

Policy 34.01 Support regional, state, and federal efforts to reduce air pollution.

Policy 34.02 Consider air pollution impacts during the local development review process. Development should be located and regulated to minimize the emission of direct and indirect air contaminants.

Policy 34.03 Implement appropriate controls and "best practice" requirements on construction and grading activities to minimize airborne dust and other particulate matter.

Policy 34.04 Consistent with CEQA and the measures necessary to mitigate *General Plan* impacts, require site-specific air quality studies for future development under the Plan that includes sensitive receptors (such as schools, hospitals, daycare centers, or retirement homes) located within a designated buffer area along Interstate 680.

Policy 34.06 Consistent with CEQA and the measures necessary to mitigate *General Plan* impacts, require indoor air filtration systems to reduce particulate concentrations to acceptable levels for projects where there would be a significant cancer risk exposure as defined by BAAQMD.

ENVIRONMENTAL SETTING

The Project Site is located within the San Francisco Bay Air Basin (SFBAAB). The SFBAAB region is designated as a nonattainment area for federal ozone and is designated as nonattainment for state ozone, PM10, and PM2.5 standards.

DISCUSSION OF POTENTIAL PROJECT IMPACTS

a) **Conflict with or obstruct implementation of the applicable air quality plan.**

Less than Significant Impact. The most recent clean air plan is the Bay Area 2017 Clean Air Plan. The Plan includes control measures that are intended to reduce air pollutant emissions in the Bay Area either directly or indirectly. The Project would not conflict with the latest Clean Air planning efforts since the Project is not considered growth-inducing and would consist of demolition and remediation. It would not have the potential to substantively alter air quality attainment statuses for the region. Therefore, the Project would not conflict with or obstruct implementation of the applicable air quality plan.

b) **Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard.**

Less than Significant Impact. Construction emissions from the Project may result from vehicle trips to and from the Project sites, and use of heavy equipment for excavation and earth moving required for demolition and remediation activities. Excavation and demolition may generate emissions of ozone precursors (ROG and NO_x), CO, and dust (PM10, and PM2.5). However, implementation of General Plan Policy 34.03, which includes best practices such as regular watering, would reduce impacts to a less than significant level.

c). **Expose sensitive receptors to substantial pollutant concentrations.**

Less than Significant Impact. Construction activity and the associated generation of diesel particulate matter (DPM) emissions from the use of off-road diesel equipment required for demolition and remediation activities would be short term and exhaust from construction equipment dissipates rapidly. Therefore, short-term construction activities would not generate a significant health risk. Furthermore, construction would comply with California regulations limiting the idling of heavy-duty construction equipment to no more than 5-minutes, which would reduce nearby sensitive receptors' exposure to temporary and variable DPM emissions.[4] The Project consists of demolition and remediation activities, and therefore, it would not create additional vehicle trips to the Project property during operation. As a result, the Project would not conflict with a program, plan, ordinance, or policy

4 California Air Resources Board. 2015. "Frequently Asked Questions Regulation for In-Use Off-Road Diesel-Fueled (Off-Road Regulation)." Available online at: https://ww3.arb.ca.gov/msprog/ordiesel/faq/idlepolicyfaq.pdf, accessed November 11, 2022.

that aims to reduce Vehicle Miles Traveled (VMT) and associated mobile emissions. Impacts would be less than significant.

d) **Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people.**

Less than Significant Impact. The BAAQMD CEQA Guidelines identify certain land uses as sources of odors. These land uses include wastewater treatment plants, food processing facilities, composting facilities, petroleum refineries, chemical manufacturing, landfills, dairies, and fiberglass manufacturing. The Project will remain as a non-operating walnut farm, which is not considered an odor source. Construction activities associated with the Project may generate detectable odors from heavy-duty equipment exhaust. However, construction-related odors would be short-term in nature and cease upon completion of the Project. Impacts would be less than significant.

4 BIOLOGICAL RESOURCES

INTRODUCTION

This section discusses the biological resources occurring on the Project property, evaluates the significance of potential impacts to these resources based on thresholds defined in CEQA and the State CEQA Guidelines, and provides a determination of significance.

State and federal regulatory agencies that have jurisdiction over biological resources in the project area include the California Department of Fish and Wildlife (CDFW), US Fish and Wildlife Service (USFWS), U.S. Army Corps of Engineers (USACE), and the California Regional Water Quality Control Board (RWQCB). This section addresses potential impacts to biological resources that are governed by these agencies' laws and regulations.

REGULATORY SETTING

Special Status Species

Special-status species are those plants and animals that have been formally listed or proposed for listing as Endangered, Threatened, or are candidates for such listing under the federal Endangered Species Act (ESA) or the California Endangered Species Act (CESA). Listed species are afforded legal protection under the ESA and CESA. Species that meet the definition of Rare or Endangered under the CEQA Section 15380 are also considered special-status species.

Animals on the California Department of Fish and Wildlife's (CDFW) list of "species of special concern" (most of which are species whose breeding populations in California may face extirpation if current population trends continue) meet this definition and are typically provided management consideration through the CEQA process, although they are not legally protected under the ESA or CESA. Additionally, the CDFW includes some animal species that are not assigned any of the other status designations in the California Natural Diversity Database (CNDDB) "Special-Status Wildlife Species" list.

The CDFW considers the taxa on this list to be those of greatest conservation need, regardless of their legal or protection status. Plants listed as rare under the California Native Plant Protection Act (CNPPA) or on the California Native Plant Society (CNPS) lists are also treated as special-status species. In general, CDFW considers plant species on List 1 (List 1A [Plants Presumed Extinct in California] and List 1B [Plants Rare, Threatened, or Endangered in California and Elsewhere]), or List 2 (Plants Rare, Threatened, or Endangered in California, But More Common Elsewhere) of the CNPS Inventory of Rare and Endangered Vascular Plants of California (CNPS, 2010) as qualifying for legal protection under this CEQA provision.

In addition, species of vascular plants, bryophytes, and lichens listed as having special-status by CDFW are considered special-status plant species.

Raptors (e.g., eagles, hawks, and owls) and their nests are protected under both federal and state laws and regulations. The federal Migratory Bird Treaty Act (MBTA) of 1918 and California Fish & Game Code (CFGC) Section 3513 prohibit killing, possessing, or trading migratory birds except in accordance with regulation prescribed by the Secretary of the Interior. Birds of prey are protected in California under CFCG Section 3503.5. Section 3503.5 states that it is "unlawful to take, possess, or destroy the nest or eggs of any such bird except otherwise provided by this code or any regulation adopted pursuant thereto." In addition, fully protected species under the CFGC Section 3511 (birds), Section 4700 (mammals), Section 5515 (fish), and Section 5050 (reptiles and amphibians) are also considered special-status animal species. Species with no formal special-status designation but thought by experts to be rare or in serious decline are also considered special-status animal species.[5]

General Plan Policies

The Town's *General Plan* policies applicable to biological resources include, but are not limited to, the following:

Policy 21.01 Preserve and enhance natural habitat areas that support wildlife, including large continuous areas of open space and wetland and riparian habitat.

Policy 21.06 Discourage activities that would harm the health of existing trees. Prevent the unnecessary removal and alteration of such trees, including "protected" trees as defined by the Town's Tree Preservation Ordinance and other trees that contribute to the scenic beauty of the town. Public and private improvements should be designed to minimize the removal of mature trees, regardless of species. If removal is necessary, trees should be replaced with an appropriate number and species.

Policy 21.07 Ensure that local planning and development decisions do not damage the habitat of rare and endangered plant and animal species, consistent with state and federal law.

Policy 21.08 Where appropriate, encourage the retention and reestablishment of native vegetation in private development and public facility projects.

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5 State of California Natural Resources Agency Department of Fish and Wildlife Biogeographic Data Branch California Natural Diversity Database (CNDDB), "Special Animals Species List," October 2022.

Policy 21.10 Require a biological assessment for development proposed on sites that are determined to have the potential to contain special-status species, sensitive natural communities, or wetland resources. The assessment should be conducted by a qualified professional to determine the presence or absence of any sensitive resources which could be affected by proposed development, should provide an assessment of the potential impacts, and should define measures for protecting the resource and surrounding buffer habitat, in compliance with state and federal laws. Detailed surveys are not necessary in locations where past and existing development have eliminated natural habitat and the potential for presence of sensitive biological resources.

Policy 21.11 Protect the nests of raptors and other birds when in active use, as required by state Fish and Game Code and the federal Migratory Bird Treaty Act.

Policy 22.01 Maintain and enhance the natural quality of Danville's creeks, including the riparian vegetation along the banks. Setbacks should be maintained along creeks to maintain their natural appearance, reduce erosion and flood hazards, and protect their ecological functions.

Policy 23.07 Recognize the state and federal regulations that serve to protect wetlands and require full compliance with these regulations as part of development review. This would include detailed wetland delineations and assessments where waters under the jurisdiction of the U.S. Army Corps of Engineers may be affected.

Tree Preservation Ordinance

Section 32-79 of the Municipal Code regulates the removal of certain trees within Danville. The Tree Preservation Ordinance establishes criteria for preserving mature trees and tree stands within the Town, with an emphasis on indigenous species. The ordinance identifies species, size, and location of "protected trees"; procedures for Development Review; and permit requirements for the removal of protected trees. Conditions under which native specimen trees may be removed (such as disease or threats to structures or utilities) are also addressed. Trees qualifying as a protected tree consist of: 1) one of 13 primarily native species with a trunk diameter of 10 inches or greater measured 4.5 feet above natural grade, or for a multiple trunked-tree, a combination of trunks totaling 20 inches or greater in diameter measured 4.5 feet above natural grade; 2) a "heritage tree" which is any single trunked-tree which has a diameter of 36 inches or greater measured 4.5 feet above natural grade; 3) a "memorial tree" planted on public property in memory of or commemoration of an individual or individuals; 4) a tree slated to be preserved on an approved

planning entitlement (e.g., a Development Plan) or specifically required to be retained as a condition of approval of a planning entitlement; and 5) a tree required to be planted as mitigation for the removal of a protected tree. Species regulated as protected trees include: coast live oak, valley oak, canyon live oak, blue oak, California black oak, interior live oak, white alder, California bay, California buckeye, California sycamore, madrone, and London plane tree.

ENVIRONMENTAL SETTING

The Project sites is located within the Diablo Quadrant of the California 7.5-minute quadrangles under the CNDDB.[6] The Plant Community located on the Project sites is classified as Orchard. It is geographically isolated due to the surrounding development and adjacent roadways. There are several special-status animal and plant species that have been observed within the Diablo quadrant according to the CNDDB and would have the potential to occur within the Project property. These species are listed below in **Table 1**, **Potentially Occurring Special-Status Species**. As shown in **Table 1**, there are approximately 27 plant species, and 24 animal species that have occurred within the Diablo Quadrant.

Table 1
Potentially Occurring Special-Status Species

Scientific Name	Common Name	Federal Status	State Status
Animals			
Ambystoma californiense pop. 1	California tiger salamander - central California DPS	Threatened	Threatened
Rana boylii pop. 4	foothill yellow-legged frog - central coast DPS	Proposed Threatened	Endangered
Rana draytonii	California red-legged frog	Threatened	None
Accipiter cooperii	Cooper's hawk	None	None
Aquila chrysaetos	golden eagle	None	None
Buteo swainsoni	Swainson's hawk	None	Threatened
Eremophila alpestris actia	California horned lark	None	None
Falco mexicanus	prairie falcon	None	None
Agelaius tricolor	tricolored blackbird	None	Threatened
Athene cunicularia	burrowing owl	None	None
Hesperoleucus venustus subditus	southern coastal roach	None	None
Bombus caliginosus	obscure bumble bee	None	None
Bombus crotchii	Crotch bumble bee	None	Candidate Endangered

6 California Department of Fish and Wildlife, *BIOS-CNDDB Quickview Tool*, https://apps.wildlife.ca.gov/bios/?tool=cnddbQuick, accessed November 1, 2022.

Scientific Name	Common Name	Federal Status	State Status
Bombus occidentalis	western bumble bee	None	Candidate Endangered
Efferia antiochi	Antioch efferian robberfly	None	None
Vulpes macrotis mutica	San Joaquin kit fox	Endangered	Threatened
Dipodomys heermanni berkeleyensis	Berkeley kangaroo rat	None	None
Taxidea taxus	American badger	None	None
Antrozous pallidus	pallid bat	None	None
Corynorhinus townsendii	Townsend's big-eared bat	None	None
Helminthoglypta nickliniana bridgesi	Bridges' coast range shoulderband	None	None
Masticophis lateralis euryxanthus	Alameda whipsnake	Threatened	Threatened
Emys marmorata	western pond turtle	None	None
Phrynosoma blainvillii	coast horned lizard	None	None
Plants			
Anomobryum julaceum	slender silver moss	None	None
Triquetrella californica	coastal triquetrella	None	None
Eryngium jepsonii	Jepson's coyote-thistle	None	None
Centromadia parryi ssp. congdonii	Congdon's tarplant	None	None
Eriophyllum jepsonii	Jepson's woolly sunflower	None	None
Helianthella castanea	Diablo helianthella	None	None
Monolopia gracilens	woodland woollythreads	None	None
Streptanthus hispidus	Mt. Diablo jewelflower	None	None
Campanula exigua	chaparral harebell	None	None
Viburnum ellipticum	oval-leaved viburnum	None	None
Extriplex joaquinana	San Joaquin spearscale	None	None
Arctostaphylos auriculata	Mt. Diablo manzanita	None	None
Arctostaphylos manzanita ssp. laevigata	Contra Costa manzanita	None	None
Phacelia phacelioides	Mt. Diablo phacelia	None	None
Calochortus pulchellus	Mt. Diablo fairy-lantern	None	None
Calochortus umbellatus	Oakland star-tulip	None	None
Fritillaria agrestis	stinkbells	None	None
Fritillaria liliacea	fragrant fritillary	None	None
Hesperolinon breweri	Brewer's western flax	None	None
Malacothamnus hallii	Hall's bush-mallow	None	None
Navarretia heterandra	Tehama navarretia	None	None
Eriogonum truncatum	Mt. Diablo buckwheat	None	None
Eriogonum umbellatum var. bahiiforme	bay buckwheat	None	None
Stuckenia filiformis ssp. alpina	northern slender pondweed	None	None
Androsace elongata ssp. acuta	California androsace	None	None
Delphinium californicum ssp. interius	Hospital Canyon larkspur	None	None

Scientific Name	Common Name	Federal Status	State Status
Galium andrewsii ssp. gatense	phlox-leaf serpentine bedstraw	None	None

Source: California Department of Fish and Wildlife, BIO Geospatial Map-CNDDB Species for Diablo Quadrant, https://apps.wildlife.ca.gov/bios/?tool=cnddbQuick, accessed November, 2022.

DISCUSSION OF POTENTIAL PROJECT IMPACTS

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 regulation, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service.

Less than Significant Impact. As shown in **Table 1**, **Potentially Occurring Special-Status Species,** several of special-status wildlife species have the potential to occur within the vicinity of the Project sites. Specifically, approximately two amphibians (California tiger salamander and the foothill yellow-legged frog), two birds (Swainson's hawk, and the tricolored blackbird), one mammal (the San Joaquin kit fox), one reptile (Alameda whipsnake), and two insects as candidate endangered (the Crotch bumble bee and the western bumblebee). Additionally, buildings such as the ca. 1923 garage included in this project have the potential to host roosting bats.

The Project proposes to demolish the ca. 1923 garage and a trellis attached to the garage, as well as remove the underground storage tank (UST). The Project also includes the remediation of contaminated soil surrounding that UST. The Project would not introduce new habitable structures or uses that would significantly affect the habitat of any plant or wildlife species. Additionally, the Project would not result in the disturbance or removal of any trees, thereby leaving any existing habitat for special status-bird species unaffected. As part of the Park District's due diligence on the project site, a roosting bat survey was conducted to analyze the project site for potential bat habitat and signs of nesting bats. The survey concluded that the garage did not provide suitable habitat and no signs of current or historical use by bats were observed. Therefore, Project operations would not introduce new significant impacts to the habitats of any existing wildlife species.

Project construction, including demolition and remediation activities, could disturb any existing candidate, sensitive, or special status species present on-site, as well as the movement of any species. As a result, impacts would be potentially significant. However, the Project would be subject to the policies in the *General Plan* to reduce significant impacts to biological resources. General Plan Policy 21.10 would require preparation of a biological assessment, and General Plan Policy 21.11 requires the protection of the nests of raptors and other birds when in active use, as required by CFGC and the

MBTA. Consistent with the *General Plan 2030*, implementation of General Plan Policies 21.10 and 21.11 would ensure impacts to nesting birds are less than significant.

b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service.

No Impact. While no riparian habitat exists within the Project property, the San Ramon Creek runs adjacent to the Project property to the west.[7] The Project involves the demolition of the garage and trellis, as well as removal of the underground storage tank (UST) and associated contaminated soil remediation. The Project would not impact the San Ramon Creek. Furthermore, the remediation of contaminated soil would eliminate the potential for contamination to migrate into the ground water and streambed, potentially benefiting San Ramon Creek. As a result, the Project would have no impact on riparian habitats or other sensitive natural communities surrounding the Project Site.

c). Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means.

No Impact. The Project sites is not located within any federally recognized wetlands.[8] Therefore, no impact to federally protected wetlands would occur.

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.

No Impact. The Project does not involve the construction of any new structures that would interfere with the movement of any native resident or migratory wildlife species. The Project would not remove any existing trees from the Project property, nor would the Project impact the adjacent riparian habitat of San Ramon Creek. The Project property is surrounded by development on all sides and would not remove or impact a wildlife corridor. No impact would occur.

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7 U.S. Fish & Wildlife Service. National Wetlands Inventory. Available online at: https://fwsprimary.wim.usgs.gov/wetlands/apps/wetlands-mapper/, accessed November 1, 2022.

8 U.S. Fish & Wildlife Service. National Wetlands Inventory. Available online at: https://fwsprimary.wim.usgs.gov/wetlands/apps/wetlands-mapper/, accessed November 1, 2022.

e) **Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance.**

No Impact. Construction associated with the Project would not impact existing trees on the Project property. The Project would also be required to comply with Section 32-79 of the Municipal Code, the Tree Preservation Ordinance, which restricts the alteration or removal of Town street trees. No impact would occur.

f) **Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.**

No Impact. The Project property is not located in an area subject to an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved conservation plans. Therefore, no impact would occur.

5 CULTURAL RESOURCES

INTRODUCTION

This section presents an overview of the existing cultural resource conditions within the boundaries of the Project property. It also discusses the potential impacts to Cultural Resources (i.e., historical resources and archeological resources) as a result of construction and operation activities associated with the implementation of the Project.

REGULATORY SETTING

Federal

National Historic Preservation Act

The National Historic Preservation Act (NHPA) of 1966 (as amended) is the primary federal law dealing with historic preservation. Section 106 of the National Historic Preservation Act (NHPA) requires federal agencies to consult with the Advisory Council on Historic Preservation to consider the effects of their undertakings on historic properties. The historic significance of a building, structure, object, site, or district for listing is assessed based upon the criteria in the National Register of Historic Places (NRHP). A resource is considered eligible for the NRHP if the quality of significance in American history, architecture, archaeology, engineering, and culture is present and if the resource includes integrity of location, design, setting, materials, workmanship, feeling, and association and:

- Is associated with events that have made a significant contribution to the broad pattern of our history;
- Is associated with the lives of persons significant to our past;
- Embodies the distinctive characteristics of a type, period, or method of construction, or represents the work of a master, or possessed high artistic values, or represents a significant and distinguishable entity whose components may lack individual distinction; or
- Has yielded, or may be likely to yield, information important in prehistory or history.

State

Section 15064.5 of the *State CEQA Guidelines* defines a historical resource as (1) a resource listed in or determined to be eligible by the State Historical Resources Commission, for listing in the California Register of Historical Resources; (2) a resource listed in a local register of historical resources or identified as significant in an historical resource survey meeting certain state guidelines; or (3) an object, building,

structure, site, area, place, record or manuscript that a lead agency determines to be significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California, provided that the lead agency's determination is supported by substantial evidence in light of the whole record.

State California Register of Historical Resources

The California Register of Historic Resources (CRHR) is administered by the State Office of Historic Preservation and encourages public recognition and protection of resources of architectural, historical, archeological, and cultural significance. The CRHR identifies historic resources for state and local planning purposes, determines eligibility for state historic preservation grant funding, and affords protections under CEQA. A historic resource listed in, or formally determined to be eligible for listing in the NRHP is, by definition, included in the CRHR (Public Resources Code Section 5024.1[d][1]).

For a historical resource to be eligible for listing on the CRHR, it must be significant under one or more of the following criteria:

- It is associated with events that have made a significant contribution to the broad patterns of local or regional history, or the cultural heritage of California or the United States;
- It is associated with the lives of persons important to local, California, or national history;
- It embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of a master or possesses high artistic values; or
- It has yielded, or has the potential to yield, information important to the prehistory or history of the local area, California, or the nation.

Archaeological Resources and Human Remains

Archaeological and historical sites are protected by several state policies and regulations under the California Public Resources Code, California Code of Regulations (Title 14 Section 1427), and California Health and Safety Code. California Public Resources Code Sections 5097.9-5097.991 require notification of discoveries of Native American remains and provides for the treatment and disposition of human remains and associated grave goods.

Native American Heritage Commission

The National American Heritage Commission (NAHC) was created by statute in 1976, is a nine-member body appointed by the Governor to identify and catalog cultural resources (i.e., places of special religious or social significance to Native Americans and known graves and cemeteries of Native Americans on private lands) in California. The Commission is responsible for preserving and ensuring accessibility of sacred sites and burials, the disposition of Native American human remains and burial items, maintaining an inventory of Native American sacred sites located on public lands, and reviewing current administrative and statutory protections related to these sacred sites.

California Assembly Bill 52 (2014)

On July 1, 2015, Assembly Bill (AB 52) (2014) went into effect and established a new category of CEQA resources for "tribal cultural resources" (Public Resources Code §21074). The intent of AB 52 was to provide a process and scope that clarifies California tribal government's involvement in the CEQA process, including specific requirements and timing for lead agencies to consult with tribes on avoiding or mitigating impacts to tribal cultural resources. AB 52 also created a process for consultation with California Native American Tribes in the CEQA process.

Tribal Governments can request consultation with a lead agency and give input into potential impacts to tribal cultural resources before the agency decides what kind of environmental assessment is appropriate for a proposed project. The Public Resources Code requires avoiding damage to tribal cultural resources, if feasible.

California Public Resources Code

The discovery of Native American burial sites is regulated in accordance with Section 5097.98 California Public Resources Code, which states the following:

> *"(a) Whenever the commission receives notification of a discovery of Native American human remains from a county coroner…it shall immediately notify those persons it believes to be most likely descended from the deceased Native American. The descendants may… inspect the site of the discovery of the Native American remains and may recommend to the owner or the person responsible for the excavation work means for treating or disposing, with appropriate dignity, the human remains and any associated grave goods. The descendants shall complete their inspection and make their recommendation within 48 hours of their notification by the Native American Heritage Commission. The recommendation may include the scientific removal and nondestructive analysis of human remains and items associated with Native American burials."*

California Health and Safety Code

The discovery of human remains is regulated in accordance with California Health and Safety Code Section 7050.5, which states the following:

> *"In the event of discovery or recognition of any human remains in any location other than a dedicated cemetery, there shall be no further excavation…until the coroner…has determined…that the remains are not subject to…provisions of law concerning investigation of the circumstances, manner and cause of any death, and the recommendations concerning the treatment and disposition of the human remains have been made to the person responsible…. The coroner shall make his or her determination within two working days from the time the person responsible for the excavation, or his or her authorized representative, notifies the coroner of the discovery or recognition of the human remains. If the coroner determines that the remains are not subject to his or her authority and…has reason to believe that they are those of a Native American, he or she shall contact, by telephone within 24 hours, the Native American Heritage Commission."*

Local

General Plan Policies

The Town's *General Plan* policies applicable to cultural resources include, but are not limited to, the following:

Policy 8.01 Ensure that the remodeling and renovation of historic buildings respects the character of the building and its setting.

Policy 8.03 Discourage the demolition of historically important buildings. Where it is no longer feasible to continue using an older building for its originally intended use, the reuse of the buildings for contemporary purposes should be encouraged.

Policy 8.04 Encourage the use of the State Historic Building Code for historic buildings and other structures that contribute to the Town's historic character. Use flexibility when applying zoning regulations to historic sites and buildings.

Policy 8.05 Where appropriate and feasible, retain physical elements of Danville that contribute to the aesthetic and historic character of agricultural areas and former agricultural areas, such as barns, outbuildings, bridges, heritage trees, and fences.

Policy 8.06 Recognize heritage trees, landscapes, and other outdoor features as potential contributors to historic character, and afford protection to such features where appropriate.

Policy 8.08 Where feasible and relevant, ensure that the Town's historic preservation program meets state and federal standards.

Policy 8.13 Continue to survey and inventory historic resources in Danville, using criteria that are consistent with the U.S. Secretary of the Interior standards.

Policy 8.14 Ensure that development approvals do not result in the loss of significant archaeological resources by requiring full compliance with state and federal laws regarding the assessment and recovery of such resources.

Heritage Preservation Ordinance

Danville Heritage Resource Commission

The Town of Danville Historic Preservation Ordinance (Municipal Code 32-72.1) addresses the community's desires for preservation of historical resources. The Ordinance mandates the Town adopt a survey of historical resources that could be protected from demolition or exterior alterations. Property owners can request that their properties be designated as heritage resources, which are eligible for economic and land use incentives.

Criteria for Designation of a Heritage Resource

Section 32-72.4 of the Municipal Code establishes criteria for determining whether a structure, site (or portion of a site), improvement or natural feature may be considered for designation as a heritage resource pursuant to subsection 32-72.6 if it has maintained its historic integrity, is over fifty (50) years of age (less than fifty (50) years if it can be demonstrated that sufficient time has passed to understand the historical significance of the resource), and meets at least one (1) of the following criteria:

a. Is representative of a particular architectural style or reflects special elements of a distinct historical period, type, style or way of life important to the Town;

b. Is a type of building or is associated with a business or use that was once common but is now rare;

c. Is representative of the evolution or development or associated with the cultural, religious, educational, political, social or economic growth of the community, region, state or nation;

d. Represents the work of a notable builder, engineer, designer, artist or architect;

e. Is the site of an historical event or is associated with persons or events that have made a meaningful contribution to the community, region, state or nation;

f. Has a high potential for yielding information or archaeological interest;

g. Embodies elements of outstanding or innovative attention to architectural or engineering design, detail, craftsmanship or use of materials; and familiar visual feature of the neighborhood, community or Town;

h. Is a geographically definable area, possessing a significant concentration or continuity of site, improvements, natural features or objects unified bypast events or physical development; or

i. Is an unusual natural feature.

ENVIRONMENTAL SETTING

Archaeological Resources

Documented pre-contact Native American archaeological resources in the part of the San Ramon Valley in the vicinity of the Project property are located primarily along the banks and within the riparian zone of the San Ramon Creek, which runs parallel to the Project property, approximately 180 feet to the west. The entire Project property has been subject to pedestrian survey two times, in 1990 and 2021; no pre-contact archaeological resources have been documented within the Project property as a result of either of these studies.

A number of historic-era archaeological resources were noted during the most recent pedestrian survey of the Project property (EDS 2021). These included one likely post-1940 blue, swirl-type, glass marble observed in the orchard in the northeast corner of the Property. In addition, over 100 glass fragments, ceramic fragments, cans, barrels, bullet casings, ceramic insulators, brick, machine parts, wood scraps, ferrous metal, and other historic items were observed on the surface near the complex of buildings in the southwestern portion of the Property that appear to be associated with historic occupation and development of the Property; these artifacts have not been fully inventoried, mapped, or recorded. However, no concentrations of artifacts that may suggest the presence of intact subsurface deposits of historic materials were observed.

While no pre-contact archaeological resources were identified within the Project property as a result of the records search and pedestrian survey, geoarchaeological review of the Project property (EDS 2021) indicates a moderate to high potential/sensitivity for buried pre-contact period archaeological resources. In addition, the results of the EDS study indicated a high potential/sensitivity for historic-era archaeological resources. Such buried resources may be present within areas of the property that have not been previously

disturbed by prior land use, but redeposited diagnostic artifacts or partially intact features may also be present even within disturbed soils.

Historical Resources

The Project property contains a number of buildings, structures, and objects within a walnut orchard. These resources and the year they were built are shown in **Table 2, Borel Ranch Historic District Buildings/Structures/Objects Contributors,** in **Figure 1, Aerial Map of the Borel Ranch Property**.

Table 2
Borel Property Buildings/Structures

Building/Structure	Year Built	Contributor to the historical district?	Individually eligible to the CRHR*
Borel residence	1923	Yes	No
Three tank houses (water towers)	1923	Yes	No
Garage†	1923	Yes	No
Walnut barn	1923	Yes*	Yes
Barn (car barn)	1970	No	No
Shed	1923	Yes	No
San Ramon rail depot	1927 (relocated to property)	No	No
Gable building	1960	Yes	No
Chicken coop	1923	No	No
Irrigation equipment	1923	Yes	No
Walnut Orchard	Ca. 1900-1923	Yes	No

Notes:†Building proposed to be demolished

In 1990, a Historic Architectural Form was completed, which concluded that the Borel Ranch Property appeared eligible for the National Register of Historic Places (NRHP) under Criterion A for its association with events that have made a significant contribution to the broad patterns of our history. A Historical Resource Evaluation (HRE) completed in March 2022 for the Borel Property, which documented a number of buildings, structures, objects, and landscape features. The 2022 HRE recommended the property as eligible for listing in the California Register of Historical Resources (CRHR), as a historic district for its association with the agricultural practice of walnut orchard farming in the San Ramon Valley from ca. 1880 to ca. 1960. Therefore, the historic period of significance for the property and the proposed Project has been established in 1923 through 1960.

In addition, the 2022 HRE recommended the ca. 1923 walnut barn as individually eligible for listing in the CRHR under Criterion 3, as it embodies the distinctive characteristics of a type, period, or method of construction. The vernacular architecture of the walnut barn is associated with agricultural barns in the early twentieth century. The rectangular form of the barn and central section of the barn, raised above the shed roofs that extend from the main roof elevation, is a well-known barn style throughout the U.S. In addition, the integrated walnut processing system within the barn is particular to walnut orchards farms.

The Borel Ranch Property is a historic district composed of at least 12 built environment resources. Nine of the 12 built environment resources are contributing resources to the historical district (see **Table 2**). Contributing resources to the district include the ca. 1923 house, three ca. 1923 tank houses (1-3), ca. 1923 garage, ca. 1923 walnut barn, ca. 1923 shed building, ca. 1960 gable building, ca. 1923 irrigation equipment, and associated landscape, including the walnut trees (estimated planting between ca. 1900 to ca. 1920) and dirt and gravel roads. Non-contributing elements to the district include a ca. 1970 car barn, the 1927 San Ramon rail depot (relocated to the property in 1937), and ca. 1923 chicken coup, as well as objects that fall outside of the period of significance for the Property, which is ca. 1923 to ca. 1960.

The ca. 1923 wood-frame garage is not associated with any architectural style. The ca. 1923 garage is a rectangular form with a hipped roof and a concrete slab foundation, as shown in **Figure 2, South Elevation of the Ca. 1923 Garage, Facing North,** and **Figure 3, West and South Elevations of the Ca. 1923 Garage, Facing Northeast**. It is not individually eligible for the CRHR or local register but is eligible as a contributing resource to the Borel Ranch Property historic district.

SOURCE: Evans & De Shazo, 2022

FIGURE **1**

IMPACT SCIENCES

Aerial map of the Borel Ranch Property: Location of Built Environment Resources

1481.001•11/22

SOURCE: Google Earth, 2022

FIGURE **2**

IMPACT SCIENCES

South Elevation of the Ca.1923 Garage, Facing North

1481.001•11/22

SOURCE: Google Earth, 2022

FIGURE 3

IMPACT SCIENCES

West and South Elevations of the Ca. 1923 Garage, Facing Northeast

1481.001•11/22

DISCUSSION OF POTENTIAL PROJECT IMPACTS

a) Cause a substantial adverse change in the significance of a historical resource pursuant to Section 15064.5.

Potentially Significant Impact. The Project proposes to demolish the ca. 1923 wood-framed garage and the attached modern trellis in order to remove a UST and remediate the surrounding soil. As discussed under the Environmental Setting, an HRE was conducted for the Borel Ranch property. The HRE determined that nine of the twelve built structures are eligible as an historic district on the CRHR, as they are associated with the agricultural practice of walnut orchard farming in the San Ramon Valley from ca. 1880 to ca. 1960. The ca. 1923 garage is not eligible as an individual resource, but they are associated with the historic district. Per Section 21084.1 of the *State CEQA Guidelines*, demolition of the ca. 1923 garage would remove part of an eligible historic district, resulting in a substantial adverse change.

b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5.

Potentially Significant Impact. The Project is mapped as a Holocene-age, medium grained alluvial fan and basin deposits, suggesting that the landform is young enough that there is a potential for buried pre-contact resources that may not be visible on the surface. In addition, pre-contact archaeological resources for the part of the San Ramon Valley in the vicinity of the Project site are located primarily along the banks and within the riparian zone of the San Ramon Creek. San Ramon Creek runs parallel to the Project site, approximately 180 feet to the west. As a result, the area surrounding the Project site is considered archeologically sensitive for Native American resources. However, portions of the Project site have been previously disturbed by the installation of the UST. These factors indicate that there is a moderate potential for buried Native American resources within the Project site. The Project site is documented as having been continuously occupied and/or used as an agricultural landscape since it was purchased in the 1890s by George McCamley until the death of Armand Borel in 2007. Given the previous disturbance of the Project site (the installation of the UST), and because of the historic-period use of the vicinity of the Project site as a fuel area, there is a low to moderate potential to encounter buried historic-period archaeological resources.

c) Disturb any human remains, including those interred outside of dedicated cemeteries.

Potentially Significant Impact.

No dedicated cemetery exists on the Project property or in the vicinity of the Project. As the Project property has been subject to past subsurface disturbance associated with agricultural activities, the potential to discover intact human remains is moderate. The Project site has a moderate sensitivity for buried Native American archaeological deposits and cultural materials, which could include human remains. Human remains can be encountered in fill, re-deposited, or disturbed soils, as well as intact soils. Given the moderate sensitivity of the Project site, even with the previous disturbance, there could still be a moderate likelihood of encountering human remains during Project implementation.

6 ENERGY

INTRODUCTION

This section evaluates potential impacts associated with energy consumption and demand that would result from the implementation of the Project. The section also provides a description of the regulatory framework governing the management of energy on a federal, state, regional, and local level. Project impacts on energy consumption and demand have also been provided.

REGULATORY SETTING

Energy Policy and Conservation Act

Enacted in 1975, this legislation established fuel economy standards for new light-duty vehicles sold in the U.S. The law placed responsibility on the National Highway Traffic and Safety Administration (a part of the U.S. Department of Transportation) for establishing and regularly updating vehicle standards. The U.S. Environmental Protection Agency (U.S. EPA) administers the Corporate Average Fuel Economy (CAFE) program, which determines vehicle manufacturers' compliance with existing fuel economy standards. Since the inception of the CAFE program, the average fuel economy for new light-duty vehicles (autos, pickups, vans, and SUVs) steadily increased from 13.1 miles per gallon (mpg) for the 1975 model year to 27.5 mpg for the 2012 model year and is proposed to increase to 54.5 by 2025.

Renewable Portfolio Standard

Established in 2002 under SB 1078, accelerated in 2006 under SB 107, and expanded in 2011 under SB 2, California's Renewables Portfolio Standard (RPS) is one of the most ambitious renewable energy standards in the country. The RPS program requires investor-owned utilities, electric service providers, and community choice aggregators to increase procurement from eligible renewable energy resources to 33 percent of total procurement by 2020.

Assembly Bill 32: Global Warming Solutions Act

In addition to Title 24, Assembly Bill 32 (AB 32) is anticipated to result in the future regulation of energy resources in California. In order to achieve these emission reductions, it is generally accepted that California will need to improve its overall energy efficiency, which includes the use of more renewable energy resources. Pursuant to AB 32, the California Air Resources Board (CARB) will work with other state agencies (including the CEC), to implement feasible programs and regulations that reduce emissions and improve energy efficiency.

General Plan Policies

The following policies in the Town's *General Plan* have been adopted for the purpose of reducing or avoiding impacts related to energy:

Policy 31.05 Reduce the amount of construction and demolition (C&D) debris being disposed in landfills through mandatory C&D recycling requirements.

Policy 31.07 Advocate for increased energy conservation by Danville residents and businesses, including basic conservation practices (such as shutting off lights and using lower wattage bulbs), weatherization of existing homes and businesses, and the use of more energy efficient appliances.

Policy 32.01 Support the use of green building methods in new construction and rehabilitation projects, including both Town of Danville projects and private projects undertaken by homeowners.

Policy 32.02 Consider incentives for projects that incorporate green building methods beyond those required by the building code.

Policy 32.03 Encourage the use of recycled-content construction materials in major rehabilitation projects and in new construction.

Policy 32.04 Encourage site planning and subdivision design methods which reduce heating and cooling costs.

Policy 32.07 Promote tree planting as a way to create shade, reduce surface and ambient temperatures, and reduce the energy required for cooling.

ENVIRONMENTAL SETTING

Electricity in Contra Costa County is primarily provided by the Pacific Gas & Electric (PG&E). MCE Clean Energy (MCE) is an alternative electricity provider that is currently available to residents of Danville. MCE's standard service option (60 percent renewable) provides twice the amount of clean energy than traditional electricity service and exceeds California's average renewable power mix. PG&E provides natural gas services to the Town of Danville, including the Project property.

DISCUSSION OF POTENTIAL PROJECT IMPACTS

a) Result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation.

Less than Significant Impact.

Construction

Construction activity would use energy in the form of petroleum-based fuels to power construction vehicles and equipment throughout the Project property, construction worker travel to and from the Project property, and vehicles used to deliver materials to the Project property.

Construction equipment would be maintained to applicable standards, and construction activity and associated fuel consumption and energy use would be temporary and typical of construction sites. The Project would comply with Title 24 and CALGreen standards. Therefore, the Project would not involve the inefficient, wasteful, and unnecessary use of energy during construction, and the construction-phase impact related to energy consumption would be less than significant.

Operation

The Project's operational energy impacts would be no greater than its existing operational energy uses, as the Project includes removal of a garage, trellis, UST, and soil remediation. The Project does not include any changes to the current operation of the Project site. The Project's on-site operational energy impact would be considered less than significant.

b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency.

Less than Significant Impact. The Project would comply with all state and local plans and policies described above for renewable energy and energy efficiency. Therefore, implementation of the Project would result in less than significant impacts associated with renewable energy or energy efficiency plans.

7 GEOLOGY AND SOILS

INTRODUCTION

This section addresses impacts to geology and soils resources from implementation of the Project, identifies the regulatory framework with respect to regulations that address potential geologic and seismic hazards, such as ground shaking and liquefaction, and soil-related hazards such as expansive soils, that may result from implementation of the Project.

REGULATORY SETTING

Alquist-Priolo Earthquake Fault Zoning Act

The Alquist-Priolo Earthquake Fault Zoning Act was passed following the 1971 San Fernando earthquake. The Act regulates development in California near known active faults due to hazards associated with surface fault ruptures. Alquist-Priolo maps are distributed to affected cities, counties, and state agencies for their use in planning and controlling new construction. Areas within an Alquist-Priolo Earthquake Fault Zone require special studies to evaluate the potential for surface rupture to ensure that no structures intended for human occupancy are constructed across an active fault.

Seismic Hazards Mapping Act

The Seismic Hazards Mapping Act (SHMA) was passed in 1990 following the 1989 Loma Prieta earthquake. The SHMA directs the California Geological Survey (CGS) to identify and map areas prone to liquefaction, earthquake-induced landslides, and amplified ground shaking. CGS has completed seismic hazard mapping for the portions of California most susceptible to liquefaction, landslides, and ground shaking, including the central San Francisco Bay Area. The SHMA requires that agencies only approve projects in seismic hazard zones following site-specific geotechnical investigations to determine if the seismic hazard is present and identify measures to reduce earthquake-related hazards.

Staff geologists in the Seismic Hazard Zonation Program gather existing geological, geophysical, and geotechnical data from numerous sources to produce the Seismic Hazard Zone Maps. They integrate and interpret these data regionally to evaluate the severity of the seismic hazards and designate as Zones of Required Investigation (ZORI) those areas prone to liquefaction and earthquake-induced landslides. Cities and counties are then required to use the Seismic Hazard Zone Maps in their land use planning and building permit processes.

The Seismic Hazards Mapping Act requires that site-specific geotechnical investigations be conducted within the ZORI to identify and evaluate seismic hazards (i.e., liquefaction and earthquake induced landslides) and formulate mitigation measures prior to permitting most developments designed for human occupancy.

California Building Code

The 2019 California Building Standards Code (CBC) was published July 1, 2019, with an effective date of January 1, 2020. The CBC, which applies to all applications for building permits, consists of 11 parts that contain administrative regulations for the California Building Standards Commission and for all State agencies that implement or enforce building standards. Local agencies must ensure development complies with the CBC guidelines. Cities and counties can adopt additional building standards beyond the CBC. Part 2 of the CBC is based upon the 2019 International Building Code.

Soil Investigation Requirements

California Health and Safety Code Sections 17953–17955 and in Section 1802 of the CBC identify requirements for soils investigations for subdivisions requiring tentative and final maps, and for other specified types of structures. Testing of samples from subsurface investigations is required, such as from borings or test pits. Studies must evaluate slope stability, soil strength, position and adequacy of load-bearing soils, the effect of moisture variation on load-bearing capacity, compressibility, liquefaction, differential settlement, and expansiveness.

General Plan Policies

The Town's *General Plan* includes policies related to geologic hazards and paleontological resources. These policies include, but are not limited to, the following:

Policy 24.01 Recognize local seismic risks and incorporate earthquake protection measures in the development review process.

Policy 24.02 Prohibit construction of any new facilities serving public safety needs such as fire stations and hospitals in the Alquist-Priolo Earthquake Special Studies Zones.

Policy 24.03 Require soils and geologic reports for all projects proposed in scenic hillside development areas, as defined by the Town's Scenic Hillside and Major Ridgeline Development Ordinance, and in other areas where the potential for landslides, liquefaction, subsidence, or severe ground shaking exists. Assure that

development in these areas mitigates potential landslide hazards and other geologic hazards.

Policy 24.04 Require all development on hillside sites to be designed and constructed to minimize cutting and filling of slopes, avoid high risk landslide areas, and fully address environmental and aesthetic concerns.

Policy 24.05 Prohibit the division of land in a manner that would create a new parcel that is entirely 30 percent slope or greater, unless the intended use of the new parcel is open space.

Policy 24.06 Require that roads and drainage systems constructed in hillside areas are engineered to standards that prevent excessive maintenance and repair costs.

Policy 24.07 Maintain structural design and engineering standards which ensure that buildings and infrastructure are constructed to minimize damage resulting from expansive soils, erosion, subsidence, and other local geologic conditions.

Policy 24.09 Ensure that development approvals do not result in the loss of unique paleontological resources or geological features.

Policy 24.10 Require submittal of a Geotechnical report by a qualified engineering geologist, that specifies the location of active faults, and recommends appropriate setbacks prior to construction of any structure intended for human occupancy within the Alquist-Priolo Fault Zone

Building Code

The Town of Danville has adopted the 2019 California Building Code (CBC) as the Town's building code.

Scenic Hills and Major Ridgeline Development Ordinance

Section 32-69 of the Danville Municipal Code seeks to conserve the natural character of hillside areas by regulating the: nature and extent of grading, the degree to which existing vegetation may be modified or removed, and development in the Scenic Hillside and Major Ridgeline areas that have been established by the Town. Before development is allowed in these areas, the Applicant must first obtain a discretionary planning entitlement. Except in very specific circumstances, no development is allowed within 100 vertical feet of the centerline of Major Ridgelines. Hillside development standards cover these zones and regulate structure height and mass, and other aesthetic qualities.

ENVIRONMENTAL SETTING

The Project sites is located within a seismically active San Francisco Bay Area region. Danville is located within the San Ramon Valley, whose topography is typical of the San Francisco Bay Area, defined by northwest-trending ridges and valleys that generally parallel the geologic structures, including the major fault systems. The San Ramon Valley is surrounded by the East Bay Hills.

The Project Site is not located within a fault zone but is located approximately 0.3 miles from a fault zone. The closest fault lines to the Project sites are the Calaveras Fault and the Pleasanton Fault.[9] The Calaveras Fault is the major recognized fault system in the San Ramon Valley and is the dominant geologic feature of central Contra Costa County. The Calaveras Fault has produced at least one major earthquake in historical times, and has been determined to be capable of producing earthquakes in the range of 7.0 on the Richter Scale. Due to the close proximities and their probable magnitudes, the Project sites would be subject to strong ground shaking in the event of a large magnitude earthquake on any of the local faults or regional fault systems.

The topography of the Project sites is relatively flat and, according to the Department of Conservation, is not located within an area of high landslide susceptibility, or an Alquist-Priolo Fault Zone.[10]

Soils within the developed areas of Danville generally consist of clays and loams. Diablo Clay, Botella Clay Loam, Alo Clay, Cropley Clay, Conejo Clay Loam, and Pescadero Clay Loam are among the most common soils found within the Danville area.

DISCUSSION OF POTENTIAL PROJECT IMPACTS

a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving: (i) rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42; (ii) strong seismic ground shaking; (iii) seismic-related ground failure, including liquefaction; (iv) landslides.

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9 California Department of Conservation. Fault Activity Map of California. Available online at: https://maps.conservation.ca.gov/cgs/fam/, accessed November 1, 2022.

10 Town of Danville. *2030 General Plan*. Available online at: https://www.danville.ca.gov/DocumentCenter/View/1026/2030-General-Plan-PDF?bidId, accessed November 11, 2022.

i) ***No Impact.*** The California Geological Survey (CGS) establishes regulatory zones around active faults, called Alquist-Priolo Earthquake Fault Zones, which extend from 200 to 500 feet on each side of the known fault. These zones identify areas where a potential surface fault rupture could prove hazardous for buildings used for human occupancy. Development projects located within an Alquist-Priolo Earthquake Fault Zone are required to prepare special geotechnical studies to characterize hazards from any potential surface ruptures. The Project is not located within a State of California Earthquake Fault Hazard Zone or an Alquist-Priolo Earthquake Fault Zone [11], and the Project would not result in any new habitable structures. Therefore, no impact would occur.

ii) ***Less Than Significant Impact.*** Adherence to current building codes and engineering practices would ensure that the Project would not expose people, property, or infrastructure to seismically induced ground shaking hazards that are greater than the average risk associated with locations in active fault lines and would minimize the potential to expose people or structures to substantial risk, loss, or injury. Additionally, the Project involves the demolition of an existing garage, the removal of a UST, and the remediation of contaminated soil from that leaking UST, and would not build any structures, habitable or otherwise, or add any feature that could add to the risk of loss, injury, or death on the Project property. With compliance with existing regulatory requirements, Project impacts associated with seismic ground shaking would be less than significant.

iii) ***No Impact.*** Liquefaction is a seismic phenomenon in which loose, saturated, fine-grained granular soils behave similarly to a fluid when subjected to high-intensity ground shaking. Liquefaction occurs when three general conditions exist: (1) shallow groundwater; (2) low-density, fine, clean sandy soils; and (3) high intensity ground motion. The Project sites is not located within an area with shallow groundwater, sandy soils, or within a State of California Earthquake Fault Hazard Zone. Therefore, the Project sites is not susceptible to liquefaction. No impact would occur.

iv) ***No Impact.*** Landslides and other types of slope failures, such as lateral spreading, can result in areas with varying topography in the event of an earthquake. The topography of the Project property is relatively flat with no significant slopes existing within its vicinity. The Project sites is not located within a landslide zone and is not susceptible to landslides. Thus, the Project would not result in potential adverse effects involving landslides. No impacts would occur.

b) Result in substantial soil erosion or the loss of topsoil.

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11 California State Geoportal, *CGS Seismic Hazards Program: Alquist-Priolo Fault Hazard Zones*, https://gis.data.ca.gov/maps/ee92a5f9f4ee4ec5aa731d3245ed9f53/explore?location=34.271027%2C-119.286924%2C14.14, accessed September 6, 2022.

Less than Significant Impact. Construction activities associated with the Project would result in ground surface disruption during demolition, removal of the UST and excavation of contaminated soil, which would temporarily expose soils, allowing for possible erosion. The Project would be required to comply with federal, regional, and local regulations pertaining to soil erosion related-construction activity. Therefore, impacts would be less than significant.

c, d) 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.

Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property.

Less than Significant Impact. Expansive soils contain types of clay minerals that occupy considerably more volume when they are wet or hydrated than when they are dry or dehydrated. Soil volume changes associated with changes in the moisture content of near-surface expansive soils can cause upward movement of the ground when they become wet or cause settlement when they dry out, exerting forces on structures and potentially causing damage to building foundations. The Project includes excavation of approximately 600 cubic yards of soil to remediate the contaminated soil from the leaking UST. The Project is not located within an area that is subject to landslides, lateral spreading, or subsidence, and Project construction and operational activities would not have the potential to trigger these impacts on or offsite. As a result, impacts would be less than significant.

e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater.

No Impact. The Project includes demolition of the ca. 1923 garage and trellis, the removal of an existing UST, and remediation of contaminated soil surrounding the UST. No additional structures or residences are proposed as this time. Any future development on the Project site would be connected to the Contra Costa County Sanitary District (CCCSD) sanitary system, and sewer infrastructure would be able to serve the Project site. Therefore, the Project would have no impact on soils due to the use of septic tanks or alternative wastewater disposal systems.

f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.

Less than significant Impact. The Town of Danville is underlain by sedimentary deposits that have the potential to contain fossils. The Project proposes the excavation of approximately 600 cubic feet of soil, which could unearth previously unknown paleontological resources. California Public Resources Code

Section 5097.2 prohibits excavation or removal of any "vertebrate paleontological site … or any other archaeological, paleontological or historical feature, situated on public lands, except with the express permission of the public agency having jurisdiction over such lands." General Plan Policy 24.09 requires development projects to consult with a qualified paleontologist or geologist to determine whether fossils or geologic features with high scientific value are present. Compliance with state and local regulations would ensure there would be no destruction of paleontological resources. Impacts would be less than significant.

8 GREENHOUSE GAS EMISSIONS

INTRODUCTION

This section discusses the global, national, and statewide conditions related to greenhouse gases (GHG) and global climate change. This section also provides a discussion of the applicable federal, state, regional, and local agencies that regulate, monitor, and control GHG emission, potential GHG impacts from implementation of the Project.

REGULATORY SETTING

Executive Order S-3-05

In 2005, in recognition of California's vulnerability to the effects of climate change, Governor Schwarzenegger established Executive Order S-3-05, which sets forth a series of target dates by which statewide emissions of Greenhouse Gases (GHGs) would be progressively reduced, as follows:

- By 2010, reduce GHG emissions to 2000 levels;
- By 2020, reduce GHG emissions to 1990 levels; and
- By 2050, reduce GHG emissions to 80 percent below 1990 levels.

AB 32 Climate Change Scoping Plan

In 2006, California passed the California Global Warming Solutions Act of 2006 (AB 32; California Health and Safety Code Division 25.5, Sections 38500, et seq., or AB 32), which requires the California Air Resources Board (CARB) to design and implement emission limits, regulations, and other measures, such that feasible and cost-effective statewide GHG emissions are reduced to 1990 levels by 2020.

As a central requirement of AB 32, the CARB was assigned the task of developing a Scoping Plan that outlines the State's strategy to achieve the 2020 GHG emissions limit. This Scoping Plan, which was developed by the CARB in coordination with the Climate Action Team (CAT), was published in October 2008. The Scoping Plan proposed a comprehensive set of actions designed to reduce overall GHG emissions in California, improve the environment, reduce the State's dependence on oil, diversify the State's energy sources, save energy, create new jobs, and enhance public health. An important component of the plan is a cap-and-trade program covering 85 percent of the State's emissions. Additional key recommendations of the Scoping Plan include strategies to enhance and expand proven cost-saving energy efficiency programs; implementation of California's clean cars standards; increases in the amount of clean and renewable energy used to power the State; and implementation of a low-carbon fuel standard that will make the fuels used

in the State cleaner. Furthermore, the Scoping Plan also proposes full deployment of the California Solar Initiative, high-speed rail, water-related energy efficiency measures, and a range of regulations to reduce emissions from trucks and from ships docked in California ports. The Proposed Scoping Plan was approved by the CARB on December 11, 2008.

Because climate change is already affecting California and current emissions will continue to drive climate change in the coming decades, the need to adapt to the impacts of climate change is recognized by the State of California. The 2009 California Climate Adaptation Strategy Discussion Draft (the Strategy) begins what will be an ongoing process of adaptation, as directed by Governor Schwarzenegger's Executive Order S-13-08. The goals of the strategy are to analyze risks and vulnerabilities and identify strategies to reduce the risks. Once the strategies are identified and prioritized, government resources will be identified. Finally, the strategy includes identifying research needs and educating the public.

Climate change risks are evaluated using two distinct approaches: (1) projecting the amount of climate change that may occur using computer-based global climate models and (2) assessing the natural or human system's ability to cope with and adapt to change by examining historical experience with climate variability and extrapolating this to understand how the systems may respond to the additional impact of climate change. The major anticipated climate changes expected in the State of California include increases in temperature, decreases in precipitation, particularly as snowfall, and increases in sea level, as discussed above. These gradual changes will also lead to an increasing number of extreme events, such as heat waves, wildfires, droughts, and floods. This would impact public health, ocean and coast resources, water supply, agriculture, biodiversity, and the transportation and energy infrastructures.

Key preliminary adaptation recommendations included in the Strategy are as follows:

- Appointment of a Climate Adaptation Advisory Panel;
- Improved water management in anticipation of reduced water supplies, including a 20 percent reduction in per capita water use by 2020;
- Consideration of project alternatives that avoid significant new development in areas that cannot be adequately protected from flooding due to climate change;
- Preparation of agency-specific adaptation plans, guidance or criteria by September 2010;
- Consideration of climate change impacts for all significant State projects;
- Assessment of climate change impacts on emergency preparedness;

- Identification of key habitats and development of plans to minimize adverse effects from climate change;
- Development of guidance by the California Department of Public Health by September 2010 for use by local health departments to assess adaptation strategies;
- Amendment of Plans to assess climate change impacts and develop local risk reduction strategies by communities with General Plans and Local Coastal Plans; and
- Inclusion of climate change impact information into fire program planning by State firefighting agencies.

Senate Bill 375

SB 375 requires metropolitan regions to adopt transportation plans and sustainable communities strategy that reduce vehicle miles travelled. In accordance with SB 375, SCAG prepared and adopted the 2016 Regional Transportation Plan / Sustainable Communities Strategy (RTP/SCS) with the primary goal of enhancing sustainability by increasing mobility through various public transit options, increasing the number and variety of housing options to meet the demands of the growing population, creating more compact communities while decreasing urban sprawl, and ensuring people are able to live closer to work, school, and recreation uses.

Senate Bill 97

In August 2007, the Legislature adopted Senate Bill 97 (SB 97), which required the Governor's Office of Planning and Research (OPR) to prepare and transmit new CEQA guidelines for the mitigation of GHG emissions or the effects of GHG emissions to the Natural Resources Agency by July 1, 2009. On April 13, 2009, OPR submitted to the Secretary for Natural Resources its proposed amendments to the *State CEQA Guidelines* for greenhouse gas emissions, as required by Senate Bill 97. These proposed *CEQA Guidelines* amendments provided guidance to public agencies regarding the analysis and mitigation of the effects of greenhouse gas emissions in draft CEQA documents. On December 31, 2009, the Natural Resources Agency transmitted the Adopted Amendments and the entire rule-making file to the Office of Administrative Law (OAL). On February 16, 2010, OAL approved the Adopted Amendments and filed them with the Secretary of State for inclusion in the California Code of Regulations. The Adopted Amendments became effective on March 18, 2010.

Senate Bill 32

Senate Bill 32 (SB 32) was signed into law on August 31, 2016. SB 32 bill requires CARB to adopt rules and regulations to ensure that statewide GHG emissions are reduced to 40 percent below the 1990 level by 2030.

General Plan Policies

The Town's *General Plan* includes policies related to greenhouse gas emissions. These policies include, but are not limited to, the following:

Policy 33.01 Make land use and transportation decisions which promote walking and bicycling, and help to sustain public transportation.

Policy 33.02 Encourage reductions in the number of residents commuting in and out of Danville by car. This can be achieved in part by providing a better balance between jobs and housing, and providing housing which is responsive to the types of jobs that exist in Danville.

Policy 33.03 Support programs by local employers which encourage employees to carpool, use public transportation, telecommute, or pursue other alternatives to driving alone to work.

Policy 33.04 During the development review process, impose appropriate mitigation measures on new development to reduce greenhouse gas emissions.

Policy 33.05 Ensure compliance with state and federal standards for wood-burning fireplaces and stoves in new or remodeled homes. Consider incentives for homeowners to replace or retrofit existing fireplaces and stoves with low emission alternatives.

Policy 33.06 Encourage the use of cleaner burning fuels and low-emission vehicles.

Policy 33.09 Encourage local use of renewable energy sources, such as solar power.

Policy 33.10 Promote the use of low-emissions equipment and appliances.

Town Danville Sustainability Action Plan

The Town of Danville Sustainability Action Plan (SAP) is one of the key implementation measures for the Danville 2030 General Plan. It is a detailed, long-range strategy to reduce GHG emissions and achieve greater sustainability in transportation and land use, energy, water, solid waste, and other areas. The plan addresses the major sources of GHG emissions in Danville and the strategies that the Town and community can encourage to attain and exceed the State GHG emissions reduction target.

CEQA Guidelines. In August 2007, the California State Legislature adopted Senate Bill 97 (SB 97) (Chapter 185, Statutes of 2007), requiring the Governor's Office of Planning and Research (OPR) to prepare and transmit new *CEQA Guidelines* for the mitigation of GHG emissions or the effects of GHG emissions to the Resources Agency by July 1, 2009. In response to SB 97, the OPR adopted *CEQA Guidelines* that became effective on March 18, 2010.

However, neither a threshold of significance nor any specific mitigation measures are included or provided in the guidelines.[12] The guidelines require a lead agency to make a good-faith effort, based on the extent possible on scientific and factual data, to describe, calculate, or estimate the amount of GHG emissions resulting from a project. Discretion is given to the lead agency whether to: (1) use a model or methodology to quantify GHG emissions resulting from a project, and which model or methodology to use; or (2) rely on a qualitative analysis or performance-based standards. Furthermore, three factors are identified that should be considered in the evaluation of the significance of GHG emissions:

1. The extent to which a project may increase or reduce GHG emissions as compared to the existing environmental setting;

2. Whether the project emissions exceed a threshold of significance that the lead agency determines applies to the project; and

3. The extent to which the project complies with regulations or requirements adopted to implement a statewide, regional, or local plan for the reduction or mitigation of GHG emissions.[13]

The administrative record for the Guidelines Amendments also clarifies "that the effects of greenhouse gas emissions are cumulative and should be analyzed in the context of California Environmental Quality Act's requirements for cumulative impact analysis."[14]

ENVIRONMENTAL SETTING

Greenhouse gas emissions refer to a group of emissions that are believed to affect global climate conditions. These gases trap heat in the atmosphere and the major concern is that increases in GHG emissions are causing global climate change. Global climate change is a change in the average weather on earth that can be measured by wind patterns, storms, precipitation, and temperature. Although there is disagreement as

12 See 14 Cal. Code Regs. §§ 15064.7 (generally giving discretion to lead agencies to develop and publish thresholds of significance for use in the determination of the significance of environmental effects), 15064.4 (giving discretion to lead agencies to determine the significance of impacts from GHGs).

13 14 Cal. Code Regs. § 15064.4(b).

14 Letter from Cynthia Bryant, Director of the Governor's Office of Planning and Research to Mike Chrisman, California Secretary for Natural Resources, dated April 13, 2009.

to the speed of global warming and the extent of the impacts attributable to human activities, most agree that there is a direct link between increased emission of GHGs and long-term global temperature. What GHGs have in common is that they allow sunlight to enter the atmosphere but trap a portion of the outward-bound infrared radiation and warm up the air. The process is similar to the effect a greenhouse has in raising the internal temperature, hence the name greenhouse gases. Both natural processes and human activities emit GHGs. The accumulation of greenhouse gases in the atmosphere regulates the earth's temperature; however, it is the scientific consensus that emissions from human activities such as electricity generation and motor vehicle operations have elevated the concentration of GHGs in the atmosphere. This accumulation of GHGs has contributed to an increase in the temperature of the earth's atmosphere and contributed to global climate change.

The principal GHGs are carbon dioxide (CO_2), methane (CH_4), nitrous oxide (N_2O), sulfur hexafluoride (SF_6), perfluorocarbons (PFCs), hydrofluorocarbons (HFCs), and water vapor (H_2O). CO_2 is the reference gas for climate change because it is the predominant greenhouse gas emitted. To account for the varying warming potential of different GHGs, GHG emissions are often quantified and reported as CO_2 equivalents (CO_2e).

According to the 2030 General Plan, the Town of Danville's average annual communitywide GHG emissions in 2008 (the latest summary data available) was 351,590 MTCO2e.[15] Transportation emissions makeup 45 percent of the total emissions. Residential uses generate 34 percent of the GHG emissions, primarily from electricity and natural gas used for heating and cooking.

DISCUSSION OF POTENTIAL PROJECT IMPACTS

a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment.

Less than Significant Impact. GHG emissions associated with the Project would occur over the short-term from construction activities, consisting primarily of emissions from equipment exhaust and worker and trips from the demolition and excavation activities. The BAAQMD Guidelines state that GHG emissions from construction represent a very small portion of a project's lifetime GHG emissions. The Project does not include any changes to the operation of the Project property. The Project would not generate additional trips to the Project property, and therefore, the Project would not generate any additional operational emissions. Impacts would be less than significant.

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15 Town of Danville. *Danville 2030 General Plan*. Available online at: https://www.danville.ca.gov/DocumentCenter/View/1026/2030-General-Plan-PDF?bidId=, accessed November 2, 2022.

b) Conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of greenhouse gas emissions.

No Impact. The Project is limited to demolition of the ca. 1923 garage and trellis, removal of an UST, and soil remediation. There would be no additional structures or vehicle trips associated with Project operation. Thus, the project would not interfere with BAAQMD significance thresholds, or ABAG's strategies to reduce GHG emissions. Furthermore, the Project would not add additional population to the surrounding area that would lead to increased VMT and associated mobile emissions.

In addition to State and federal measures, The Town Danville Sustainability Action Plan (SAP) identifies measures to further reduce GHG emissions. The Project's consistency with these GHG reduction plans are contained in **Table 3**, **Consistency with Applicable Greenhouse Gas Reduction Strategies**.

Table 3
Consistency with Applicable Greenhouse Gas Reduction Strategies

Source	Category/Description	Consistency Analysis
AB 1493 (Pavley Regulations)	Reduces GHG emissions in new passenger vehicles from 2012 through 2016. Also reduces gasoline consumption to a rate of 31 percent of 1990 gasoline consumption (and associated GHG emissions) by 2020	**Consistent.** The Project would not conflict with implementation of the vehicle emissions standards.
Executive Order S-3-05	Establishes the following GHG emission reduction targets: • By 2010 reduce GHG emissions to 2000 levels • By 2020 reduce GHG emissions to 1990 levels • By 2050 reduce GHG emissions to 80 percent below 1990 levels	**Consistent.** The Project would not prohibit the state from reaching these targets.
SB 1368	Establishes an emissions performance standard for power plants within the State of California.	**Consistent.** The Project would not conflict with implementation of the emissions standards for power plants.
SB 375	Supports the state's climate actions goals to reduce GHG emissions through coordinated transportation and land use planning with the goal of more sustainable communities. Under SB375 the California Air Resources Board set regional targets for GHG emissions reductions from passenger vehicle use.	**Consistent.** The Project would not conflict with the implementation of passenger vehicle emission reduction measures.
Executive Order B-30-15	Establishes a state GHG reduction target of 40 percent below 1990 levels by 2030.	**Consistent.** The Project would not prohibit the state from reaching the 2030 GHG reduction target.
Town Danville Sustainability Action Plan	Includes strategies achieve greater sustainability in transportation and land use, energy, water, solid waste, and other areas.	**Consistent.** The Project would not conflict with the implementation of the Town's GHG reduction strategies.

The Project's operational GHG impacts would be no greater than its existing operational GHG emissions. Thus, the Project would comply with all applicable plans, policies, and programs adopted for the purpose of reducing GHG emissions. The net increase in GHG emissions, direct and indirect, would be consistent with applicable greenhouse gas reduction strategies. No Impact would occur.

9 HAZARDS AND HAZARDOUS MATERIALS

INTRODUCTION

This section presents an overview of the existing conditions regarding the presence of hazards and/or hazardous materials and analyzes within the Project. It also discusses potential impacts associated with construction and implementation of the Project.

REGULATORY SETTING

Federal Aviation Regulations Part 77

Federal Aviation Regulations, Part 77 Objects Affecting Navigable Airspace (FAR Part 77) sets forth standards and review requirements for protecting the airspace for safe aircraft operation, particularly by restricting the height of potential structures and minimizing other potential hazards (such as reflective surfaces, flashing lights, and electronic interference) to aircraft in flight. These regulations require that the Federal Aviation Administration (FAA) be notified of certain proposed construction projects located within an extended zone defined by an imaginary slope radiating outward for several miles from an airport's runways, or which would otherwise stand at least 200 feet in height above the ground.

Government Code Section 65962.5

Section 65962.5 of the Government Code requires CalEPA to develop and update a list of hazardous waste and substances sites, known as the Cortese List. The Cortese List is used by state and local agencies and developers to comply with CEQA requirements. The Cortese List includes hazardous substance release sites identified by the Department of Toxic Substances Control (DTSC) and State Water Resources Control Board (SWRCB).

California Accidental Release Prevention Program

The California Accidental Release Prevention (CalARP) Program aims to prevent accidental releases of regulated hazardous materials that represent a potential hazard beyond the boundaries of property. Facilities that are required to participate in the CalARP program use or store specified quantities of toxic and flammable substances (hazardous materials) that can have off-site consequences if accidentally released. The Contra Costa Health Services Hazardous Materials Programs reviews CalARP risk management plans as the Certified Unified Program Agency (CUPA).

CCR Title 8, Section 1532.1

The United States Consumer Product Safety Commission banned the use of lead-based paint in 1978. Removal of older structures with lead-based paint is subject to requirements outlined by Cal/OSHA Lead in Construction Standard, CCR Title 8, Section 1532.1 during demolition activities. Requirements include employee training, employee air monitoring, and dust control. If lead-based paint is peeling, flaking, or blistered, it is required to be removed prior to demolition.

Hazardous Materials Release Notification Regulations

There are multiple state statutes and regulations that require the notification of a release involving hazardous materials. These statutes and regulation include, but are not limited to, the following:

- California Health and Safety Codes Sections 25270.8, and 25507;
- Vehicle Code Section 23112.5;
- Public Utilities Code Section 7673, (PUC General Orders #22-B, 161);
- Government Code Sections 51018, 8670.25.5 (a);
- Water Codes Sections 13271, 13272; and
- California Labor Code Section 6409.1 (b)10.

California Fire Code

The 2019 California Fire Code (CFC) (Title 24, Part 9 of the California Code of Regulations) is the primary means for authorizing and enforcing procedures and mechanisms to ensure the safe handling and storage of any substance that may pose a threat to public health and safety. This includes regulations in the event of transport, use, and accidental release hazardous materials. Chapter 50 of the CFC outlines the general safety precautions for handling and transporting hazardous materials. Chapter 50 of the CFC also provides coordination standards between the development applicant and the regional/municipal/local fire protection agency.

Municipal Regional Permit Provision C.12.f

Polychlorinated biphenyls (PCBs) were produced in the United States between 1955 and 1978 and used in hundreds of industrial and commercial applications, including building and structure materials such as plasticizers, paints, sealants, caulk, and wood floor finishes. In 1979, the EPA banned the production and

use of PCBs due to their potential harmful health effects and persistence in the environment. PCBs can still be released to the environment today during demolition of buildings that contain legacy caulks, sealants, or other PCB-containing materials.

With the adoption of the San Francisco Bay Region Municipal Regional Stormwater National Pollutant Discharge Elimination System (NPDES) Permit (MRP) by the San Francisco Bay Regional Water Quality Control Board on November 19, 2015, Provision C.12.f requires that permittees develop an assessment methodology for applicable structures planned for demolition to ensure PCBs do not enter municipal storm drain systems.80 Municipalities throughout the Bay Area are currently modifying demolition permit processes and implementing PCB screening protocols to comply with Provision C.12.f. Buildings constructed between 1950 and 1980 that are proposed for demolition must be screened for the presence of PCBs prior to the issuance of a demolition permit. Single-family homes and wood-frame structures are exempt from these requirements.

Contra Costa County Hazardous Materials Program

Contra Costa County's Hazardous Materials Program (HMP) serves area residents by responding to emergencies and monitoring hazardous materials. The Hazardous Materials Business Plan Program for the HMP was established in 1986. Its purpose is to prevent or minimize damage to public health, safety, and the environment, from a release or threatened release of hazardous materials. It also satisfies community right-to-know laws. This is accomplished by requiring businesses that handle hazardous materials in reportable quantities to submit an annual hazardous materials business plan to the local CUPA as well as prepare a site map, develop an emergency response plan, and implement a training program for employees.

General Plan Policies

The Town's *General Plan* policies applicable to hazards and hazardous materials include, but are not limited to, the following:

Policy 25.01 Require safe roofing and other fire prevention standards for development in high fire hazard areas by maintaining a Fire Safe Roofing Ordinance, in coordination with the San Ramon Valley Fire Protection District.

Policy 25.02 Cooperate with the San Ramon Valley Fire Protection District in efforts to reduce fire risks through controlled burning and fuel removal.

Policy 25.03 Assure provision of adequate access for fire equipment to all developed and open space areas.

Policy 25.04 Maintain a response time of less than five minutes for emergency fire calls, to be met a minimum of 90 percent of the time and/or a fire station within 1.5 miles of all residential and nonresidential development. Where this standard cannot be met, and/or where severe wildland fire hazards exist, require special mitigation measures for fire prevention as necessary.

Policy 25.05 Prior to project approval, require written verification from the San Ramon Valley Fire Protection District on the anticipated response time to the project and the distance from existing stations.

Policy 25.06 Require the maintenance of "defensible space" (e.g., areas free of highly flammable vegetation) around homes in fire-prone areas. Require the clearing or thinning of fireprone vegetation within 30 feet of access and evacuation routes, and routes to critical facilities.

Policy 28.02 Require a Phase I Environmental Site Assessment (ESA) when development changes an existing use to a more sensitive use (e.g., commercial use to residential use). If potential hazardous materials concerns are identified, ensure that they are investigated and that sites are cleaned up to residential standards under appropriate regulatory agency oversight prior to development.

Policy 28.03 Support and implement policies contained in the Contra Costa County Hazardous Waste Business Plan Program that encourage and assist the reduction of hazardous waste from businesses and residences in Danville.

Policy 28.04 Support and implement policies contained in the Contra Costa County Hazardous Materials Program that provide procedures for hazardous materials incidents response.

Policy 28.05 As appropriate, incorporate hazardous building materials abatement provisions into zoning and subdivision decisions and entitlement permits.

Policy 29.01 Participate in cooperative regional efforts to prepare for and reduce damage from natural hazards such as wildfires, earthquakes, landslides, and floods.

Policy 29.02 Provide ongoing public education to help Danville residents and businesses be better prepared for disasters. This could include maps of natural hazards and evacuation routes, information on emergency preparedness and procedures, and other related information.

Policy 29.03 Provide for emergency traffic control plans in collaboration with other jurisdictions in the San Ramon Valley. These plans should identify evacuation routes and measures for

accommodating traffic in the event of a planned or emergency closure of the I-680 freeway or other major circulation route within the community.

Policy 29.04 Strive for improved communications and response capabilities in the event of a disaster, including a resilient Emergency Operations Center and expanded radio transmission capacity

Danville Emergency Operations Plan

Danville's Emergency Operations Plan addresses the Town's responsibilities in managing emergencies associated with all natural disasters and human-caused emergencies; and provides a framework for coordinating response and recovery efforts within the Town in coordination with local, State, and federal agencies.

ENVIRONMENTAL SETTING

The Project property is comprised of approximately seven-acres at the southern side of the Town of Danville at 3020 Fostoria Way, in a mixed commercial and residential area. Currently, the Project property is dormant and maintains a former residence, garages and equipment associated with the former onsite walnut processing. A Phase I and Phase II Environmental Site Assessment (ESA) identified the presence of a former UST and diesel fuel staining on surface soil near two Aboveground Storage Tanks (ASTs) and former drum storage areas.[16] The ASTs on the Project property include propane, and two empty diesel fuel ASTs. The UST is estimated to be approximately 550-gallons and is assumed to formerly contain gasoline. The Site is located on terrain gently sloping towards the north and is situated at approximately 479 feet above mean sea level (msl). The closest surficial water body is San Ramon Creek, which borders the western portion of the Site and flows north. Local groundwater depth ranges from approximately 15 to 19 feet below ground surface (bgs) with a local east-northeast gradient toward San Ramon Creek. The site was once used as a walnut orchard but is no longer in active use as an orchard.

Site improvements currently include a two-story house ("Main Residence"), modular residence, trailer home, walnut processing barn, two garages, water tower with water tanks, water well, several storage sheds, propane AST, two empty diesel fuel ASTs, a UST estimated to be approximately 550-gallons in size (and assumed to formerly contain gasoline) and associated fuel dispenser, two reported septic tanks, and a pump house located adjacent to San Ramon Creek along the western border of the Site. There are several

16 TRC, *Borel Property Phase II Site Investigation Report*, 2022

access roads within the orchards to the north and east along with a several surface roads connecting the improvements.

Water and soil investigations completed in January 2022 found staining, odors, or signs of contamination at all borehole locations. Concentrations of total petroleum hydrocarbons (TPH), benzene, VOCs, and Naphthalene were found in the soil samples. Contamination from the UST is estimated to extend from the UST to the shallow groundwater table and likely spread across this saturated/capillary zone just above the water table. The minimum extent of the soil impacts associated with the UST release are an area of approximately 20 feet by 30 feet.

DISCUSSION OF POTENTIAL PROJECT IMPACTS

a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials.

Less Than Significant Impact. Construction activities would involve the use of potentially hazardous materials, including vehicle fuels, oils, and fluids. All hazardous materials would be transported, contained, stored, used, and disposed of in accordance with manufacturers' instructions and would be handled in compliance with all applicable standards and regulations. Construction related hazardous materials use would be temporary, and does not constitute routine transport, use, or disposal. The Project includes the removal of the leaking UST, and remediation of approximately 600 cubic yards of soil. The Project would require the one time transportation of the removed contaminated soil and the UST. Adherence to General Plan Policy 28.02 and compliance with applicable standards and regulations would ensure that construction and remediation activities would not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials. As the current contaminated conditions on the Project sites, the Project would result in a beneficial impact regarding hazardous materials, and a less than significant impact would occur.

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.

Less than Significant Impact. A Phase I and Phase II ESA prepared in January 2022 identified current hazardous conditions regarding the release of chemicals from the UST that likely spread to the groundwater table. The Project involves the removal of the UST, and remediation of the surrounding soil. Demolition and excavation activities could result in the exposure of existing identified contaminants. However, the Project involves a Remedial Action Workplan to ensure proper treatment of contaminated soil. As a result of the remediation activities associated with the Project, the Project would have a beneficial impact regarding the release of hazardous materials into the environment.

Furthermore, in accordance with General Plan Policy 28.05, any asbestos containing materials, lead based paint, or polychlorinated biphenyls (PCBs) found to be present in buildings or structures proposed for demolition would be removed in accordance with uniformly applied federal, state, and local regulations to ensure worker safety and avoid release into the environment. Therefore, the Project would have a less than significant impact.

c). Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within 0.25 mile of an existing or proposed school.

Less than Significant Impact. There is one school located within one-quarter mile of the Project property: The Redwoods International Montessori Preschool & Kindergarten, approximately 0.2 miles west. However, the Remedial Action Workplan associated with the Project to remove the hazardous existing conditions would ensure that the Project would not emit hazardous emissions that would impact the nearby 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.

Less Than Significant Impact. The Project site is designated as "pending review" by the SWRCB GeoTracker list.[17] However, since the site status is pending review and labeled as "Non-Case Information" the site does not appear on the GeoTracker map. This is a remediation project and therefore, due to the nature of the project impacts would be less than significant.

e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area.

No Impact. The Project is not located within an airport land use plan and there are no public or private airports or airstrips within two miles of the Project sites. The closest airport to the Project is the Livermore Municipal Airport, located approximately 10.3 miles southeast of the Project sites. Therefore, no impacts would occur.

f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan.

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17 State Water Resources Board, GeoTracker List, available at: https://geotracker.waterboards.ca.gov/profile_report?global_id=T10000019760 , accessed on February 14, 2023

No Impact. The Town of Danville Emergency Operations Plan identifies the Town's responsibilities during natural disasters and human-caused emergencies and provides a response and recovery framework to coordinate the Town's services to address the disaster or emergency. Additionally, the General Plan includes several goals and policies for maintaining high levels of emergency preparedness. Policies 29.02, 29.03 and 29.04 address on-going preparation and training for emergency preparedness. Policy 29.03 also provides for emergency traffic control plans in collaboration with other jurisdictions in San Ramon Valley in the event of planned or emergency closure of I-680 or other major circulation routes within the community. All Project construction activities would be contained on the Project property, the construction phase of the Project would not block existing driveways and emergency routes. As such, construction activities would not conflict with the evacuation guidelines outlined in the Emergency Operations Plan.

g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires.

No Impact. The Project sites is not located in a Very High Fire Severity Zone.[18] The California Department of Forestry and Fire Protection (Cal Fire) does not identify any such zones within the City of Danville or surrounding communities.[19] The Project sites is adjacent to an urbanized area. The Project area itself would not expose people or structures to risk of loss, injury, or death from wildland fires as it is in an urbanized area that is not prone to wildfires. Thus, the Project would not expose persons or structures to wildfire hazard risks. No impact would occur, and no further analysis is necessary.

18 CAL FIRE, FHSZ Viewer. Available online at: https://egis.fire.ca.gov/FHSZ/, accessed November 2, 2022.

19 CalFire. *California Fire Hazard Severity Zone*s. Available online at: https://egis.fire.ca.gov/FHSZ/, accessed November 16, 2022.

10 HYDROLOGY AND WATER QUALITY

INTRODUCTION

This section addresses impacts to water quality and hydrological resources from implementation of the Project, identifies the regulatory framework with respect to regulations that address hydrology and water quality, and evaluates the significance of potential changes to hydrologic features and water quality.

REGULATORY SETTING

Clean Water Act

The Clean Water Act (CWA) is the principal law governing pollution of the nation's surface waters. The CWA forms the basic national framework for the management of water quality and the control of pollution discharges; it provides the legal framework for several water quality regulations. Section 401 pf the CWA requires states to certify that any activity subject to a permit issued by a federal agency, such as the United States Army Corps of Engineers (USACE), meets all state water quality standards. Section 402 of the CWA details the acceptable permits that for the discharge of pollutants on an industry basis. The CWA also provides the regulatory and legal framework for several water quality regulations: including the National Pollutant Discharge Elimination System (NPDES). Section 404 of the CWA regulates navigable waters where fill material (discharge) is proposed below the ordinary high water mark Section 404 prohibits the discharge of dredged or fill materials into Waters of the United States or adjacent wetlands without a permit from the USACE.

Rivers and Harbors Act

The Rivers and Harbor Act is the initial authority for the USACE regulatory permit program to protect navigable waters in the development of harbors and other construction and excavation. Section 10 of the Rivers and Harbor Act requires all harbor waterways to be subject to USACE jurisdiction.

National Flood Insurance Program

The Federal Emergency Management Agency (FEMA) established the National Flood Insurance Program (NFIP) to reduce impacts of flooding on private and public properties. The program provides subsidized flood insurance to communities that comply with FEMA regulations protecting development in floodplains. As part of the program, FEMA publishes Flood Insurance Rate Maps (FIRMs) that identify Special Flood Hazard Areas (SFHAs). An SFHA is an area that would be inundated by the one-percent annual chance flood, which is also referred to as the base flood or 100-year flood.

San Francisco Bay Basin Plan

The San Francisco Bay RWQCB regulates water quality in accordance with the Water Quality Control Plan for the San Francisco Bay Basin (Basin Plan). The Basin Plan lists the beneficial uses that the San Francisco Bay RWQCB has identified for local aquifers, streams, marshes, rivers, and the San Francisco Bay, as well as the water quality objectives and criteria that must be met to protect these uses. The San Francisco Bay RWQCB implements the Basin Plan by issuing and enforcing waste discharge requirements, including permits for nonpoint sources such as the urban runoff discharged by a Town's stormwater drainage system. The Basin Plan also describes watershed management programs and water quality attainment strategies.

Contra Costa Flood Control and Water Conservation District

The Contra Costa County Flood Control and Water Conservation District (FCWCD) collects special assessments to finance drainage improvements in areas with adopted drainage plans. Most of Danville is in Flood Control Zone (FCZ) 3B that includes the entire area from Concord in the north to Lafayette in the west. The eastern part of Danville is in FCZ 14 that includes San Ramon. Property tax is collected from each zone to fund flood control projects and facility maintenance. In addition to the Flood Control Zones, the area is divided into Drainage Districts. These are legal entities covered by a legal boundary map, land use map, hydrology map, drainage area plan, and fee ordinance. These efforts, along with Danville's drainage maintenance efforts, have reduced the potential for serious floods.

General Plan Policies

The Town's *General Plan* policies applicable to hydrology and water quality include, but are not limited to, the following:

Policy 20.01 Maintenance and improvement of the street and storm drainage system shall receive high priority during the annual Capital Improvement Program review.

Policy 20.02 Coordinate development approvals with the appropriate agencies to ensure that adequate water quantity, quality, and distribution; adequate sewage collection and wastewater treatment capacity; and other utilities can be provided to serve proposed development projects without adverse community impacts.

Policy 20.05 Continue to provide for flood control, protection from erosion and siltation, and improvements to urban runoff as required by federal law. Continue to explore the recreational potential of flood control facilities and waterways, consistent with public safety and security, and stress aesthetic treatment of needed facilities.

Policy 20.06 Ensure that the costs of upgrading and constructing public facilities needed to serve new development shall be the responsibility of the developers and not existing residents.

Policy 20.07 Discourage private infrastructure improvements such as private roads and private storm drainage systems.

Policy 20.08 Protect surface water from pollution by ensuring that stormwater discharges comply with Regional Water Quality Control Board San Francisco Bay Municipal Regional Permit (RWQCB-SF Bay MRP) requirements.

Policy 22.01 Maintain and enhance the natural quality of Danville's creeks, including the riparian vegetation along the banks. Setbacks should be maintained along creeks to maintain their natural appearance, reduce erosion and flood hazards, and protect their ecological functions.

Policy 22.02 Require qualifying new development projects and redevelopment projects to comply with the Municipal Regional Permit for stormwater control and treatment.

Policy 22.03 Conduct education and outreach activities to increase public awareness of water quality issues and the steps Danville residents and businesses can take to reduce water pollution.

Policy 22.04 Manage the Town's storm drainage facilities in a manner which minimizes pollution of local streams and waterways. Storm drains and other drainage facilities should be regularly maintained. 24.05 Prohibit the division of land in a manner that would create a new parcel that is entirely 30 percent slope or greater, unless the intended use of the new parcel is open space.

Policy 24.06 Require that roads and drainage systems constructed in hillside areas are engineered to standards that prevent excessive maintenance and repair costs.

Policy 26.01 Take appropriate steps in the development review process to protect life and property from flooding and erosion along local creeks.

Policy 26.02 Restrict new development in floodways and flood plains in accordance with FEMA requirements.

Policy 26.03 Require that new development result in runoff rates that are within the 100-year flood capacity of the Town flood control system.

Policy 26.04 Cooperate with the Contra Costa County Flood Control and Water Conservation District in watershed evaluations and projects intended to reduce flood hazards.

Policy 26.05 Work in conjunction with the Contra Costa County Flood Control and Water Conservation District to maintain natural creek settings to the extent possible while providing for adequate drainage capacity.

Policy 26.06 Encourage, and where appropriate require, the use of detention basins by developers to reduce peak stormwater runoff during significant rainfall events. No net increase in peak flow runoff should be allowed unless adequate drainage capacity exists or other mitigation measures are provided. Where feasible, support the use of common detention facilities serving more than one development.

Policy 26.07 Make structural improvements to public storm drains, pipelines, and channels where needed to ensure that these facilities can perform to their design capacity in handling stormwater flows.

Grading Ordinance

Chapter 19 of the Danville Municipal Code controls earthwork during construction for the sake of aesthetics, good engineering practice, erosion control, water quality protection, and environmental sensitivity. The Ordinance mandates that a permit is required to grade, fill, excavate, store, or dispose of soil and earth materials or perform any other land-disturbing or land-filling activity. The purpose is to minimize the quantity of silty debris on roads or entering the storm water system due to site runoff. A grading permit is not issued until an erosion control plan has been accepted for review by the Town, or the Town Engineer agrees that it is not required.

Stormwater Management and Discharge Control Ordinance

Chapter 20 of the Danville Municipal Code specifies measures required by projects to control and treat storm water runoff, and to regulate the timing and method that through which stormwater enters stormwater drainage facilities. It incorporates requirements of the Bay Area MRP and specifies the size of projects that are subject to LID standards set forth by the Bay Area MRP. These standards call for larger projects to use storm water control techniques such as infiltration (to groundwater), evapotranspiration (by plants), capture or use, or biotreatment.

ENVIRONMENTAL SETTING

Natural Drainage Patterns in Danville are dictated by Mt. Diablo to the northeast and the East Bay Hills to the west. Danville and the Project site is within the San Ramon Creek Watershed division of the Walnut Creek Watershed. The San Ramon Creek runs adjacent to the Project Site to the west. Surface runoff from the Project site is discharged into the creek, but it is not classified as an Impaired Water Body by the State.[20] Danville overlies the San Ramon Valley groundwater basin. Flooding in Danville can occur along major creeks and near the confluence of creeks.

The creeks in Danville are subject to periodic inundation from flooding resulting from major storm events. However, the Project Site is located within a FEMA flood hazard designation Zone X (unshaded), which is an area of minimal flood hazard, or higher than the elevation of the 0.2-percent-annual-chance flood.[21]

DISCUSSION OF POTENTIAL PROJECT IMPACTS

a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality.

Less than Significant Impact. The Project proposes to demolish the ca. 1923 garage and a trellis attached to that garage, as well as remove the underground storage tank (UST). The Project also includes the remediation of contaminated soil surrounding that UST. The Project would involve soil disturbance through demolition and excavation of contaminated soil. This would result in soil exposure which could lead to mobilization by rainfall/runoff and/or wind as these are the primarily modes of sediment releases. Thus, Project-related construction activities may increase on-site erosion and siltation and may result in temporary impacts to surface water quality of nearby San Ramon Creek. Dislodged sediments may be discharged into the storm drain system. In accordance with the CGP requirements, the Project would incorporate BMPs that intercept stormwater and prevent pollutants from discharging into San Ramon Creek and the storm drain system.

b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such the project may impede sustainable groundwater management of the basin.

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20 California Office of Environmental Health Hazard Assessment. "Impaired Water Bodies." Available online at: https://oehha.ca.gov/calenviroscreen/indicator/impaired-water-bodies, accessed November 14, 2022.

21 FEMA. FEMA's National Flood Hazard Layer (NFHL) Viewer. Available online at: https://hazards-fema.maps.arcgis.com/apps/webappviewer/index.html?id=8b0adb51996444d4879338b5529aa9cd, accessed November 2, 2022.

Less than Significant Impact. The Project sites is located in the San Ramon Valley groundwater basin. However, the Town of Danville does not pump groundwater from the basin. Project would not install any groundwater wells, would not require the use of groundwater for any new uses, and would not otherwise directly withdraw any groundwater. Thus, the Project would not substantially deplete groundwater supply, nor would the Project interfere with groundwater recharge. Impacts would be less than significant.

c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would i) result in substantial erosion or siltation on- or off-site; ii) substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite; iii) 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; or iv) impede or redirect flood flows?

Less than Significant Impact. The Project proposes to demolish the ca. 1923 garage and a trellis attached to that garage, as well as remove the underground storage tank (UST). The Project also includes the remediation of contaminated soil surrounding that UST. The Project would not cause an increase in the impervious surfaces on the Project property. There would be no change in the drainage patterns of the site, nor any increased runoff.

Construction activities associated with the Project would involve soil disturbance through demolition and excavation of contaminated soil. This would result in soil exposure which could lead to mobilization by rainfall/runoff and/or wind as these are the primarily modes of sediment releases. As discussed above, the Project would comply with the regulations outlined the San Francisco Bay RWQCB's CGP and the County's MS4 pertaining to impacts to the water quality surface waters and select and implement BMPs to adequately offset the increase in erosion and sedimentation caused by the Project.

The Project property is generally flat and is located in a Zone X (unshaded), which is not considered a Special Flood Hazard Area and would not result in impacts to the 100-year flood. As a result, the Project would not substantially alter the existing drainage pattern of the area in a manner which would result in flooding on- or off-site; 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; or impede or redirect flood flows.

d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation.

Less than Significant Impact. As previously discussed, the Project property is located in a Zone X (unshaded), which is not subject to seiches or tsunamis. The Project would be required to comply with Provisions C.3, the Danville Stormwater Management and Discharge Control Ordinance, and General Plan Policies 26.02 and 26.03 to reduce the impacts of stormwater runoff and potential flooding. Therefore, the Project would not risk release of pollutants due to inundation from flood hazard, tsunami, or seiche zones.

e) **Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan.**

Less than Significant Impact. As discussed, the Project would comply with Provision C.3 of the MRP and would implement the Town's Stormwater Management and Discharge Control Ordinance and Grading Ordinance to reduce pollutants from construction. Therefore, the Project would not conflict with or obstruct implementation of the San Francisco Bay Basin Plan or a sustainable groundwater management plan. Impacts would be less than significant.

11 LAND USE AND PLANNING

INTRODUCTION

This section evaluates the potential for implementation of the Project to impact land uses in the SCUSD. This section discusses regulatory framework (plans and policies from several jurisdictional agencies, as relevant), along with existing land uses throughout the Project Site, and possible environmental impacts that may occur.

Land use impacts can be either direct or indirect. Direct impacts result in land use incompatibilities, division of neighborhoods or communities, or interference with other land use plans, including habitat or wildlife conservation plans. This section focuses on direct land use impacts. Indirect impacts are secondary effects resulting from land use policy implementation, such as an increase in demand for public utilities or services, or increased traffic on roadways. Indirect impacts are addressed in other sections of this Initial Study.

REGULATORY SETTING

Plan Bay Area 2050

Plan Bay Area 2050 is a long-range plan for the nine-county San Francisco Bay Area that provides strategies that increase the availability of affordable housing, support a more equitable and efficient economy, improve the transportation network, and enhance the region's environmental resilience. ABAG allocates regional housing needs to each city and county within the San Francisco Bay Area, based on statewide goals. These allocations are designed to lay the foundation for Plan Bay Area 2050's long-term envisioned growth pattern for the region. ABAG also develops a series of forecasts and models to project the growth of population, housing units, and jobs in the Bay Area. ABAG, MTC, and local jurisdiction planning staff created the Forecasting and Modeling Report, which is a technical overview of the of the growth forecasts and land use models upon which Plan Bay Area 2050 is based.

General Plan Policies

The Town's *General Plan* included policies pertaining to land use that are applicable to the Project. These policies include, but are not the following:

Policy 1.07 Balance development with the preservation of land for open space uses in appropriate areas.

Policy 1.08 Protect existing residential neighborhoods from intrusion of incompatible land uses and excessive traffic to the extent reasonably possible.

Policy 1.09 In areas where different land uses abut one another, mitigate potential negative impacts through buffering techniques such as landscaping, setbacks, and screening. Similar methods also may be used between higher-density residential uses and less dense residential uses nearby.

Policy 7.01 Work closely with the City of San Ramon and Contra Costa County on future planning and development decisions in the Tassajara and Dougherty Valleys. Any land use changes in these areas beyond those reflected in approved General Plans should be linked to a rational growth management plan which establishes acceptable levels of service for infrastructure and public services and provides for the financing and maintenance of these facilities and services.

Policy 7.02 Work to ensure maximum control over land use decisions that directly affect the existing community, including the Tassajara Valley. Seek to establish a Sphere of Influence that encompasses all areas the Town may potentially annex through the year 2030.

Town of Danville Municipal Code

Chapter 32 of the Danville Municipal Code regulates land use in Danville. It describes zones, contains the Zoning Map, and includes development standards for the zones. The Municipal Code is the mechanism used to implement the goals, objectives, and policies of the General Plan and to regulate all land use within the Town.

ENVIRONMENTAL SETTING

The Project sites is located on an approximately seven-acre site in the Town of Danville. The Town of Danville designates the Project property as Commercial per the *Danville 2030 General Plan*. This designation encourages the development of smaller commercial and retail uses focused on meeting resident's needs, as well as some regional needs. Under the Zoning Ordinance, the Project property is zoned P-1 Planned Unit District, which permits large-scale integrated development, infill development, or a General Plan special area, and requires cohesive design when flexible regulations are applied.

Surrounding land uses are primarily single-family homes and big-box commercial retail. Between I-680 and the western boundary of the Project site, is a small linear parcel of land that is designated as General Open Space. This area contains walking and biking trails that run parallel to I-680, as well as San Ramon Creek. On the other side of I-680, in the City of San Ramon, land uses encompass industrial and auto oriented uses, as well as strip mall commercial development. South of Fostoria Way is a large office campus

style development and big box commercial surrounded by large parking lots. To the east of the Site, is a commercial development and residential uses.

DISCUSSION OF POTENTIAL PROJECT IMPACTS

a) Physically divide an established community.

No Impact. The Project proposes to demolish the ca. 1923 garage and a trellis attached to that garage, as well as remove the underground storage tank (UST). The Project also includes the remediation of contaminated soil surrounding that UST. The Project would not include any physical features that would physically divide the community. The Project would not alter the existing zoning or uses on the Project Site. No impacts would occur.

b) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect.

No Impact. The Project would not alter the existing land uses on-site. The Project proposes to demolish the ca. 1923 garage and a trellis attached to that garage, as well as remove the underground storage tank (UST). The Project also includes the remediation of contaminated soil surrounding that UST. The Project would not alter the existing zoning or uses on the Project property. Operation of the site would remain the same. Accordingly, the Project would be consistent with applicable General Plan policies.

12 MINERAL RESOURCES

INTRODUCTION

This section describes mineral resources in the region, identifies the regulatory framework with respect to laws and regulations that affect mineral resources, and analyzes the potential impacts of the Project.

REGULATORY SETTING

Surface Mining and Reclamation Act

The Surface Mining and Reclamation Act (SMARA) was enacted by the California legislature in 1975 to address the need for a continuing supply of mineral resources, and to prevent or minimize the negative impacts of surface mining to public health, property, and the environment. As mandated under SMARA, the State Geologist has designated mineral land classifications in order to help identify and protect mineral resources in areas within the state subject to urban expansion or other irreversible land uses which would preclude mineral extraction. SMARA also allowed the State Mining and Geology Board (SMGB), after receiving classification information from the State Geologist, to designate lands containing mineral deposits of regional or statewide significance.

ENVIRONMENTAL SETTING

According to the 2030 General Plan, there are no significant mineral deposits within the Town of Danville.[22]

DISCUSSION OF POTENTIAL PROJECT IMPACTS

a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state.

No Impact. There are no known mineral resources in in the Town of Danville. As a result, implementation of the Project would not result in the loss of availability of a known mineral resource.

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.

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22 Town of Danville. *2023-2031 Housing Element Update Draft EIR.* 2022. Available online at: https://www.danville.ca.gov/DocumentCenter/View/8736/Danville-HE-Update-EIR-9122022, accessed November 2, 2022.

No Impact. The Project is not located in an area with known mineral resources. Therefore, implementation of the Project would not result in the loss of availability of a mineral resource recovery site.

13 NOISE AND VIBRATION

INTRODUCTION

The purpose of this report is to evaluate the potential for noise and groundborne vibration impacts resulting from implementation of the Project. This report includes an evaluation of potential impacts associated with substantial temporary and permanent increases in ambient noise levels in the vicinity of the Project sites; exposure of people in the vicinity of the Project Site to excessive noise or groundborne vibration levels; and whether exposure is in excess of any applicable standards.

REGULATORY SETTING

Federal Transit Administration Vibration Limits

The Federal Transit Administration (FTA) has developed vibration impact assessment criteria for evaluating vibration impacts associated with transit projects. The FTA has proposed vibration impact criteria based on maximum overall levels for a single event. The impact criteria for groundborne vibration are shown in **Table 4, Groundborne Vibration Impact Criteria,** below. These criteria can be applied to development projects in jurisdictions that lack vibration impact standards.

Table 4
Groundborne Vibration Impact Criteria

Land Use Category.	Groundborne Vibration Impact Levels (VdB inch/sec)		
	Frequent Event	Occasional Events	Infrequent Events
Category 1: Buildings where vibration would interfere with interior operations	65	65	65
Category 2: Residences and buildings where people normally sleep	72	75	80
Category 3: Institutional land uses with primarily daytime use	75	78	83

Source: Federal Transit Administration. Transit Noise and Vibration Assessment Manual. September 2018.

California Building Standards Code

The CBC establishes uniform minimum noise insulation performance standards to protect persons within new buildings housing people, including hotels, motels, dormitories, apartments, and dwellings other than single-family residences. Title 24 mandates that interior noise levels attributable to exterior sources do not exceed 45 Ldn/CNEL in any habitable room. Exterior windows must have a minimum Sound Transmission Class (STC) of 40 or Outdoor-Indoor Transmission Class (OITC) of 30 when the property falls within the 65 dBA DNL noise contour for a freeway or expressway, railroad, or industrial source.

General Plan Policies

The Town's *General Plan i*ncluded policies pertaining to noise that are applicable to the Project. These policies include, but are not the following:

Policy 27.02 Require acoustical studies for major residential and other development projects, as appropriate, and impose noise mitigation measures accordingly.

Policy 27.03 Protect the noise environment in existing residential areas. Where acceptable noise levels in residential areas would be exceeded or further impacted as a result of new development or transportation improvements, require the use of noise mitigation measures, such as wall barriers, berms, mufflers, sound traps, and baffles to reduce noise intrusion.

Policy 27.04 Encourage the location of noise-sensitive land uses away from noise sources or require appropriate noise screening.

Policy 27.08 Require noise monitoring as needed to determine changes in noise levels over time, measure the effectiveness of project conditions of approval, and to ensure that appropriate mitigation programs are developed.

Policy 27.09 Generally maintain exterior noise levels below 60 Ldn in areas where outdoor use is a major consideration, such as in residential backyards. Where the Town determines that this level cannot be achieved after reasonable mitigation has been applied, higher standards may be permitted at the discretion of the Town Council. In such cases, indoor noise levels should not exceed an Ldn of 45 dB.

Policy 27.11 Ensure that the design of new development near major noise sources (such as Interstate 680) reduces the potential for future occupants to be exposed to high

levels of noise. Development on such properties should incorporate appropriate noise mitigation measures

Policy 27.12 Require the preparation of groundborne vibration studies by qualified professionals in accordance with industry-accepted methodology where heavy construction activities involving significant site grading, underground, or foundation work will occur within 50 feet of residential or other vibration sensitive uses.

Policy 27.13 Utilize noise reduction measures during all phases of construction activity to minimize the exposure of neighboring properties to excessive noise levels.

Town of Danville Municipal Code

Chapter IV, Police Regulations, of the Town of Danville Municipal Code contains the Town's Noise Ordinance. Section 4-2.3 states, "It is unlawful for a person to willfully make a loud, unnecessary, or unusual noise which disturbs the peace or quiet of a neighborhood or which causes discomfort or annoyance to a reasonable person of normal sensitiveness residing in the area." Specific prohibitions include the operation of machinery, equipment, or a pump, fan, air-conditioner, spa or pool equipment, power tool, lawn mower or leaf blower or engine in a manner which causes excessive noise to nearby residents between the hours of 10:00 p.m. and 8:00 a.m., and performing construction or repair work (which creates noise) within or adjacent to a residential land use district except on Monday through Friday between the hours of 7:30 a.m. and 7:00 p.m., and on Saturdays, Sundays and holidays between the hours of 9:00 a.m. and 7:00 p.m.

ENVIRONMENTAL SETTING

The Project property is located at the intersection of Camino Ramon and Fostoria Way. I-680 runs is located approximately 130 feet to the west of the Project property. Traffic (from I-680) is the most significant source of noise on the Project property. According to the 2030 General Plan, noise readings taken in 2011 along the I-680 corridor show that the Project Site falls within a 65-75 dBA contour, and a Community Noise Equivalent Level (CNEL) that ranges from "Normally Unacceptable" to "Conditionally Acceptable" for agricultural uses.[23]

[23] Town of Danville. *2030 General Plan*. Available online at: https://www.danville.ca.gov/DocumentCenter/View/1026/2030-General-Plan-PDF?bidId=, accessed November 14, 2022.

Sensitive receptors close to the Project sites include the single-family homes directly north of the Project sites, and east across Camino Ramon Road. The Redwoods International Montessori Preschool & Kindergarten is located approximately 970 feet west of the Project sites.

DISCUSSION OF POTENTIAL PROJECT IMPACTS

a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies.

Less than Significant Impact. The greatest noise impact would be associated with construction activities, such as demolition of the ca. 1923 garage and trellis, removal of the UST, and excavation of contaminated soil. Noise impacts resulting from construction depend on the noise generated by various pieces of construction equipment, the timing and duration of noise-generating activities, the distance between construction noise sources and noise-sensitive receptors, any shielding provided by intervening structures or terrain, and ambient noise levels. Excavation activities generate high noise levels, as it often requires simultaneous use of heavy equipment. Per the Municipal Code, construction would be limited to the hours of 7:30 a.m. and 7:00 p.m. The Project would also be subject to General Plan Policy 27.13 which would require standard noise reduction measures for all phases of construction to minimize exposure to adjacent receptors. This would reduce impacts to a less than significant level.

The Project's operational noise impacts would be no greater than its existing operational noises. The Project does not result in population growth or any additional vehicle trips. There would be no changes in traffic noise levels on adjacent streets. No operational impact would occur.

b) Generation of excessive groundborne vibration or groundborne noise levels.

Less than Significant Impact. Construction equipment such as pile drivers, which will not be used as part of the Project, are known to generate substantial vibration levels that if used in the vicinity of sensitive land uses may expose persons to excessive vibration levels as well as have the potential to damage buildings. Other construction equipment such as bulldozers and vibratory rollers do not create the vibration levels of pile drivers; however, these types of equipment are more likely to operate continuously and closer to sensitive receptors, and they may expose persons to excessive vibration levels. The Project's construction activities include the demolition of the ca. 1923 garage and trellis, removal of the UST, and excavation of contaminated soil. The Project would not employ pile drivers, but may utilize equipment that generates excessive vibration levels.

The severity of the vibration impact is determined by the proximity of the Project with respect to buildings and receptors. General Plan Policy 27.12 requires the preparation of groundborne vibration studies by qualified professionals in accordance with industry-accepted methodology where heavy construction activities involving significant site grading, underground, or foundation work will occur within 50 feet of residential or other vibration sensitive uses. The demolition and excavation work will be located on the southern portion of the Project property, and the nearest sensitive receptors are approximately 885 and 1,261 feet away. Therefore, General Plan Policy 27.12 would not be applicable. Given the nature of the Project's construction activities and distance between the location of the construction activities and the nearest sensitive receptors, vibration impacts would be less than significant.

c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels.

No Impact. The Project is not located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport and therefore there would be no impact.

14 POPULATION AND HOUSING

INTRODUCTION

This section identifies the regulatory framework with respect to regulations that addresses population and housing and evaluates the significance of the potential changes that could result from implementation of the Project. Sources of information used in this section include the Project, the Unites States Census Bureau (U.S. Census Bureau), the State of California Department of Finance (DOF), and the Association of Bay Area Governments (ABAG).

REGULATORY SETTING

Regional Housing Needs Allocation

The Regional Housing Need Allocation (RHNA) is the state-mandated process to identify the total number of housing units (by affordability level) that each jurisdiction must accommodate in its housing element. California housing-element law requires cities to: 1) zone adequate lands to accommodate its RHNA; 2) produce an inventory of sites that can accommodate its share of the RHNA; 3) identify governmental and non-governmental constraints to residential development; 4) develop strategies and a work plan to mitigate or eliminate those constraints; and 5) adopt a housing element and update it on a regular basis.

Plan Bay Area 2050

Plan Bay Area 2050 is a long-range plan for the nine-county San Francisco Bay Area that provides strategies that increase the availability of affordable housing, support a more equitable and efficient economy, improve the transportation network, and enhance the region's environmental resilience. Plan Bay Area 2050 promotes the development of a variety of housing types and densities within identified Priority Development Areas (PDAs). PDAs are areas generally near existing job centers or frequent transit that are locally identified for housing and job growth

Town of Danville 2023-2031 Housing Element

The Town of Danville is currently updating their Housing Element for the upcoming 2023-2031 Planning period. The current element cycle spans 2014 to 2022. The Housing Element includes potential General Plan land use amendment to provide for the Town's assigned Regional Housing Needs Allocation (RNNA) as required under State Law.

ENVIRONMENTAL SETTING

The Town of Danville has an estimated population of 43,240[24] and 16,101 housing units.[25] The Project property contains one unoccupied single-family home and several additional structures on a former walnut farm. The Project property is bordered to the north and northeast by single-family homes.

DISCUSSION OF POTENTIAL PROJECT IMPACTS

a) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure).

No Impact. The Project does not involve the construction of residential uses. The number of residences on the Project property and in the surrounding area will not change as a result of the Project. Therefore, the Project would not generate substantial population growth in the Town of Danville. No impacts would occur.

b) Displace substantial numbers of existing people or housing units, necessitating the construction of replacement housing.

No Impact. Construction Activities associated with the Project would be contained within the Project property. The Project does not propose removal of the existing unoccupied single-family home. The Project would not displace existing people or housing that would necessitate the construction of replacement housing elsewhere. No impacts would occur.

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24 U.S. Census. "QuickFacts; Danville town, California." Available online at: https://www.census.gov/quickfacts/fact/table/danvilletowncalifornia/PST045221, accessed November 3, 2022.

25 California Department of Finance. "E-5 Population and Housing Estimates for Cities, Counties, and the State, 2011-2021 with 2010 Census Benchmark." Available online at: https://dof.ca.gov/Forecasting/Demographics/Estimates/estimates-e5-2010-2021/, accessed November 3, 2022.

15 PUBLIC SERVICES

INTRODUCTION

This section describes the existing public services within the City, identifies the regulatory framework with respect to regulations that address public services, and evaluates the significance of the potential changes to public services that could result from implementation of the Project. The public services evaluated in this section include Fire Services, Police Services, Educational Facilities, Library Services, and Parks.

REGULATORY SETTING

California Fire Code

The 20 California Fire Code (CFC) (Title 24, Part 9 of the California Code of Regulations) is the primary means for authorizing and enforcing procedures and mechanisms to ensure the safe handling and storage of any substance that may pose a threat to public health and safety. It establishes regulations to safeguard against the hazards of fire, explosion, or dangerous conditions in new and existing buildings, structures, and premises. The (CFC) also establishes requirements intended to provide safety for and assistance to firefighters and emergency responders during emergency operations. The provisions of the Fire Code apply to the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, maintenance, removal, and demolition of every building or structure throughout California. The (CFC) includes regulations regarding fire-resistance-rated construction, fire protection systems such as alarm and sprinkler systems, fire services features such as fire apparatus access roads, means of egress, fire safety during construction and demolition, and wildland-urban interface areas.

Government Code Section 66477

The Quimby Act (included within Government Code Section 66477) requires local governments to set aside parkland and open space for recreational purposes. It provides provisions for the dedication of parkland and/or payment of fees in lieu of parkland dedication to help mitigate the impacts from new residential developments. The Quimby Act authorizes local governments to establish ordinances requiring developers of new residential subdivisions to dedicate parks, pay a fee in lieu of parkland dedication, or perform a combination of the two.

Government Code Section 65995 through 65998

California Government Code Section 65996 specifies that an acceptable method of offsetting a project's effect on the adequacy of school facilities is the payment of a school impact fee prior to the issuance of a

building permit. Government Code Sections 65995 through 65998 set forth provisions for the payment of school impact fees by new development by "mitigating impacts on school facilities that occur as a result of the planning, use, or development of real property" (Section 65996[a]). The legislation states that the payment of school impact fees "are hereby deemed to provide full and complete school facilities mitigation" under CEQA (Section 65996[b]). Developers are required to pay a school impact fee to the school district to offset the increased demands on school facilities caused by a proposed residential development project. The school district is responsible for implementing the specific methods for mitigating school impacts under the Government Code.

Contra Costa County General Plan

The Open Space Element of the *Contra Costa County General Plan* includes goals and policies that aim to protect, conserve, and enhance open space and park lands in the county.

General Plan Policies

The following policies in the Town's *General Plan* have been adopted for the purpose of reducing or avoiding impacts related to public services and are applicable to the Project.

Policy 1.06 Consider the cumulative effects of development on community facilities and services, such as transportation and schools, throughout the planning process.

Policy 6.03 Allow new development based on the project's demonstration of a plan for full public services (such as roads, parks, schools, fire, police, sanitary sewer facilities, water, and flood control) to which all providers are committed and where service can be assured in a timely manner.

Policy 6.04 Maintain level of service standards for transportation and parks, and Town policies and programs which ensure that these standards are maintained, within the parameters allowed by state law, as future development occurs.

Policy 6.08 Continue to implement a development mitigation program which ensures that development projects pay their share of the costs of local services (such as local streets, parks, fire, police, sanitary, sewer, water, and flood control) associated with that development. New development projects may only be approved where the Town finds that adopted minimum performance standards will be observed.

Policy 6.09 Encourage other jurisdictions and special districts in the Tri-Valley area to require that services are committed or in place prior to approving new development.

Policy 11.06 Cooperate with the San Ramon Valley Fire Protection District in providing the fire protection facilities needed to maintain or improve existing fire protection standards.

Policy 11.07 Encourage superior schools in Danville by coordinating CEQA and the Development Review process with the San Ramon Valley Unified School District. To the extent permitted by law, this review should ensure that new development contributes its fair share to the timely construction of new school and/or administrative facilities.

Policy 17.05 Strive to maintain the existing (2010) standard of 6.6 acres of parkland per 1,000 residents.

Policy 20.02 Coordinate development approvals with the appropriate agencies to ensure that adequate water quantity, quality, and distribution; adequate sewage collection and wastewater treatment capacity; and other utilities can be provided to serve proposed development projects without adverse community impacts.

Policy 20.06 Ensure that the costs of upgrading and constructing public facilities needed to serve new development shall be the responsibility of the developers and not existing residents.

Policy 22.03 Assure provision of adequate fire equipment access to all developed and open space areas.

Policy 22.04 Maintain a response time of less than five minutes for emergency fire calls to be met a minimum of 90 percent of the time calls and/or a fire station within 1.5 miles of all residential and nonresidential development. Where this standard cannot be met, and/or where severe wildland fire hazards exist, require special mitigation measures for fire prevention as necessary.

Policy 22.05 Prior to project approval, require written verification from the San Ramon Valley Fire Protection District on the anticipated response time to the project and the distance from existing stations.

Policy 30.01 Maintain a police response time of no more than 5 minutes for 90 percent of all emergency (priority one) calls, exclusive of dispatch time and excluding 911 hang-

ups. For all other police calls, maintain a maximum 20-minute response time for 90 percent of all such calls, again exclusive of dispatch time.

Town of Danville Municipal Code

Under Chapter 32 Planning and Land Use, Section 32-83 Park Dedication of the Town's Municipal Code provides for the Quimby Act and the dedication of open space. The general standard requires five acres of park land per 1,000 persons. Developers are responsible for providing park land or the payment of fees at the time of approval of a subdivision or parcel map or as a condition of approval of a building permit. However, projects that require a General Plan Amendment are subject to a standard of 6.5 acres of parkland per 1,000 people based upon the 1994 Dougherty Valley Settlement Agreement.

Parks, Recreation and Arts Strategic Plan

The Parks, Recreation, and Arts Strategic Plan, adopted by the Danville Town Council on July 5, 2017, established a long-range vision for parks, recreation, and arts in Danville. The Strategic Plan includes vision principles, strategies, and action steps to improve and enhance parks, open space, trails, and cultural and public art.

ENVIRONMENTAL SETTING

Fire Protection: The Project property is served by the San Ramon Valley Fire Protection District (SRVFPD) and the Park District's Fire Department. The SRVFPD generally provides fire, rescue and emergency medical services. The closest SRVFPD station to the Project property is Fire Station 38, located approximately 1.2 miles southwest at 1600 Bollinger Canyon Rd. Likewise, the Park District's Fire Department also provides the same services. The closest Park District's Fire Station is Fire Station 4, located at 4.8 miles away at 18012 Bollinger Canyon Rd San Ramon, CA 94583.

Police Protection: The Project property is served by the Danville Police Department (PD) and the Park District's Police Department. The Danville PD is comprised of 40 employees, including 30 officers and 12 civilian support personnel. There are also eight reserve officers, and 32 volunteers that help deliver services to residents.[26] The Danville PD has one police station located within the Town Offices facility at 510 La Gonda Way, approximately 3.4 miles north of the Project property. Due to the close proximity, the Danville Police Department would likely be the first responders on the Project property The Park District's Police

[26] Town of Danville. Danville Police Department. Available online at: https://www.danville.ca.gov/162/Police-Services, accessed November 3, 2022.

Department consists of 158 full time employees. The closest Park District's police station is located at the department headquarters in Lake Chabot Regional Park in Castro Valley.

School Services: The Project property is located within the San Ramon Valley Unified School District (SRVUSD) boundaries. SRVUSD comprises 35 schools and enrolls 30,000 students. [27] The closest school under SRVUSD is Greenbrook Elementary School, located approximately 0.5 miles northeast of the Project property.

Parks: The Project property is owned and managed by the Park District, which is a system of parklands in Alameda and Contra Costa Counties. The system is comprised of 73 parks and a system of regional trails. The Recreation, Arts & Community Services Department (Department) provides park and recreational services in the Town. The Department is responsible for maintaining and programming the 167 acres of parks and recreational facilities and works cooperatively with public agencies in coordinating all recreational activities within the Town. The closest neighborhood park to the Project property is Danville South Park, is located approximately 0.29 miles north on Camino Ramon.

Other Public Services: The Danville Library provides public library services within the Town. The 17,200 square foot library is located at 400 Front Drive, approximately 2.72 miles north of the Project property. It contains approximately 78,000 printed materials.

DISCUSSION OF POTENTIAL PROJECT IMPACTS

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.

No Impact. The Project proposes to demolish the ca. 1923 garage and trellis, as well as remove the UST. The Project also includes the remediation of contaminated soil surrounding that UST. The Project would not facilitate population growth or introduce new structures that would result in the need for additional fire protection services or facilities. The construction activities would be contained to the Project Site and would not impact service response times. The Project would comply with all state and local regulations. No impact would occur.

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27 San Ramon Valley Unified School District. "Who We Are." Available online at: https://www.srvusd.net/About-Us/Facts-and-Figures/Who-We-Are/index.html, accessed November 3, 2022.

b) Police Protection.

No Impact. The Project proposes to demolish the ca. 1923 garage and trellis, as well as remove the UST. The Project also includes the remediation of contaminated soil surrounding that UST. The Project would not facilitate population growth, or introduce new structures that would result in the need for additional police protection services. The construction activities would be contained to the Project site and would not impact service response times. No impact would occur.

c). Schools.

No Impact. Impacts to schools are typically associated with population associated with implementation of a project. As stated previously, the Project does not contain a residential component, and no changes to the operation of the Project property would occur. As such, the Project would not result in a substantial increase in the student population resulting in the need for new or expanded schools. No impacts would occur.

d) **Parks.**

No Impact. There is no increase in population anticipated from the Project that would substantially increase demand on local parks such that deterioration of facilities would occur. Therefore, there would be no impact to existing neighborhood and regional parks.

e) Other public facilities.

No Impact. Impacts to library services are typically associated with population increases. As stated, the Project does not contain a residential component, and there would be no change to operation of the Project property that would result in an increase in population and demand for public library services. As such, no impacts would occur.

16 RECREATION

INTRODUCTION

This section describes the existing public services within the City, identifies the regulatory framework with respect to regulations that address recreational services, and evaluates the significance of the potential changes to recreational facilities that could result from implementation of the Project.

REGULATORY SETTING

Parks, Recreation and Arts Strategic Plan

The Parks, Recreation, and Arts Strategic Plan, adopted by the Danville Town Council on July 5, 2017, established a long-range vision for parks, recreation, and arts in Danville. The Strategic Plan includes vision principles, strategies, and action steps to improve and enhance parks, open space, trails, and cultural and public art.

General Plan Policies

The following policies in the Town's *General Plan* have been adopted for the purpose of reducing or avoiding impacts related to recreation and are applicable to the Project.

Policy 6.03 Allow new development based on the project's demonstration of a plan for full public services (such as roads, parks, schools, fire, police, sanitary sewer facilities, water, and flood control) to which all providers are committed and where service can be assured in a timely manner.

Policy 6.04 Maintain level of service standards for transportation and parks, and Town policies and programs which ensure that these standards are maintained, within the parameters allowed by state law, as future development occurs.

Policy 6.08 Continue to implement a development mitigation program which ensures that development projects pay their share of the costs of local services (such as local streets, parks, fire, police, sanitary, sewer, water, and flood control) associated with that development. New development projects may only be approved where the Town finds that adopted minimum performance standards will be observed.

Policy 6.09 Encourage other jurisdictions and special districts in the Tri-Valley area to require that services are committed or in place prior to approving new development.

Policy 17.05 Strive to maintain the existing (2010) standard of 6.6 acres of parkland per 1,000 residents.

ENVIRONMENTAL SETTING

The Recreation, Arts & Community Services Department (Department) provides park and recreational services in the Town. The Department is responsible for maintaining and programming the 167 acres of parks and recreational facilities and works cooperatively with public agencies in coordinating all recreational activities within the Town. The closest neighborhood park to the Project site is Danville South Park, is located approximately 0.29 miles north on Camino Ramon. Danville South Park contains lawn area for passive recreation, play structures, swings, a small sand area, and picnic tables.

Town of Danville is surrounded by open space managed by a variety of jurisdictions including the State of California and the Park District. Major regional open space areas include Mt. Diablo State Park, Las Trampas Regional Wilderness, and Sycamore Valley Open Space. The Project property is owned and operated by the Park District. The Park District operates a system of parklands in Alameda and Contra Costa counties, east of the San Francisco Bay. The Park District manages 73 parks, totaling 1250,000 acres, 1,250 miles of trails; 55 miles of shoreline.

DISCUSSION OF POTENTIAL PROJECT IMPACTS

a) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated.

No Impact. The Project proposes to demolish the ca. 1923 garage and trellis, as well as remove the underground storage tank (UST). The Project also includes the remediation of contaminated soil surrounding that UST. The Project would not facilitate population growth or introduce new structures that would result in the increased use of existing parks or substantial physical deterioration of park facilities within the surrounding area. No impact would occur.

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.

No Impact. The Project is located on a former walnut farm. It does not include recreational facilities or would require the construction or expansion of recreational facilities. No impact would occur.

17 TRANSPORTATION

INTRODUCTION

The purpose of this section is to address the potential transportation impacts associated with the Project.

REGULATORY SETTING

Senate Bill 743

Senate Bill 743 (SB 743), effective September 2013, established new criteria for determining the significance of transportation impacts that "promote the reduction of greenhouse gas (GHG) emissions, the development of multimodal transportation networks, and a diversity of land uses." Specifically, SB 743 directed the Governor's Office of Planning and Research (OPR) to update the *CEQA Guidelines* to replace automobile delay—as described solely by level of service (LOS) or similar measures of vehicular capacity or traffic congestion—with vehicle miles traveled (VMT) as the recommended metric for determining the significance of transportation impacts. OPR has approved the *CEQA Guidelines* implementing SB 743.

SB 743 did not authorize OPR to set specific VMT impact thresholds, but it did direct OPR to develop guidelines for jurisdictions to use. *CEQA Guidelines* Section 15064.3(b)(1) describes factors that might indicate whether a development project's VMT may be significant or not. Notably, projects that are located within one half mile of transit should be considered to have a less than significant transportation impact based on OPR guidance.

Regional Transportation Plan

MTC is the transportation planning, coordinating, and financing agency for the nine-county San Francisco Bay Area, including Contra Costa County. MTC is charged with regularly updating the Regional Transportation Plan, a comprehensive blueprint for the development of mass transit, highway, airport, seaport, railroad, bicycle, and pedestrian facilities in the region. MTC and ABAG adopted Plan Bay Area 2050 in October 2021, which includes a Regional Transportation Plan to guide regional transportation investment for revenues from federal, state, regional and local sources through 2050.

General Plan Policies

The following policies in the Town's General Plan have been adopted for the purpose of reducing or avoiding transportation-related impacts and are applicable to the Project.

Policy 11.01 Support balanced transportation improvements which make all modes of travel more efficient, attractive, convenient, and safe.

Policy 11.05 Ensure that new development pays its fair share of transportation improvement costs and includes reasonable and effective measures to mitigate its impacts on transportation.

Policy 12.02 Require design measures to accommodate access by pedestrians, bicycles, and transit within new development, and to provide connections to adjacent development.

Policy 12.03 Provide a pleasant and safe environment for pedestrian movement.

Policy 12.04 Provide additional directional and destination signage for motorists, bicyclists, pedestrians, and transit users.

Policy 12.05 Limit the number of curb cuts and other access points along arterial streets to avoid congestion and improve traffic and pedestrian safety.

Policy 12.10 Ensure that parking areas are designed to facilitate safe pedestrian access between parking spaces, sidewalks, and building entrances. In pedestrian-oriented areas such as Downtown Danville, parking for new commercial uses should generally be located behind the building rather than between the building and the front lot line.

Policy 12.12 To the extent permitted by law, ensure that the Town's transportation improvement fees may be used to support pedestrian, bicycle, and transit improvements as well as road improvements.

Policy 13.05 Create and maintain a safe, effective system of bikeways, including an integrated network of off-road bicycle trails, dedicated on-road bicycle lanes and signed bicycle routes along Danville streets. 13.06 Review all planned road improvement projects to ensure that the needs of pedestrians, bicyclists, and persons with special needs are considered.

Policy 14.02 Require site-specific traffic studies for development that is likely to generate significant volumes of traffic. If such studies indicate that the development could cause the Town's transportation standards to be exceeded, require modifications

to the project and/or impose transportation improvement requirements which ensure that these standards are maintained.

Policy 14.03 Maintain level of service (LOS) standards for Danville streets which balance vehicle speed and travel time objectives with other considerations, such as the safety and comfort of pedestrians, bicyclists, and transit users. Standards may vary according to roadway function and the character of surrounding uses.

Policy 14.04 Promote pedestrian-oriented mixed-use development in appropriate locations, including residential, commercial, and employment activities that are easily accessible by foot, bicycle, or transit.

Policy 14.08 Allow reduced parking requirements for projects which are likely to have lower rates of vehicle use (such as senior housing) or which include shared parking facilities or other provisions which reduce off-street parking needs.

ENVIRONMENTAL SETTING

Roadway Facilities

The Project is located at the corner of Fostoria Way and Camino Ramon. Fostoria Way is a four-lane east-west minor arterial with a central planted median. Camino Ramon is a two-lane north-south major collector with a central turn lane. The posted speed limit is 35 miles per hour (mph). I-680 is a north-south freeway that bypasses the Town of Danville that provides regional access. It runs parallel to the Project property on the western border. I-680 is accessible from Crow Canyon Road, a block south of the Project property.

Bicycle and Pedestrian Facilities

There are limited public pedestrian facilities and public bicycle routes surrounding the Project property. A public sidewalk runs along Fostoria Way, along the southern boundary of the Project property, as well as along the eastern side of Camino Ramon, but there are no crosswalks that allow for safe crossing directly to the driveway entrance of the Project property. The closest crosswalks are located at the intersection of Camino Ramon and Fostoria way, approximately 150 feet south of the driveway entrance.

Camino Ramon contains a Class III bikeway along Camino Ramon from Fostoria Way to Sycamore Valley Road. Class III bikeways, or bike routes, designate a preferred route for bicyclists on streets shared with motor traffic not served by dedicated bikeways to provide continuity to the bikeway network.

Public Transit Facilities

Transit services in the Town are provided by County Connection, which provides fixed-route and paratransit bus service throughout the communities of Concord, Pleasant Hill, Martinez, Walnut Creek, Clayton, Lafayette, Orinda, Moraga, Danville, San Ramon, as well as unincorporated communities in Central Contra Costa County.[28] The closest County Connection bus service is Route 21, which connects the Walnut Creek BART station with the San Ramon Intermodal Transit Center in Bishop Ranch Business Park. The bus stop is located just east of the Camino Ramon and Fostoria Way intersection. The Project property is also located one block north of the 95X on Crow Canyon Road, which provides service between the Walnut Creek BART station and the San Ramon Intermodal Transit Facility, and the 92X, which provides service from Danville Sycamore Park & Ride Lot and San Ramon Transit Center to the Altamont Commuter Express (A.C.E.) train station in Pleasanton.

DISCUSSION OF POTENTIAL PROJECT IMPACTS

a) Conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities.

No Impact. The Project proposes to demolish the ca. 1923 garage and trellis, as well as remove the underground storage tank (UST). The Project also includes the remediation of contaminated soil surrounding that UST. Construction-related trucks and vehicles for the Project would be nominal and would be parked off-road within the Project property. Thus, Project-related construction activities and operations would not impact the existing roadway and bicycle circulation system along Fostoria Way and Camino Ramon. Therefore, the project would have no impact.

b) Conflict or be inconsistent with CEQA Guidelines section 15064.3, subdivision (b).

Less than Significant Impact. *CEQA Guidelines* Section 15064.3(b)(3) states, "If existing models or methods are not available to estimate the vehicle miles traveled for the particular project being considered… may analyze the project's vehicle miles traveled qualitatively. Such a qualitative analysis would evaluate factors such as the availability of transit, proximity to other destinations, etc." The Project is limited to demolition and excavation activities. During construction, materials delivery and similar construction truck trips would occur, however these would be limited in terms of duration and would cease once construction operation are complete. For Project operation, the Project does not propose any changes to existing operations. As a result, trips and associated VMT would be expected

28 County Connection. About Us. Available online at: https://countyconnection.com/about/, accessed November 8, 2022.

to remain similar to existing conditions. Therefore, the Project would remain consistent with Section 15064.3(b) of the *CEQA Guidelines*. Less than significant impacts would occur.

c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment).

No Impact. The Project includes proposes to demolish the ca. 1923 garage and trellis, as well as remove the underground storage tank (UST). The Project also includes the remediation of contaminated soil surrounding that UST. The Project site layout and design would remain the same. Vehicle access to and from the Project property would remain via Camino Ramon, the same as existing conditions. As design and layout of the Project property would remain the same, the Project would not include any design features that would substantially increase hazards or incompatible use. No impacts would occur.

d) Result in inadequate emergency access.

No Impact. The Project would not remove or close the existing vehicle driveway on-site. Access to the Project property would continue to be provided via Camino Ramon. Additionally, the Project would be subject to General Plan Policies 12.02, 12.05, 14.02, which aim to maintain a safe circulation network. As such, the Project would not result in inadequate emergency access and no impact would occur.

18 TRIBAL CULTURAL RESOURCES

INTRODUCTION

This section presents an overview of the existing tribal cultural resource conditions within the boundaries of the Project Site. It also discusses the potential impacts to Tribal Cultural Resources as a result of construction and operation activities associated with the implementation of the Project.

REGULATORY SETTING

Assembly Bill 52 (2014)

The Native American Historic Resource Protection Act (AB 52) took effect on July 1, 2015, and incorporates tribal consultation and analysis of impacts to tribal cultural resources (TCR) into the CEQA process. AB 52 requires TCRs to be analyzed like any other CEQA topic and establishes a consultation process for lead agencies and California tribes. Projects that require a Notice of Preparation of an EIR or Notice of Intent to adopt a ND or MND are subject to AB 52. A significant impact on a TCR is considered a significant environmental impact, requiring feasible mitigation measures.

TCRs must have certain characteristics:

1) Sites, features, places, cultural landscapes (must be geographically defined), sacred places, and objects with cultural value to a California Native American tribe that are either included or determined to be eligible for inclusion in the California Register of Historic Resources or included in a local register of historical resources. (PRC § 21074(a)(1))

2) The lead agency, supported by substantial evidence, chooses to treat the resource as a TCR. (PRC § 21074(a)(2)) The first category requires that the TCR qualify as a historical resource according to PRC Section 5024.1. The second category gives the lead agency discretion to qualify that resource—under the conditions that it support its determination with substantial evidence and consider the resource's significance to a California tribe.

The following is a brief outline of the process:

1) A California Native American tribe asks agencies in the geographic area with which it is traditionally and culturally affiliated to be notified about projects. Tribes must ask in writing.

2) Within 14 days of deciding to undertake a project or determining that a project application is complete, the lead agency must provide formal written notification to all tribes who have requested it.

3) A tribe must respond within 30 days of receiving the notification if it wishes to engage in consultation.

4) The lead agency must initiate consultation within 30 days of receiving the request from the tribe.

5) Consultation concludes when both parties have agreed on measures to mitigate or avoid a significant effect to a TCR, OR a party, after a reasonable effort in good faith, decides that mutual agreement cannot be reached.

6) Regardless of the outcome of consultation, the CEQA document must disclose significant impacts on TCRs and if any significant impacts are identified, discuss feasible alternatives or mitigation that avoid or lessen the impact.

California Health and Safety Code, Section 7050.5

This code requires that if human remains are discovered in the Project site, disturbance of the site shall halt and remain halted until the coroner has conducted an investigation into the circumstances, manner, and cause of any death, and the recommendations concerning the treatment and disposition of the human remains have been made to the person responsible for the excavation, or to his or her authorized representative. If the coroner determines that the remains are not subject to his or her authority and recognizes or has reason to believe the human remains are those of a Native American, he or she shall contact, by telephone within 24 hours, the Native American Heritage Commission.

California Public Resources Code, Sections 5020–5029.5

This code continued the former Historical Landmarks Advisory Committee as the state Historical Resources Commission. The commission oversees the administration of the California Register of Historical Resources and is responsible for the designation of state Historical Landmarks and Historical Points of Interest.

Public Resources Code Sections 5097-5097.994

Native American Historic Resource Protection Act; Archaeological, Paleontological, and Historical Sites; Native American Historical, Cultural, and Sacred Sites (Public Resources Code Section 5097-5097.994) specifies the procedures to be followed in the event of the unexpected discovery of human remains on nonfederal public lands. California Public Resources Code 5097.9 states that no public agency or private party on public property shall "interfere with the free expression or exercise of Native American Religion." The code further states that:

No such agency or party [shall] cause severe or irreparable damage to any Native American sanctified cemetery, place of worship, religious or ceremonial site, or sacred shrine… except on a clear and convincing showing that the public interest and necessity so require. County and city lands are exempt from this provision, expect for parklands larger than 100 acres.

California Public Resources Code, Section 5024.1. The California Register of Historical Resources (CRHR) is the state version of the NRHP program. The CRHR was enacted in 1992 and became official January 1, 1993. The CRHR was established to serve as an authoritative guide to the state's significant historical and archaeological resources. Resources that may be eligible for listing include buildings, sites, structures, objects, and historic districts. CEQA identifies a historic resource as a property that is listed on—or eligible for listing on—the NRHP, CRHR, or local registers. NRHP-listed properties are automatically included on the CRHR.

Resources eligible for listing in the CRHR must retain enough of their historic character or appearance to be "recognizable as historic resources and to convey the reasons for their significance." Under CRHR regulations, "it is possible that historical resources may not retain sufficient integrity to meet the criteria for listing in the NRHP, but they may still be eligible for listing in the California Register." The California Office of Historic Preservation (OHP) has consistently interpreted this to mean that a California Register–eligible property must retain "substantial" integrity. Because CRHR regulations do not provide substantial written guidance on evaluating integrity, the NRHP bulletin, "How to Apply the National Register Criteria for Evaluation," is used.

The CRHR also includes properties that: have been formally determined eligible for listing or are listed in the NRHP; are registered State Historical Landmark Number 770 and above; are points of historical interest that have been reviewed and recommended to the State Historical Resources Commission for listing; or are city and county-designated landmarks or districts (if criteria for designation are determined by OHP to be consistent with CRHR criteria).

ENVIRONMENTAL SETTING

The inland valleys of Contra Costa and Alameda counties were the setting of a relatively sparse population of Native Americans, who lived as hunters and gatherers and depended on native plants and wildlife for their sustenance. Native American archeological sites in this portion of Contra Costa County tend to be situated along ridge tops, mid-slope terraces, alluvial flats, at the base of hills, between saddles, and near

sources of water including springs. Numerous recorded Native American archeological sites have been documented in the area.[29]

The Bay Miwok tribes occupied central and eastern Contra Costa County. The Bay Miwok lived next to creeks and camped on Mount Diablo in the summer.[30] The Tatcans, part of the Bay Miwok linguistic group, were closely related to the Saclans and probably lived in the Alamo-Danville area. Their territory was the San Ramon Creek watershed, which extends from around Crow Canyon Road north to Walnut Creek. Spanish colonial explorers reached the Bay Miwok territory in 1794, and the Bay Miwoks were forced to migrate to the Franciscan missions.[31]

The Project property is located adjacent to San Ramon Creek. There is the potential to undiscovered sensitive tribal resources to be buried in the proximity of creeks, as it is where the Bay Miwok people settled.

DISCUSSION OF POTENTIAL PROJECT IMPACTS

a) Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:

i) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or

ii) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.

i,ii) Less than Significant Impact. The Town of Danville has a long history of Native American settlement. As discussed under Impact CUL-2, the Project property considered moderately

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29 Town of Danville. *2030 General Plan.* Available online at: https://www.danville.ca.gov/DocumentCenter/View/1026/2030-General-Plan-PDF?bidId=, accessed November 15, 2022.

30 Town of Danville. "Historic Danville." Available online at: https://www.danville.ca.gov/308/Historic-Danville, accessed November 8, 2022.

31 Museum of the San Ramon Valley. "The Bay Miwok Resistance." Available online at: https://museumsrv.org/the-bay-miwok-resistance/, accessed November 8, 2022.

sensitive for buried archaeological resources due to its proximity to San Ramon Creek. As a result, while there are no known tribal cultural resources within the Project site it is possible that the Project could unearth previously unknown resources during demolition and excavation activities. Therefore, impacts to tribal cultural resources is potentially significant. However, if such resources are identified during Project implementation, they would be treated according to **Mitigation Measure CUL-2** or **CUL-3**.

19 UTILITIES AND SERVICE SYSTEMS

INTRODUCTION

This section analyzes the environmental effects related to utilities and service systems associated with implementation of the Project. It discusses water and wastewater infrastructure as well as solid waste facilities. Issues related to water quality, drainage and infiltration patterns, and flood hazards are discussed in ***Section 10, Hydrology and Water Quality****.*

REGULATORY SETTING

State Water Code

Pursuant to the State Water Code, water suppliers providing water for municipal purposes to more than 3,000 customers or supplying more than 3,000 acre-feet (approximately 980 million gallons) of water annually must prepare and adopt an urban water management plan (UWMP) and update it every five years. As part of a UWMP, water agencies are required to evaluate and describe their water resource supplies and projected needs over a 20-year planning horizon, water conservation, water service reliability, water recycling, opportunities for water transfers, and contingency plans for drought events. East Bay Municipal Utilities District (EBMUD) adopted its most recent UWMP in June 2021.

Assembly Bill (AB) 939

California AB 939 established the California Integrated Waste Management Board (CalRecycle), which required all California counties to prepare Integrated Waste Management Plans. In addition, AB 939 required all municipalities to divert 50 percent of their waste stream by the year 2000.

Senate Bill 1383 (2016)

SB 1383 (2016) established targets to achieve a 50 percent reduction in the level of the statewide disposal of organic waste from the 2014 level by 2020 and a 75 percent reduction by 2025. The bill granted CalRecycle the regulatory authority required to achieve the organic waste disposal reduction targets and establishes an additional target that at least 20 percent of currently disposed edible food is recovered for human consumption by 2025.

California Green Building Standards Code

In January 2020, the most recent version of the California Green Building Standards Code (Cal Green) became effective. Cal Green establishes mandatory green building standards for new and remodeled

structures in California. These standards include a mandatory set of guidelines and more stringent voluntary measures for new construction projects, in order to achieve specific green building performance levels as follows:

- Reduce indoor water use by 20 percent;
- Reduce wastewater by 20 percent;
- Recycle and/or salvage 50 percent of nonhazardous construction and demolition debris; and
- Provide readily accessible areas for recycling by occupant.

Contra Costa County Flood Control and Water Conservation District

The Contra Costa County Flood Control and Water Conservation District (CCCFCWCD), with assistance from the Soil Conservation Service, has reshaped and widened segments of San Ramon, Sycamore, and Green Valley Creeks and constructed various flood protection structures. These efforts, along with Danville's drainage maintenance efforts, have reduced the potential for serious floods. The CCCFCWCD is a contributor to regional flood protection efforts.

Central Contra Costa Solid Waste Authority Ordinance 97-01

Central Contra Costa Solid Waste Authority (CCCSWA), of which Danville is a participating member, has established an Ordinance that supersedes ordinances of its member agencies regulating solid waste, green waste, and recyclable material collection, processing, disposal and litter. The purpose of the ordinance is to enable the CCCSWA to meet the California Integrated Waste Management Board (CIWMB) requirements for minimizing disposal to landfills and therefore lengthening the landfill life

General Plan Policies

The Town's *General Plan* policies related to utilities and service systems include, are not limited to, the following:

Policy 20.02 Coordinate development approvals with the appropriate agencies to ensure that adequate water quantity, quality, and distribution; adequate sewage collection and wastewater treatment capacity; and other utilities can be provided to serve proposed development projects without adverse community impacts.

Policy 20.03 Ensure that all water and sewer infrastructure is designed to meet the respective standards established by the East Bay Municipal Utility District and the Central Contra Costa Sanitary District.

Policy 20.08 Protect surface water from pollution by ensuring that stormwater discharges comply with Regional Water Quality Control Board San Francisco Bay Municipal Regional Permit (RWQCB-SF Bay MRP) requirements.

Policy 31.01 Promote the efficient use of water by encouraging drought tolerant landscaping, plumbing fixtures and irrigation systems designed for water efficiency, and other building and landscape systems designed to reduce potable water use and water waste.

Policy 31.02 Support the use of reclaimed water ("gray water") for landscape irrigation on medians, in parks, and in other landscaped areas.

Policy 31.05 Reduce the amount of construction and demolition (C&D) debris being disposed in landfills through mandatory C&D recycling requirements.

Policy 32.01 Support the use of green building methods in new construction and rehabilitation projects, including both Town of Danville projects and private projects undertaken by homeowners.

Policy 32.05 Protect solar access rights in a manner that is consistent with state law, and encourage the use of solar energy systems in new construction and major remodeling projects.

Policy 32.06 Encourage the use of permeable pavement for parking lots, driveways, walkways and other paved surfaces as a way to absorb stormwater, recharge the aquifer, and reduce urban runoff.

Policy 32.07 Promote tree planting as a way to create shade, reduce surface and ambient temperatures, and reduce the energy required for cooling.

Town of Danville Municipal Code

Danville's public sewer system is regulated by Chapter 15 of the Municipal Code. Chapter 15 establishes the procedures for sewer connection permits. It also prohibits the collection, discharge or deposit of sewage that would create a public nuisance in the Town.

Stormwater management is regulated by Chapters 20, 31 and 32 of the Danville Municipal Code. The intent of Chapter 20 is to protect and enhance the water quality in the Town of Danville's watercourses pursuant to, and consistent with the Porter-Cologne Water Quality Control Act (Water Code Section 13000 et seq.) and the Federal Clean Water Act (33 U.S.C. Section 1251 et seq.). It also carries out the conditions in the Town's NPDES permit. Minimum Drainage Capacities for subdivisions in Danville's Municipal Code Chapter 31-25 identifies the stormwater flow capacity for major, secondary, and minor drainage facilities to be carried by minor storm drain system. In an effort to reduce stormwater runoff and discharge into San Francisco Bay, Chapter 32 establishes a fee structure for new development to provide funding towards the NPDES.

Danville's construction and demolition recycling is regulated by Chapter 10-10 of the Danville Municipal Code. Solid waste disposal and recycling is regulated by Chapter 7-4, Refuse and Chapter 7-5 Refuse Disposal Sites.

Construction and Demolition Recycling Ordinance

To encourage construction and demolition recycling, the Town of Danville has adopted a construction and demolition recycling ordinance. The ordinance requires certain projects (including residential) within the Town to divert 65 percent of their job debris from the landfill. In order to be counted toward the project's 65% diversion requirement, all construction and demolition waste must be taken to a Certified Construction and Demolition Recovery Facility.

Sewer System Master Plan

The Central Contra Costa Sanitary District (CCCSD) has prepared a Sewer System Management Plan (SSMP) in accordance with the requirements of the State Water Resources Control Board (SWRCB) Order No. 2006-0003-DWQ, Statewide General Waste Discharge Requirements for Sanitary Sewer Systems.

Master Storm Drainage/Facilities Maintenance Plan

The Master Storm Drainage Plan is a component of the Facilities Master Plan and contains schedules for the overall maintenance and protection of all drainage facilities, including natural creeks and constructed channels and culverts.

Stormwater Control Program

Danville's Stormwater Control Program links the Stormwater Management and Discharge Control Ordinance, the MRP and the most recent version of the CCCWP Stormwater C.3 Guidebook, the manual that explains how to implement the C.3 regulations from the MRP.

ENVIRONMENTAL SETTING

Water: Water service in the Town of Danville is provided by East Bay Municipal Water District (EBMUD). EBMUD serves 332 miles spanning the western areas of Alameda and Contra Costa Counties. Potable water is primarily sourced from imported treated water from the Mokelumne River and secondary water sources derived from local runoff in the East Bay Hills within the EBMUD service area. EBMUD estimates that the total system demand was 238 million gallons per day (mgd) in 2020 and is projected to increase to 297 mgd by 2050.[32]

EBMUD's recycled water system produces recycled water from the effluent of four wastewater treatment plants within in its service area. Recycled water is used to irrigate large landscape areas and other non-potable applications. Recycled water is provided in a limited area in the Town of Danville through the San Ramon Valley Recycled Water Program (SRVRWP).[33]

Wastewater: Wastewater from the Town of Danville is collected, transported, and treated by the Central Contra Costa Sanitary District (Central San) at their wastewater treatment plant in Martinez. The treatment plant provides secondary treatment. Final treated effluent is disinfected and then conveyed to the Suisun Bay shoreline. The Central San service area includes 13 cities and towns in Central Contra Costa County covering 147 square miles.[34]

Stormwater: The Project property is located primarily in an urbanized area served by an existing storm drain system. Surface runoff from the Project property would be conveyed to the Town's sewer system and discharged into San Ramon Creek. San Ramon Creek collects stormwater from the Town which flows generally northeast and northwest to Walnut Creek and Pacheco Creek which are ultimately conveyed to the Suisun Bay.[35]

Solid Waste: The Town has a contract with the Central Contra Costa Solid Waste Authority (CCSWA) to dispose most of the solid waste produced in the Town of Danville. CCSWA contracts with Republic

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32 East Bay Municipal Utility District. *Urban Water Management Plan 2020*. Available online at: https://wuedata.water.ca.gov/public/uwmp_attachments/2257352530/UWMP-2020-FINAL-bookmarks.pdf, accessed November 8, 2022.

33 East Bay Municipal Utility District. *Urban Water Management Plan 2020*. Available online at: https://wuedata.water.ca.gov/public/uwmp_attachments/2257352530/UWMP-2020-FINAL-bookmarks.pdf, accessed November 8, 2022.

34 Central Contra Costa Sanitary District. "About." Available online at: https://www.centralsan.org/about, accessed November 8, 2022.

35 Town of Danville. *2023-2031 Housing Element Update EIR*. Available online at: https://www.danville.ca.gov/DocumentCenter/View/8736/Danville-HE-Update-EIR-9122022, accessed November 8, 2022.

Services (formerly Allied Waste Services) into the Keller Canyon Landfill in Pittsburg. Keller Canyon Landfill has a daily maximum capacity of 3,500 tons per day and a total permitted capacity of 75,018,280 tons of which 15 percent has been used. It is expected to remain open until December 2050.[36]

Electricity, Gas, and Telecommunications: Residents of Danville have the option of two electricity providers: Pacific Gas and Electric Company (PG&E) and MCE Clean Energy (MCE). PG&E is also the natural gas service provider to the Town of Danville. Residential telecommunications are provided to Danville by the following service providers: AT&T, Comcast, DIRECTTV, and Dish Network.[37]

DISCUSSION OF POTENTIAL PROJECT IMPACTS

a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects.

Less than Significant Impact. The Project includes demolition of the ca. 1923 garage and trellis attached to that garage, as well as removal of the underground storage tank (UST). The Project also includes the remediation of contaminated soil surrounding that UST. The Project would not introduce new habitable structures or electrical systems to the Project property. The Project would not result in an increase in demand for utility services. Thus, the Project would not increase the demand for water, wastewater, electricity, natural gas, or telecommunication services that would result in the relocation or construction of new facilities.

As discussed in **Section 10, Hydrology and Water Quality**, the number of impervious surfaces on the Project property would not increase. As such, the Project would not result in the need for the relocation or construction of new storm water drainage systems.

The Project would be subject to General Plan Policy 20.02 that requires the Town coordinate development approvals with the appropriate agencies to ensure that adequate water quantity, quality, and distribution can be provided without adverse impacts. Policy 20.03 would ensure that all water infrastructure would meet EBMUD standards. Policy 20.08 would ensure that the Project's stormwater discharges comply with Regional Water Quality Control Board San Francisco Bay Municipal Regional

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36 California Department of Resources Recycling and Recovery. Solid Waste Information System, Keller Canyon Landfill (07-AA-0032) Activities. Available online at: https://www2.calrecycle.ca.gov/SolidWaste/SiteActivity/Details/4407?siteID=228, accessed November 8, 2022.

37 Town of Danville. Utilities. Available online at: https://www.danville.ca.gov/306/Utilities

Permit Compliance requirements. Compliance with these policies would reduce any impacts on utilities to a less than significant level.

b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years.

No Impact. The Project includes demolition of the ca. 1923 garage and trellis attached to that garage, as well as removal of the underground storage tank (UST). The Project also includes the remediation of contaminated soil surrounding that UST. The Project does not include any new habitable structures such as residential or commercial development that would increase the demand for water. As a result, the Project would not substantially deplete the Town's potable water supply, and the Project would not impact water demand forecasts included in the 2020 UWMP. No impact would occur.

c). Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments.

No Impact. The Project would not directly result in an increase in wastewater generation. The Project would not change wastewater usage from existing conditions The Project does not include any new habitable structures such as residential or commercial development. As a result, there would be no change in the amount of wastewater generated on the site. As such, Central San would continue to be able to accommodate wastewater generated from the Project property. No impact would occur.

d) Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals.

No Impact. The Project does not propose to introduce new habitable structures, such as residential or commercial uses, that would generate any additional of solid waste. As a result, there would be no change in the amount of solid waste generated on the Project property. As such, CCSWA and the Keller Canyon Landfill would continue to be able to accommodate solid waste generated from the Project property. No impact would occur.

e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste.

No Impact. The Project would be required to comply with Central Contra Costa Solid Waste Authority Ordinance 97-01 that regulates the amount of waste disposed in landfills, and General Plan Policy 31.05 that would reduce construction waste. In addition, future residential development would be required

to comply with the Town's Construction and Demolition Recycling Ordinance, which requires that 65 percent of construction debris be diverted from landfills.

20 WILDFIRES

INTRODUCTION

This section describes existing wildfire conditions within Project property, identifies the regulatory framework with respect to laws and regulations that affect wildfire, and analyzes the potential impacts of the Project.

REGULATORY SETTING

Fire Hazard Severity Zones

CAL FIRE is required by law to map areas of significant fire hazards based on fuels, terrain, weather, and other relevant factors. Referred to as Fire Hazard Severity Zones (FHSZs), these maps influence how people construct buildings and protect property to reduce risk associated with wildland fires. FHSZs are divided into areas where the state has financial responsibility for wildland fire protection, known as state responsibility areas (SRAs), and areas where local governments have financial responsibility for wildland fire protection, known as local responsibility areas (LRAs). Homeowners living in an SRA are responsible for ensuring that their property is in compliance with California's building and fire codes. Only lands designated as VHFHSZ are identified within LRAs.

California Fire Code Chapter 47

Chapter 47 of the California Fire Code sets requirements for wildland-urban interface fire areas that increase the ability of buildings to resist the intrusion of flame or burning embers being projected by a vegetation fire, in addition to systematically reducing conflagration losses through the use of performance and prescriptive requirements.

California Public Resources Code Section 4442 through 4431

The California Public Resources Code includes fire safety regulations that restrict the use of equipment that may produce a spark, flame, or fire; require the use of spark arrestors on construction equipment that uses an internal combustion engine; specify requirements for the safe use of gasoline powered tools on forest-covered land, brush-covered land, or grass-covered land; and specify fire suppression equipment that must be provided onsite for various types of work in fire-prone areas. These regulations include the following:

- Earthmoving and portable equipment with internal combustion engines would be equipped with a spark arrestor to reduce the potential for igniting a wildland fire (Public Resources Code Section 4442);

- Appropriate fire suppression equipment would be maintained during the highest fire danger period, from April 1 to December 1 (Public Resources Code Section 4428);

- On days when a burning permit is required, flammable materials would be removed to a distance of 10 feet from any equipment that could produce a spark, fire, or flame, and the construction contractor would maintain appropriate fire suppression equipment (Public Resources Code Section 4427); and

- On days when a burning permit is required, portable tools powered by gasoline-fueled internal combustion engines would not be used within 25 feet of any flammable materials (Public Resources Code Section 4431).

California Code of Regulations Title 14

The California Board of Forestry and Fire Protection has adopted regulations, known as SRA Fire Safe Regulations, which apply basic wildland fire protection standards for building, construction, and development occurring in a SRA. The future design and construction of structures, subdivisions and developments in SRAs are required to provide for the basic emergency access and perimeter wildfire protection measures discussed in Title 14.

Fire Management Plans

CAL FIRE has developed an individual Unit Fire Management Plan for each of its 21 units and six contract counties. CAL FIRE has developed a strategic fire management plan for the Santa Clara Unit, which includes the Town of Danville and addresses citizen and firefighter safety, watersheds and water, timber, wildlife and habitat (including rare and endangered species), unique areas (scenic, cultural, and historic), recreation, range, structures, and air quality. The plan includes stakeholder contributions and priorities and identifies strategic areas for pre-fire planning and fuel treatment as defined by the people who live and work with the local fire issues.

San Ramon Valley Fire Protection District

The SRVFPD is a special district as defined under the Fire Protection District Law of 1987 and California's Health and Safety Code, Section 13800. The district includes Danville, San Ramon, and adjacent unincorporated areas in Contra Costa County. The SRVFPD oversees emergency operations for fire-related hazards including evacuation plans, public education of emergency preparedness, fire code plan review, and exterior hazard inspection and abatement within the district.

General Plan Policies

The Town's *General Plan* policies related to wildfire include, are not limited to, the following:

Policy 24.03 Require soils and geologic reports for all projects proposed in scenic hillside development areas, as defined by the Town's Scenic Hillside and Major Ridgeline Development Ordinance, and in other areas where the potential for landslides, liquefaction, subsidence, or severe ground shaking exists. Assure that development in these areas mitigates potential landslide hazards and other geologic hazards.

Policy 24.04 Require all development on hillside sites to be designed and constructed to minimize cutting and filling of slopes, avoid high risk landslide areas, and fully address environmental and aesthetic concerns.

Policy 24.05 Prohibit the division of land in a manner that would create a new parcel that is entirely 30 percent slope or greater, unless the intended use of the new parcel is open space.

Policy 24.06 Require that roads and drainage systems constructed in hillside areas are engineered to standards that prevent excessive maintenance and repair costs.

Policy 25.01 Require safe roofing and other fire prevention standards for development in high fire hazard areas by maintaining a Fire Safe Roofing Ordinance, in coordination with the San Ramon Valley Fire Protection District.

Policy 25.02 Cooperate with the San Ramon Valley Fire Protection District in efforts to reduce fire risks through controlled burning and fuel removal.

Policy 25.03 Assure provision of adequate access for fire equipment to all developed and open space areas.

Policy 25.04 Maintain a response time of less than five minutes for emergency fire calls, to be met a minimum of 90 percent of the time and/or a fire station within 1.5 miles of all residential and nonresidential development. Where this standard cannot be met, and/or where severe wildland fire hazards exist, require special mitigation measures for fire prevention as necessary.

Policy 25.05 Prior to project approval, require written verification from the San Ramon Valley Fire Protection District on the anticipated response time to the project and the distance from existing stations. 25.06 Require the maintenance of "defensible space" (e.g., areas free of highly flammable vegetation) around homes in fire prone areas. Require the clearing or thinning of fireprone vegetation within 30 feet of access and evacuation routes, and routes to critical facilities.

Town of Danville Municipal Code

Development within Danville's very high fire hazard severity zone (VHFHSZ) is regulated by Chapter 10-8. The Town's Municipal Code requires new buildings in this zone to comply with California Building Code Chapter 7a and be constructed with ignition resistant building materials.

ENVIRONMENTAL SETTING

The approximately seven-acre Project property is designated as Commercial under the Danville 2030 General Plan and is zoned P-1 Planned Unit District. The Project property contains several structures and is a former walnut farm. It is surrounded by single-family residential and commercial uses. According to the California Department of Forestry and Fire (Cal Fire) Fire Hazard Severity Zone Viewer, the Project property is not located in a very high fire severity zone.[38]

DISCUSSION OF POTENTIAL PROJECT IMPACTS

a) Substantially impair an adopted emergency response plan or emergency evacuation plan.

Less than Significant Impact. The Project includes demolition and excavation activities, and all construction activities associated with the Project would be contained on-site. As stated in **Section 9, Hazards and Hazardous Materials**, the Project would not conflict with the current emergency response operations outlined in the Town of Danville Emergency Operations Plan, or *General Plan* policies. Thus, no impacts to an adopted emergency response or evaluation plan would occur.

b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire.

No Impact. The Project includes demolition and excavation activities, and would not exacerbate wildfire risks on or offsite. Operationally, the Project would not build habitable structures, and would

38 CAL FIRE, FHSZ Viewer. Available online at: https://egis.fire.ca.gov/FHSZ/, accessed November 2, 2022.

therefore not expose project occupants to pollutant concentrations or the uncontrolled spread of a wildfire. The Project property is not designated as a very high fire severity zone. As a result, no impacts related to wildfire would occur.

c) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment.

No Impact. The Project proposes to demolish the ca. 1923 garage and trellis attached to that garage, as well as remove the underground storage tank (UST). The Project also includes the remediation of contaminated soil surrounding that UST. The Project does not include any new habitable structures such as residential or commercial that would require the installation or maintenance of associated infrastructure that may exacerbate fire risk. Operation of the Project property would remain the same. As a result, no impact would occur.

d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes.

No Impact. The Project does not facilitate population growth or introduce new structures. As a result, the Project would not result in wildfire risks that would expose people or structures to significant risks, including downslope or downstream flooding or landslides. No impacts would occur.

21 MANDATORY FINDINGS OF SIGNIFICANCE

INTRODUCTION

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).

DISCUSSION OF POTENTIAL PROJECT IMPACTS

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.

Potentially Significant Impact. As discussed in the *Cultural Resources* section, impacts to the existing historic resources are potentially significant. The Project site contains a number of buildings and structures. These structures, with the exception of the car barn, have been previously recorded and recommended eligible, as a district, to the California Register of Historical Resources (CRHR) and the National Register of Historic Places (NRHP). The structures are therefore a CEQA historical resource. The Project proposes to demolish the ca. 1923 garage and a trellis attached to that garage. This would remove an eligible historic resource, resulting in a significant impact on historic resources. No feasible mitigation measures have been identified.

As noted under the Cultural Resources section, the Project could potentially result in undiscovered archaeological resources on-site. However, with the implementation of **Mitigation Measure MM CUL-1**, these impacts would be reduced to less than significant levels.

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).

Less than Significant Impact. The Project generally would not contribute to potentially cumulatively considerable impacts. As indicated in the above analysis, the Project does not contain any habitable structures, and would not contribute to population growth. Construction activities would be confined to the Project Site, and no changes to operation of the Project property are proposed. The Project does not include any unmitigated cumulatively considerable impacts when considered in connection with the effects of past, present and probably future projects. No further analysis is necessary.

c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly.

Less than Significant Impact. As indicated in the above analysis, The Project would not result in any significant impacts related to aesthetics, agriculture and forestry resources, air quality, biological resources, energy, geology and soils, greenhouse gas emissions, land use planning, mineral resources, noise, population and housing, public services, recreation, transportation, utilities and service systems, tribal cultural resources, and wildfire. Thus, the Project would not have the potential to result in substantial adverse effect on human beings either directly or indirectly.

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23. INITIAL STUDY PREPARERS

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APPENDIX 3.1-1

Historic Resource Evaluation

EVANS & DE SHAZO
ARCHAEOLOGY HISTORIC PRESERVATION

A HISTORIC RESOURCE EVALUATION OF THE BOREL RANCH LOCATED AT 3020 FOSTORIA WAY, DANVILLE, CONTRA COSTA COUNTY

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March 25, 2022

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ATTACHMENTS: Department of Parks and Recreation (DPR) 523 forms (Appendix A)

INTRODUCTION

Evans & De Shazo, Inc. (EDS) completed a Historic Resource Evaluation (HRE) of the Borel Ranch, including a ca. 1923 house, three ca. 1923 tank houses (aka water towers), ca. 1923 garage, ca. 1923 walnut barn, ca. 1970 barn, ca. 1923 shed building, 1927 San Ramon rail depot, ca. 1960 gable building, ca. 1923 chicken coup, ca. 1923 irrigation equipment, and associated landscape, comprised of a walnut orchard, dirt and gravel roads, and two gas pumps located at 3020 Fostoria Way, Danville, Contra Costa County, within a 16.65-acre Assessor's Parcel Number (APN) 218-090-031-4 (Property). The proposed project consists of the removal of an underground fuel tank (date unknown) and the demolition of the ca. 1923 garage. In 1990, a Historic Architectural Form was completed by Archaeological Resource Management Historian Gloria Anne Laffey, who documented the Borel Ranch (P-07-004639) and determined, at the time of its documentation, that the Property appears eligible for the National Register of Historic Places (NRHP) under Criterion A. However, the context needed to determine significance and the integrity analysis required for an evaluation is not within the Historic Architectural Form or the associated report completed by Archaeological Resource Management (S-012573). As such, EDS completed an HRE of the built environment resources at least 45 years in age, to determine if the Property or any of the built environment resources within the Property are eligible for listing on the California Register of Historic Resources (CRHR), and provide recommendations as warranted.

The HRE was completed by EDS Principal Architectural Historian, Stacey De Shazo, M.A., who exceeds the Secretary of Interior's qualifications in Architectural History and History, with the assistance of Bee Thao, M.A. and Nicole LaRochelle B.A. The results of the HRE are presented herein.

PROPERTY LOCATION

The Property is located within a 16.65-acre parcel (APN 218-090-031) at 3020 Fostoria Way, Danville, Contra Costa County, California (Figure 1). The Property is situated on the northwest corner of Fostoria Way and Camino Ramon Road (Figure 2) and is accessed from Camino Ramon Road via a gravel driveway located at the eastern boundary of the Property.

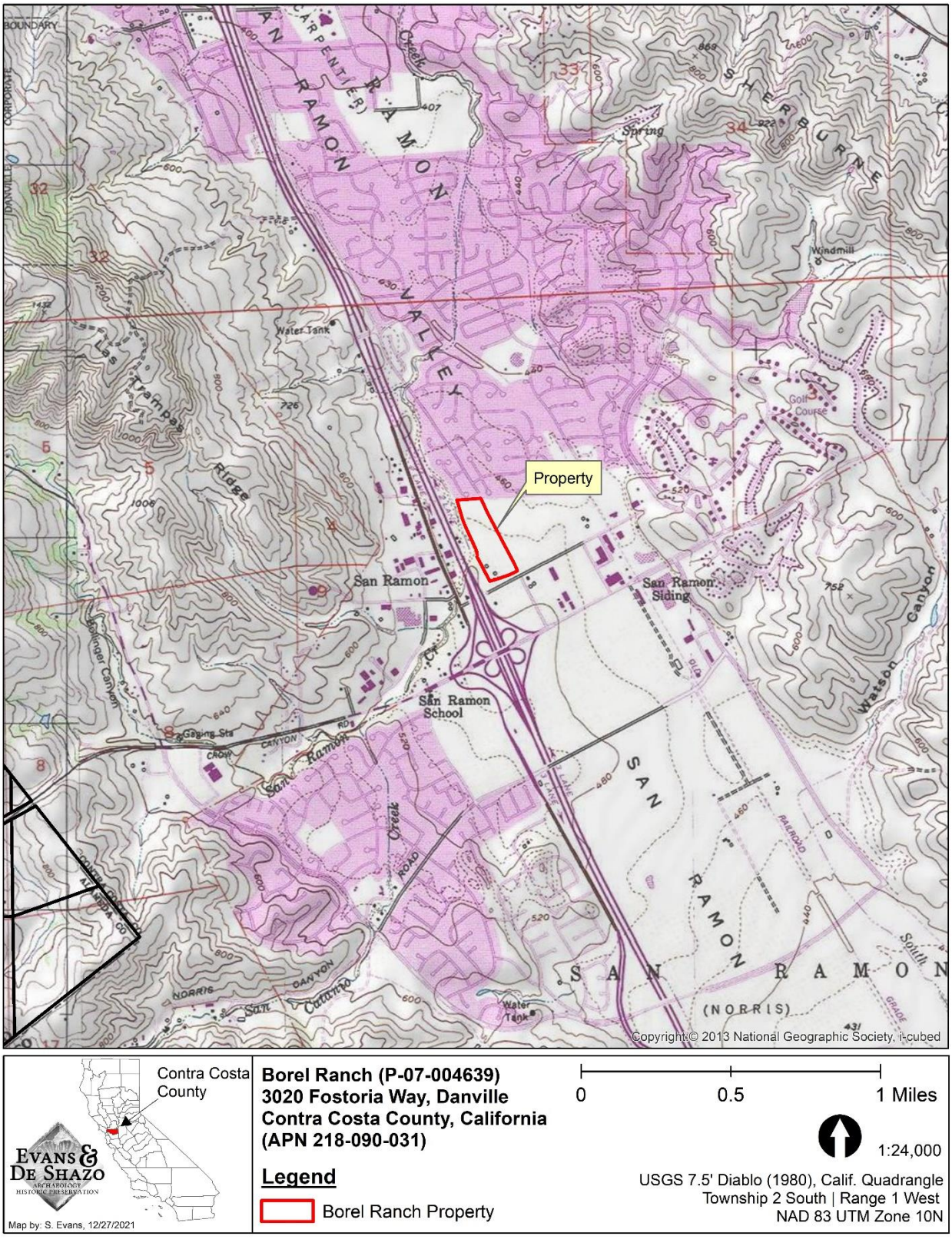


Figure 1. Property Map of Borel Ranch.

Figure 2. Aerial map of Borel Ranch.

REGULATORY SETTING

The CEQA regulations, as they pertain to cultural resources, are outlined below.

CALIFORNIA ENVIRONMENTAL QUALITY ACT

CEQA and the Guidelines for Implementing CEQA (State CEQA Guidelines § 15064.5) give direction and guidance for evaluating properties, and the preparation of Initial Studies, Categorical Exemptions, Negative Declarations, and Environmental Impact Reports. Pursuant to California State law, the City of Danville is legally responsible and accountable for determining the environmental impact of any land use proposal it approves. Cultural resources are aspects of the environment that require identification and assessment for potential significance under CEQA (14 CCR § 15064.5 and PRC § 21084.1).

There are five classes of cultural resources defined by the State OHP. These are:

- **Building**: A structure created principally to shelter or assist in carrying out any form of human activity. A "building" may also be used to refer to a historically and functionally related unit, such as a courthouse and jail or a house and barn.
- **Structure**: A construction made for a functional purpose rather than creating human shelter. Examples include mines, bridges, and tunnels.
- **Object**: Construction primarily artistic in nature or relatively small in scale and simply constructed. It may be movable by nature or design or made for a specific setting or environment. Objects should be in a setting appropriate to their significant historic use or character. Examples include fountains, monuments, maritime resources, sculptures, and boundary markers.
- **Site**: The location of a significant event. A prehistoric or historic occupation or activity, or a building or structure, whether standing, ruined, or vanished, where the location itself possesses historic, cultural, or archaeological value regardless of the value of any existing building, structure, or object. A site need not be marked by physical remains if it is the location of a prehistoric or historic event and if no buildings, structures, or objects marked it at that time. Examples include trails, designed landscapes, battlefields, habitation sites, Native American ceremonial areas, petroglyphs, and pictographs.
- **Historic District**: Unified geographic entities which contain a concentration of historic buildings, structures, or sites united historically, culturally, or architecturally.

According to CCR § 15064.5, cultural resources are historically significant if they are:

(1) A resource listed in or determined to be eligible by the State Historical Resources Commission for listing in the California Register of Historical Resources (PRC §5024.1, 14 CCR § 4850 et seq.).

(2) A resource included in a local register of historical resources, as defined in PRC § 5020.1(k) or identified as significant in a historical resource survey meeting the requirements PRC § 5024.1(g), shall be presumed to be historically or culturally significant. Public agencies must treat any such resource as significant unless the preponderance of the evidence demonstrates that it is not

historically or culturally significant.

(3) Any object, building, structure, site, area, place, record, or manuscript which a lead agency determines to be historically significant or significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California may be considered to be an historical resource, provided the lead agency's determination is supported by substantial evidence in light of the whole record. Generally, a resource shall be considered by the lead agency to be "historically significant" if the resource meets the criteria for listing on the California Register of Historical Resources (PRC § 5024.1, 14 CCR § 4852), including the following:

(A) Is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage;

(B) Is associated with the lives of persons important in our past;

(C) Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values; or

(D) Has yielded, or may be likely to yield, information important in prehistory or history.

(4) The fact that a resource is not listed in or determined to be eligible for listing in the CRHR, not included in a local register of historical resources pursuant to PRC § 5020.1(k) or identified in a historical resources survey meeting the criteria in PRC § 5024.1(g) does not preclude a lead agency from determining that the resource may be a historical resource as defined in PRC § 5020.1(j) or § 5024.1.

METHODS

The Park District conducted a Property-specific records search of its cultural resources database, which includes a data subscription to the Northwest Information Center (NWIC) of the California Historical Resources Information Systems (CHRIS) (File #21-0634). On November 12, 2021, the Park District provided EDS site records and studies pertaining to the Property. EDS also conducted a record search and literature review of documents from various repositories, including Contra Costa County Assessor/Recorder Office, Museum of the San Ramon Valley, San Ramon Valley Historical Society, and San Ramon Library, as well as various online sources listed in the section below. The purpose of the record search and literature review was to understand the Property's history to assist in developing a historical context to evaluate the historical significance of the built environment resources within the Property. EDS Principal Architectural Historian Stacey De Shazo, M.A. also completed a historic architectural survey of the Property to identify the age, architectural style, character-defining features, materials, and alterations of the built environment resources, at least 45 years in age, within the Property. Department of Parks and Recreation (DPR) 523 forms were completed and are attached to this report as Appendix A.

CULTURAL RESOURCE INVENTORIES

As part of the record search, the following inventories were also reviewed:

- National Register of Historic Places (NRHP)
- California Register of Historical Resources (CRHR)

- California Historical Landmarks (CHL)
- California Points of Historical Interest (CPHI)
- California Inventory of Historical Resources
- California Office of Historic Preservation (OHP) Built Environment Resources Directory (BERD) for Contra Costa County, California (2020)
- Contra Costa County Historic Resource Inventory (2019)

ONLINE RESEARCH

Online research was also conducted that utilized the following sources:

- www.newspapers.com
- www.ancestry.com
- www.calisphere.org (University of California)
- https://oac.cdlib.org/ Online Archives of California
- http://www.library.ca.gov/ (California State Library)
- https://cdnc.ucr.edu/ California Digital Newspaper Collection
- https://mil.library.ucsb.edu/ap_indexes/FrameFinder/ (U.C. Santa Barbara Library)
- http://pcad.lib.washington.edu (Pacific Coast Architecture Database)
- https://aiahistoricaldirectory.atlassian.net (American Architects Directory)
- https://www.nass.usda.gov/AgCensus/ (United State Department of Agriculture)

The results of the online research are within the Historical Setting section of this report.

REPOSITORIES

- San Ramon Library
  - Research was requested by EDS on January 7, 2022 with a reply from Dena Hollowood, Manager of the San Ramon Library branch on the same day.
- San Ramon Valley Historical Society
  - Research and information were requested by EDS on January 7, 2022. Lee Halverson replied, saying they do not have information about the walnut industry in the San Ramon Valley.
- Contra Costa County Historical Society
  - Research was requested by EDS on January 3 to 5th, 2022. No reply has been received.
- Museum of the San Ramon Valley
  - Research was conducted by EDS on January 14, 2022, via the museum's website.

The results of the records search and literature review are incorporated within the Historical Setting section below.

HISTORICAL SETTING

The following historical setting provides a brief history of the area where the Property is located and a specific history of the Property to assist in understanding the development of the area and provide a specific context within which the historic built environment resources within the Property were evaluated for historical significance.

MEXICAN PERIOD (1821 – 1848)

In 1821, Mexico declared its independence from Spain and took possession of "Alta California", marking the end of the Spanish period (1769 – 1821) and the beginning of the Mexican period, also referred to as the "rancho" period in Alta California.[1] In 1833, the missions in California were secularized by the Mexican government and mission-owned land was dissolved. During this time, extraordinary changes occurred throughout California, as the Mexican government lacked the strong oversight and military rule previously imposed by the Spanish, and as such, there were new opportunities for trade when foreign ships that had previously been held off by Spanish guarded military ports could dock and provide a variety of provisions to local settlers throughout California. These new provisions, including tea, coffee, sugars, spices, and spirits, as well as a variety of manufactured goods soon made their way into the region; and the taxes on these imported goods became the main source of revenue for the Mexican government in California. Likewise, products produced in Alta California were exported, which bolstered the hide and tallow trade that became the primary business activity in California during this time. During this time, the Mexican colonial authorities encouraged settlement of Alta California by providing large land grants called ranchos to politically prominent persons that were loyal to the Mexican Government and permitting foreigners to settle land. As a result, the 20 or so ranchos that had existed in Alta California during the Spanish period increased to roughly 800 ranchos that varied from 10,000 to 20,000 acres during the Mexican period.

During the Mexican period, the San Ramon Valley was broken up into two large land grants, both called *Rancho San Ramon*. The southern Rancho was a 20,968-acre Mexican land grant that was granted to Jose Maria Amador, the son of Pedro Amador who came to California with Portola in 1769, and the northern portion was an 8,917-acre land grant, where the Property is located, which was granted to Mariano Castro and his uncle Bartolo Pacheco who came to California in 1775 with the Anza-Font expedition. All three of these men were soldiers in the Mexican army and descendants of first-generation Spanish settlers in California.[2] As with almost all ranchos in California, cattle hides and tallow provided the economic basis for the two San Ramon ranchos.

EARLY AMERICAN PERIOD (1848 – 1850)

The beginning of the American Period in California is marked by the end of the of the Mexican American War

[1] Alta California was a polity of New Spain founded in 1769 and became a territory of Mexico after the Mexican War of Independence in 1822.

[2] Beverly W Lane, "Ranchos and Ranches: The San Ramon Valley from 1830 to 1870", http://www.srvhistoricalsociety.org/histarticles/Ranchos_&_Ranches__Edited_in__2014, accessed February 16, 2022.

(1846 - 1848) in 1848 when the U.S. took possession of the territories including California, New Mexico, Texas, and Arizona in the signing of the Treaty of Guadalupe Hidalgo on February 2, 1848. The Treaty of Guadalupe Hidalgo provided the resident Mexicans their American citizenship and guaranteed title to ranchos granted in the Mexican period. However, less than two weeks prior to the signing of the treaty, on January 24, 1848, James Marshall discovered gold at Sutter's Mill, which marked the start of California's Gold Rush (1848 to 1855). Soon the excitement of the Gold Rush and the promise of fertile and abundant land brought between 150,000 and 200,000 new settlers to California from all over the U.S., as well as Scotland, Ireland, England, Germany, and France.[3,4] In an effort to quickly resolve Mexican rancho land disputes, the U.S. Congress passed the California Land Act of 1851 that established a three-member Public Land Commission (Commission) to determine the validity of prior Spanish and Mexican land grants.[5] The act required landowners who claimed title under the Mexican government to file a claim with the Commission within two years. Although the Commission eventually confirmed most of the original Mexican land grants, the burden was on landowners to prove their title. The cost of litigation often forced the rancho owners to sell land and cattle to newly arriving settlers or to their lawyers hired to defend their land claims in court.[6]

In 1850, California became a state, and Contra Costa County was one of the original 27 counties created.[7]

HISTORY OF SAN RAMON VALLEY (1850 – 1982)

In 1850, the area known as the San Ramon Valley, within Contra Costa County, was a sparsely populated rural area connected by dirt roads and creeks.[8] At this time, the first permanent Euro-American settlers in the San Ramon Valley were Leo and Mary Jane Norris, who purchased 4,450 acres of land in 1851 within the northern section of Jose Maria Amador's Rancho San Ramon, south of Castro and Pacheco's Rancho San Ramon, where the Property is located (Figure 3).[9] Other early land owners in the San Ramon Valley included William Lynch, James Dougherty, Major Samuel Russell, and George McCamley, whose land included the subject Property. In 1852, Joel and Minerva Harlan bought land from Norris and built a house on what became the Alameda-Contra Costa County stagecoach line in 1853. By 1855, California's gold rush was coming to an end, bringing an influx of Euro-American settlers in San Ramon Valley. Many of the new settlers squatted on former rancho land, including Castro and Pacheco's Rancho San Ramon. During this time, ownership of rancho land was highly disputed and surrounded by controversy, as many squatters challenged the ownership of the rancho

[3] Karen Clay, *Property Rights and Institutions: Congress and the California Land Act 1851*, The Journal of Economic History, Cambridge University Press, 59(01):122-142, March 1999.

[4] Commodore Stockton was also responsible for driving the Mexican forces out of California during the Mexican American War.

[5] The Spanish government-controlled California land from approximately 1770 to 1821 and the Mexican government-controlled California land from 1821 to 1846.

[6] Nancy Olmsted. *Vanished Waters: A History of San Francisco's Mission Bay*, Mission Creek Conservancy, San Francisco, 1986.

[7] Ibid.

[8] Beverly Lane, "Part 1 – Trying for Home Rule in San Ramon Valley", Museum of San Ramon Valley (May 4, 2007), https://museumsrv.org/post-1376/, accessed February 10, 2022.

[9] Museum of the San Ramon Valley, "History of San Ramon", http://www.ci.san-ramon.ca.us/srhistory/history.htm accessed January 16, 2022.

land. After years of legal battles over the ownership of Castro and Pacheco's San Ramon Rancho, Horace Carpentier, a notorious American land lawyer, ended up owning the entire rancho. After which, he then sold the land back to many of the Euro-American squatters who had occupied the land during the land dispute.[10,11]

By 1860, the stagecoach was running daily between Martinez, Lafayette, Walnut Creek, Pacheco, Alamo, and San Ramon. During this time, the San Ramon Valley consisted of several small villages, including Alamo Danville, and San Ramon (Figure 4 and Figure 5), including post offices, general stores, blacksmith shops, liveries, churches, and schools. In 1867, San Ramon Grammar School (no longer extant; Figure 6) was constructed near the intersection of present-day Fostoria and San Ramon Valley Boulevard. The two-room school was funded by a local tax of $2,000, to buy land, materials, and labor for construction of the building and provided schooling from grades first to eighth grade.[12] At this time, the main economy of the San Ramon Valley was agriculture, with several large ranches including Wiedemann Ranch, Wood Ranch, Bishop Ranch, Magee Ranch, Nielsen Ranch, Henry Ranch, Blackhawk Ranch, Norris's Ranch, Elworthy Ranch, Rasmussen Ranch, and Lynch Ranch.[13]

In the late 1860s, the national Granger movement, founded in 1867, by Oliver Hudson Kelley to organize farmers, and assist with purchasing machinery, building grain elevators, lobbying for government regulation of railroad shipping fees and providing a support network for farm families, had come to California.[14] In 1872, the San Ramon Farmer's Union was formed by Robert O. Baldwin, who successfully made a motion that women and men should both be Union members since they were partners in all farm enterprises. This was unusual since most fraternal orders were segregated by sex in the nineteenth century, including the Masons and Odd Fellows.[15] In 1870, the Woman Suffrage Associations in Contra Costa County was organized, with a large contingent from the county seat of Martinez. Elmer H. and Livia Cox from San Ramon were active in the cause, perhaps because they had five daughters, of which two of their daughters, Mary and Panthea, married leading ranchers Baldwin and William Meese.

In 1872, Baldwin, along with the San Ramon Farmer's Union President George McCamley, went to a Farmers Union convention in San Francisco, recommending that a Grange be formed in Danville. On October 1, 1873, Danville Grange No. 85 was organized, with 30 charter members, including 20 men and 10 women. Danville's grange was the third grange in Contra Costa County and the eighty-fifth in the state. The members elected Charles Wood of Sycamore Valley to be the first Worthy Master. [16] During this time, San Ramon Valley farmers and ranchers continued to haul their cattle, grain, hay, and fruit over dirt roads, which were often impassable

[10] Museum of the San Ramon Valley, "History of San Ramon", http://www.ci.san-ramon.ca.us/srhistory/history.htm accessed January 16, 2022.

[11] Beverly Lane, San Ramon Valley: Alamo, Danville, and San Ramon, Museum of the San Ramon Valley, 2005

[12] Museum of San Ramon Valley

[13] Museum of San Ramon Valley, *Cowboys and Cattlemen*, Ranching in the *San Ramon Valley,* 2014.

[14] Raymond W. Miller, "California Granger", https://www.castategrange.org/history_toc.html, accessed February 20, 2022.

[15] *Museum of the San Ramon Valley, "Danville Grange No. 85", https://museumsrv.org/danville-grange-no-85/, accessed February 21, 2022.*

[16] Museum of the San Ramon Valley, *"History of San Ramon",* http://www.ci.san-ramon.ca.us/srhistory/history.htm accessed January 16, 2022.

during the winter rains and soon the Grangers and the local community set forth to lobby for rail service.[17] During the 1870s and 1880s, the Grangers pushed hard for the Southern Pacific railroad to bring rail service to the valley; however, the railroad did not arrive until 1891.[18] In 1890, a committee composed of August Hemme (of Alamo), Baldwin (of San Ramon), and John A. Shuey (of Danville) contacted each owner along the prospective right-of-way, including George McCamley, securing the route for the rail line. In 1890, Southern Pacific began construction of the rail line in the San Ramon Valley where, at the time, the rail line ended in San Ramon. Two depots, one in Danville and one San Ramon were constructed in San Ramon Valley, as well as a large gallows turntable and engine house in San Ramon (Figure 7), approximately 0.25-miles east of the Property. On February 7, 1891, the first train ran through the San Ramon Valley to San Ramon. Later a smaller depot along the rail line was built in Alamo and in 1909 the railroad was extended to Pleasanton. Unfortunately, San Ramon station failed to bring prosperity to village of San Ramon comparable to nearby towns, such as Danville, which was likely because the San Ramon depot was approximately one half-mile from the village of San Ramon.[19]

From 1865 to 1869, over 10,000 Chinese immigrants were involved in the construction of the first transcontinental railroad, which facilitated the transport of California produce. However, by the 1870s, many of the Chinese American workers had turned to farming to earn a living, including moving to areas within Contra Costa County. During this time, Chinese American farm labor was essential to the development and success of growing California's agricultural industry, including in the San Ramon Valley. Chinese Americans harvested wheat, other grains, hops, apples, grapes, and pears and processed them for shipping. However, with the passage of the Chinese Exclusion Act in 1882, which significantly restricted immigration in U.S. (noting at the time only 9% of California's population was Chinese) and made Chinese immigrants permanent aliens by excluding them from U.S. citizenship,[20] anti-Chinese sentiment was at an all-time high. As such, Chinese American farm laborers often worked long hours with little pay or they could find no work at all. In 1886, there were an estimated 500 Chinese Americans living in Contra Costa County, of which 40% worked in farm work.[21] By 1890, most Chinese American farm laborers were nearly banished from the labor market, which was then filled by the Japanese American workers. However, in Contra Costa County the Chinese population increased between 1890 and 1900, with some Chinese working as tenant farmers within the eastern sections of the county.[22]

In the late 1890s, the San Ramon Valley, which was previously dominated by wheat crops and cattle ranching,

[17] Museum of the San Ramon Valley, "History of San Ramon", http://www.ci.san-ramon.ca.us/srhistory/history.htm accessed January 16, 2022.

[18] Museum of the San Ramon Valley, "History of San Ramon", http://www.ci.san-ramon.ca.us/srhistory/history.htm accessed January 16, 2022.

[19] City of San Ramon, "Railroad Comes To San Ramon Valley", https://www.sanramon.ca.gov/residents/history_of_san_ramon/railroad_comes_to_sr, accessed February 20, 2022.

[20] Library of Congress, "Immigration and Relocation in U.S. History", https://www.loc.gov/classroom-materials/immigration/chinese/exclusion/, accessed February 19, 2022.

[21] Sucheng Chan, This Bittersweet Soil: The Chinese in California Agriculture, 1860-1910, Berkeley, Calif. Univ. of California Press 1989.

[22] Ibid.

was now known for its walnut and pear orchards, with the surrounding hills used to grow grain and hay and for grazing livestock. In the 1890s, Thomas Bishop purchased 1,859 acres of Norris' land, south of the Property, and by 1895 he had the single largest orchard of Bartlett pears in the world (Figure 8).[23] By 1900, the San Ramon Valley included 2,727 residents, consisting of small villages, farms, and ranches, and dirt roads (Figure 9) gave way to paved roads due to the growing popularity of the automobile. The first paved road in the valley was built between Walnut Creek and Danville. During this time, the San Ramon Valley Bank was established, with branches in Danville and Walnut Creek (Figure 10). In 1914, an electric railway was constructed to transport people within the San Ramon Valley. The Oakland, Antioch, and Eastern Railway electric rail connected Contra Costa County with an eastern train from Walnut Creek, which traveled through Alamo and onto the Danville Branch. The Danville Branch was nicknamed the "Toonerville Trolley," after a popular cartoon. During World War I (WWI) the electric rail was mainly used by workers commuting to shipyards but was also utilized by teachers who commuted from Oakland to the new San Ramon Valley High School (Figure 11), constructed in 1910 (no longer extant).[24] The electric railway in San Ramon Valley lasted for ten years.

In the 1920s, the Southern Pacific railroad, which had been the primary mode of transportation for farmers, was in decline, and in 1927 the two-story San Ramon depot was removed, and a small 10 by 12-foot building (1927 San Ramon rail depot currently within the subject Property) was placed on the platform later that year. During this time, passenger service had dwindled as the automobile and buses became more common modes of transportation. Soon trains with only passenger cars gave way to freight trains with a passenger car attached. In 1934, passenger transport ended on the San Ramon Valley Branch line.

The U.S. entered World War II (WWII) on December 9, 1942. On February 19, 1942, President Roosevelt signed Executive Order #9066 authorizing the Secretary of War or any military commander designated by the Secretary to establish military areas and to exclude, from any or all person to enter, remain in, or leave shall be subject to whatever restrictions the Secretary of War, or the appropriate military commander may impose in his discretion. On March 18, 1942, the War Relocation Authority (WRA) was created by Executive Order #9102. The Government Organization Manual of 1942 describes the purpose of WRA:

> "*To provide for removal from designated areas of persons whose removal is necessary in the interest of national security, and for their relocation, maintenance and super- vision ... And to provide insofar as feasible and desirable for the employment of such persons at useful work in industry, commerce, agricultural or public projects, prescribe the terms and conditions of such public employment, and safeguard the public interest in the private employment of such persons.*"

The relocation order in the spring and summer of 1942 resulted in the removal and relocation of approximately 110,000 Japanese and Japanese American persons from locations throughout the U.S. Japanese Americans, who for decades lived in the San Ramon Valley, were rounded up and sent to internment

[23] Beverly Lane, *San Ramon Chronicles: Stories of Bygone Days*, Museum of the San Ramon Valley, 2015.

[24] Beverly Lane, "Electric Railway, The Toonerville Trolley, 1914-1924", https://museumsrv.org/post-1325/, accessed February 21, 2022.

camps throughout the U.S. Many Japanese American residents of Contra Costa County were taken by train and bus to the Tanforan Assembly Center in San Bruno for processing and relocation. During this time, the San Ramon Valley Union High School, the only high school in the valley in the 1940s, lost many student body leaders, graduates, and friends.[25]

After WWII ended, the impacts of the war on growth and land use changed as the landscape of the San Ramon Valley was sold for housing developments. By the late 1950s and early 1960s a significant number of farms sold their land or placed their land into conservation easements to make way for housing developments and the construction of the Interstate 680 freeway.[26] In 1964, the section of Interstate 680 freeway from Walnut Creek to Danville was completed, and in 1966, the route through the middle of the San Ramon Valley from San Ramon to Dublin was constructed. During this time, county planners were working with the Greater San Ramon Improvement Association to generate a Master Plan.[27] The planners made it clear they thought the old buildings in San Ramon were eyesores and were advocating for the demolition of many of the area's older buildings to make way for modern office buildings and housing.

By 1970, the San Ramon Valley population had grown to 25,899 residents; however, the growing villages of San Ramon, Danville, and Dublin remained unincorporated. During this time, developers Ken Volk and Bob McClain built the first San Ramon suburban designed community, with a special district, the Valley Community Services district (VCSD) providing water, parks, sewer, fire protection, and garbage collection for the new homes. As housing continued to increase, the area was hit with a severe drought that caused grass and water for cattle to dry up, as such many of the ranchers and farmers sold land for housing on the San Ramon Valley's eastern and western hills, and much of the original ranch off Norris Canyon Road was sold. In 1978, the Southern Pacific train stopped running, and the railroad right-of-way was later converted to the Iron Horse Regional Trail. During this time, homeowners' groups were formed, including the South San Ramon Homeowners and the Homeowners Association of Twin Creeks, representing residents' interests before the county. They joined service clubs and other organizations in providing a local voice as developments replaced orchards. In 1981, Dublin incorporated, in 1982, Danville incorporated, and in 1983, San Ramon incorporated, each as separate cities, taking control over development, police, parks, and other services. Today, the San Ramon Valley, is home to approximately 74,000 residents, and large corporations, such as Chevron and Pacific Bell.

[25] No Author, "Japanese American Internment Camp Experiences in WWII", https://www.valleysentinel.com/japanese-american-internment-camp-experiences-wwii/, accessed February 2, 2022.

[26] Sally Evans, "Cultural Resource Evaluation of the Proposed San Ramon Valley Apartments", Evans & De Shazo, 2016.

[27] Beverly Lane, "Double D Days in 1966 fetes the new freeway", https://museumsrv.org/doubleddays/, accessed February 19, 2022.

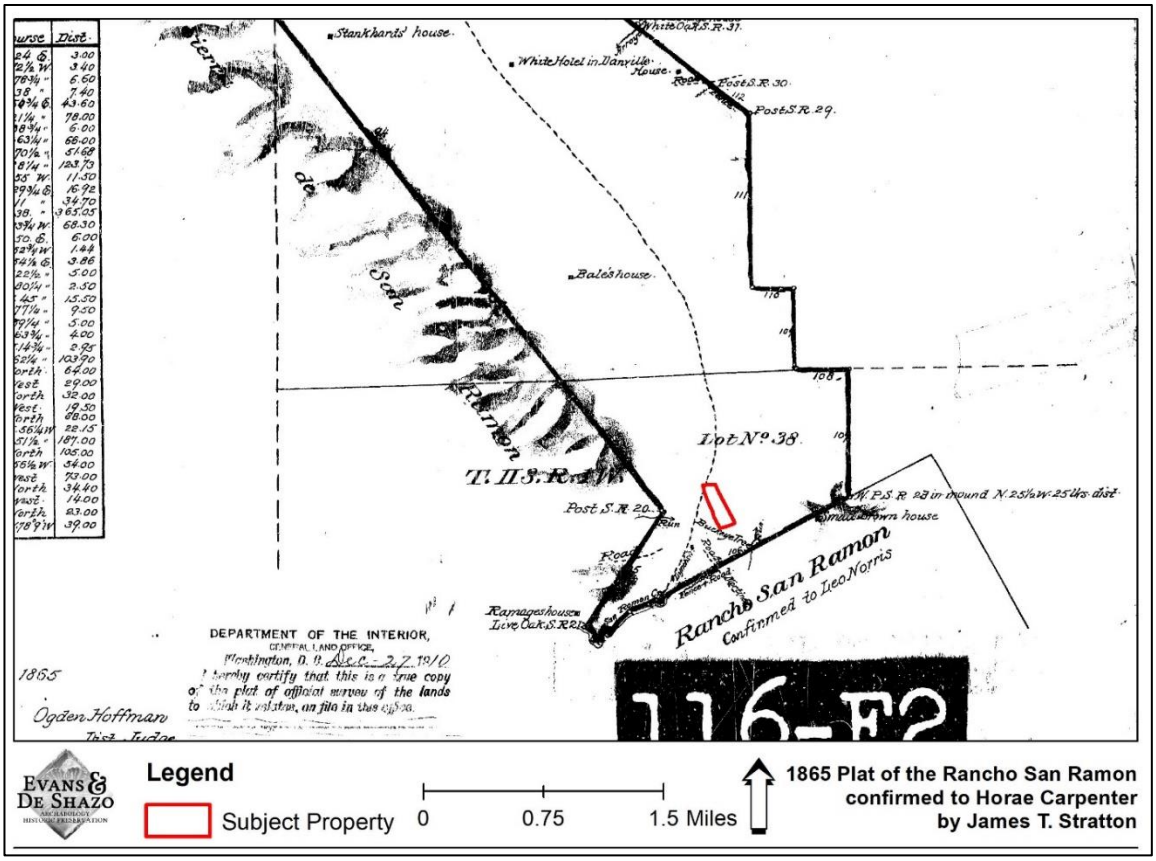


Figure 3. 1865 plat map showing the location of the Property north of the land owned by Leo and Mary Jane Norris.

Figure 4. ca. 1857 photograph of the village of San Ramon (courtesy of the Museum of the San Ramon Valley).

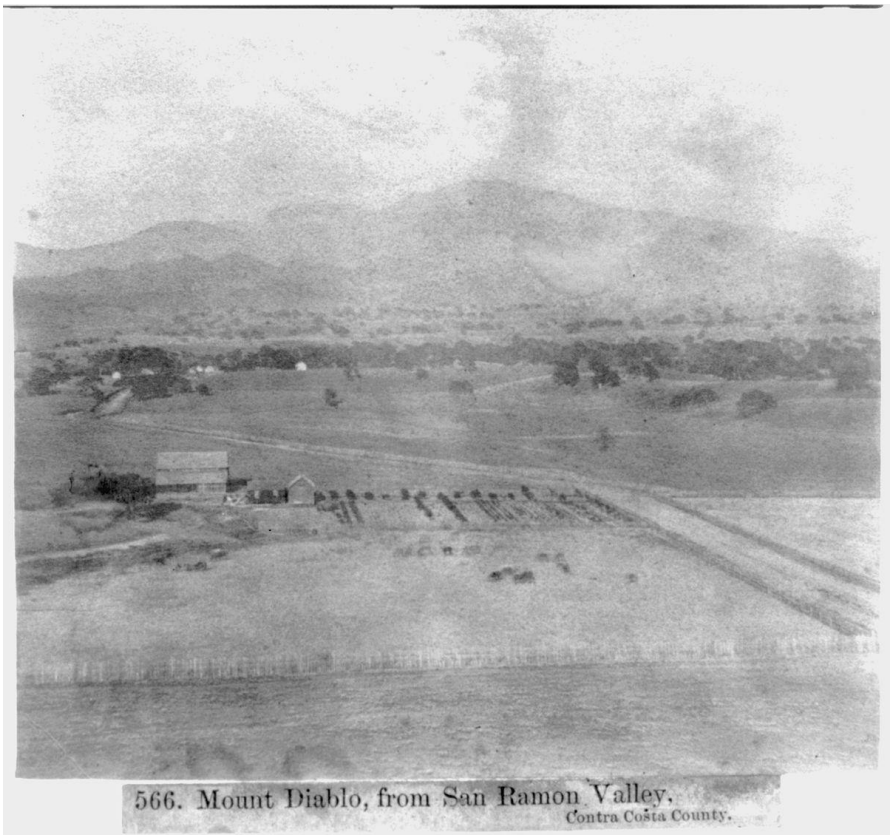


Figure 5. 1866 Photograph of San Ramon Valley (courtesy of the Library of Congress).

Figure 6. 1867 photograph of the San Ramon Grammar School (courtesy of the Museum of the San Ramon Valley).

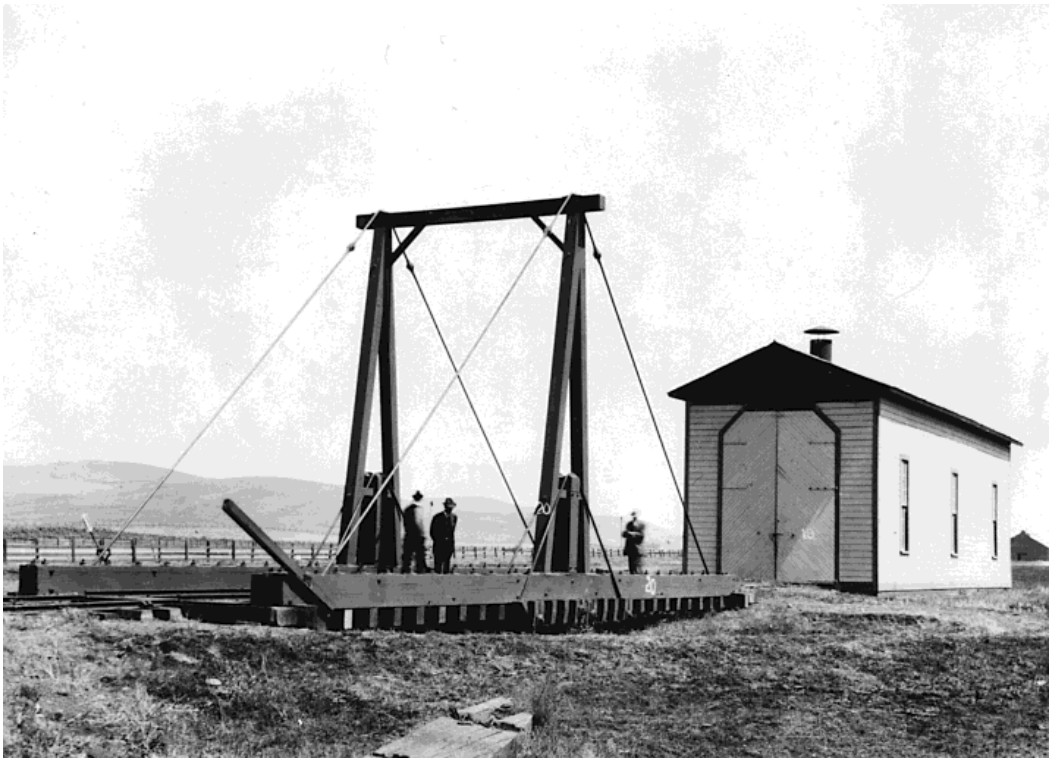


Figure 7. ca. 1900 photograph of a gallows turntable and engine house in San Ramon (courtesy of the City of San Ramon).

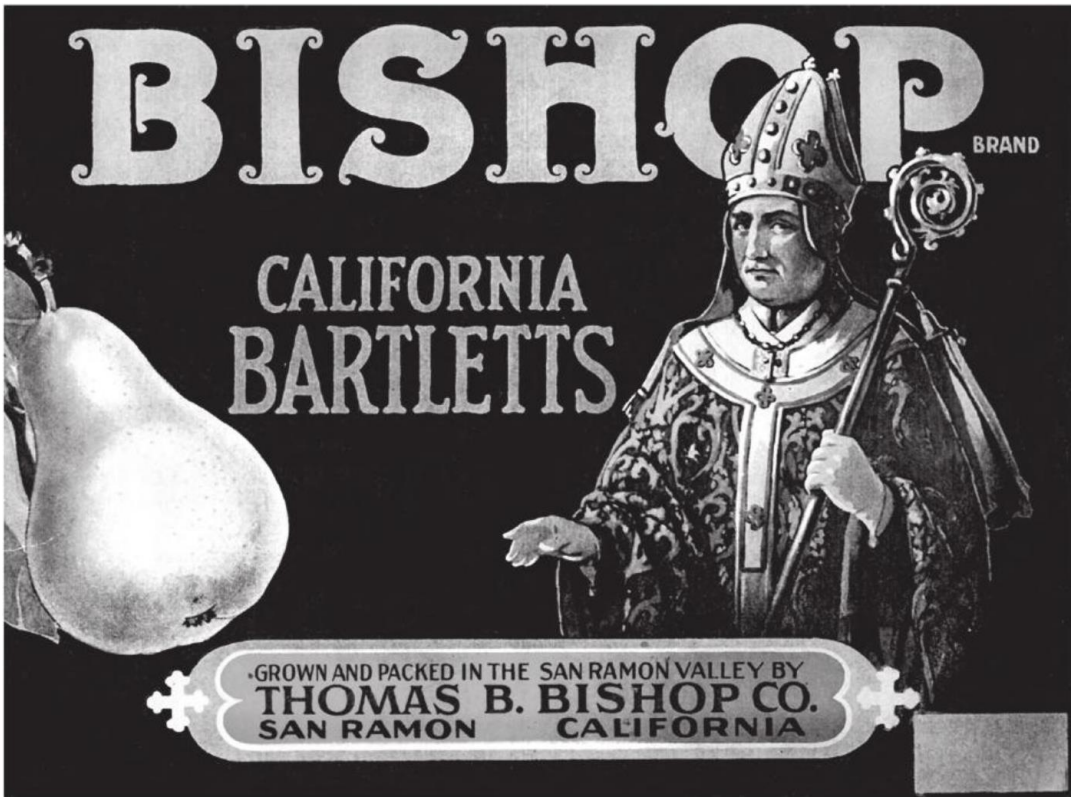


Figure 8. A ca. 1895 Bishop Ranch lithograph of a pear crate label of (courtesy of the Museum of the San Ramon Valley).

Figure 9. ca. 1900 photograph the village of San Ramon (courtesy of the Museum of the San Ramon Valley).

Figure 10. Ca. 1910 photograph of the San Ramon Valley Bank in Danville (courtesy of Museum of the San Ramon Valley).

Figure 11. Ca. 1930 photograph of the San Ramon Valley High School in Danville (courtesy of Museum of the San Ramon Valley).

WALNUT ORCHARD HISTORY (1860 TO 1960)

During the 1860s, walnut orchards in California were a small crop that began under the guidance of several orchardists, including Joseph Sexton of Santa Barbara and Felix Gillet of Nevada City.[28] Sexton proved prolific in Southern California, as his initial planting of English walnuts produced roughly 1,000 trees at his Santa Barbara farm. With the success of English walnuts, Sexton developed a natural hybrid derived from both hard and paper-shell walnuts, resulting in another paper-shell variety. However, the expansion of walnut orchards in Southern California proved difficult as growers struggled with seedlings or grafting to continue the hybridization of walnuts, and the fluctuating temperatures, particularly near the coast, created many natural diseases and other issues for the crop. During the 1870s, French native Felix Gillet, recognized by many as the father of most of the perennial crop agriculture in California and the Western U.S.,[29] had introduced hard-shelled walnuts from his native France to Northern California about the same time that grain began to fall in price.

During the 1880s, the walnut industry in the San Ramon Valley expanded as grain and cattle ranching were replaced by fruit and nut farms. Early orchardists in Contra Costa County included Myron Ward Hall of Alamo, who grafted a Persian walnut (also known as English walnut) onto a native black walnut tree, producing an

[28] University of California, *Walnut Production Manual*, The Regents of the University of California, Division of Agicutlure and Natural Resources, 1998

[29] Felix Gillet Institute, "About Felix", https://felixgillet.org/felix-gillet-bio, accessed February 21, 2022.

easily cracked, flavorful nut in 1873.[30] Myron also made walnut rootstock from a tree, later known as the "Mother Tree".[31] Hall began using this rootstock to produce seedlings and plant the earliest walnut orchards in Contra Costa County. Hall grafted other walnut trees on the family property, setting the grafts high along the highway to keep away from the road traffic along Jackson Way and Ridgewood. Frank Rutherford of the Bishop Brothers Ranch was also another leader in walnut production in the San Ramon Valley, planting approximately five thousand acres of walnuts on the Bishop Farm as early as 1909.

By the early 20th century, walnut orchards were abundant in Contra Costa County, and the San Ramon Valley was covered in hundreds of acres of English walnuts trees. During this time, Walnut orchard laborers would knock ripe walnuts from the trees (Figure 12), while workers below collected the fallen nuts in baskets. During this time, orchardist and farmer Travis Boone and his wife Ruth, who owned Forest Home Farms (NR#02000677),[32] also provided harvesting, hulling, and drying services for neighboring Walnut farms, a service the family provided through the 1960s. Not only did the Boones supply labor, Travis also invented and built the most successful dehydrator (name unknown) and a walnut picking tower known as "Boone's portable towers" (aka slide trombone) for hand-knocking walnuts and picking dates (Figure 13).[33] In 1917, local farmers in the county banded together, creating the Contra Costa Walnut Growers Association. The Contra Costa Walnut Growers Association, located in Walnut Creek, packaged and sold most of the county's production until the plant closed in 1958.

During WWII, there was a shortage of labor in the San Ramon Valley, which resulted in families removing their young children from school to work on the family farms. For the high school students attending San Ramon Valley High School, the school would let out early so that they, too, could help pick walnuts. During this time, women played a vital role in harvesting walnuts, with Ruth Boone leading the effort, forming a women's crew of walnut pickers, who worked throughout the San Ramon Valley during the war (Figure 14).[34]

By 1950, Contra Costa County saw an increase of 1,184 walnut farms, with 12,862 acres of walnut orchards, earning $2,211,280 that year (Figure 15, Figure 16, Figure 17, and Figure 18).[35] During this time, several irrigation systems were used to irrigate walnut orchards, including sprinkler systems, plastic soaker hoses, drip irrigation, and furrow and flood irrigation (Figure 19).[36] Between 1954 and 1959, walnut orchards

[30] No Author, History of Contra Costa County, California with Biographical Sketches of the Leading Men and Women of the County who have been Identified with Its Growth and Development from the Early Days to the Present, Historic Record Company, Los Angeles, California, 1926.

[31] Beverly Lane and Sharon Burke, Historic Tales of Alamo, California, Arcadia Publishing, Charleston, South Carolina, 2021.

[32] "Forest Home Farms" National Register of Historic Places Registration Form (NR#02000677), 2002.

[33] Beverly Lane, Good Times, Hard Times: The San Ramon Valley 1910 to 1945, http://www.srvhistoricalsociety.org/histarticles/Good_Times__ed_2014.pdf, accessed 01/13/2022.

[34] Beverly Lane, San Ramon Chronicles: Stores of Bygone Days, American Chronicles, The History Press, Charleston, South Carolina.

[35] U.S. Department of Commerce, United State Census of Agriculture, Bureau of the Census, Counties and State Economic Area: California, 1952, Volume 1, Part 33, Washington, D.C.: United Sates Government Printing Office, 1952.

[36] Jacob F. Samuel, "Evaluation of a Walnut Orchard", California Polytechnic State University, 2011.

dropped from 1,200 to 794 acres, a loss of about 1,000 acres by 1959.[37,38,39] By 1974, the total number of walnut orchard farms was reduced to 142 within approximately 4,086 acres of land.[40] In 1992, only 105 walnut farms remained within about 1,483 acres.[41] In 2017, only 498 acres of walnut orchards remained in County Costa County, ranking ninth in Contra Costa County's agriculture production.[42,43]

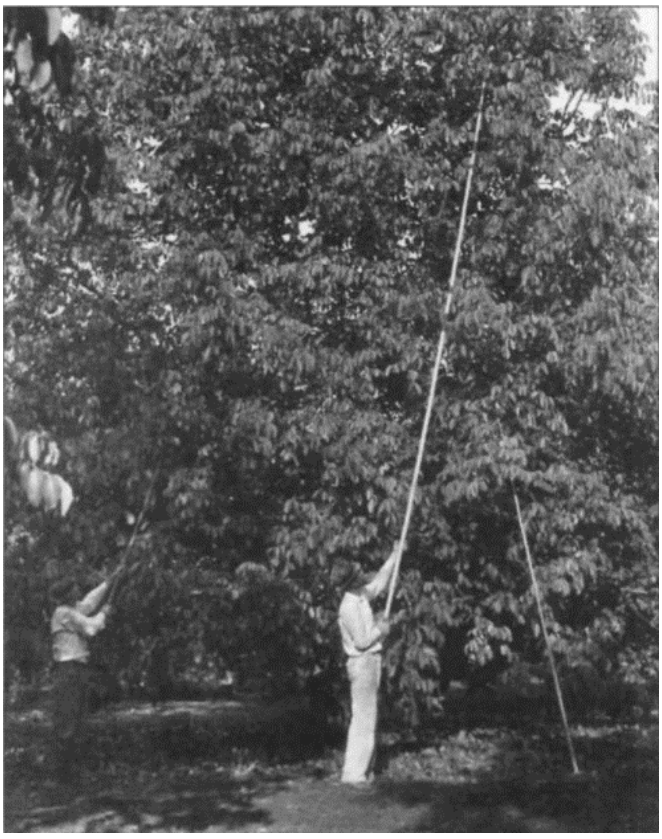


Figure 12. ca. 1920 photograph, showing a method used for getting walnuts off trees with long poles (courtesy of Images of America: San Ramon Valley, Alamo, Danville, and San Ramon).

[37] Beverly Lane, San Ramon Chronicles: Stores of Bygone Days, American Chronicles, The History Press, Charleston, South Carolina.

[38] Devany Vickery-Davidson, The Last Walnut Grove, Edible East Bay, November 15, 2008, https://edibleeastbay.com/2008/11/15/the-last-walnut-grove/, accessed 01/12/2022.

[39] U.S. Department of Commerce, United State Census of Agriculture, Bureau of the Census, Counties and State Economic Area: California, 1959, Volume 1, Part 33, Washington, D.C.: United Sates Government Printing Office, 1959.

[40] U.S. Department of Commerce, United State Census of Agriculture, Bureau of the Census, Counties and State Economic Area: California, 1974, Volume 1, Part 33, Washington, D.C.: United Sates Government Printing Office, 1974.

[41] U.S. Department of Commerce, economics and Statistics Administration, Bureau of the Census, California State and County Data, Volume 1, Geographic Area Series part 5, Washington, D.C., U.S. Government Printing Office, 1992.

[42] According to the 2017-2018 County Agriculture Report cattle and tomatoes are the primary source of income.

[43] U.S. Department of Agriculture National Agricultural Statistics Service, Bureau of the Census, 2019 California Walnut Acreage Report. https://www.nass.usda.gov/Statistics_by_State/California/Publications/Specialty_and_Other_Releases/Walnut/Acreage/2020walac_revised.pdf, accessed 01/12/2022.

Figure 13. ca. 1920s photograph of Travis Boone's invention called the "slide trombone" used to harvest walnuts (courtesy of Forest Home Farms.com).

Figure 14. ca. 1945 photograph showing women within the walnut orchard on the Boone Farm, known as the Forrest Home Farms, owned by Travis M. Boone (courtesy of San Ramon Chronicles: Stores of Bygone Days).

Figure 15. 1950s photograph of a walnut orchard in San Ramon Valley (courtesy of Library of Congress).

Figure 16. 1950s photograph of a D4 tractor pulling a drag ring-roller and smooth roller to prepare for walnut orchard harvest on Bishop Ranch (courtesy of San Ramon Chronicles: Stories of Bygone Days).

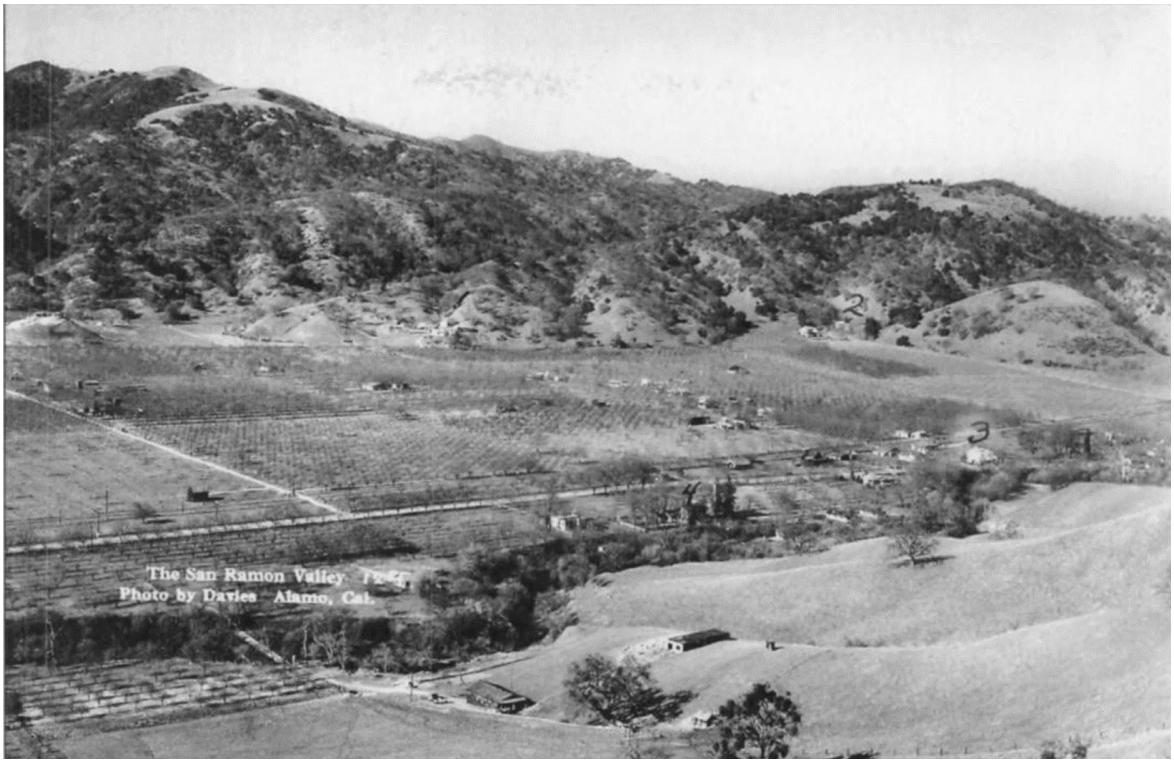


Figure 17. In 1957 photograph showing walnut orchards in the San Ramon Valley floor.

Figure 18. 1958 photograph of farm workers in front of a walnut processing building on the Bishop Ranch in San Ramon Valley (courtesy of Images of America San Ramon Valley, Alamo, Danville, and San Ramon).

Figure 19. ca. 1960s photograph of the irrigation system within the Bishop Ranch pear orchard (courtesy of Images of America San Ramon Valley, Alamo, Danville, and San Ramon).

PROPERTY HISTORY (1890S – 2007)

The following section documents the ownership history of the Property from the 1890s to 2007.

George McCamley Ownership

In the 1890s, the subject Property was part of a larger 216-acre parcel owned by George McCamley (Figure 20). George settled in the San Ramon Valley in 1855, after a time in the gold mines. Upon his arrival, he purchased a 375-acre parcel, including the subject Property. He built a two-story Victorian house (no longer extant) on the west side of present-day Interstate 680 freeway, where the Brass Door Restaurant is currently located.[44] George was born in 1827 in New York. George married Annie J. Jenkinson, who was born in 1837 in England, and immigrated to the U.S. in 1856. George was a dairy farmer and a well-known leader in the San Ramon Valley, where he served as a school board trustee and the president of the San Ramon Farmer's Union, where he helped found the San Ramon Valley Grange (Danville Grange No. 85) and donated land for the construction of the "first" Methodist Church. In 1891, George and several other landowners in the San Ramon Valley donated the right-of-way for construction of the Southern Pacific railroad and rail depot. George kept a daily diary and recorded events and farm life from 1855 to his death in 1898.[45] George and Annie did not have in children. After George died, Annie's two nephews, George McCamley Oswill and William McCamley Oswill, lived with her at the farm, which appears to have been a dairy or cattle ranch.[46] By 1910, George

[44] San Ramon Valley Historical Society Record, "The McCamley Inheritance – Beginning In 1855 – Discussed and Reviewed At Our September Meeting", November 2015.

[45] The collection is held with Contra Costa County Historical Society.

[46] Ancestry.com, 1900 United States Federal Census.

McCamley Oswill, his wife Edna, and their two children, Thelma and Virginia, lived with Annie at the property. At this time, Annie is still shown as the property owner, and George McCamley Oswill is listed as an employee/farmer. In 1913, Annie's niece, Mary Ann Lucy Hack, born to Annie's younger sister Mary Ann Jenkinson Hack and her husband George Washington Hack, moved to the McCamley Ranch. Mary Ann Lucy Hack married John Oswill. Annie died in 1914. In 1914, Mary Ann Lucy Hack Oswill inherited or purchased two parcels of land from Annie, including a 156-acre property, where the Property is located, and the adjacent 52-acre property (Figure 21). It is unknown if the property was planted in walnut trees at this time.

John Fleitz and Maria Katherine Fleitz Ownership

By 1923, siblings John and Maria Katherine Fleitz purchased an approximately 50-acre portion of the 152-acre property, including the subject Property, from the Oswill family. Shortly after buying the property, John deeded the property to his sister Maria. At this time, the Property included the ca. 1923 barn and a young Black walnut orchard. According to the Museum of the San Ramon Valley, the walnut orchard trees within the property are a graft of Persian walnut with native black walnut, first grafted by Alamo farmer Myron Ward Hall in 1873.[47] John was born in 1881 in Ohio, and Maria was born in 1888 in California. It appears that John Fleitz constructed the ca. 1923 house, three ca. 1923 water towers, and the ca. 1923 garage. From 1923 to 1927, Maria, John, and his wife Magdelena Franz Fleitz, and Alexander (John and Maria's father) were living within the property. Magdelena was born in 1873 in Reading, Pennsylvania. John and Magdelena did not have any children. Alexander Fleitz was born in 1848 in Baden-Württemberg, Germany, and was married to Magdalena Zimmerman in 1874 in Tuscarawas, Ohio. They had five children, including John, Maria, Leo, Louis, and Theresa who died in 1914. Alexander immigrated to the U.S. in 1864, and in the late 1880s, established a dairy farm in Orinda and owned land in Martinez. By the time he moved to the property in San Ramon, he was a widow. In 1927, Maria married Joseph Auguste Borel, and she moved to Oakland, where Joseph was living at the time. In 1933, John died unexpectedly of a heart attack. After John's death, his wife, Magdelena, moved back to her hometown of Reading, Pennsylvania. Alexander Fleitz remained living at the property.

[47] Jeanita Lyman, "Danville: Developer begins application process for 158-unit condo project at Borel property," https://www.danvillesanramon.com/news/2021/12/12/danville-developer-begins-application-process-for-158-unit-condo-project-at-borel-property, accessed February 1, 2022.

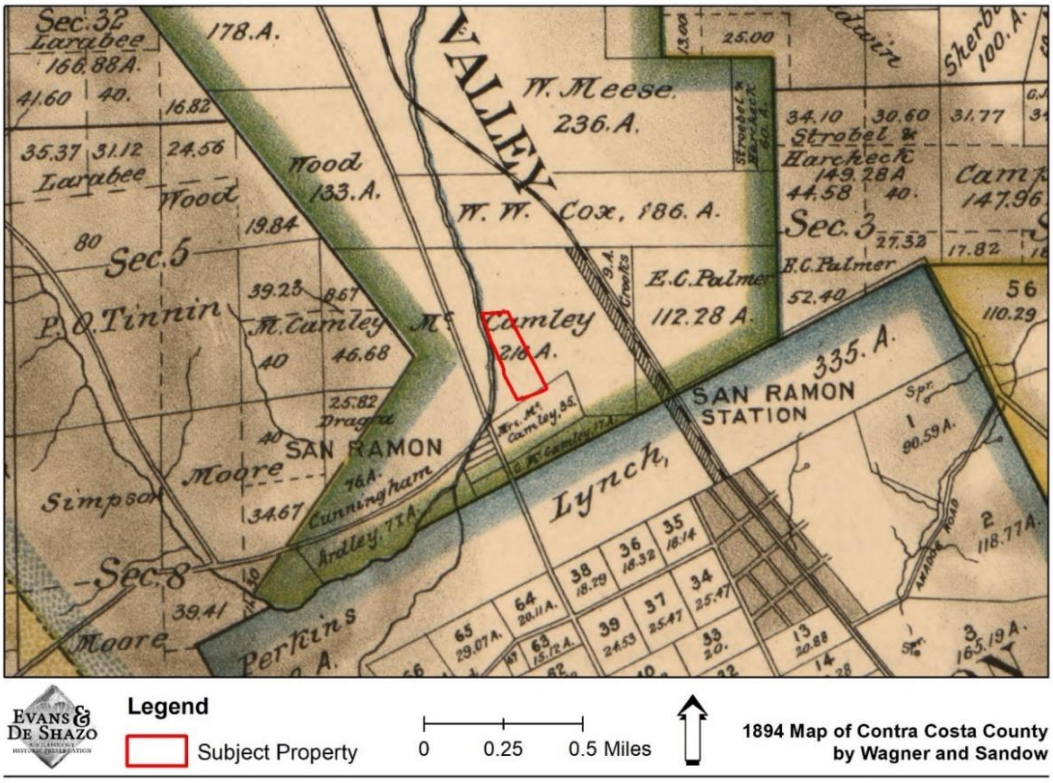


Figure 20. 1894 map showing the Property with a 216-acre parcel owned by George McCamley.

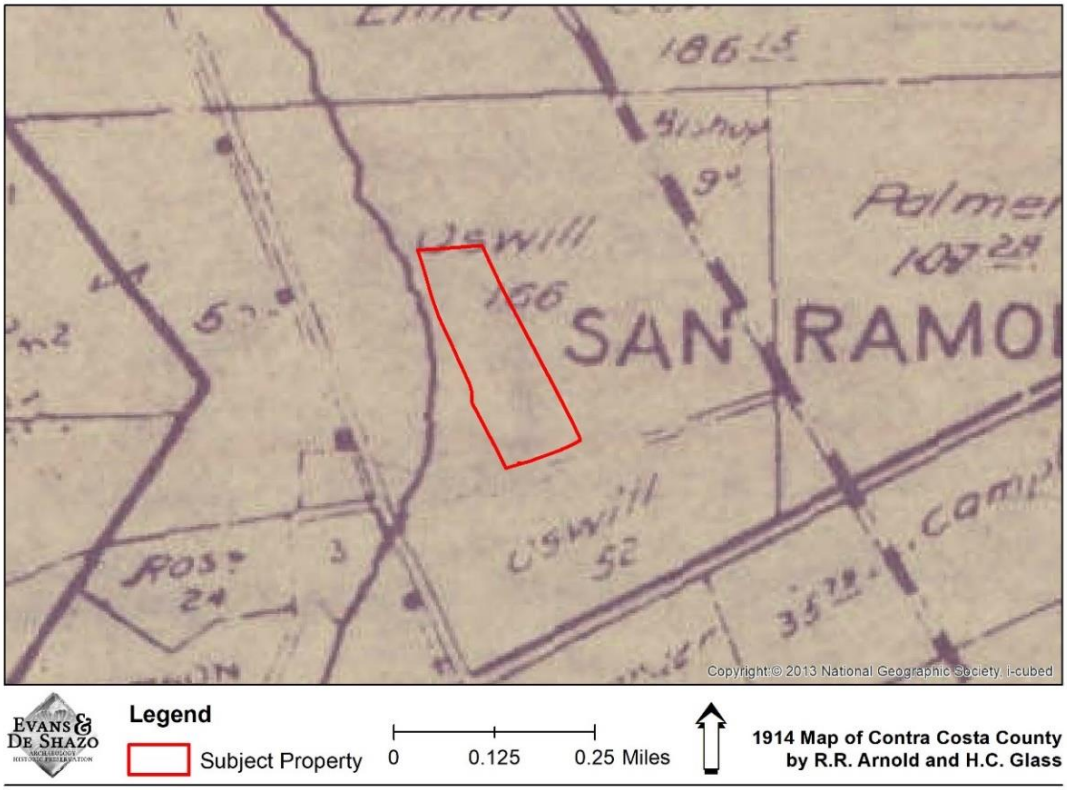
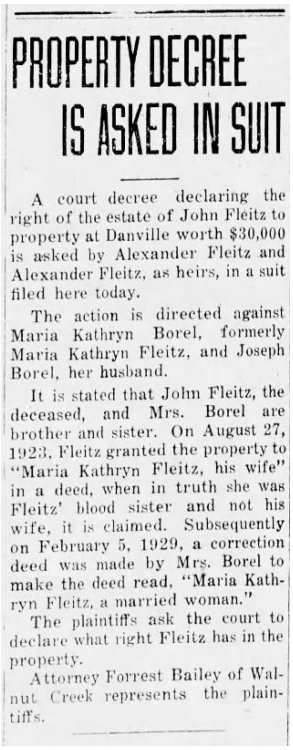


Figure 21. 1914 map showing Oswill as owning the 156-acre property and a 52-acre property south of the subject Property.

Fleitz-Borel Ownership

After John died in 1933, Alexander Fleitz filed a lawsuit against his daughter Maria, claiming ownership of the 50-acre property valued at $20,000. According to the lawsuit, the 1923 deed mistakenly showed Maria as John's wife and not his sister, which was rectified by the county in 1929, before John's death (Figure 22). Although the lawsuit's outcome is unclear, when Alexander died in 1937, he owned a partial interest in the 50-acre property in San Ramon valued at $10,000, which he willed to his two sons, Leo and Louis, and his daughter, Maria.[48,49] Leo was born in 1878 in Ohio. Leo was married to Agnes Gertrude Corbett, and they had four children. Leo died on March 31, 1955, in Oakland. Louis was born in 1882 in Ohio. He does not appear to have been married and had no children. By 1938, the property was reduced to 43.95-acres (Figure 23), but it remained covered in walnut trees (Figure 24). During this time, the address of the 43.95-acre property was P.O. Box 13. Between 1937 and 1940, it does not appear that Leo, Louis, or Maria lived within the property, as all three had addresses within the city of Oakland. However, Leo managed the orchard, and Maria's husband, Joseph Borel, also cared for the orchard. In 1937, Joseph Borel purchased the San Ramon rail depot (constructed in 1927) from the Southern Pacific and moved it to the Property. In 1939, Louis was killed by a train while saving the life of his second cousin Reverend George Staffelbach.[50] By 1945, Leo had sold his interest in the property to his sister Maria and her husband, Joseph Borel. Leo died in 1955.



PROPERTY DECREE IS ASKED IN SUIT

A court decree declaring the right of the estate of John Fleitz to property at Danville worth $30,000 is asked by Alexander Fleitz and Alexander Fleitz, as heirs, in a suit filed here today.

The action is directed against Maria Kathryn Borel, formerly Maria Kathryn Fleitz, and Joseph Borel, her husband.

It is stated that John Fleitz, the deceased, and Mrs. Borel are brother and sister. On August 27, 1923, Fleitz granted the property to "Maria Kathryn Fleitz, his wife" in a deed, when in truth she was Fleitz' blood sister and not his wife, it is claimed. Subsequently on February 5, 1929, a correction deed was made by Mrs. Borel to make the deed read, "Maria Kathryn Fleitz, a married woman."

The plaintiffs ask the court to declare what right Fleitz has in the property.

Attorney Forrest Bailey of Walnut Creek represents the plaintiffs.

Figure 22. Newspaper article in the Contra Costa Gazette and Martinez Daily Standard, June 20, 1933 (newspapers.com).

[48] Newspapers.com, "Fleitz", The San Francisco Examiner, January 28, 1937.

[49] Newspapers.com, "Three Children Are Left Estate", Contra Costa Gazette, February 11, 1937.

[50] Newspapers.com, "Priest Conducts Rites for Man Who Gave Him Life", Oakland Tribune, July 25, 1939.

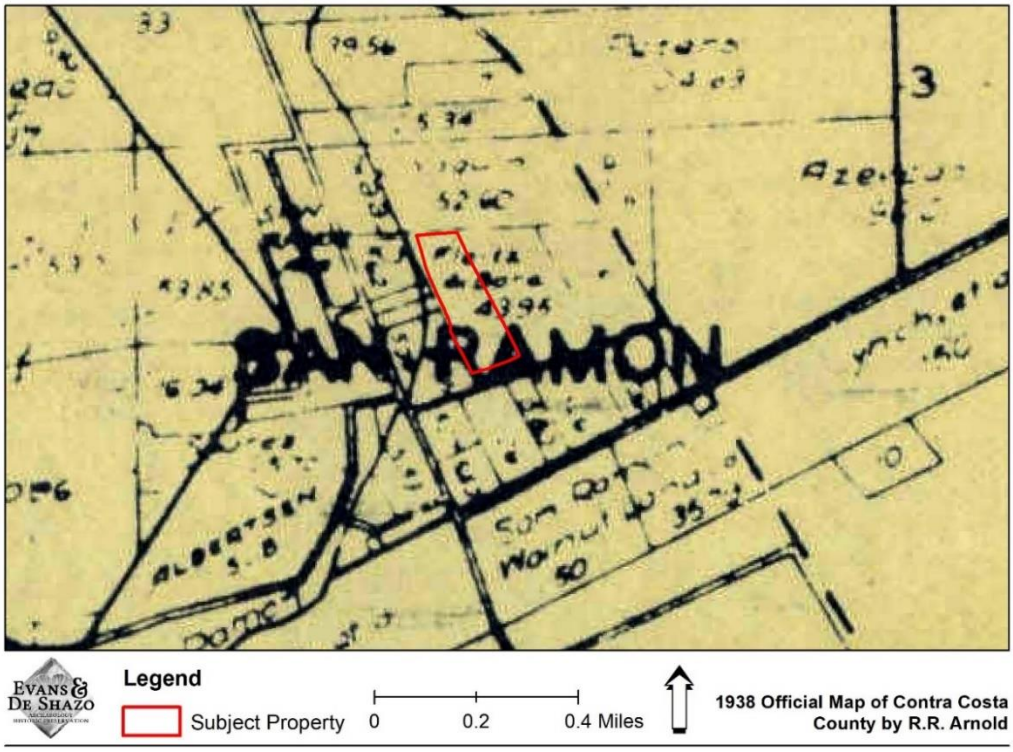


Figure 23. 1938 map showing the current 16.65-acre Property within the 43.95-acre property owned by Fleitz and Borel.

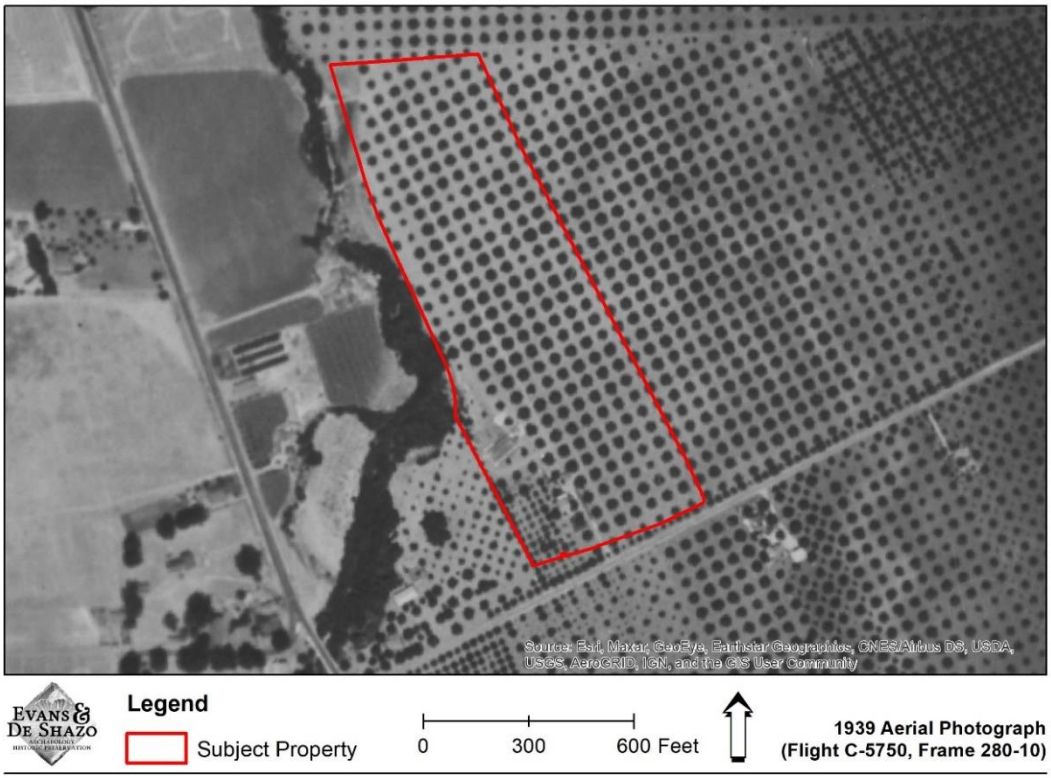


Figure 24. 1939 aerial photograph showing the location of the current 16.65 acres Property (outlined in red) within the 43.95-acre property.

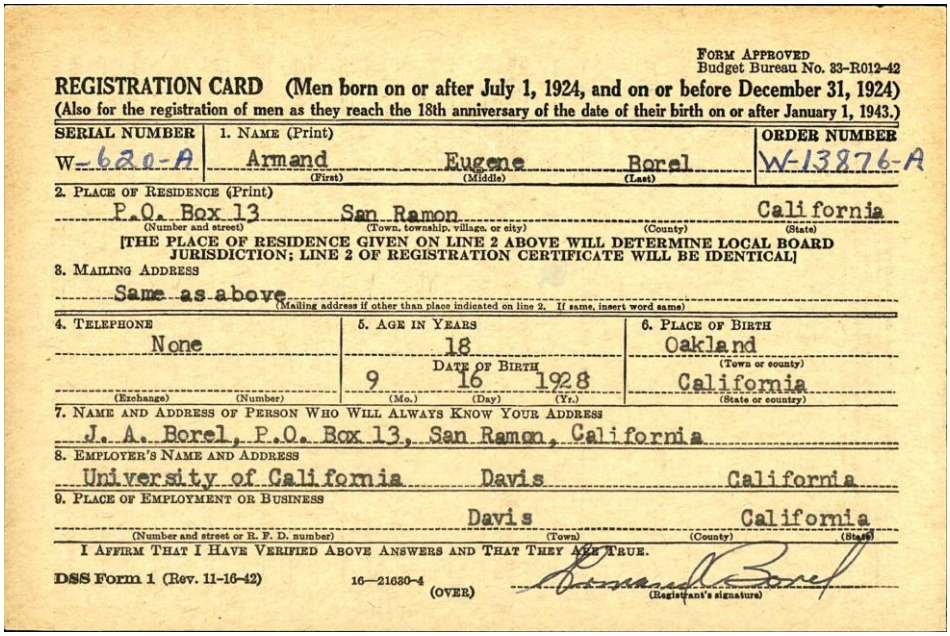
Joseph and Maria Fleitz Borel; and Armand Borel Ownership

Joseph was born in 1891 in France, and in 1927, he married Maria Fleitz. In 1928, the couple had their only child, Armand Eugene Borel. During this time, Joseph worked as an ironworker in Oakland, and Maria was keeping house. By 1930, Maria and Joseph lived in a rented house at 6412 Alcatraz Avenue in Oakland. By the 1940s, Joseph owned a gas station in Alameda County. Armand attended St. Mary's Elementary in Oakland and graduated from Berkeley High School in 1944. In 1945, after WWII ended, Joseph, Maria, and their son Armand moved to the family property in San Ramon. At this time, the Borel family began farming the walnut orchard, which Maria and her family had owned since 1923.

At this time, the Borel Ranch, as it became known, consisted of approximately 43.95 acres of land, of which approximately 90% of the land was covered in walnut trees, which were cross between Persian walnut and native black walnut trees. When the Borel's first began their walnut orcharding business, Maria managed the property and tended to the walnut trees. In 1946, at the age of 18, Armand registered for service with the U.S. armed services (Figure 25 and Figure 26); at the time, Armand was employed with the University of California at Davis where he also attended college and studied agriculture. In the 1940s, Joseph and Armand Borel retrofitted the ca. 1923 walnut barn with walnut shelling and processing equipment to handle crops from the hundreds of walnut trees within the 43.95-acre property. including the 16.65-acre Property (Figure 27).[51]

During the Korean War (1950-1953), Armand served in the U.S. Army and had a tour of duty in Japan. After his stint in the Army, Armand returned to Borel Ranch (Figure 28) where he worked in the walnut orchard with his mother and father. Armand's mother, Maria, died in 1982, and his father, Joseph, died in 1983. After the death of his parents, and although many farms were giving way to new housing developments, Armand continued to live within the Borel Ranch and farm the walnut orchards. However, by 1985, Armand sold a portion of his property for development, retaining the current 16.65-acre Property. At this time, the address had changed to 3020 Fostoria Way. During the 1990s, Armand had several renters living with him at the Property, who likely helped manage the orchard trees. In 2007, Armand passed away (Figure 29). Armand never married and did not have children.

[51] Gloria Anne Laffey, Architectural Evaluation From "Borel Ranch" (P-07-004639), August 31, 1990.



FORM APPROVED
Budget Bureau No. 33-R012-42

REGISTRATION CARD (Men born on or after July 1, 1924, and on or before December 31, 1924)
(Also for the registration of men as they reach the 18th anniversary of the date of their birth on or after January 1, 1943.)

SERIAL NUMBER	1. NAME (Print)			ORDER NUMBER
W- 620-A	Armand (First)	Eugene (Middle)	Borel (Last)	W-13876-A

2. PLACE OF RESIDENCE (Print)
P.O. Box 13 (Number and street) San Ramon (Town, township, village, or city) (County) California (State)
[THE PLACE OF RESIDENCE GIVEN ON LINE 2 ABOVE WILL DETERMINE LOCAL BOARD JURISDICTION; LINE 2 OF REGISTRATION CERTIFICATE WILL BE IDENTICAL]

3. MAILING ADDRESS
Same as above (Mailing address if other than place indicated on line 2. If same, insert word same)

4. TELEPHONE	5. AGE IN YEARS	6. PLACE OF BIRTH
None (Exchange) (Number)	18 DATE OF BIRTH 9 (Mo.) 16 (Day) 1928 (Yr.)	Oakland (Town or county) California (State or country)

7. NAME AND ADDRESS OF PERSON WHO WILL ALWAYS KNOW YOUR ADDRESS
J. A. Borel, P.O. Box 13, San Ramon, California

8. EMPLOYER'S NAME AND ADDRESS
University of California Davis California

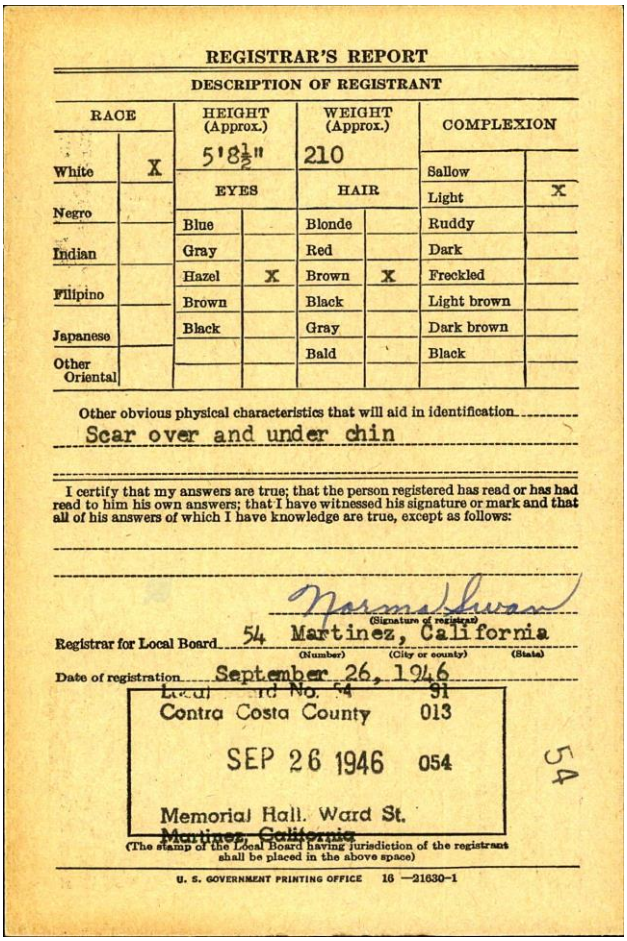
9. PLACE OF EMPLOYMENT OR BUSINESS
Davis (Town) California (County) (State)
(Number and street or R. F. D. number)

I AFFIRM THAT I HAVE VERIFIED ABOVE ANSWERS AND THAT THEY ARE TRUE.

DSS Form 1 (Rev. 11-16-42) 16—21630-4 (OVER)

(Registrant's signature)

Figure 25. Armand Borel's U.S. WWII draft card, showing the address of the subject Property.



REGISTRAR'S REPORT

DESCRIPTION OF REGISTRANT

RACE		HEIGHT (Approx.)		WEIGHT (Approx.)		COMPLEXION	
White	X	5'8½"		210		Sallow	
		EYES		HAIR		Light	X
Negro		Blue		Blonde		Ruddy	
Indian		Gray		Red		Dark	
		Hazel	X	Brown	X	Freckled	
Filipino		Brown		Black		Light brown	
Japanese		Black		Gray		Dark brown	
Other Oriental				Bald		Black	

Other obvious physical characteristics that will aid in identification
Scar over and under chin

I certify that my answers are true; that the person registered has read or has had read to him his own answers; that I have witnessed his signature or mark and that all of his answers of which I have knowledge are true, except as follows:

Norma Swan (Signature of registrar)

Registrar for Local Board 54 Martinez, California (Number) (City or county) (State)

Date of registration September 26, 1946

Local Bd No. 54 91
Contra Costa County 013
SEP 26 1946 054
Memorial Hall, Ward St.
Martinez, California

5D

(The stamp of the Local Board having jurisdiction of the registrant shall be placed in the above space)

U. S. GOVERNMENT PRINTING OFFICE 16 —21630-1

Figure 26. The back side of Armand Borel's U.S. WWII draft card showing the county where he registered in 1946.

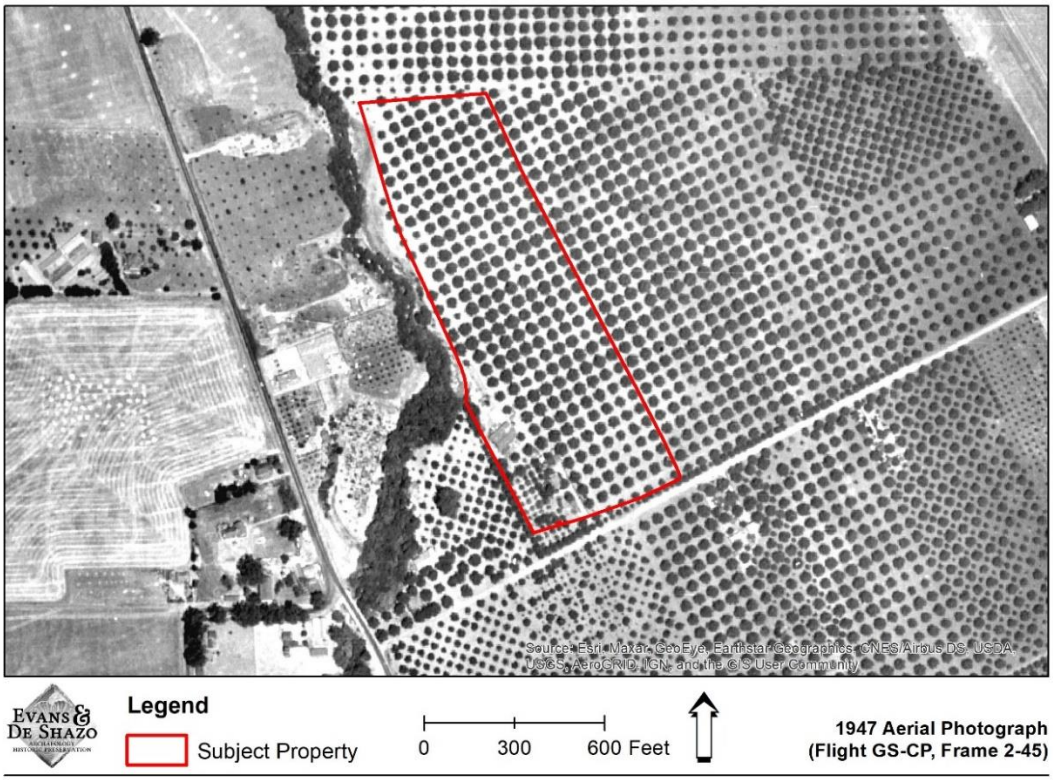


Figure 27. 1947 aerial photograph showing the boundaries of the current 16.65-acre Property.

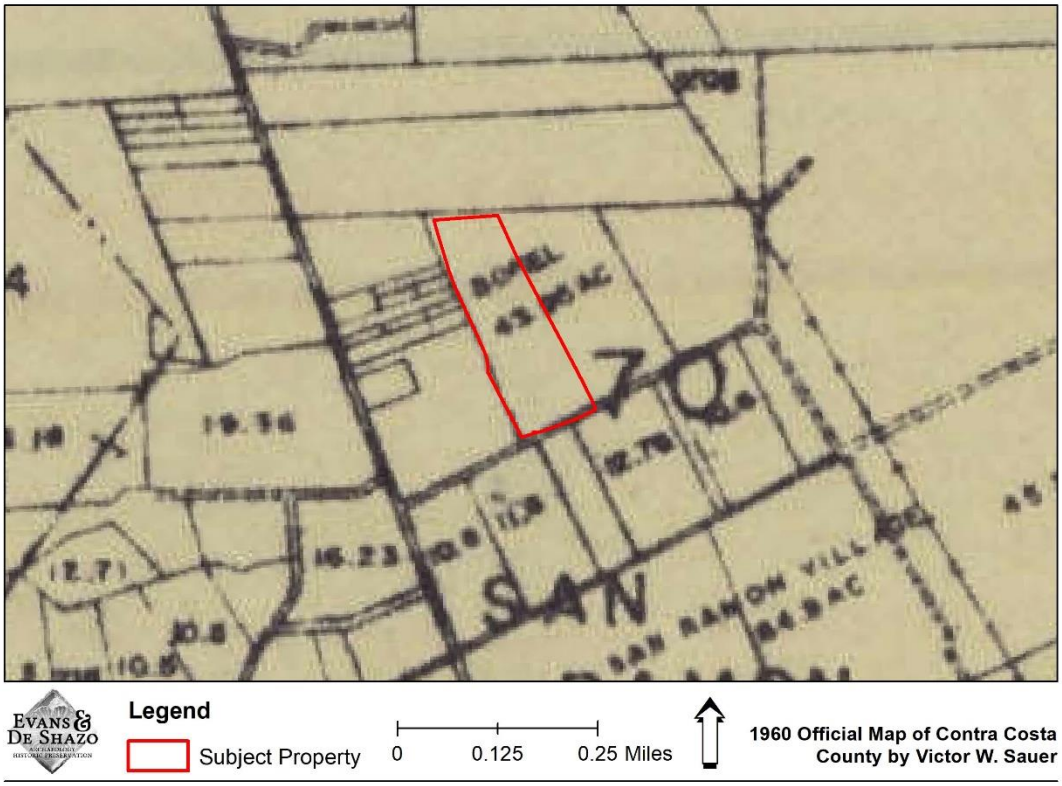


Figure 28. 1960 map of Contra Costa County showing the 16.65-acre Property within the 43.95-acre property owned by Borel.

Figure 29. ca. 2007 photograph of Armand on a tracker at the Borel Ranch (courtesy of the East Bay Times).

ARCHITECTURAL STYLE

The following section briefly explains the Craftsman architectural style associated with the ca. 1923 house and Vernacular architecture associated with the ca. 1923 walnut barn.

CRAFTSMAN ARCHITECTURAL STYLE (1905 - 1930)

The American Craftsman style is the quintessential house style of America. More popular and more replicated than most others, it is the sum of all that America is. It stands for simplicity, excellence, and utility, and simplicity in design, excellence in craftsmanship, and utility in its functionality. Craftsman houses were inspired mainly by two California brothers – Charles Sumner Greene and Henry Mather Greene. They practiced together in Pasadena from 1893 to 1914 (i.e., California Craftsman, Craftsman Bungalows, or California Bungalow Craftsman). In about 1903, they began to design simple Craftsman-type bungalows. By 1909, they had designed and executed several exceptional landmark examples. Influenced by the English Arts and Crafts Movement, an interest in oriental wooden architecture and their early training in the manual arts appear to have led the Greene's to design and build these intricately detailed buildings. During the early twentieth century, these and similar residences were given extensive publicity in some of the most popular magazines, thus familiarizing the rest of the nation with this style. As a result, a flood of pattern books appeared, offering plans for Craftsman bungalows; some even provided completely pre-cut packages of lumber and detailing to be assembled by local labor. Through these vehicles, the Craftsman house quickly

became the most popular and fashionable smaller house in the country.[52]

Common architectural design features of Craftsman architecture include the following:

- Low-pitched roof lines gabled or hipped roof
- Deeply overhanging eaves
- Decorative half-timbering and woodwork
- Front or side-gable roofs with exposed rafters or decorative brackets under eaves
- Front porch beneath the extension of the main roof
- Tapered, square columns ("battered" columns) supporting the roof
- Double-hung windows; 3-over-1 or 6-over-1 double-hung windows
- Hand-crafted stone or woodwork, including wood and shingle siding
- Mixed materials throughout the building

VERNACULAR

In architectural history, the definition of "vernacular" is not universally agreed on, and there are two main definitions, including an "ordinary" meaning where vernacular architecture is that which belongs to "a type that is common in a given area at a given time," and an emerging "regionalist" definition where "vernacular buildings are localized versions of widely known forms." Generally, Vernacular buildings are constructed by nonprofessionals and, in many cases, by the occupants themselves.[53] Vernacular architecture is also characterized as a functional shelter for people, animals, and stores, "built to meet needs," and constructed according to the availability and performance of materials and formed in response to environmental and climatic conditions. However, the term vernacular is carefully considered when evaluating buildings that appear to have "no style" or ones that do not fit the traditional known architectural styles. Whether the building was a thatched cottage, an early "pioneer" balloon-framed house, or a trailer park, vernacular architecture is typically defined as those buildings that are outside the mainstream of professional architecture and based on local influences such as available materials and the environment. The term "vernacular architecture" is also applied to "everyday" forms such as barns that are set within agricultural landscapes and designed and constructed of materials that reflect regional and functional variations that help to convey specific significant design trends of a particular group of people or local industry.

[52] Virginia McAlester and Lee McAlester, A *Field Guild to American Houses,* New York, Alfred A. Knopf. Munro-Fraser, J.P. 2013.
[53] Thomas Carter and Bernard L. Herman, ed. *Perspectives in Vernacular Architecture, IV,* Columbia, MO: University of Missouri Press, 1991, 1.

HISTORIC ARCHITECTURAL SURVEY

On December 29, 2021, EDS Principal Architectural Historian Stacey De Shazo, M.A., completed a historic architectural survey of the Property that includes the ca. 1923 house, three ca. 1923 tank houses (aka water towers), ca. 1923 garage, ca. 1923 walnut barn, ca. 1970 barn, ca. 1923 shed building, 1927 San Ramon rail depot, ca. 1960 gable building, ca. 1923 chicken coup, ca. 1923 irrigation equipment, and associated landscape. The following section documents this survey.

Figure 30. Aerial map of the Borel Ranch Property showing the location of the built environment resources.

CA. 1923 HOUSE

The ca. 1923 house is associated with Craftsman architecture. The one-and-a-half-story, side-gable building sits on a raised post and pier foundation with a continuous concrete perimeter foundation. The ca. 1923 house consists of at least two additions (exact dates of the additions are unknown).[54] The original ca. 1923 form is a wood-framed, side-facing gable form that includes two shed dormers, one on each side of the gable, extending the length of the roof (Figure 31). Beneath the peak of the roof gables are vents, and the sides of the dormers have decorative brackets. The first addition to the ca. 1923 house is along the north elevation, extending the building north with a flat roof and parapet form. The second addition is constructed of concrete masonry block, extending from the northwest corner of the house – this section also has a flat roof with a parapet.

Additionally, the south elevation of the original ca. 1923 house was initially a full-width front porch set under the roof; however, the porch was enclosed, likely in the 1980s based on the materials utilized. The gabled roof along the original ca. 1923 house is clad in composite shingles, while the elevations are clad with either horizontal wood shiplap, vertical wood panels, or painted concrete block. There is an exterior chimney located on the west elevation of the original ca. 1923, and the eaves of the roof have exposed rafters, common in Craftsman architecture.

South Elevation (Primary Façade)

The south elevation (primary façade) consists of two aluminum picture windows, with a double sliding-glass door between them on the first floor, and the shed roof dormer has two pairs of six-over-one, single-hung, wood windows with lugs and a narrow, one-over-one, single-hung vinyl window, which is situated between the paired windows (Figure 32). The windows within the shed roof dormer have thick white trim and the narrow, central window has operational shutters. The double sliding-glass doors are accessed by two concrete steps that do not have a railing. The foundation of the first floor is clad with a brick veneer, while the façade is clad in vertical wood panels and horizontal shiplap below the now enclosed porch roof – that now functions as a decorative trim rather than supporting the porch roof – connects both windows and bridges the doorway (Figure 33). The remaining façade is clad in horizontal wood shiplap, which is a result of the enclosure of the original front porch. Remnants of the original porch are the four wooden columns, evenly spaced from the corners and around the doorway.

[54] There are no building permits associated with the additions to the ca. 1923 house.

Figure 31. Southeast corner of house, facing northwest, demonstrating the first phase of construction.

Figure 32. South elevation, facing north.

Figure 33. South elevation showing the enclosed porch, clad vertical wood boards, facing north.

East Elevation

The east elevation consists of the east gable end and a corner of the first addition (Figure 34). At the south corner of this elevation is a garden window box, which is located where the original open porch railing would have been located. To the south of the original form, where the first addition meets, is a single, wood-paneled door and a pair of one-over-one, single-hung, wood windows with lugs, one with a screen and one with an air conditioning unit situated within the lower opening. Beneath the gable are two off-centered, one-over-one wood windows with lugs, one located on the first floor and one located on the second floor (Figure 35). The east elevation of the first addition consists of a single wood-paneled and glass door and the east elevation of the first addition consists of an aluminum sliding window (Figure 36). A raised patio deck extends along half of the original side-gabled form and extends along the entirety of the first addition. The raised patio deck is accessed via a concrete stair on both the north and south ends and has a simple wood hand railing (Figure 37). The east elevation is clad with horizontal wood boards, vertical wood boards, and painted concrete blocks.

Figure 34. East elevation, facing northwest.

Figure 35. East elevation showing the raised patio deck, facing west.

Figure 36. North and west elevations of two additions, with storm cellar entry.

Figure 37. Concrete stairs to patio on east elevation, facing west.

North Elevation

The north elevation of the original form consists of a shed roof dormer with three single-hung, wood windows with lugs and two additions (Figure 38). The east wall of the north elevation belongs to the second phase of construction and has a group of three one-over-one, single-hung, wood windows set over a basement storm-cellar shed–style entrance (Figure 39). This northeastern addition has two additional one-over-one, single-hung, wood windows. The north elevation of the second addition includes a wood and glass rear entrance door, a secondary storm-cellar entrance, and an aluminum sliding window. There are exterior elements that indicate a porch was situated along the second addition, which likely extended from this elevation and around to the west elevation (Figure 40).

Figure 38. North elevation showing the shed roof dormer on the original form and the two additions, facing south.

Figure 39. East wall of north elevation.

Figure 40. North elevation, facing southwest.

West Elevation

The west elevation consists of the original side-gable and the second addition (Figure 41). There is a brick chimney along this elevation that extends the gable eaves to the roof. Along the original form are six one-over-one, single-hung wood windows with lugs, of which two are located on the second floor and the other four are on the first floor. Of the six windows, two are paired windows, of which, the northern most pair abuts the second addition. Along the southernmost corner of the façade is a garden window box, situated where the open porch railing would have been located (Figure 42). The second addition consists of two aluminum sliding windows set above an open exterior vent and crawl space. There are two fixed, single-light, aluminum windows to the south of the sliding windows (Figure 43). Additionally, a short exterior concrete wall connects the original form with the second addition. It consists of small window openings that may have had fixed, single-light or casement windows (no longer present) with brick windowsills.

Figure 41. West elevation, facing east.

Figure 42. Showing the garden window box and chimney along the west elevation and the second addition, facing northeast.

Figure 43. Showing the aluminum windows set within the concrete block wall along the west elevation, facing east.

THREE CA. 1923 TANK HOUSES

The Property includes three ca. 1923 tanks houses (tanks 1 – 3) that are in varying states of decay. The tank houses are not associated with any architectural style. Tank house 1 is the most intact and is situated on a raised wooden enclosed platform, which houses mechanics for the water tower (Figure 44). There is an attached wood structure adjacent to the north elevation; this section is exposed on three sides, with only the west and roof covered with corrugated metal (Figure 45). Tank house 2 is located northwest of tank house 1 and is only slightly raised (Figure 46). It is likely that tank house 1 fed into tank house 2; however, only a small section of pipe leading from tank house 1 supports this. The remnants of tank house 3 is located east of the 1927 San Ramon rail depot. The tank and cladding of what remains of tank house 3 are missing; however, the wooden framework remains, clearly denoting its location and construction methods (Figure 47).

Figure 44. Tank house 1, facing northeast.

Figure 45. Photograph showing the attached wood structure of tank house 1 (center) and tank house 2 (right).

Figure 46. Tank house 2, facing northeast.

Figure 47. Remnants of tank house 3.

CA. 1923 GARAGE

The ca. 1923 garage is not associated with any architectural style. The ca. 1923 garage is a rectangular form with a hipped roof and a concrete slab foundation. The roof is clad in composite shingles. The south elevation of the building is clad in board and batten wood siding, and the remaining three elevations have horizontal wood shiplap. The west elevation has a wood-paneled door on the north side and a one-over-one, double-hung, wood window on the south side (Figure 48). The south elevation is void of fenestration (Figure 49). The east elevation has a double-hung wood window; however, the majority of the elevation is covered in brush and trees and was not visible (Figure 50).

Figure 48. West and south elevations of the ca. 1923 garage, facing northeast.

Figure 49. South elevation of the ca. 1923 garage, facing north.

Figure 50. North and east elevations of the ca. 1923 garage, facing southwest.

CA. 1923 WALNUT BARN

The ca. 1923 walnut barn exemplifies Vernacular barn architecture in rural California (Figure 51). The barn has a concrete slab foundation and is a front-facing gable. Like most barns, the central section of the barn is raised above the shed roofs that extend from the eave elevations, providing space for clerestory windows. The roof has corrugated metal, while the elevations are clad with vertical wood siding. The west elevation has three entryways into the barn. The south wing of the elevation has a wooden door on rails, while the north wing has open storage that is accessed by a door on the north elevation and is covered with a metal grate on the west elevation. The central section of the elevation has eight fixed-light windows with an entryway that is accessed via double metal and glass doors that move on rails. A cantilevered metal awning extends from the west elevation from the central section of the barn (Figure 52). Over this entry are two chutes, where walnuts were moved (Figure 53). The west gable has a vent at the peak. The south elevation does not have any fenestration or elements pertaining to walnut processing (Figure 54). The east elevation has an aperture at the peak, which has remnants of wooden vents. The south wing of this elevation is open, though there is a rail track along the elevation, so there was likely a door that closed off this section of the barn. The north wing of this elevation has a small, shed extension that shelters equipment. To the south of this shed is a door to access the main barn (Figure 55). The north elevation has twelve windows and one door. At the westernmost section of this elevation is the door, which accesses a storage area beneath the northwest section of the roof. Besides this door is a pair of sliding windows, a pair of one-over-one, single-hung wood windows, and a single sliding window. Adjacent to this section is a large concrete pit, which may have been used as either walnut storage or as a mechanic pit for vehicle and equipment repair (Figure 56). Over the pit is a wood-framed awning with a corrugated metal roof (Figure 57). Below the one-over-one wood windows is a conveyor belt and chute for walnuts (Figure 58). To the west of the chute is a built-in cubicle system for mechanical

equipment and replacement parts for the conveyor belt (Figure 59). The mechanics of the conveyor belt are still intact (Figure 60). Six of the remaining windows are single-light, fixed windows, separated by only a wood frame element (Figure 61). The final window is an eight-light, fixed window.

Figure 51. ca. 1923 walnut barn, facing north.

Figure 52. West elevation of the ca. 1923 walnut barn, facing southeast.

Figure 53. Walnut chutes leading out of garage over main entry on the west elevation.

Figure 54. South and west elevations of the ca. 1923 walnut barn, facing northeast.

Figure 55. East elevation of the ca. 1923 walnut barn, facing west.

Figure 56. West side of the north elevation of the ca. 1923 walnut barn, showing awning over the pit.

Figure 57. Close-up view of the timber elements of the awning.

Figure 58. Walnut chute at entry to barn.

Figure 59. Section of walnut shoot in front of cubby with equipment parts.

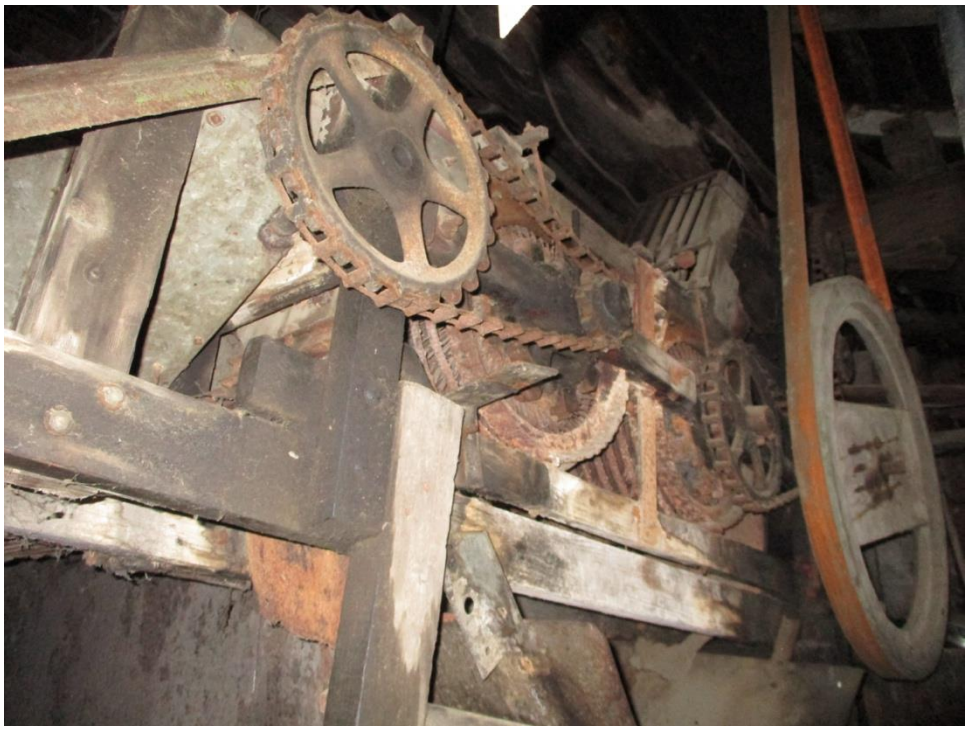


Figure 60. Mechanics of walnut conveyor belt.

Figure 61. East side of the north elevation of the ca. 1923 walnut barn, with work benches.

CA. 1970 BARN

The ca. 1970 barn is not associated with any architectural style. The barn is an elongated, rectangular building with a gambrel roof. The steel frame is clad in a raised-seamed metal material. The west elevation has large sliding doors for equipment access that also has a single door built into the large doors. The top half of the sliding doors are windows (Figure 62). There is a large vent fan at the peak of this elevation. The south and north elevations are void of fenestration. The east elevation has large metal doors on rails that open over a single wood-paneled door (Figure 64). There is a metal logo within the peak of the east roof eave that states "Agri-Luper" 1-800-525-8525 Denver", which appears to be the manufacturer of the metal barn.

Figure 62. West elevation of the ca. 1970 barn, facing east.

Figure 63. South elevation of the ca. 1970 barn, facing north.

Figure 64. East elevation of the ca. 1970 barn, facing west.

CA. 1923 SHED BUILDING

The ca. 1923 shed building is not associated with any architectural style. The building has a rectangular form with a shed roof. The building is clad in board and batten wood siding. The south elevation has two one-over-one, double-hung, wood windows (Figure 65). The east elevation has a large wooden double-door that nearly extends the length of the wall. There are two covered window openings over the doorway. The west elevation does not have any fenestration, while the north elevation was not accessible due to thick vegetation.

Figure 65. South and east elevations of ca. 1923 shed buildling, facing northwest.

1927 SAN RAMON RAIL DEPOT

The 1927 San Ramon rail depot building is not associated with any architectural style. The building was relocated to its current location in 1937. The building has a front-facing gable with a shed roof form that extends along the west elevation. The gable roof is steep pitch and is clad in wood shake shingles. The building is clad with horizontal wood siding. While most of the building is exposed wood, there are remnants of yellow paint on many of the elevations. The south elevation has a door opening along the shed form and a window opening along the gabled end, partially covered with wood and wire mesh behind the frame (Figure 66). The east elevation has three openings, the westernmost is infilled with vertical boards, while the center window is merely the frame, as the glass has been removed, and the easternmost window is a sliding window on the shed section of the elevation (Figure 67). The north elevation is void of fenestration. Along the south-facing wall of west elevation shed is a single-entry door, visible along the south elevation, which is currently without a door. The west elevation consists of a vertical, fixed, two-light, wood window and a wide entry doorway (Figure 68) with no door, providing access to the main gabled form.

Figure 66. South elevation of the 1927 San Ramon rail depot, facing east.

Figure 67. East and south elevations of the 1927 San Ramon rail depot, facing west.

Figure 68. West elevation of the 1927 San Ramon rail depot showing the wide entrance doorway, facing northeast.

CA. 1960 GABLE BUILDING (ADJACENT AND NORTH OF THE CA. 1970 BARN)

The ca. 1960 gable building is not associated with any architectural style. The building is a wood-framed building clad within corrugated sheet metal. The cladding on the west elevation, where an entry door was likely situated, appears to have been removed in recent years (Figure 69). The east elevation is void of fenestration, while the north and south elevations have two nine-light, fixed, metal windows (Figure 70).

Figure 69. North and west elevations of the ca. 1960 gable building, facing east.

Figure 70. North elevation of the ca. 1960 gable building, facing south.

CA. 1923 CHICKEN COOP

The ca. 1923 chicken coop is not associated with any architectural style. The chicken coop is a side-facing gabled building on a raised foundation, and a small shed section of the chicken coop extends from the east

elevation (Figure 71). The building is clad with vertical wood boards, while the roof has corrugated metal. The eaves of the roof have large overhangs to protect the interior from the elements. The south elevation has three windows that have wood bars with two wooden doors between the windows (Figure 72). The western door has steps intact, while the eastern door does not have a means of access. These doors also have intricate brass hardware (Figure 73). The east and west elevations are void of fenestration; however, there are modes of egress for the chickens at floor level to an outdoor pen that extends along the east elevation.

Figure 71. South and east elevations of the ca. 1923 chicken coop, facing northwest.

Figure 72. South elevation of the ca. 1923 chicken coop, facing north.

Figure 73. Detail of hardware on the ca. 1923 chicken coop.

CA. 1923 IRRIGATION EQUIPMENT

Throughout the property are the various mechanics of irrigation. Due to the large-scale walnut processing operation and the three water tanks, the property appears to have had both pipes to irrigate the water throughout the orchards and pumps to push the water through the orchard rows. Currently, there is an intact irrigation water flow valve (Figure 74) and although currently outside the Property, there is a pump house the along the San Ramon Creek bank that appears to be connected via underground pipes with the water flow valve. There are also three piles of irrigation (objects) within the orchard, which area likely associated with the irrigation of the walnut trees (Figure 75 and Figure 76).

Figure 74. Photograph showing part of the ca. 1923 irrigation equipment within the Property and the pump house in the background (red arrow) along San Ramon Creek outside the current Property boundary.

Figure 75. Photograph of an Irrigation pile within the walnut orchard, facing north.

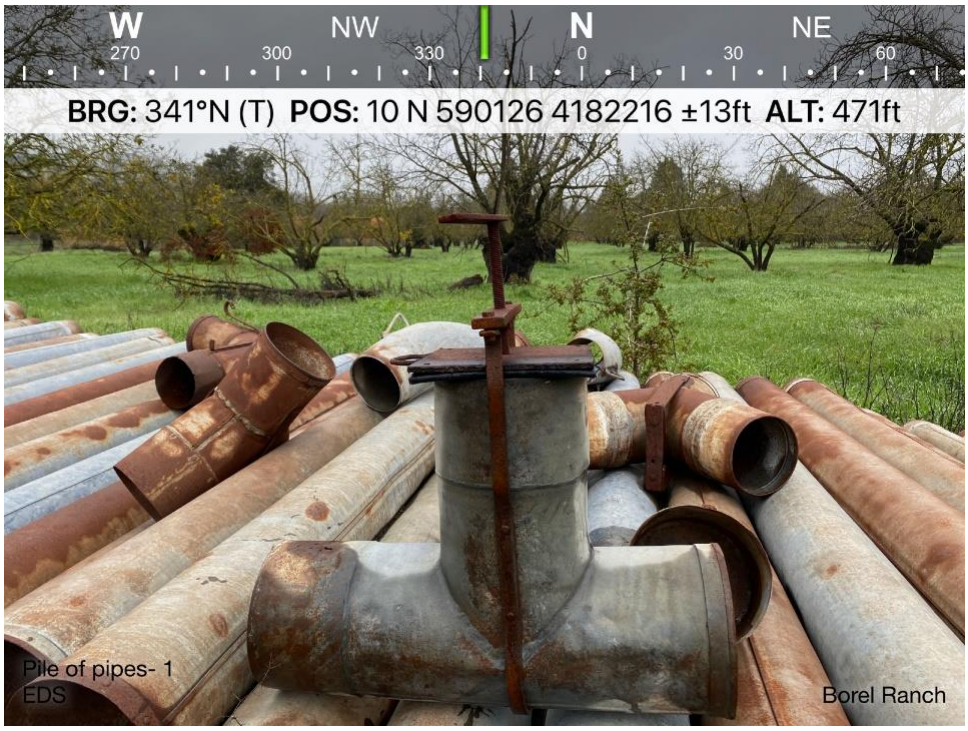


Figure 76. Photograph showing a pile of irrigation materials within the walnut orchard, facing northwest.

ASSOCIATED LANDSCAPE

The associated landscape includes two gas pumps (1 and 2), a walnut orchard, and dirt and gravel roads. The two onsite gas pumps denote two different installation dates, gas pump 1 appears to be an agricultural pump (Figure 77), while gas pump 2 seems to be a more common, commercial variety (Figure 78). The walnut orchard consists of rows planted in walnut trees, spaced evenly throughout the Property. Approximately half of the walnut trees demonstrate grafted trees, likely associated with the Persian walnut (also known as English walnut) grafted onto native black walnut trees and seedling trees (Figure 79). The walnut trees appear to have been planted between ca. 1900 and ca. 1923.[55] A single 3"x 4' wooden fence post was observed within the orchard, measuring 4 feet tall, located adjacent to a walnut tree (Figure 80). There are several main dirt and gravel roads that provide access to the Property via Fostoria Avenue and several dirt roads within Borel Ranch. The Borel Ranch Property also contains hundreds of objects related to walnut orchard production objects that were observed but not recorded as part of this HRE.

Figure 77. Gas pump (1), facing north.

[55] EDS recommend that a professional arborist is used to determine the age of the walnut trees within the Property.

Figure 78. Gas pump (2), facing east.

Figure 79. Photograph showing several rows of walunt trees within the Borel Ranch, facing north.

Figure 80. Photograph showing the fence post, adjacent to a walnut tree.

DOCUMENTATION OF THE PROPERTY AS A DISTRICT

The NRHP Criteria for Evaluation are recommended as a uniform standard for California because they provide a basis for assessing the significance of historical resources at the national, state, and local levels. As such, the recordation of resources within California described in OHP Instructions for Recording Historical Resources recommends a single system utilizing various forms that offer a full range of values present in each location, similar to the National Register of Historic nomination form.

According to OHP Instructions for Recording Historical Resources,

> *"Districts consist of a significant concentration or continuity of associated historical resources. Districts may be recognized and documented at the time a survey is conducted, or they may become apparent only after several survey efforts reveal the historical relationships among the individually recorded resources in a given geographic region. The District Record provides a vehicle for documenting the linkages among individual resources in both situations. Because the recognition of a district hinges on an understanding of its historic context, evaluation is required on the District Record."*

As such, district recordings are a tool to record groupings of contributing and non-contributing resource elements, with characteristics that link the elements of a district and give it coherence.

EVALUATION FOR HISTORICAL SIGNIFICANCE

District Edibility: The Borel Ranch Property include the ca. 1923 house, three ca. 1923 tank houses (1-3), ca. 1923 garage, ca. 1923 walnut barn, ca. 1970 barn, ca. 1923 shed building, 1927 San Ramon rail depot, ca. 1960 gable building, ca. 1923 chicken coup, ca. 1923 irrigation equipment, and associated landscape. The Property was evaluated was its eligibility for listing on the CRHR as a historic district. The Property, including the 12 built environment resources, and associated landscape, was evaluated to determine eligibility for listing on the CRHR as a historic district for its association with the agricultural practices of walnut orchard farming in the San Ramon Valley from ca. 1880 to ca. 1960.

Individual Eligibility: The 12 built environment resources and associated landscape were also considered for their individual eligibility for listing on the CRHR. The ca. 1923 house was also individually evaluated for its association with the Craftsman architecture within a period of significance of ca. 1923, which is the estimated date the building was constructed, and the ca. 1923 walnut barn was individually evaluated for its association with Vernacular architecture with a period of significance of ca. 1923, which is the estimated date it was constructed. The ca. 1923 house, three ca. 1923 tank houses (1-3), ca. 1923 garage, ca. 1970 barn, ca. 1923 shed building, 1927 San Ramon rail depot, ca. 1960 gable building, ca. 1923 chicken coup, ca. 1923 irrigation equipment, and associated landscape were not found to be individually significant under any criteria.

Not evaluated as part of this HRE: There are also hundreds of objects that appear to be associated with walnut orchard production that are within the Property that were not inventoried, recorded, or included in this HRE, as it was beyond the scope.

CALIFORNIA REGISTER OF HISTORICAL RESOURCES

The CRHR is an inventory of significant architectural, archaeological, and historical resources in the State of California. Resources can be listed in the CRHR through several methods. State Historical Landmarks and NRHP listed properties are automatically listed in the CRHR. Properties can also be nominated to the CRHR by local governments, private organizations, or citizens. The CRHR follows *similar* guidelines to those used for the NRHP. One difference is that the CRHR identifies the Criteria for Evaluation numerically instead of alphabetically. Another difference, according to the OHP is that "It is possible that historical resources may not retain sufficient integrity to meet the criteria for listing in the NRHP, but they may still be eligible for listing in the California Register. A resource that has lost its historic character or appearance may still have sufficient integrity for the California Register if it maintains the potential to yield significant scientific or historical information or specific data".[56]

To qualify for listing in the CRHR, a property must possess significance under one of the four criteria and have historic integrity. The process of determining integrity consists of evaluating seven variables or aspects that include location, design, setting, materials, workmanship, feeling, and association. According to the *National Register Bulletin: How to Apply the National Register Criteria for Evaluation*, these seven characteristics are defined as follows:

[56] California Office of Historic Preservation Technical Assistance Series #6 California Register and National Register: A Comparison (for purposes of determining eligibility for the California Register).

- **Location** is the place where the historic property was constructed.
- **Design** is the combination of elements that create the form, plans, space, structure, and style of the property.
- **Setting** addresses the physical environment of the historic property inclusive of the landscape and spatial relationships of the building(s).
- **Materials** refer to the physical elements that were combined or deposited during a particular period of time and in a particular pattern of configuration to form the historic property.
- **Workmanship** is the physical evidence of the crafts of a particular culture or people during any given period in history.
- **Feeling** is the property's expression of the aesthetic or historic sense of a particular period of time.
- **Association** is the direct link between an important historic event or person and a historic property.

The following section examines the eligibility of Property for listing on the CRHR as a historic district, and the ca. 1923 walnut barn was evaluated for individual eligibility for the CRHR. However, the hundreds of objects within the Property associated with walnut orchard production were beyond the scope of the HRE to include in this evaluation.

CRHR EVALUATION

1. **(Event): Is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage.**

   The Property, including 12 built environment resources and associated landscape, is associated with the agricultural practice of walnut orchard farming in the San Ramon Valley from ca. 1880 to ca. 1960**.**

   During the late nineteenth century, California's agriculture transformed from large-scale ranching and grain-growing operations to smaller-scale, intensive fruit, nut, and vegetable cultivation. Although walnut orchards were planted within the San Ramon Valley during the late nineteenth century, it was not until the early 20th century that the San Ramon Valley saw an abundance of walnut orchards planted within land previously utilized for grain, dairy, and cattle ranches. By the early twentieth century, fruit and nut orchard farms dominated the landscape within the San Ramon Valley, with peak production occurring in the San Ramon Valley between 1920 and 1960. During this time, the San Ramon Valley was covered to hundreds of acres of English walnuts trees, many of which were grafted hybrids associated with early orchardist and farmer Travis Boone, who owned Forest Home Farms in San Ramon Valley. In 1917, local farmers in the county banded together, creating the Contra Costa Walnut Growers Association, opening a packaging and distribution facility that handled most of the county's walnut production. By 1950, Contra Costa County saw an increase of 1,184 walnut farms with 12,862 acres of walnut orchards, earning $2,211,280 that year. However, by 1960, walnut orchards in Contra Costa County had dropped from 1,200 to 794, a loss of about 1,000 acres by 1959. Currently, nine of the 12 built environment resources, the associated landscape, as well as several objects within the Property, are associated with walnut orchard farming practices between

ca. 1880 and ca. 1960.

Contributing elements to the district include the ca. 1923 house, three ca. 1923 tank houses (1-3), ca. 1923 garage, ca. 1923 walnut barn, ca. 1923 shed building, ca. 1960 gable building, ca. 1923 irrigation equipment, and associated landscape, including the walnut trees (estimated planting between ca. 1900 to ca. 1920) and dirt and gravel roads. It was beyond the scope of the HRE to inventory, document, and assess the objects within the Property associated with walnut orcharding; however, it is likely that many of them are also contributing elements of the district.

Non-contributing elements to the district include ca. 1970 barn, 1927 San Ramon rail depot, and ca. 1923 chicken coup, as well as objects that fall outside of the period of significance for the Property, which is ca. 1923 to ca. 1960.

Therefore, the Property appears eligible for listing in the CRHR under Criterion 1 as a historic district.

2. **(Person): Is associated with the lives of persons important in our past.**

   The ownership and occupancy history of the Property, built environment resources and associated landscape, was thoroughly researched and it does not appear that the Property is associated with a person of enough important to our past to make the Property eligible for the CRHR.

   Therefore, the Property, including built environment resources and associated landscape, does not appear eligible for listing in the CRHR under Criterion 2.

3. **(Construction/Architecture): Embodies the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values.**

   The **ca. 1923 house** is associated with the Craftsman architecture. The house retains its original side-gable form with roof shed dorms and remnants of a front porch. However, there have been changes to the original form, including at least two additions and an enclosure of the original full-width front porch that now includes a sliding door as its front entrance door. In addition, the house lacks handcrafted stone and woodwork, mixed materials, and tapered columns (aka battered columns) that are character-defining elements of this style. So, although a few elements of the Craftsman architectural style remain, it is a very modest example of the architecture style. As such, the ca. 1923 house is not a representative example of Craftsman architecture.

   The **ca. 1923 walnut barn** is associated with Vernacular architecture associated with agricultural barns in the early twentieth century. The rectangular form of the barn and central section of the barn, raised above the shed roofs that extend from the main roof elevation, is a well-known barn style throughout the U.S. The elements of the ca. 1923 walnut barn that support the Vernacular design include clerestory windows, vertical wood siding, corrugated metal roof, and large barn door entrances. In addition, the integrated walnut processing system within the barn is particular to walnut orchards farms and may be associated with a sub-type of Vernacular barn; however, more research would be needed to make this determination.

   The three ca. 1923 tank houses (1-3), ca. 1923 garage, ca. 1970 barn, ca. 1923 shed building, 1927 San Ramon rail depot, ca. 1960 gable building, ca. 1923 chicken coup, ca. 1923 irrigation equipment, and associated landscape are not associated with any architectural style or landscape architecture

design.

Therefore, the ca. 1923 walnut barn is individually eligible for listing in the CRHR under Criterion 3; however, the ca. 1923 house is not eligible under Criterion 3, nor the three ca. 1923 tank houses (1-3), ca. 1923 garage, ca. 1970 barn, ca. 1923 shed building, 1927 San Ramon rail depot, ca. 1960 gable building, ca. 1923 chicken coup, ca. 1923 irrigation equipment, and associated landscape are any of the buildings with no architectural style, or the landscape architectural design.

4. **(Information potential): Has yielded, or may be likely to yield, information important in prehistory or history.**

   Criterion 4 most commonly applies to resources that contain or are likely to contain information bearing on an important archaeological research question. While most often applied to archaeological sites, Criterion 4 can also apply to buildings that contain important information. For a building to be eligible under Criterion 4, it must be a principal source of important information, such as exhibiting a local variation on a standard design or construction technique can be eligible if a study can yield important information, such as how local availability of materials or construction expertise affected the evolution of local building development.

   Currently, none of the built environment resources and associated landscape within the Property appear to have the ability to convey information about the history of architecture or architectural design, or walnut processing. However, please for further guidance please refer to the Cultural Resources Report of the Borel Ranch completed by Sally Evans, M.A. RPA for this Project.

   Therefore, the Property does not appear individually eligible for listing in the CRHR under Criterion 4 related to the historic built environment.

INTEGRITY

A property must possess significance under one or more of the above-listed criteria and have historic integrity to qualify for listing in the CRHR. Seven variables, or aspects, are used to judge historic integrity, including location, design, setting, materials, workmanship, feeling, and association.[57] A resource must possess the aspects of integrity that relate to the historical theme(s) and period of significance identified for the built-environment resources. National Register Bulletin 15 explains, "only after significance is fully established can you proceed to the issue of integrity."

Integrity

The following section provides specific integrity-related details regarding the Borel Ranch Property, which was found to be eligible as a historic district under Criterion 1 for its association with the agricultural practices of walnut orchard farming in the San Ramon Valley within a period of significance of ca. 1923 to ca. 1960. Also, the ca. 1923 walnut barn was found to be individually eligible for the CRHR under Criterion 3 for its association with Vernacular architecture. As such, the integrity analysis was completed in the section below.

[57] National Park Service, *National Register Bulletin: How to Apply the National Register Criteria for Evaluation* (Washington, D.C.: United States Department of the Interior, 1997).

- **Location.** The ca. 1923 walnut barn remains at its original location where it was constructed.

  Therefore, the ca. 1923 walnut barn and the Property retains integrity of location.

- **Design**. Although the barn was retrofitted in the 1940s with walnut processing equipment, there have not been any significant changes to the overall design of the ca. 1923 walnut barn. The barn retains its original rectangular form of the barn and central section of the barn, raised above the shed roofs that extend from the main roof elevation, clerestory windows, vertical wood siding, corrugated metal roof, and large barn door entrances, as well as the integration of the walnut processing equipment as part of the design. The Property design elements from the period of significance associated with the agricultural practices of walnut orchard farming in the San Ramon Valley from ca. 1923 to ca. 1960 remains relatively unchanged, which includes the ca. 1923 house, three ca. 1923 tank houses (1-3), ca. 1923 garage, ca. 1923 walnut barn, ca. 1923 shed building, ca. 1960 gable building, ca. 1923 irrigation equipment, and associated landscape, including the walnut trees (planted between ca. 1900 and ca. 1920), dirt and gravel roads, and objects within the Property related to walnut orcharding.

  Therefore, the ca. 1923 walnut barn retains integrity of design from ca. 1923, and the Property retains design elements associated with the agricultural practices of walnut orchard farming in the San Ramon Valley from ca. 1923 to ca. 1960.

- **Setting.** The setting of Property has changed significantly since the 1920s, as the area around Property now includes busy roads and commercial and residential development. However, the setting of the ca. 1923 walnut barn within the Property remains intact.

  Therefore, the Property does not retain integrity of setting within the larger area but the ca. 1923 walnut barn retains integrity of setting within the Property.

- **Materials**. The ca. 1923 walnut barn retains a high degree of material integrity from its original date of construction, including the wood cladding, barn doors, clerestory windows, and walnut processing equipment. Overall, the Property's physical materials remain from ca. 1923 to ca. 1960.

  Therefore, the ca. 1923 walnut barn retains integrity of materials. The Property appears to retain integrity of materials from its period of significance ca. 1923 to ca. 1960.

- **Workmanship.** Workmanship is evidenced by skill or craft from a particular period or region. The ca. 1923 walnut barn consists of the knowledge and application of materials associated with a specific design of a type of barn, including the form and the installation of the walnut processing equipment, which required a skilled craftsperson in woodworking and knowledge of walnut processing. In addition, the application of workmanship to the Property is evident within the orchard and fields itself, as there is skill and knowledge needed to farm a walnut orchard, including knowledge of irrigation.

  Therefore, ca. 1923 walnut barn and the Property retain integrity of workmanship.

- **Feeling**. Feeling is the quality that a historic property has in evoking the aesthetic or historical sense of a past period. The ca. 1923 walnut barn evokes the feeling of Vernacular architecture, associated with barn construction from its date of construction in ca. 1923, including the original rectangular

form, central section with shed roofs that extend from the main roof elevation, clerestory windows, vertical wood siding, corrugated metal roof, and large barn door entrances, and walnut processing equipment. The Property currently consists of approximately 16.65 acres of planted walnut trees that contribute to the feeling of a property as a walnut orchard.

Therefore, the ca. 1923 walnut orchard and the Property retain integrity of feeling, as well as the undocumented objects.

- **Association.** The ca. 1923 walnut barn is associated with Vernacular architecture, and the Property, though no longer a working orchard, conveys association with orchard farming.

  Therefore, the ca. 1923 walnut barn retains association with Vernacular architecture, and the Property retains integrity of association with walnut orchard farming.

An assessment of integrity found that the ca. 1923 walnut barn and the Property associated with the agricultural practices of walnut orchard farming in the San Ramon Valley from ca. 1880 to ca. 1960. retain all seven aspects of integrity.

CONCLUSIONS

EDS completed an HRE of the Borel Ranch Property, including the ca. 1923 house, three ca. 1923 tank houses (1-3), ca. 1923 garage, ca. 1923 walnut barn, ca. 1970 barn, ca. 1923 shed building, 1927 San Ramon rail depot, ca. 1960 gable building, ca. 1923 chicken coup, ca. 1923 irrigation equipment, and associated landscape at 3020 Fostoria Way (APN 218-090-031) within Danville, Contra Costa County, California. In 1990, an Historic Architectural Evaluation Form for the Borel Ranch (P-07-004639) was completed by Archaeological Resource Management Historian Gloria Anne Laffey, who documented the Borel Ranch Property and determined, at the time of its documentation, that the Property appeared eligible for the NRHP under Criterion A. However, the context needed to determine significance and an integrity analysis, which is required, is not within the Historic Architectural Form or the associated report (S-012573); therefore, an HRE was needed to determine if the Property is eligible for listing on the CRHR (14 CCR §15064.5 and PRC§ 21084.1) and if the Project would have an adverse impact on historical resources.

The methods used to complete the HRE included research completed by Bee Thao, M.A. and Nicole LaRochelle, B.A. and an intensive level historic architectural survey and the significance evaluation and integrity analysis completed by EDS Principal Architectural Historian Stacey De Shazo, M.A., who exceeds the Secretary of the Interior's qualification standards in Architectural History and History.

The HRE determined that the Property appears eligible for listing as a historic district in the CRHR under Criterion 1 for its association with the agricultural practice of walnut orchard farming in the San Ramon Valley from and retains all seven aspects of integrity. The event of walnut orchard farming in the San Ramon Valley occurred from ca. 1880 to ca. 1960, and the period of significance for the Property related to this event is ca. 1923 to ca. 1960. EDS also determined that the ca. 1923 walnut barn is individually eligible for listing on the CRHR under Criterion 3 for its association with Vernacular architecture with the period of significance of ca. 1923 and retains all seven aspects of integrity. As such, the Property (historic district) and the ca. 1923 walnut barn (individual resource) appear to meet the criteria to be considered historical resources under CEQA. The three ca. 1923 tank houses (1-3), ca. 1923 garage, ca. 1970 barn, ca. 1923 shed building, 1927 San Ramon rail

depot, ca. 1960 gable building, ca. 1923 chicken coup, ca. 1923 irrigation equipment, and associated landscape were not found to be individually eligible under CEQA.

ANALYSIS OF EFFECTS

CEQA Statute Section 21084.1 and CEQA Guidelines Section 15064.5(b)) define what constitutes substantial adverse change to the significance of an historical resource. According to CEQA Guidelines, substantial adverse change in the significance of an historical resource means physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of an historical resource would be materially impaired. Although the ca. 1923 garage is not individually eligible for listing on the CRHR, it is considered a contributing element to a potential historic district, and as such the demolition of the building would be considered a significant impact under CEQA and would require mitigation as determined by the Park District.

CEQA analysis of the effects of demolition on a historic resource includes placing evidence in the record of the building's relative "historical insignificance," factual analysis of the practical and economic infeasibility of all non-demolition alternatives, and factual evidence of the feasibility and success of a suitable and meaningful mitigation program.

As such EDS has provided the following potential mitigation measures that could be adopted by the Park District.

POTENTIAL MITIGATION MEASURE

Based on the results of the HRE and the level of significance of the resource as a contributing element to a historic district, EDS recommends the following mitigations measure to mitigate adverse impacts to the historical resource that may be considered as reducing the effect to the environment to a less than significance level.

- **Historic American Building Survey (HABS) Level II Short Form and Large Format Photography:** Prior to the proposed demolition, a Secretary of Interior qualified Architectural Historian shall complete the HABS documentation of the ca. 1923 garage within the context of the historic district to document the physical characteristics of not only the building proposed for demolition, but also its relationship to the district setting and landscape, in effect, documenting a portion of the district setting, which could be considered a more meaningful way to mitigate or lessen the effects on the historic district. The HABS Level II shall also include large format photographic documentation that conforms with the Secretary of the Interior Standards for HABS Level II (short form) documentation. The photographs could be printed and displayed as part of the signage within the district, which would also contribute to meaningful mitigation.

- **Signage:** Another way to lessen the effects on historical resources is to include interpretive signage within or adjacent to the Project Area, within public space. The signage would provide historical context and education around the history of Property. The signage should include visual elements such as photographs and a map showing the district, and the location of the ca. 1923 garage even after its demolition.

ADDITIONAL RECOMMENDATIONS

Before they any additional "cleaned-up" or changes occur within the Property, EDS recommends that the hundreds of objects within the Property are identified, inventoried, researched, and those associated with the significance for Borel Ranch historic district are curated. These recommendations are warranted as many of these objects fall within the period of significance for the Property.

Prior to the implementation of any changes to the Property EDS recommends the development of a Preservation Plan, which is a living document that sets forth recommended policies and actions for the Borel Ranch Property to be utilized by the Park District as a guide for long-term protection and management of the historical resource. A well-written Preservation Plan includes strategies, goals, and treatment recommendations to assist the Park District when a change in land use or a development project is proposed. In addition, Preservation Plan document is designed to bring predictability and consistency to the development process and provide specific guidance for protecting historical resources, which can help prevent possible delays, surprises, and controversies that can be identified early and avoided. One of the most important elements of this document is understanding that the Preservation Plan is an evolving document. Since priorities change over time, new goals or objectives may develop, so it is recommended that the Park District review the Preservation Plan at least annually and make necessary updates, adjustments, and/or changes.

Finally, a Preservation Plan does not serve as a mitigation tool for changes to the Property, but as a guide to ensure that the integrity of the historical resource identified within the HRE is not impacted by changes to the Property.

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Appendix A:

DPR 523 Forms

State of California The Resources Agency
DEPARTMENT OF PARKS AND RECREATION

PRIMARY RECORD

Primary # **P-07-004639**
HRI #
Trinomial
NRHP Status Code 3CD

Other Listings _____
Review Code _____ Reviewer _____ Date _____

 ***Resource Name or #:** Borel Ranch
P1. Other Identifier: _____

*P2. **Location:** ☐ **Not for Publication** ☒ **Unrestricted**

*a. **County** Santa Clara County **and**

*b. **USGS 7.5' Quad** Diable **Date** 1980 **T** 2S ; **R** 1W ; ☐ **of** ☐ **of Sec** un ; MD **B.M.**

c. Address 3020 Fostoria Way City Danville Zip 994583

d. UTM: Zone 10, 590074 mE/ 4182384 mN north boundary
590211 mE/ 4182248 mN east boundary
590238 mE/ 4181958 mN south boundary
590082 mE/ 4182186 mN west boundary

e. Other Locational Data: The Borel Ranch Historic District is located within the 16.65-acre property, with the Assessor's Parcel Number (APN) 218-090-031.

***P3a. Description:** The Borel Ranch Historic District (District) consists of nine contributing buildings and associated landscape, including walnut trees and dirt and gravel roads, and three non-contributing buildings. The District also includes several contributing objects, including two gas pumps, irrigation equipment, farming equipment, and other objects, all of which were not inventoried. The District includes contributing buildings, landscape elements, and several objects associated with the event of walnut orchard farming in the San Ramon Valley from ca. 1880 to ca. 1960, with a period of significance for the property of ca. 1923 to ca. 1960. (Continue on Continuation Sheet, Page 3)

P5a.

***P3b. Resource Attributes:** HP2. Single-family property, HP4. Ancillary buildings; HP30. Trees/vegetation; HP33. Farm/ranch

***P4.Resources Present:** ☐ Building ☐ Structure ☐ Object ☐ Site ☒District ☐ Element of District ☐ Other

P5b. Description of Photo: Overview ca. 1923 walnut barn, and ca. 1923 chicken coop, facing north.

***P6. Date Constructed/Age and Source:** ☒ Historic ☐ Prehistoric ☐ Both various dates of construction between ca. 1900 and ca. 1920 (orchard) and ca. 1923 to ca. 1960 (buildings); various sources

***P7. Owner and Address:** N/A

***P8. Recorded by:** Stacey De Shazo, M.A., Evans & De Shazo, Inc., 1141 Gravenstein Highway S, Sebastopol, CA 95472

***P9. Date Recorded:** 2/29/2022

***P10. Survey Type:** Intensive

***P11. Report Citation**: Stacey De Shazo, M.A., with Bee Thao, M.A., and Nicole LaRochelle, B.A (2022): A Historic Resource Evaluation of the Borel Ranch at 3020 Fostoria Way, Danville, Contra Costa County, California.

***Attachments:** ☐NONE ☒Location Map ☒Continuation Sheet ☐Building, Structure, and Object Record ☐Archaeological Record ☒District Record ☐Linear Feature Record ☐Milling Station Record ☐Rock Art Record ☐Artifact Record ☐Photograph Record ☒ Other (List): Sketch Map (523k)

***D3. Detailed Description** The District consists of nine contributing buildings and associated landscape, and three non-contributing buildings, as well as several contributing objects, most of which were not inventoried. The District represents the event of walnut orchard farming in the San Ramon Valley, which occurred from ca. 1880 to ca. 1960, with a period of significance for the property related to this event as ca. 1923 to ca. 1960. There are eight contributing buildings within the property, including a ca. 1923 house, three ca. 1923 tank houses (1-3), ca. 1923 garage, ca. 1923 walnut barn, ca. 1923 shed building, ca. 1960 gable building, and one contributing building (pumphouse) adjacent to the property along San Ramon Creek. The property also includes the associated landscape, including the walnut trees (estimated planting between ca. 1900 to ca. 1920) and dirt and gravel roads, and several contributing objects, including ca. 1923 irrigation equipment and two gas pumps (Continued on Continuation Record, Page 3).

***D4. Boundary Description** The boundary of the District is the 16.65-acre property (APN 097-15-033) located at 3020 Fostoria Way in the City of Danville, Contra Costa County, California, which is bound on the west by the San Ramon Creek, on the north by a housing development, on the east by Camino Ramon Road, and on the south by Fostoria Way. The pumphouse is located between the property and San Ramon Creek.

***D5. Boundary Justification:** The current boundary encompasses, but does not exceed, the extent of the current 16.65-acre property. (See District Sketch Map on Page 7)

D6. Significance: Themes Walnut orchard farming in San Ramon Valley **Area** Agriculture **Period of Significance** ca. 1923 – ca. 1960 **Applicable Criteria** 1

Statement of Significance: The 16.65-acre Borel Ranch appears eligible for listing on the CRHR as a District under Criterion 1 for its association with the agricultural practice of walnut orchard farming in the San Ramon Valley and retains all seven aspects of integrity. The event of walnut orchard farming in the San Ramon Valley occurred from ca. 1880 to ca. 1960, and the period of significance for the Property related to this event is ca. 1923 to ca. 1960. The District retains all seven aspects of integrity, including location, design, setting, materials, workmanship, feeling, and association. (Continued on Continuation Sheet, Page 3)

***D7. References**

(See Continuation Sheet, page 3)

***D8. Evaluator:** Stacey De Shazo, M.A. **Date:** February 24, 2022

Affiliation and Address: Evans & De Shazo, Inc. 1141 Gravenstein Highway South, Sebastopol, California 95472

(Continued from the District Record, Page 2)

***D3. Detailed Description:** The following section includes a list of the District's contributing buildings, non-contributing buildings, and associated landscape, as well as individual eligibility for listing on the California Register of Historical Resources (CRHR).

Contributors and Non-contributors to the District and Individual Eligibility

The following table includes information about the District's contributing buildings and associated landscape, and the non-contributing buildings, as well as individual eligibility for listing on the CRHR.

Resource and Date of Construction	Architectural style, form, or design	District Contributor/Non-contributor	District Criteria	Individually eligible for the CRHR; Criterion
ca. 1923 house	N/A	Contributor	1	No
three ca. 1923 tank houses (1-3)	N/A	Contributor	1	No
ca. 1923 garage	N/A	Contributor	1	No
ca. 1923 walnut barn	N/A	Contributor	1	Yes/3
ca. 1923 shed building	N/A	Contributor	1	No
ca. 1960 gable building	Spanish Colonial Revival	Contributor	1	Yes; Criterion 3
ca. 1923 irrigation equipment	Spanish Colonial Revival	Contributor	1	No
associated landscape: walnut trees and dirt and gravel roads	N/A	Contributor	1	No
Objects that fall within the POS (ca. 1923 to ca. 1960)	N/A	Contributor	1	No
ca. 1970 barn	N/A	Non-contributor	1, 2	No
1927 San Ramon rail depot	N/A	Non-contributor	1, 2	No
ca. 1923 chicken coup	N/A	Non-contributor	1, 2	No
objects that fall outside of the POS (ca. 1923 – ca. 1960)	N/A	Non-contributor	N/A	No

D6. Significance: (Continued from District Record, Page 2)

Agricultural Practices related to Walnut Orchard Farming in San Ramon Valley from ca. 1890 to ca. 1960 (Criterion 1)

During the late nineteenth century, California's agriculture transformed from large-scale ranching and grain-growing operations to smaller-scale, intensive fruit, nut, and vegetable cultivation. Although walnut orchards were planted within the San Ramon Valley during the late nineteenth century, it was not until the early 20th century that the San Ramon Valley saw an abundance of walnut orchards planted within land previously utilized for grain, dairy, and cattle ranches. By the early twentieth century, fruit and nut orchard farms dominated the landscape within the San Ramon Valley, with peak production occurring in the San Ramon Valley between 1920 and 1960. During this time, the San Ramon Valley was covered to hundreds of acres of English walnuts trees, many of which were grafted hybrids associated with early orchardist and farmer Travis Boone, who owned Forest Home Farms in San Ramon Valley. In 1917, local farmers in the county banded together, creating the Contra Costa Walnut Growers Association, opening a packaging and distribution facility that handled most of the county's walnut production. By 1950, Contra Costa County saw an increase of 1,184 walnut farms with 12,862 acres of walnut orchards, earning $2,211,280 that year. However, by 1960, walnut orchards in Contra Costa County had dropped from 1,200 to 794, a loss of about 1,000 acres by 1959. The property is associated with walnut orchard farming between ca. 1923 to ca. 1960.

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State of California ♘ Natural Resources Agency
DEPARTMENT OF PARKS AND RECREATION

SKETCH MAP

Primary # **P-07-004639**
HRI#
Trinomial

Page 7 **of** 8 ***Resource Name or #** Borel Ranch

***Drawn by:** S. Evans, Evans & De Shazo, Inc. ***Date of map:** February 2022

EVANS & DE SHAZO ARCHAEOLOGY HISTORIC PRESERVATION

Borel Ranch (P-07-004639)
3020 Fostoria Way, Danville
Contra Costa County, California
(APN 218-090-031)

Legend
Property
Wooden post (3x4')

Resource Status
Contributing
Non-contributing

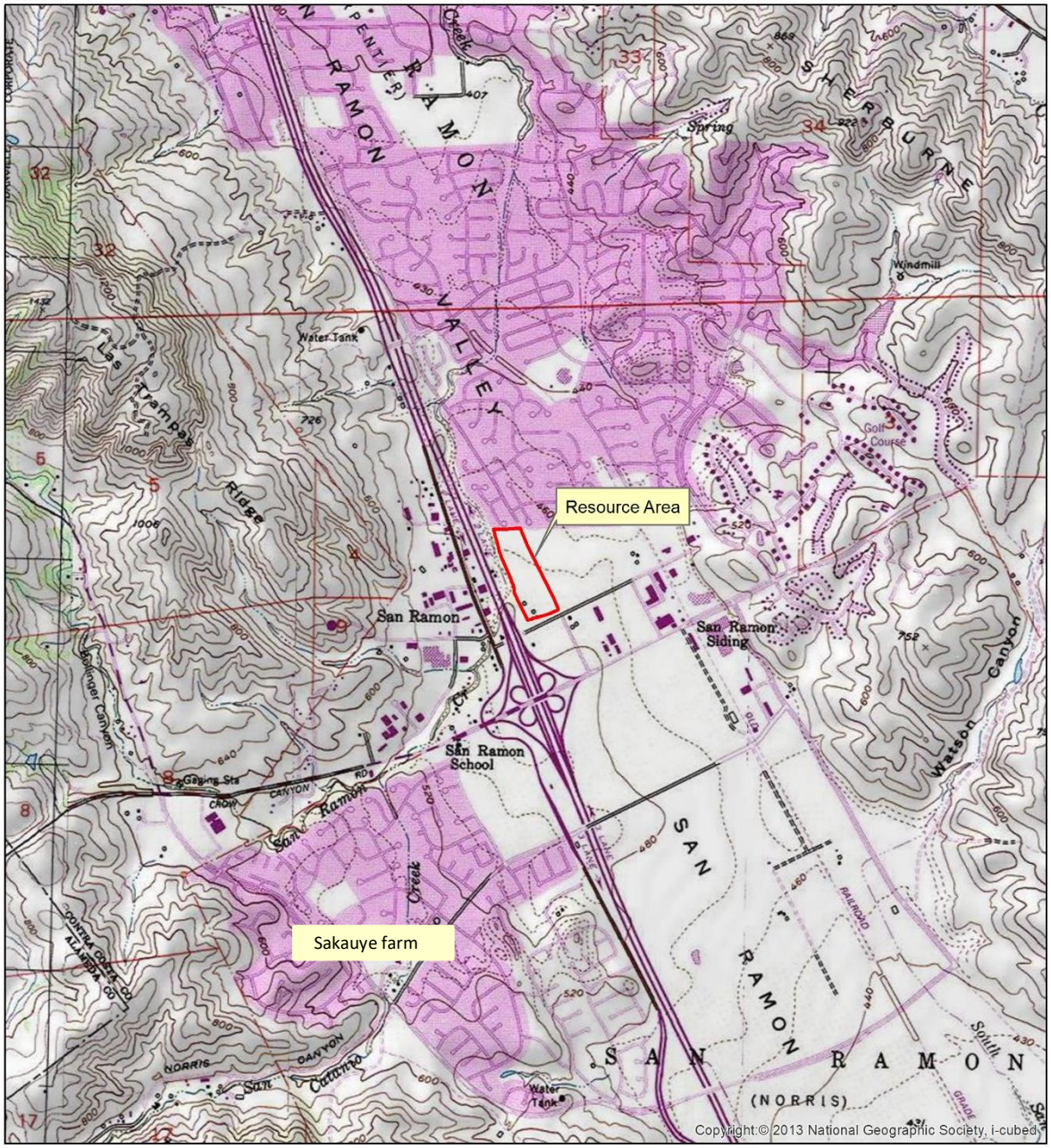
0 100 200 400 Feet

DPR 523K (Rev. 1/1995)(Word 9/2013) NOTE: Include bar scale and north arrow.

State of California Natural Resources Agency	Primary # P-07-004639
DEPARTMENT OF PARKS AND RECREATION	HRI#
LOCATION MAP	Trinomial

Page 8 **of** 8 ***Resource Name or #** Borel Ranch

***Map Name:** USGS 7.5' Diablo Quadrangle ***Scale:** 1:24,000 ***Date of map:** 1980)



0 0.5 1 Miles

1:24,000

P-07-004639 Resource Area

3020 Fostoria Way, Danville
Contra Costa County, California
(APN 218-090-031)

USGS 7.5' Diablo, Calif. (1980)
Township 2 South | Range 1 West

Map Projection:
NAD 83 UTM Zone 10N

LEGEND

P-07-004639

Evans & De Shazo, Inc
Archaeology Historic Preservation

Map by: S. Evans, 2/23/2022

State of California The Resources Agency
DEPARTMENT OF PARKS AND RECREATION

PRIMARY RECORD

Primary #
HRI #
Trinomial
NRHP Status Code 3CD

Other Listings
Review Code | Reviewer | Date

Page 1 **of** 13 ***Resource Name or #:** ca. 1923 house
P1. Other Identifier: Borel Ranch

*P2. **Location:** ☐ **Not for Publication** ☒ **Unrestricted**
***a. County** Contra Costa County **and**
***b. USGS 7.5' Quad** Diablo **Date** 1980 **T** 2S ; **R** 1W ; ___ ☐ **of** ___ ☐ **of Sec** un ; MD **B.M.**
c. Address 3020 Fostoria Way City Danville Zip 95472
d. UTM: Zone 10S, 590216 mE/ 4181995 mN
e. Other Locational Data: The resource is located within the Borel Ranch that includes the 16.65-acre Assessor's Parcel Number (APN) 218-090-031 in the city of Danville.

***P3a.Description:** The resource is the ca. 1923 house, which is associated with Craftsman architecture. The one-and-a-half-story, side-gable building sits on a raised post and pier foundation with a continuous concrete perimeter foundation. The ca. 1923 house consists of at least two additions (exact dates of the additions are unknown). The original ca. 1923 form is a wood-framed, side-facing gable form that includes two shed dormers, one on each side of the gable, extending the length of the roof. Beneath the peak of the roof gables are vents, and the sides of the dormers have decorative brackets. (Continued on Continuation Sheet 2)

P5a. Photograph or Drawing

***P4. Resources Present:** ☒ Building ☐ Structure ☐ Object ☐ Site ☐ District ☒ Element of District ☐ Other (Isolates, etc.)
P5b. Description of Photo: ca. 1923 house, facing northwest.

***P6. Date Constructed/Age and Source:** ☒ Historic ☐ Prehistoric ☐ Both ca. 1923 house; various sources.

***P7. Owner and Address:**
East Bay Regional Park District 2950 Peralta Oaks Court, Oakland, CA 94605

***P8. Recorded by:** Stacey De Shazo, M.A., Evans & DeShazo, Inc. 1141 Gravenstein Highway S, Sebastopol, Ca 95472

***P9. Date Recorded:** 12/29/2022

***P10. Survey Type:** Intensive

***P11. Report Citation**: Stacey De Shazo, M.A., with Bee Thao, M.A., and Nicole LaRochelle, B.A (2022): A Historic Resource Evaluation of the Borel Ranch at 3020 Fostoria Way, Danville, Contra Costa County, California.

***Attachments:** ☐NONE ☒Location Map ☒Continuation Sheet ☐Building, Structure, and Object Record ☐Archaeological Record ☐ District Record ☐Linear Feature Record ☐Milling Station Record ☐Rock Art Record ☐Artifact Record ☐Photograph Record ☐ Other (List):

(Continue from Primary Record, Page 1)

The first addition to the ca. 1923 house is along the north elevation, extending the building north with a flat roof and parapet form. The second addition is constructed of concrete masonry block, extending from the northwest corner of the house – this section also has a flat roof with a parapet.

Additionally, the south elevation of the original ca. 1923 house was initially a full-width front porch set under the roof; however, the porch was enclosed, likely in the 1980s based on the materials utilized. The gabled roof along the original ca. 1923 house is clad in composite shingles, while the elevations are clad with either horizontal wood shiplap, vertical wood panels, or painted concrete block. There is an exterior chimney located on the west elevation of the original ca. 1923, and the eaves of the roof have exposed rafters, common in Craftsman architecture.

South Elevation (Primary Façade)

The south elevation (primary façade) consists of two aluminum picture windows, with a double sliding-glass door between them on the first floor, and the shed roof dormer has two pairs of six-over-one, single-hung, wood windows with lugs and a narrow, one-over-one, single-hung vinyl window, which is situated between the paired windows (Figure 1). The windows within the shed roof dormer have thick white trim and the narrow, central window has operational shutters. The double sliding-glass doors are accessed by two concrete steps that do not have a railing. The foundation of the first floor is clad with a brick veneer, while the façade is clad in vertical wood panels and horizontal shiplap below the now enclosed porch roof – that now functions as a decorative trim rather than supporting the porch roof – connects both windows and bridges the doorway (Figure 2). The remaining façade is clad in horizontal wood shiplap, which is a result of the enclosure of the original front porch. Remnants of the original porch are the four wooden columns, evenly spaced from the corners and around the doorway.

East Elevation

The east elevation consists of the east gable end and a corner of the first addition (Figure 3). At the south corner of this elevation is a garden window box, which is located where the original open porch railing would have been located. To the south of the original form, where the first addition meets, is a single, wood-paneled door and a pair of one-over-one, single-hung, wood windows with lugs, one with a screen and one with an air conditioning unit situated within the lower opening. Beneath the gable are two off-centered, one-over-one wood windows with lugs, one located on the first floor, and one located on the second floor (Figure 4). The east elevation of the first addition consists of a single wood-paneled and glass door and the east elevation of the first addition consists of an aluminum sliding window (Figure 5). A raised patio deck extends along half of the original side-gabled form and extends along the entirety of the first addition. The raised patio deck is accessed via a concrete stair on both the north and south ends and has a simple wood hand railing (Figure 6). The east elevation is clad with horizontal wood boards, vertical wood boards, and painted concrete blocks.

North Elevation

The north elevation of the original form consists of a shed roof dormer with three single-hung, wood windows with lugs and two additions (Figure 7). The east wall of the north elevation belongs to the second phase of construction and has a group of three one-over-one, single-hung, wood windows set over a basement storm-cellar shed–style entrance (Figure 8). This northeastern addition has two additional one-over-one, single-hung, wood windows. The north elevation of the second addition includes a wood and glass rear entrance door, a secondary storm-cellar entrance, and an aluminum sliding window. There are exterior elements that indicate a porch was situated along the second addition, which likely extended from this elevation and around to the west elevation (Figure 9).

Figure 7. North elevation showing the shed roof dormer on the original form and the two additions, facing south.

Figure 8. East wall of north elevation.

Figure 9. North elevation, facing southwest.

West Elevation

The west elevation consists of the original side-gable and the second addition (Figure 10). There is a brick chimney along this elevation that extends the gable eaves to the roof. Along the original form are six one-over-one, single-hung wood windows with lugs, of which two are located on the second floor and the other four are on the first floor. Of the six windows, two are paired windows, of which, the northern most pair abuts the second addition. Along the southernmost corner of the façade is a garden window box, situated where the open porch railing would have been located (Figure 11). The second addition to the house consists of two aluminum sliding windows set above an open exterior vent and crawl space. There are two fixed, single-light, aluminum windows to the south of the sliding windows (Figure 12). Additionally, a short exterior concrete wall connects the original form with the second addition to the house. It consists of small window openings that may have had fixed, single-light, or casement windows (no longer present) with brick windowsills.

Figure 10. West elevation, facing east.

Figure 11. Showing the garden window box and chimney along the west elevation and the second addition, facing northeast.

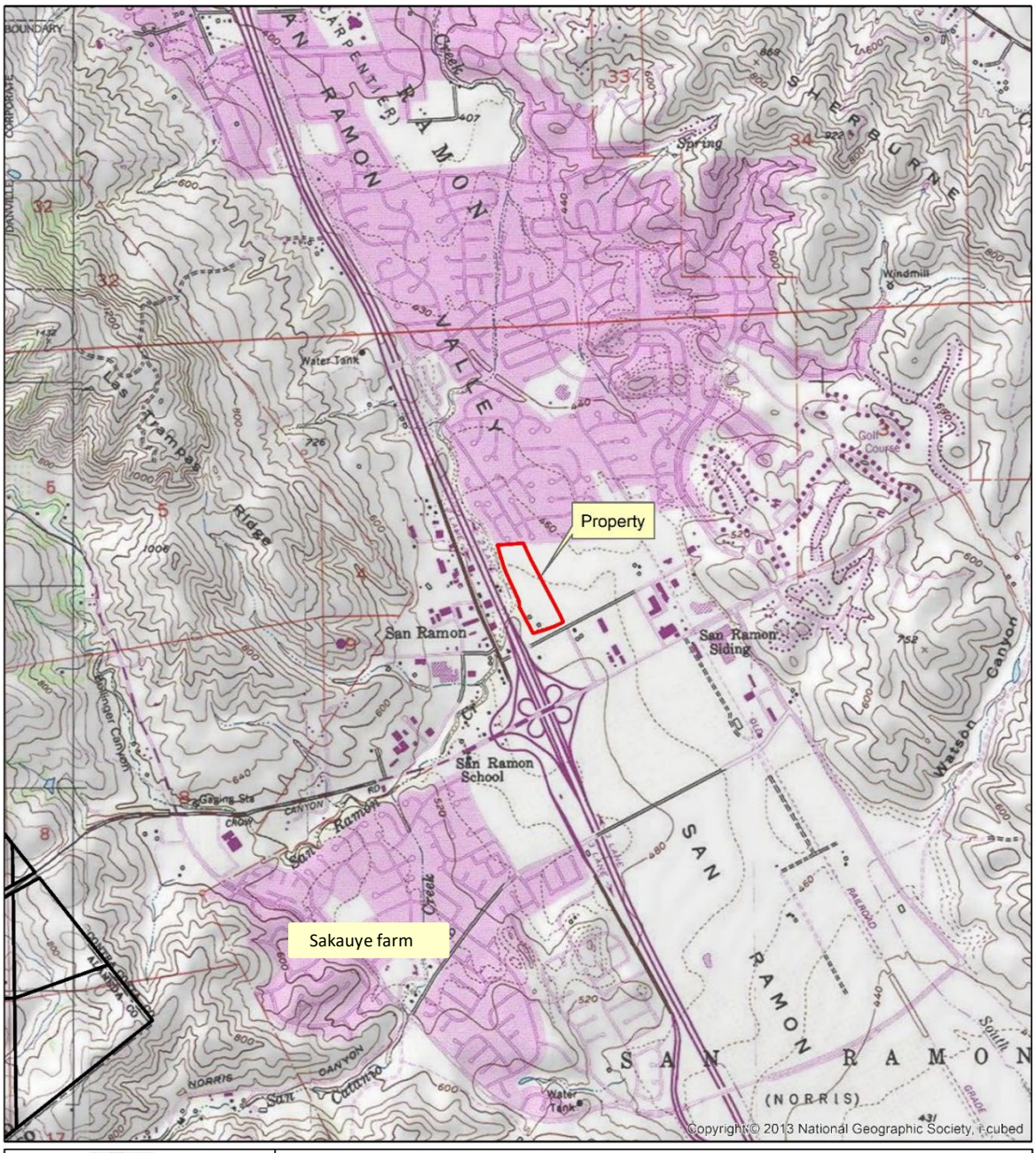
Evaluation of Individual Eligibility for the California Register of Historical Resources (CRHR)

Criterion 3: The ca. 1923 house is associated with the Craftsman-style architecture. The house retains its original side-gable form with roof shed dorms and remnants of a front porch. However, there have been changes to the original form, including at least two additions and an enclosure of the original full-width front porch that now includes a sliding door as its front entrance door. In addition, the house lacks handcrafted stone and woodwork, mixed materials, and tapered columns (aka battered columns) that are character-defining elements of this style. So, although a few elements of the Craftsman architectural style remain, it is a very modest example of the architecture style. As such, the ca. 1923 house is not a representative example of Craftsman architecture.

State of California Natural Resources Agency	Primary #
DEPARTMENT OF PARKS AND RECREATION	HRI#
LOCATION MAP	Trinomial

Page 2 **of** 2 ***Resource Name or #** ca. 1923 house

***Map Name:** USGS 7.5' Diablo Quadrangle ***Scale:** 1:24,000 ***Date of map:** 1980



State of California The Resources Agency
DEPARTMENT OF PARKS AND RECREATION

PRIMARY RECORD

Primary #
HRI #
Trinomial
NRHP Status Code 3DC

Other Listings
Review Code | Reviewer | Date

Page 1 **of** 3 ***Resource Name or #:** ca. 1923 tank houses
P1. Other Identifier: Borel Ranch

*P2. **Location:** ☐ **Not for Publication** ☒ **Unrestricted**
***a. County** Contra Costa County **and**
***b. USGS 7.5' Quad** Diablo **Date** 1980 **T** 2S ; **R** 1W ; __ ☐ **of** __ ☐ **of Sec** un ; MD **B.M.**
c. Address 3020 Fostoria Way City Danville Zip 95472
d. UTM: Zone 10S, 590202 mE/ 4182014 mN
e. Other Locational Data: The resource is located within the Borel Ranch that includes the 16.65-acre Assessor's Parcel Number (APN) 218-090-031 in the city of Danville.

***P3a.Description:** The resource includes three ca. 1923 tanks houses (tanks 1 – 3). The tank houses are not associated with any architectural style or form. Tank house 1 is situated on a raised wooden enclosed platform, which houses mechanics for the water tower. There is an attached wood structure adjacent to the north elevation; this section is exposed on three sides, with only the west and roof covered with corrugated metal. Tank house 2 is located northwest of tank house 1 and is only slightly raised. It is likely that tank house 1 fed into tank house 2; however, only a small section of pipe leading from tank house 1 supports this. The remnants of tank house 3 is located approximately 270 feet northwest of tank house 2. (Continued on Continuation Sheet 2)

P5a. Photograph or Drawing

***P3b. Resource Attributes:** HP39. Other (tank houses 1 - 3)
***P4. Resources Present:** ☒ Building ☐ Structure ☐ Object ☐ Site ☐ District ☒ Element of District ☐ Other (Isolates, etc.)
P5b. Description of Photo: tank house 1 and tank house 2, facing south.
***P6. Date Constructed/Age and Source:** ☒ Historic ☐ Prehistoric ☐ Both tank house 1, tank house 2, and tank house 3 ; various sources.
***P7. Owner and Address:** East Bay Regional Park District 2950 Peralta Oaks Court, Oakland, CA 94605
***P8. Recorded by:** Stacey De Shazo, M.A., Evans & DeShazo, Inc. 1141 Gravenstein Highway S, Sebastopol, Ca 95472
***P9. Date Recorded:** 12/29/2022
***P10. Survey Type:** Intensive

***P11. Report Citation:** Stacey De Shazo, M.A., with Bee Thao, M.A., and Nicole LaRochelle, B.A (2022): A Historic Resource Evaluation of the Borel Ranch at 3020 Fostoria Way, Danville, Contra Costa County, California.

***Attachments:** ☐NONE ☒Location Map ☒Continuation Sheet ☐Building, Structure, and Object Record ☐Archaeological Record ☐ District Record ☐Linear Feature Record ☐Milling Station Record ☐Rock Art Record ☐Artifact Record ☐Photograph Record ☐ Other (List):

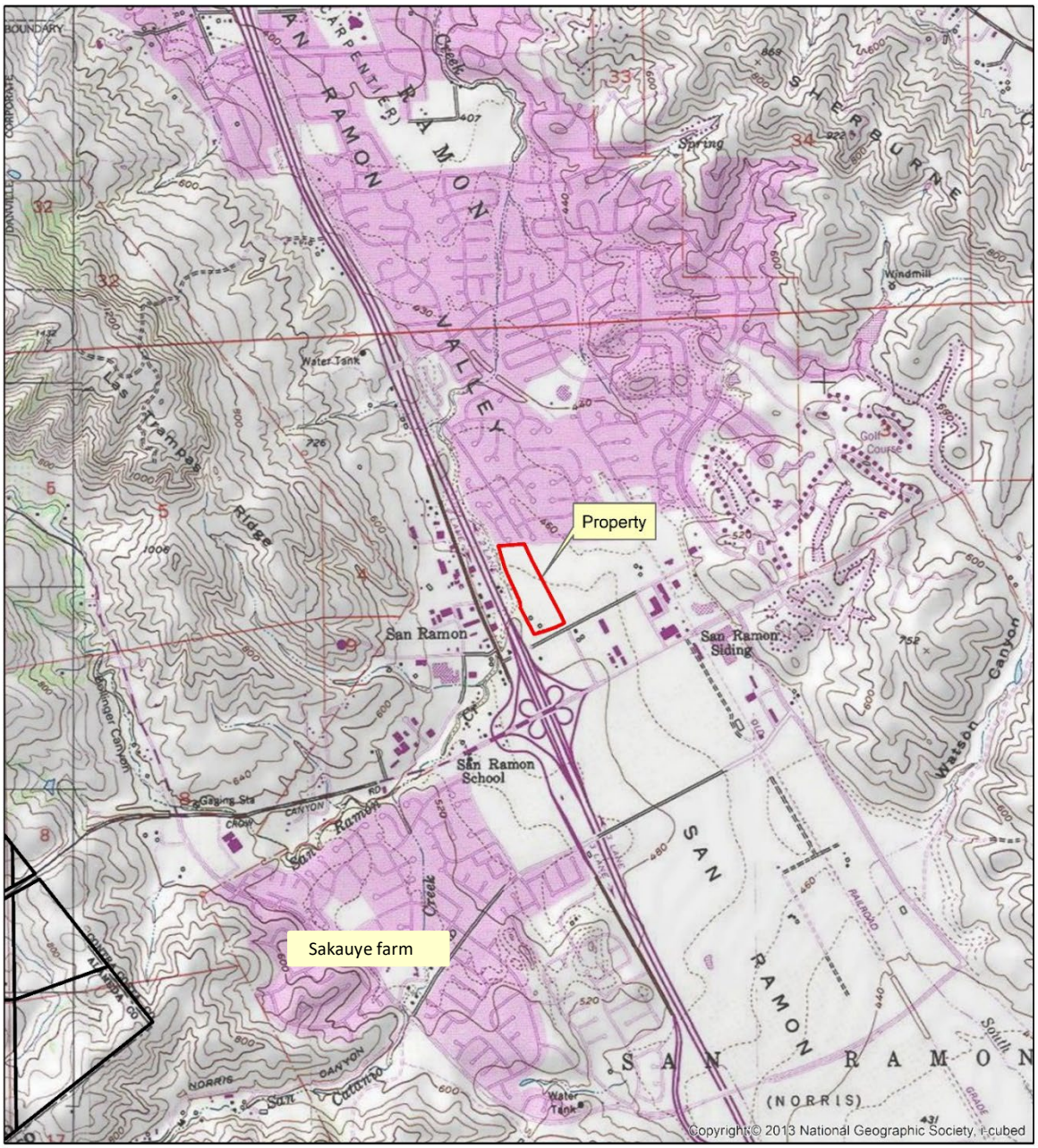
(Continue from Primary Record, Page 1)

tank and cladding of what remains of tank house 3 are missing; however, the wooden framework remains, clearly denoting its location and construction methods (Figure 1).

State of California Natural Resources Agency DEPARTMENT OF PARKS AND RECREATION **LOCATION MAP**	Primary # HRI# Trinomial

Page 3 **of** 3 ***Resource Name or #** ca. 1923 tank houses

***Map Name:** USGS 7.5' Diablo Quadrangle ***Scale:** 1:24,000 ***Date of map:** 1980



Borel Ranch (P-07-004639)
3020 Fostoria Way, Danville
Contra Costa County, California
(APN 218-090-031)

Legend

Borel Ranch Property

0 0.5 1 Miles

1:24,000

USGS 7.5' Diablo (1980), Calif. Quadrangle
Township 2 South | Range 1 West
NAD 83 UTM Zone 10N

State of California The Resources Agency
DEPARTMENT OF PARKS AND RECREATION

PRIMARY RECORD

Primary #
HRI #
Trinomial
NRHP Status Code 3CD

Other Listings
Review Code | Reviewer | Date

Page 1 **of** 2 ***Resource Name or #:** ca. 1923 garage
P1. Other Identifier: Borel Ranch

*P2. **Location:** ☐ **Not for Publication** ☒ **Unrestricted**
***a. County** Contra Costa County **and**
***b. USGS 7.5' Quad** Diablo **Date** 1980 **T** 2S ; **R** 1W ; ___ ☐ **of** ___ ☐ **of Sec** un ; MD **B.M.**
c. Address 3020 Fostoria Way City Danvile Zip 95472
d. UTM: Zone 10S, 590219 mE/ 4182019 mN
e. Other Locational Data: The resource is located within the Borel Ranch that includes the 16.65-acre Assessor's Parcel Number (APN) 218-090-031 in the city of Danville.

***P3a.Description:** The resource is the ca. 1923 garage, which is not associated with any architectural style. The ca. 1923 garage is a rectangular form with a hipped roof and a concrete slab foundation. The roof is clad in composite shingles. The south elevation of the building is clad in board and batten wood siding, and the remaining three elevations have horizontal wood shiplap. The west elevation has a wood-paneled door on the north side and a one-over-one, double-hung, wood window on the south side. The south elevation is void of fenestration. The east elevation has a double-hung wood window; however, the majority of the elevation is covered in brush and trees and was not visible. (Continued on Continuation Sheet 2)

P5a. Photograph or Drawing

***P3b. Resource Attributes:** HP4. Ancillary building (ca. 1923 garage)

P5b. Description of Photo: ca. 1923 garage, facing northeast.

***P6. Date Constructed/Age and Source:** ☒ Historic ☐ Prehistoric ☐ Both ca. 1923 garage; various sources.

***P7. Owner and Address:**
East Bay Regional Park District 2950 Peralta Oaks Court, Oakland, CA 94605

***P8. Recorded by:** Stacey De Shazo, M.A., Evans & DeShazo, Inc. 1141 Gravenstein Highway S, Sebastopol, Ca 95472

***P9. Date Recorded:** 12/29/2022

***P10. Survey Type:** Intensive

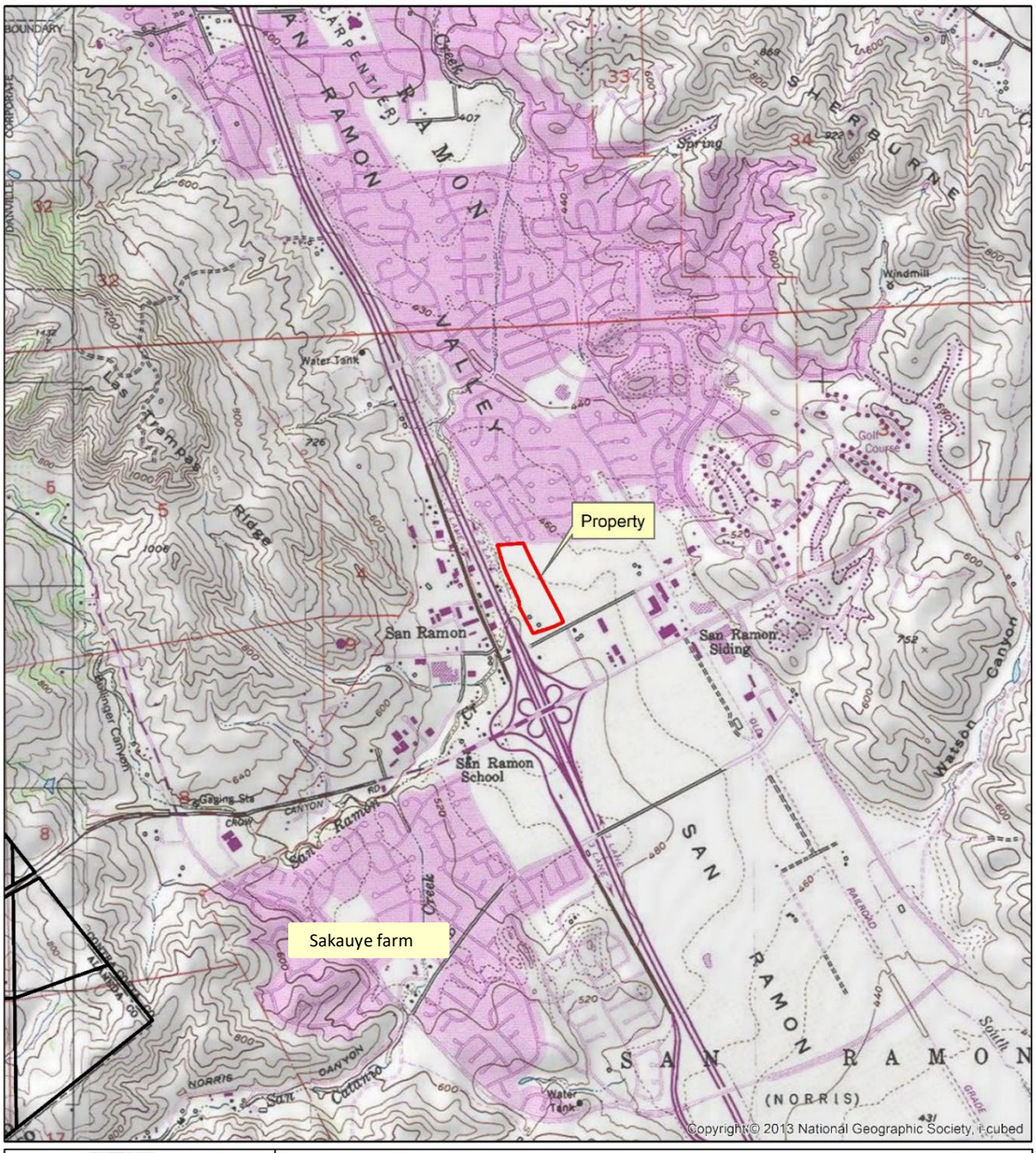
***P11. Report Citation:** Stacey De Shazo, M.A., with Bee Thao, M.A., and Nicole LaRochelle, B.A (2022): A Historic Resource Evaluation of the Borel Ranch at 3020 Fostoria Way, Danville, Contra Costa County, California.

***Attachments:** ☐NONE ☒Location Map ☒Continuation Sheet ☐Building, Structure, and Object Record
☐Archaeological Record ☐ District Record ☐Linear Feature Record ☐Milling Station Record ☐Rock Art Record
☐Artifact Record ☐Photograph Record ☐ Other (List):

State of California Natural Resources Agency DEPARTMENT OF PARKS AND RECREATION **LOCATION MAP**	Primary # HRI# Trinomial

Page 2 **of** 2 ***Resource Name or #** ca. 1923 garage

***Map Name:** USGS 7.5' Diablo Quadrangle ***Scale:** 1:24,000 ***Date of map:** 1980



State of California The Resources Agency
DEPARTMENT OF PARKS AND RECREATION

PRIMARY RECORD

Primary #
HRI #
Trinomial
NRHP Status Code 3CB

Other Listings
Review Code | Reviewer | Date

Page 1 **of** 8 ***Resource Name or #:** ca. 1923 walnut barn
P1. Other Identifier: Borel Ranch

*P2. **Location:** ☐ **Not for Publication** ☒ **Unrestricted**
***a. County** Contra Costa County **and**
***b. USGS 7.5' Quad** Diablo **Date** 1980 **T** 2S ; **R** 1W ; __ ☐ **of** __ ☐ **of Sec** un ; MD **B.M.**
c. Address 3020 Fostoria Way City Danville Zip 95472
d. UTM: Zone 10S, 590164 mE/ 4182041 mN
e. Other Locational Data: The resource is located within the Borel Ranch that includes the 16.65-acre Assessor's Parcel Number (APN) 218-090-031 in the city of Danville.

***P3a.Description:** The resource is the ca. 1923 barn, which is associated with Vernacular architecture. The barn has a concrete slab foundation and is a front-facing gable. Like most barns, the central section of the barn is raised above the shed roofs that extend from the eave elevations, providing space for clerestory windows. The roof has corrugated metal, while the elevations are clad with vertical wood siding. The west elevation has three entryways into the barn. The south wing of the elevation has a wooden door on rails, while the north wing has open storage that is accessed by a door on the north elevation and is covered with a metal grate on the west elevation. (Continued on Continuation Sheet 2)

P5a. Photograph or Drawing

***P4. Resources Present:** ☒ Building ☐ Structure ☐ Object ☐ Site ☐ District ☒ Element of District ☐ Other (Isolates, etc.)
P5b. Description of Photo: ca. 1923 walnut barn, facing north.
***P6. Date Constructed/Age and Source:** ☒ Historic ☐ Prehistoric ☐ Both ca. 1923 walnut barn; various sources.
***P7. Owner and Address:** East Bay Regional Park District 2950 Peralta Oaks Court, Oakland, CA 94605
***P8. Recorded by:** Stacey De Shazo, M.A., Evans & DeShazo, Inc. 1141 Gravenstein Highway S, Sebastopol, Ca 95472
***P9. Date Recorded:** 12/29/2022
***P10. Survey Type:** Intensive

***P11. Report Citation:** Stacey De Shazo, M.A., with Bee Thao, M.A., and Nicole LaRochelle, B.A (2022): A Historic Resource Evaluation of the Borel Ranch at 3020 Fostoria Way, Danville, Contra Costa County, California.

***Attachments:** ☐NONE ☒Location Map ☒Continuation Sheet ☐Building, Structure, and Object Record ☐Archaeological Record ☐ District Record ☐Linear Feature Record ☐Milling Station Record ☐Rock Art Record ☐Artifact Record ☐Photograph Record ☐ Other (List):

(Continue from Primary Record, Page 1)

The central section of the elevation has eight fixed-light windows with an entryway that is accessed via double metal and glass doors that move on rails. A cantilevered metal awning extends from the west elevation from the central section of the barn (Figure 1). Over this entry are two chutes, where walnuts were moved (Figure 2). The west gable has a vent at the peak. The south elevation does not have any fenestration or elements pertaining to walnut processing (Figure 3). The east elevation has an aperture at the peak, which has remnants of wooden vents. The south wing of this elevation is open, though there is a rail track along the elevation, so there was likely a door that closed off this section of the barn. The north wing of this elevation has a small, shed extension that shelters equipment. To the south of this shed is a door to access the main barn (Figure 4). The north elevation has twelve windows and one door. At the westernmost section of this elevation is the door, which accesses a storage area beneath the northwest section of the roof. Besides this door is a pair of sliding windows, a pair of one-over-one, single-hung wood windows, and a single sliding window. Adjacent to this section is a large concrete pit, which may have been used as either walnut storage or as a mechanic pit for vehicle and equipment repair (Figure 5). Over the pit is a wood-framed awning with a corrugated metal roof (Figure 6). Below the one-over-one wood, windows is a conveyor belt and chute for walnuts (Figure 7). To the west of the chute is a built-in cubicle system for mechanical equipment and replacement parts for the conveyor belt (Figure 8). The mechanics of the conveyor belt are still intact (Figure 9). Six of the remaining windows are single-light, fixed windows, separated by only a wood frame element (Figure 10). The final window is an eight-light, fixed window.

Figure 1. West elevation of the ca. 1923 walnut barn, facing southeast.

Figure 2. Walnut chutes leading out of garage over main entry on the west elevation.

Figure 3. South and west elevations of the ca. 1923 walnut barn, facing northeast.

Figure 4. East elevation of the ca. 1923 walnut barn, facing west.

Figure 5. West side of the north elevation of the ca. 1923 walnut barn, showing awning over the pit.

Figure 6. Close-up view of the timber elements of the awning.

Figure 7. Walnut chute at entry to barn.

Figure 8. Section of walnut shoot in front of cubby with equipment parts.

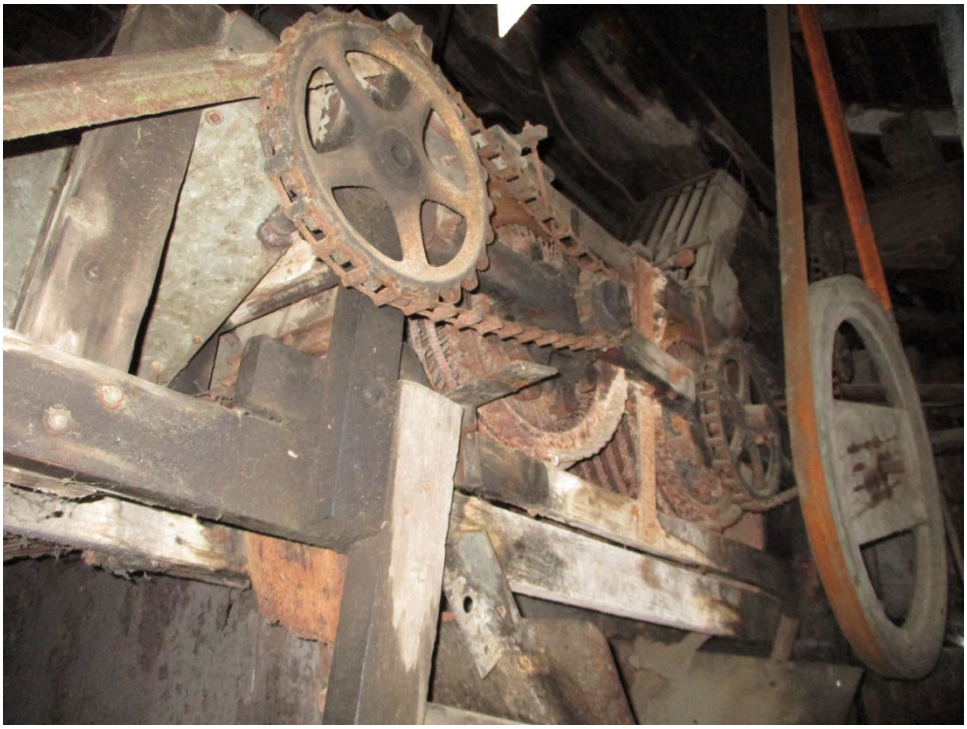


Figure 9. Mechanics of walnut conveyor belt.

Figure 10. East side of the north elevation of the ca. 1923 walnut barn, with work benches.

Evaluation of Individual Eligibility for the California Register of Historical Resources (CRHR)

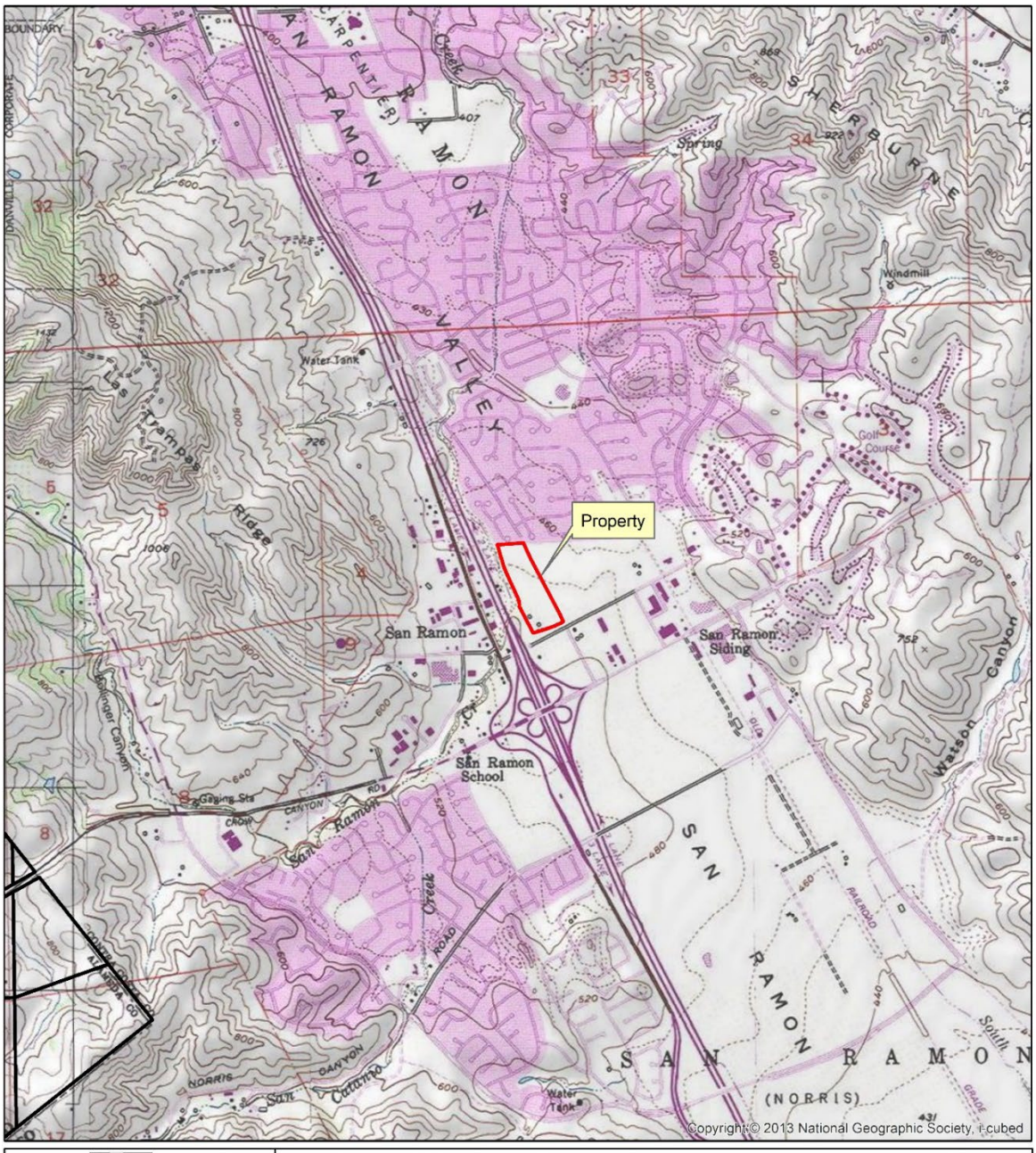
Criterion 3: The ca. 1923 walnut barn is associated with Vernacular architecture associated with agricultural barns in the early twentieth century. The rectangular form of the barn and central section of the barn, raised above the shed roofs that extend from the main roof elevation, is a well-known barn style throughout the U.S. The elements of the ca. 1923 walnut barn that support the Vernacular design include clerestory windows, vertical wood siding, corrugated metal roof, and large barn door entrances. In addition, the integrated walnut processing system within the barn is particular to walnut orchards farms and may be associated with a sub-type of Vernacular barn; however, more research would be needed to make this determination.

The barn retains all seven aspects of integrity.

State of California Natural Resources Agency DEPARTMENT OF PARKS AND RECREATION **LOCATION MAP**	Primary # HRI# Trinomial

Page 8 **of** 8 ***Resource Name or #** ca. 1923 walnut barn

***Map Name:** USGS 7.5' Diablo Quadrangle ***Scale:** 1:24,000 ***Date of map:** 1980



Borel Ranch (P-07-004639)
3020 Fostoria Way, Danville
Contra Costa County, California
(APN 218-090-031)

0 0.5 1 Miles

1:24,000

Legend

Borel Ranch Property

USGS 7.5' Diablo (1980), Calif. Quadrangle
Township 2 South | Range 1 West
NAD 83 UTM Zone 10N

State of California The Resources Agency
DEPARTMENT OF PARKS AND RECREATION

PRIMARY RECORD

Primary #
HRI #
Trinomial
NRHP Status Code 6Z

Other Listings
Review Code | Reviewer | Date

Page 1 **of** 2 ***Resource Name or #:** ca. 1970 barn
P1. Other Identifier: Borel Ranch

*P2. **Location:** ☐ **Not for Publication** ☒ **Unrestricted**
***a. County** Contra Costa County **and**
***b. USGS 7.5' Quad** Diablo **Date** 1980 **T** 2S ; **R** 1W ; ___ ☐ **of** ___ ☐ **of Sec** un ; MD **B.M.**
c. Address 3020 Fostoria Way City Danville Zip 95472
d. UTM: Zone 10S, 590214 mE/ 4182061 mN
e. Other Locational Data: The resource is located within the Borel Ranch that includes the 16.65-acre Assessor's Parcel Number (APN) 218-090-031 in the city of Danville.

***P3a.Description:** The resource is the ca. 1970 barn, which is not associated with architectural style or form. The barn is an elongated, rectangular building with a gambrel roof. The steel frame is clad in a raised-seamed metal material. The west elevation has large sliding doors for equipment access that also has a single door built into the large doors. The top half of the sliding doors are windows. There is a large vent fan at the peak of this elevation. The south and north elevations are void of fenestration. The east elevation has large metal doors on rails that open over a single wood-paneled door. There is a metal logo within the peak of the east roof eave that states "Agri-Luper" 1-800-525-8525 Denver", which appears to be the manufacturer of the metal barn (Continued on Continuation Sheet 2)

P5a. Photograph or Drawing

***P3b. Resource Attributes:** HP4. Ancillary building (ca. 1970 barn)

P5b. Description of Photo: ca. 1970 barn, facing north.

***P6. Date Constructed/Age and Source:** ☒ Historic ☐ Prehistoric ☐ Both ca. 1970 barn; various sources.

***P7. Owner and Address:** East Bay Regional Park District 2950 Peralta Oaks Court, Oakland, CA 94605

***P8. Recorded by:** Stacey De Shazo, M.A., Evans & DeShazo, Inc. 1141 Gravenstein Highway S, Sebastopol, Ca 95472

***P9. Date Recorded:** 12/29/2022

***P10. Survey Type:** Intensive

***P11. Report Citation:** Stacey De Shazo, M.A., with Bee Thao, M.A., and Nicole LaRochelle, B.A (2022): A Historic Resource Evaluation of the Borel Ranch at 3020 Fostoria Way, Danville, Contra Costa County, California.

***Attachments:** ☐NONE ☒Location Map ☒Continuation Sheet ☐Building, Structure, and Object Record
☐Archaeological Record ☐ District Record ☐Linear Feature Record ☐Milling Station Record ☐Rock Art Record
☐Artifact Record ☐Photograph Record ☐ Other (List):

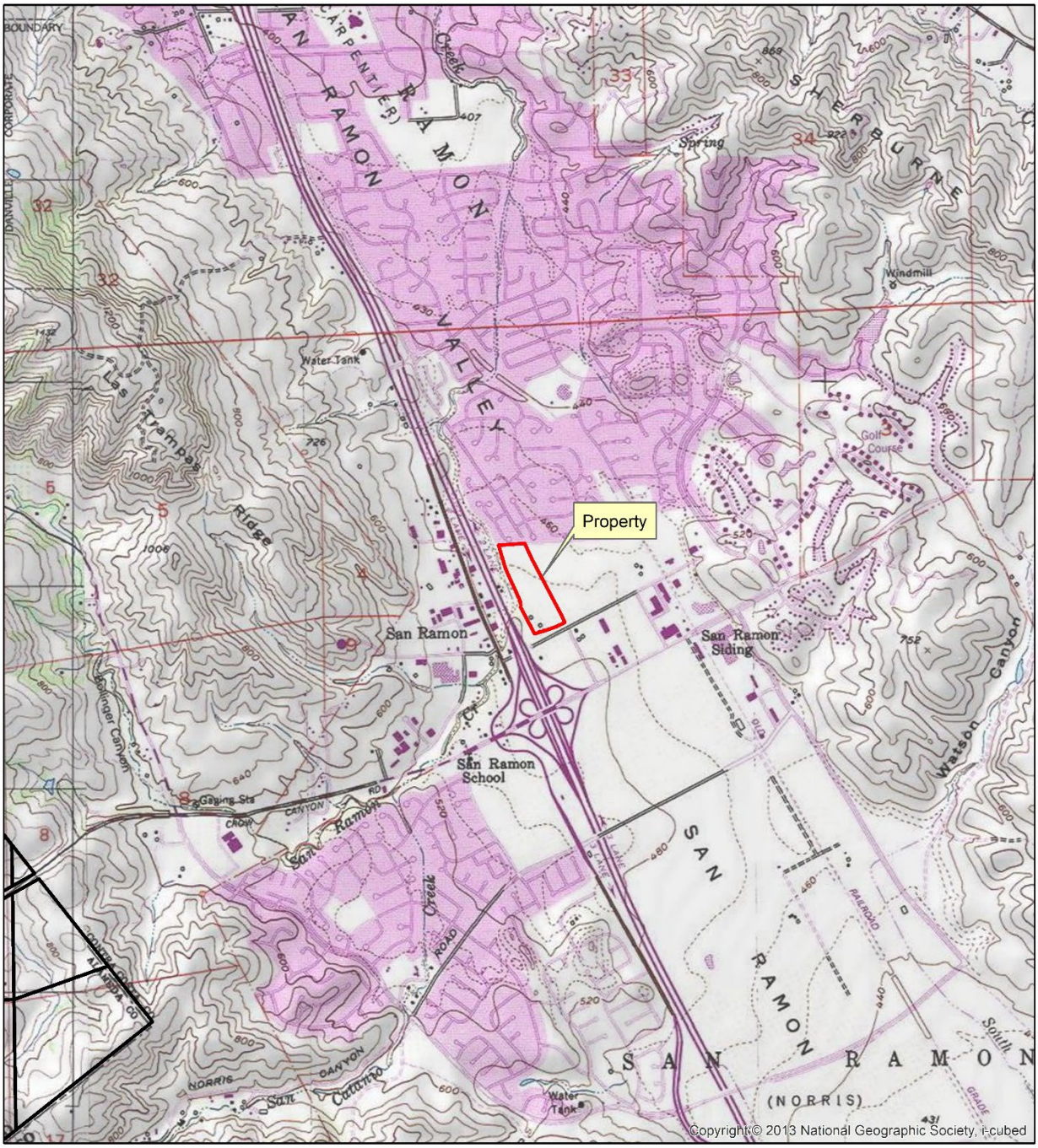
State of California Natural Resources Agency
DEPARTMENT OF PARKS AND RECREATION

LOCATION MAP

Primary #
HRI#
Trinomial

Page 2 **of** 2 ***Resource Name or #** 1970 barn

***Map Name:** USGS 7.5' Diablo Quadrangle ***Scale:** 1:24,000 ***Date of map:** 1980



Map by: S. Evans, 12/27/2021

Borel Ranch (P-07-004639)
3020 Fostoria Way, Danville
Contra Costa County, California
(APN 218-090-031)

0 0.5 1 Miles

1:24,000

Legend

Borel Ranch Property

USGS 7.5' Diablo (1980), Calif. Quadrangle
Township 2 South | Range 1 West
NAD 83 UTM Zone 10N

State of California The Resources Agency
DEPARTMENT OF PARKS AND RECREATION

PRIMARY RECORD

Primary
HRI #
Trinomial
NRHP Status Code 3CD

Other Listings
Review Code | Reviewer | Date

Page 1 **of** 2 ***Resource Name or #:** ca. 1923 shed building
P1. Other Identifier: Borel Ranch

*P2. **Location:** ☐ **Not for Publication** ☒ **Unrestricted**
***a. County** Contra Costa County **and**
***b. USGS 7.5' Quad** Diablo **Date** 1980 **T** 2S ; **R** 1W ; ___ ☐ **of** ___ ☐ **of Sec** un ; MD **B.M.**
c. Address 3020 Fostoria Way City Danville Zip 95472
d. UTM: Zone 10S, 590141 mE/ 4182049 mN
e. Other Locational Data: The resource is located within the Borel Ranch that includes the 16.65-acre Assessor's Parcel Number (APN) 218-090-031 in the city of Danville.

***P3a.Description:** The resource is the ca. 1923 shed building, which is not associated with architectural style or form. The building has a rectangular form with a shed roof. The building is clad in board and batten wood siding. The south elevation has two one-over-one, double-hung, wood windows. The east elevation has a large wooden double-door that nearly extends the length of the wall. There are two covered window openings over the doorway. The west elevation does not have any fenestration, while the north elevation was not accessible due to thick vegetation (Continued on Continuation Sheet 2)

P5a. Photograph or Drawing

***P3b. Resource Attributes:** HP4. Ancillary building (ca. 1923 shed building)

P5b. Description of Photo: ca. 1923 shed building, facing northwest.

***P6. Date Constructed/Age and Source:** ☒ Historic ☐ Prehistoric ☐ Both ca. 1923 shed building; various sources.

***P7. Owner and Address:** East Bay Regional Park District 2950 Peralta Oaks Court, Oakland, CA 94605

***P8. Recorded by:** Stacey De Shazo, M.A., Evans & DeShazo, Inc. 1141 Gravenstein Highway S, Sebastopol, Ca 95472

***P9. Date Recorded:** 12/29/2022

***P10. Survey Type:** Intensive

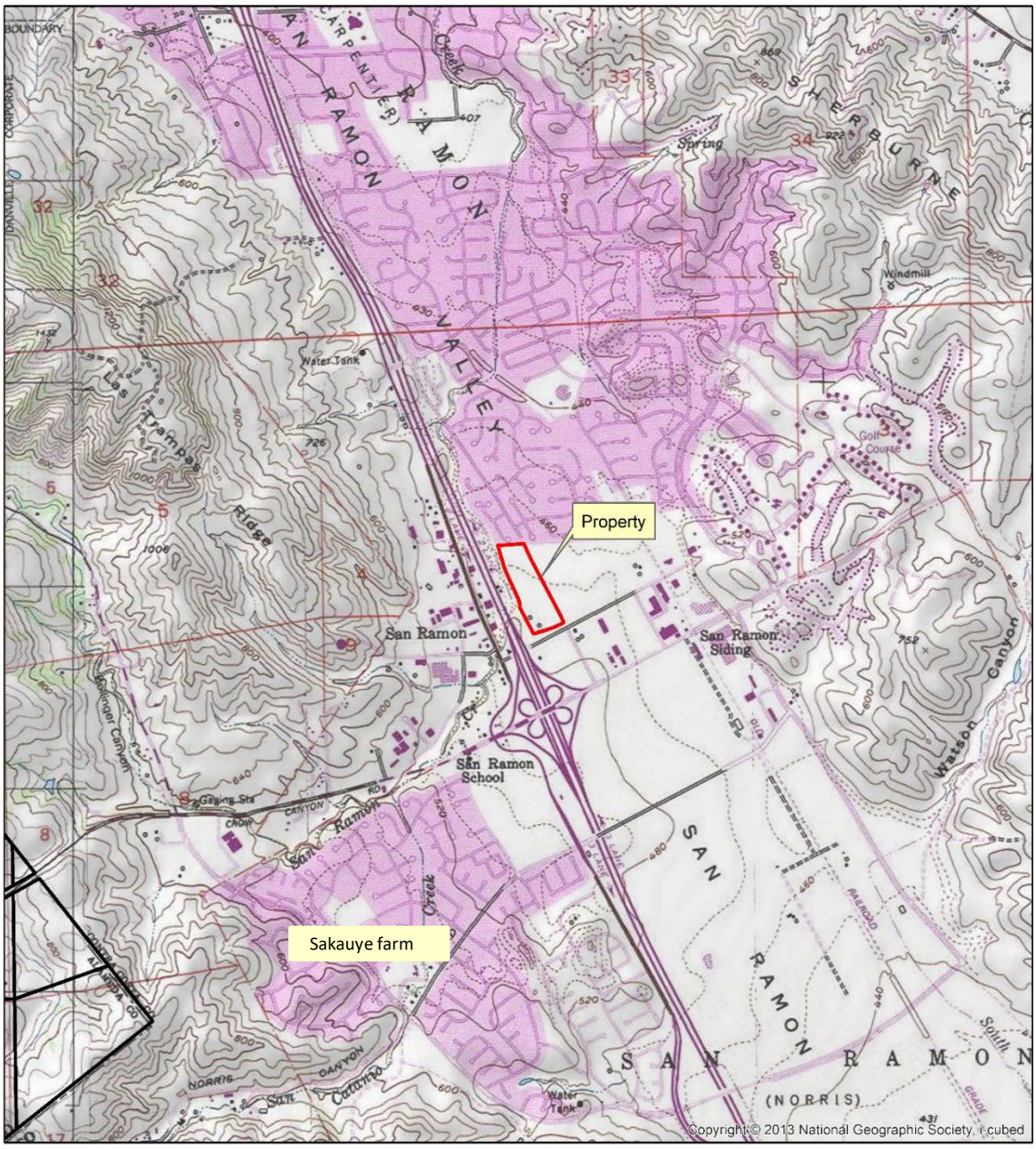
***P11. Report Citation:** Stacey De Shazo, M.A., with Bee Thao, M.A., and Nicole LaRochelle, B.A (2022): A Historic Resource Evaluation of the Borel Ranch at 3020 Fostoria Way, Danville, Contra Costa County, California.

***Attachments:** ☐NONE ☒Location Map ☒Continuation Sheet ☐Building, Structure, and Object Record
☐Archaeological Record ☐ District Record ☐Linear Feature Record ☐Milling Station Record ☐Rock Art Record
☐Artifact Record ☐Photograph Record ☐ Other (List):

State of California Natural Resources Agency DEPARTMENT OF PARKS AND RECREATION **LOCATION MAP**	Primary # HRI# Trinomial

Page 2 **of** 2 ***Resource Name or #** ca. 1923 shed building

***Map Name:** USGS 7.5' Diablo Quadrangle ***Scale:** 1:24,000 ***Date of map:** 1980



State of California The Resources Agency
DEPARTMENT OF PARKS AND RECREATION

PRIMARY RECORD

Primary #
HRI #
Trinomial
NRHP Status Code 6Z

Other Listings
Review Code | Reviewer | Date

Page 1 **of** 4 ***Resource Name or #:** 1927 San Ramon rail depot
P1. Other Identifier: Borel Ranch

*P2. **Location:** ☐ **Not for Publication** ☒ **Unrestricted**
***a. County** Contra Costa County **and**
***b. USGS 7.5' Quad** Diablo **Date** 1980 **T** 2S ; **R** 1W ; ___ ☐ **of** ___ ☐ **of Sec** un ; MD **B.M.**
c. Address 3020 Fostoria Way City Danville Zip 95472
d. UTM: Zone 10S, 590143 mE/ 4182072 mN
e. Other Locational Data: The resource is located within the Borel Ranch that includes the 16.65-acre Assessor's Parcel Number (APN) 218-090-031 in the city of Danville.

***P3a.Description:** The resource is the 1927 San Ramon rail depot, which is not associated with any architectural style. The building was relocated to its current location in 1937 from a location along the Southern Pacific railroad about a quarter mile east of the property. The building has a front-facing gable with a shed roof form that extends along the west elevation. The gable roof is steep pitch and is clad in wood shake shingles. The building is clad with horizontal wood siding. While most of the building is exposed wood, there are remnants of yellow paint on many of the elevations. The south elevation has a door opening along the shed form and a window opening along the gabled end, partially covered with wood and wire mesh behind the frame. (Continued on Continuation Sheet 2)

P5a. Photograph or Drawing

***P3b. Resource Attributes:** HP17. Railroad depot (1927 San Ramon rail depot)

P5b. Description of Photo: 1927 San Ramon rail depot, facing northwest.

***P6. Date Constructed/Age and Source:** ☒ Historic ☐ Prehistoric ☐ Both 1927 San Ramon rail depot; various sources.

***P7. Owner and Address:** East Bay Regional Park District 2950 Peralta Oaks Court, Oakland, CA 94605

***P8. Recorded by:** Stacey De Shazo, M.A., Evans & DeShazo, Inc. 1141 Gravenstein Highway S, Sebastopol, Ca 95472

***P9. Date Recorded:** 12/29/2022

***P10. Survey Type:** Intensive

***P11. Report Citation:** Stacey De Shazo, M.A., with Bee Thao, M.A., and Nicole LaRochelle, B.A (2022): A Historic Resource Evaluation of the Borel Ranch at 3020 Fostoria Way, Danville, Contra Costa County, California.

***Attachments:** ☐NONE ☒Location Map ☒Continuation Sheet ☐Building, Structure, and Object Record
☐Archaeological Record ☐ District Record ☐Linear Feature Record ☐Milling Station Record ☐Rock Art Record
☐Artifact Record ☐Photograph Record ☐ Other (List): _____

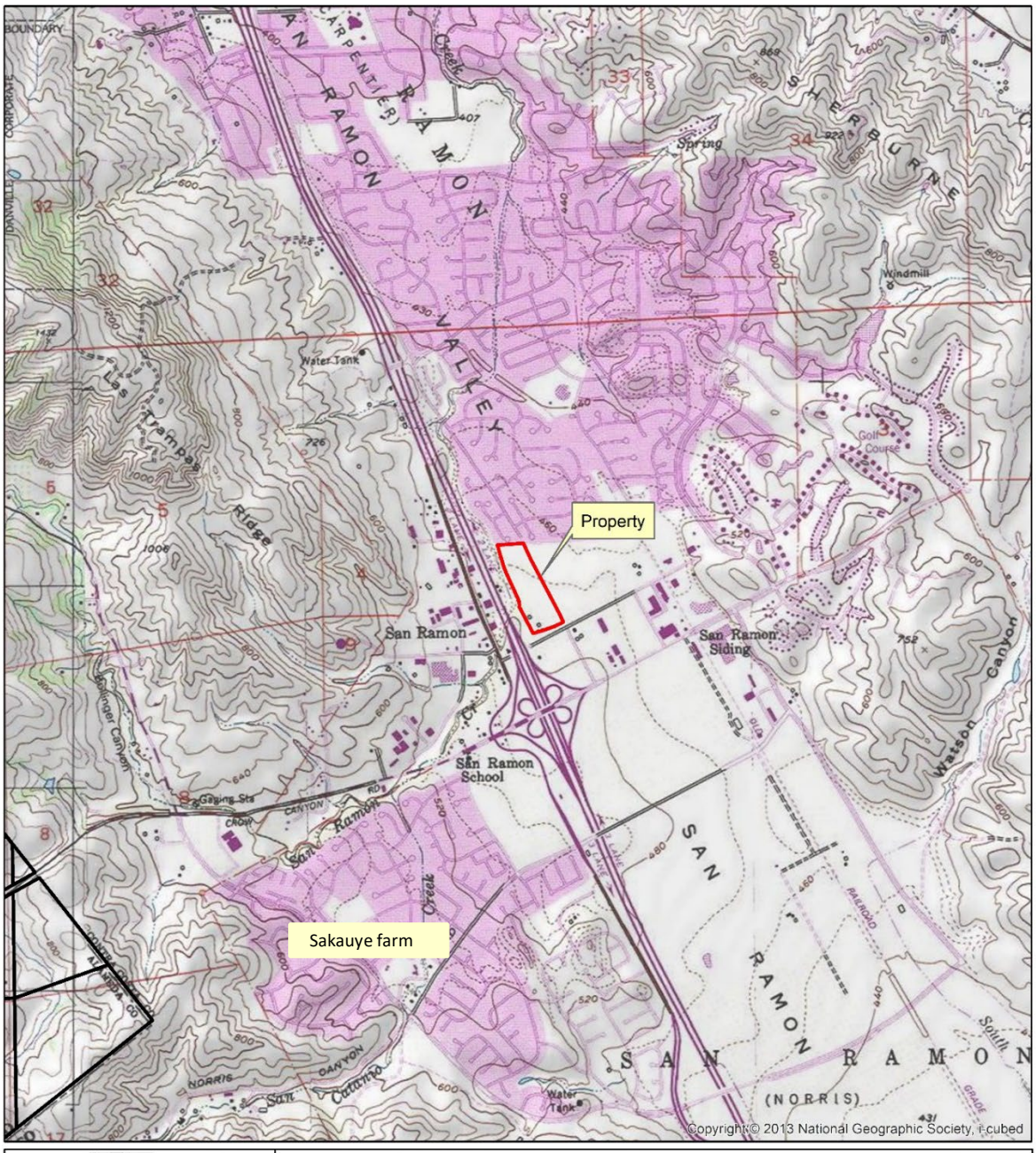
(Continue from Primary Record, Page 1)

The east elevation has three openings, the westernmost is infilled with vertical boards, while the center window is merely the frame, as the glass has been removed, and the easternmost window is a sliding window on the shed section of the elevation (Figure 1). The north elevation is void of fenestration. Along the south-facing wall of west elevation shed is a single-entry door, visible along the south elevation, which is currently without a door. The west elevation consists of a vertical, fixed, two-light, wood window and a wide entry doorway (Figure 2) with no door, providing access to the main gabled form.

State of California Natural Resources Agency	Primary #
DEPARTMENT OF PARKS AND RECREATION	HRI#
LOCATION MAP	Trinomial

Page 4 **of** 4 ***Resource Name or #** 1927 San Ramon rail depot

***Map Name:** USGS 7.5' Diablo Quadrangle ***Scale:** 1:24,000 ***Date of map:** 1980



State of California The Resources Agency
DEPARTMENT OF PARKS AND RECREATION

PRIMARY RECORD

Primary #
HRI #
Trinomial
NRHP Status Code 3CD

Other Listings
Review Code | Reviewer | Date

Page 1 **of** 2 ***Resource Name or #:** ca.1960 gable building
P1. Other Identifier: Borel Ranch

*P2. **Location:** ☐ **Not for Publication** ☒ **Unrestricted**
***a. County** Contra Costa County **and**
***b. USGS 7.5' Quad** Diablo **Date** 1980 **T** 2S ; **R** 1W ; ___ ☐ **of** ___ ☐ **of Sec** un ; MD **B.M.**
c. Address 3020 Fostoria Way City Danville Zip 95472
d. UTM: Zone 10S, 590223 mE/ 4182077 mN
e. Other Locational Data: The resource is located within the Borel Ranch that includes the 16.65-acre Assessor's Parcel Number (APN) 218-090-031 in the city of Danville.

***P3a.Description:** The resource is the ca. 1960 gable building, which is not associated with any architectural style. The building is a wood-framed building clad within corrugated sheet metal. The cladding on the west elevation, where an entry door was likely situated, appears to have been removed in recent years. The east elevation is void of fenestration, while the north and south elevations have two nine-light, fixed, metal windows. (Continued on Continuation Sheet 2)

P5a. Photograph or Drawing

***P4. Resources Present:** ☒ Building ☐ Structure ☐ Object ☐ Site ☐ District ☒ Element of District ☐ Other (Isolates, etc.)
P5b. Description of Photo: ca. 1960 gable building) facing east.
***P6. Date Constructed/Age and Source:** ☒ Historic ☐ Prehistoric ☐ Both ca. 1960 gable building; various sources.
***P7. Owner and Address:** East Bay Regional Park District 2950 Peralta Oaks Court, Oakland, CA 94605
***P8. Recorded by:** Stacey De Shazo, M.A., Evans & DeShazo, Inc. 1141 Gravenstein Highway S, Sebastopol, Ca 95472
***P9. Date Recorded:** 12/29/2022
***P10. Survey Type:** Intensive

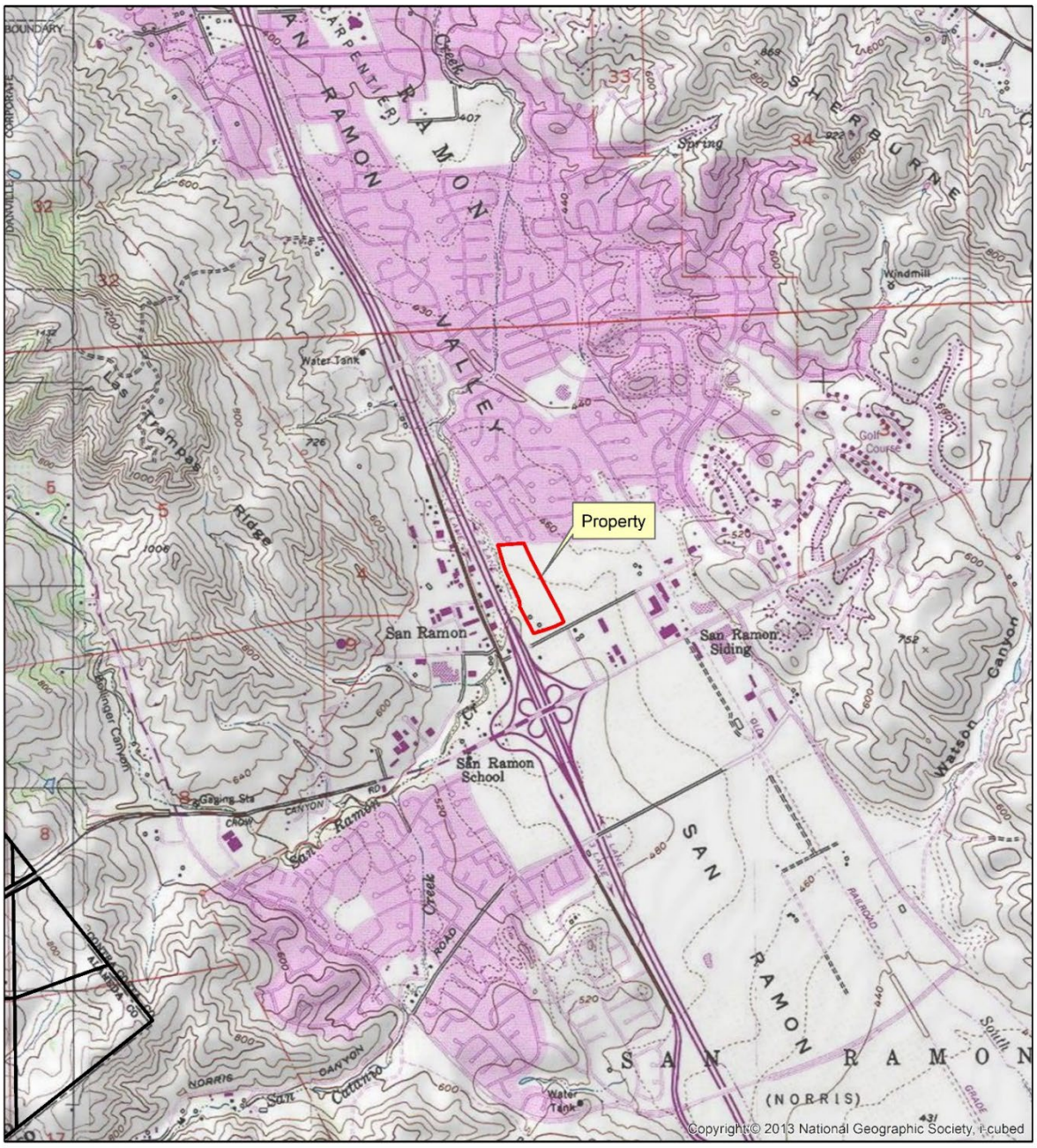
***P11. Report Citation:** Stacey De Shazo, M.A., with Bee Thao, M.A., and Nicole LaRochelle, B.A (2022): A Historic Resource Evaluation of the Borel Ranch at 3020 Fostoria Way, Danville, Contra Costa County, California.

***Attachments:** ☐NONE ☒Location Map ☒Continuation Sheet ☐Building, Structure, and Object Record ☐Archaeological Record ☐ District Record ☐Linear Feature Record ☐Milling Station Record ☐Rock Art Record ☐Artifact Record ☐Photograph Record ☐ Other (List):

State of California Natural Resources Agency	Primary #
DEPARTMENT OF PARKS AND RECREATION	HRI#
LOCATION MAP	Trinomial

Page 2 **of** 2 ***Resource Name or #** 1970 barn

***Map Name:** USGS 7.5' Diablo Quadrangle ***Scale:** 1:24,000 ***Date of map:** 1980



Borel Ranch (P-07-004639)
3020 Fostoria Way, Danville
Contra Costa County, California
(APN 218-090-031)

0 0.5 1 Miles

1:24,000

Legend

Borel Ranch Property

USGS 7.5' Diablo (1980), Calif. Quadrangle
Township 2 South | Range 1 West
NAD 83 UTM Zone 10N

State of California The Resources Agency
DEPARTMENT OF PARKS AND RECREATION

PRIMARY RECORD

Primary #
HRI #
Trinomial
NRHP Status Code 6Z

Other Listings
Review Code | Reviewer | Date

Page 1 **of** 2 ***Resource Name or #:** ca.1923 Chicken Coop
P1. Other Identifier: Borel Ranch

*P2. **Location:** ☐ **Not for Publication** ☒ **Unrestricted**
***a. County** Contra Costa County **and**
***b. USGS 7.5' Quad** Diablo **Date** 1980 **T** 2S ; **R** 1W ; ___ ☐ **of** ___ ☐ **of Sec** un ; MD **B.M.**
c. Address 3020 Fostoria Way City Danville Zip 95472
d. UTM: Zone 10S, 590176 mE/ 4182058 mN
e. Other Locational Data: The resource is located within the Borel Ranch that includes the 16.65-acre Assessor's Parcel Number (APN) 218-090-031 in the city of Danville.

***P3a.Description:** The resource is the ca. 1923 chicken coop, which is not associated with any architectural style. The chicken coop is a side-facing gabled building on a raised foundation and a small shed section of the chicken coop extends from the east elevation. The building is clad with vertical wood boards, while the roof has corrugated metal. The eaves of the roof have large overhangs to protect the interior from the elements. The south elevation has three windows that have wood bars with two wooden doors between the windows. The western door has steps intact, while the eastern door does not have a means of access. These doors also have intricate brass hardware. The east and west elevations are void of fenestration; however, there are modes of egress for the chickens at floor level to an outdoor pen that extends along the east elevation (Continued on Continuation Sheet 2)

P5a. Photograph or Drawing

***P3b. Resource Attributes:** HP4. Ancillary building (ca. 1923 chicken coop)

***P4. Resources Present:** ☒ Building ☐ Structure ☐ Object ☐ Site ☐ District ☒ Element of District ☐ Other (Isolates, etc.)

P5b. Description of Photo: ca. 1923 chicken coop) facing northwest.

***P6. Date Constructed/Age and Source:** ☒ Historic ☐ Prehistoric ☐ Both ca. 1923 chicken coop; various sources.

***P7. Owner and Address:** East Bay Regional Park District 2950 Peralta Oaks Court, Oakland, CA 94605

***P8. Recorded by:** Stacey De Shazo, M.A., Evans & De Shazo, Inc. 1141 Gravenstein Highway S, Sebastopol, Ca 95472

***P9. Date Recorded:** 12/29/2022

***P10. Survey Type:** Intensive

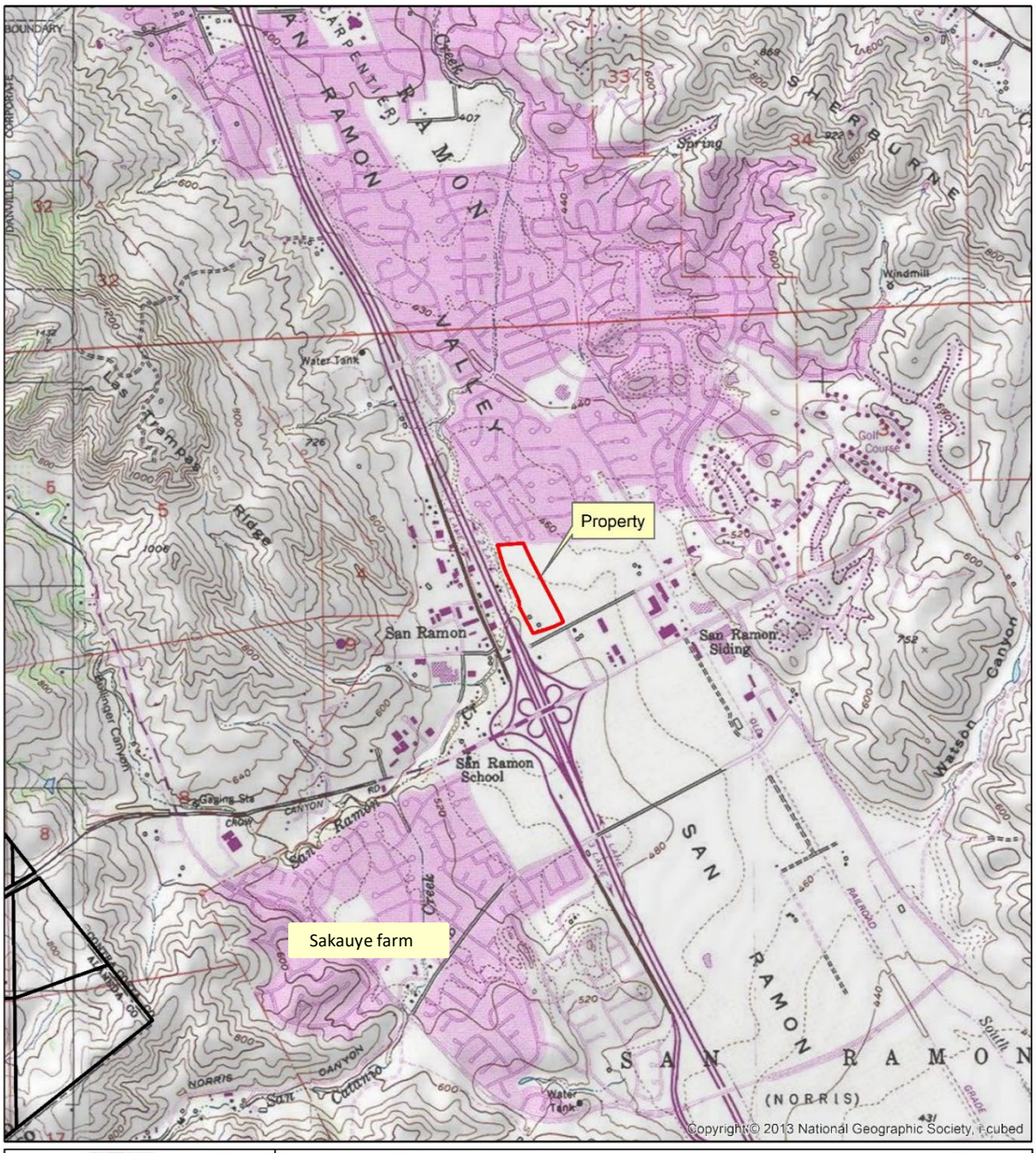
***P11. Report Citation**: Stacey De Shazo, M.A., with Bee Thao, M.A., and Nicole LaRochelle, B.A (2022): A Historic Resource Evaluation of the Borel Ranch at 3020 Fostoria Way, Danville, Contra Costa County, California.

***Attachments:** ☐NONE ☒Location Map ☒Continuation Sheet ☐Building, Structure, and Object Record ☐Archaeological Record ☐ District Record ☐Linear Feature Record ☐Milling Station Record ☐Rock Art Record ☐Artifact Record ☐Photograph Record ☐ Other (List):

State of California Natural Resources Agency	Primary #
DEPARTMENT OF PARKS AND RECREATION	HRI#
LOCATION MAP	Trinomial

Page 2 **of** 2 ***Resource Name or #** ca. 1923 chicken coop

***Map Name:** USGS 7.5' Diablo Quadrangle ***Scale:** 1:24,000 ***Date of map:** 1980



Borel Ranch (P-07-004639)
3020 Fostoria Way, Danville
Contra Costa County, California
(APN 218-090-031)

0 0.5 1 Miles

1:24,000

Legend

Borel Ranch Property

USGS 7.5' Diablo (1980), Calif. Quadrangle
Township 2 South | Range 1 West
NAD 83 UTM Zone 10N

State of California The Resources Agency
DEPARTMENT OF PARKS AND RECREATION

PRIMARY RECORD

Primary #
HRI #
Trinomial
NRHP Status Code 3CD

Other Listings
Review Code | Reviewer | Date

Page 1 **of** 2 ***Resource Name or #:** ca.1923 irrigation equipment
P1. Other Identifier: Borel Ranch

*P2. **Location:** ☐ **Not for Publication** ☒ **Unrestricted**
***a. County** Contra Costa County **and**
***b. USGS 7.5' Quad** Diablo **Date** 1980 **T** 2S ; **R** 1W ; ___ ☐ **of** ___ ☐ **of Sec** un ; MD **B.M.**
c. Address 3020 Fostoria Way City Danville Zip 95472
d. UTM: Zone 10S, 590156 mE/ 4182136 mN
e. Other Locational Data: The resource is located within the Borel Ranch that includes the 16.65-acre Assessor's Parcel Number (APN) 218-090-031 in the city of Danville.

***P3a.Description:** The resource is the ca. 1923 irrigation equipment and various mechanics of irrigation. These are associated with the large-scale walnut processing operation within the property from ca. 1923 to ca. 1960. The property appears to have had both pipes to irrigate the water throughout the orchards and pumps to push the water through the orchard rows. Currently, there is an intact irrigation water flow valve along the west-central portion of the property, several piles of irrigation pipes, including two located within the center of the orchard, and a pump house along San Ramon Creek west and adjacent to the property that appears to be connected via underground pipes with the water flow valve. There are also other objects associated with irrigation of the orchard, which were not inventoried or documented. (Continued on Continuation Sheet 2)

P5a. Photograph or Drawing

***P4. Resources Present:** ☐ Building ☐ Structure ☒ Object ☐ Site ☐ District ☒ Element of District ☐ Other (Isolates, etc.)
P5b. Description of Photo: ca.1923 irrigation equipment) facing north.
***P6. Date Constructed/Age and Source:** ☒ Historic ☐ Prehistoric ☐ Both ca.1923 irrigation equipment; various sources.
***P7. Owner and Address:** East Bay Regional Park District 2950 Peralta Oaks Court, Oakland, CA 94605
***P8. Recorded by:** Stacey De Shazo, M.A., Evans & DeShazo, Inc. 1141 Gravenstein Highway S, Sebastopol, Ca 95472
***P9. Date Recorded:** 12/29/2022
***P10. Survey Type:** Intensive

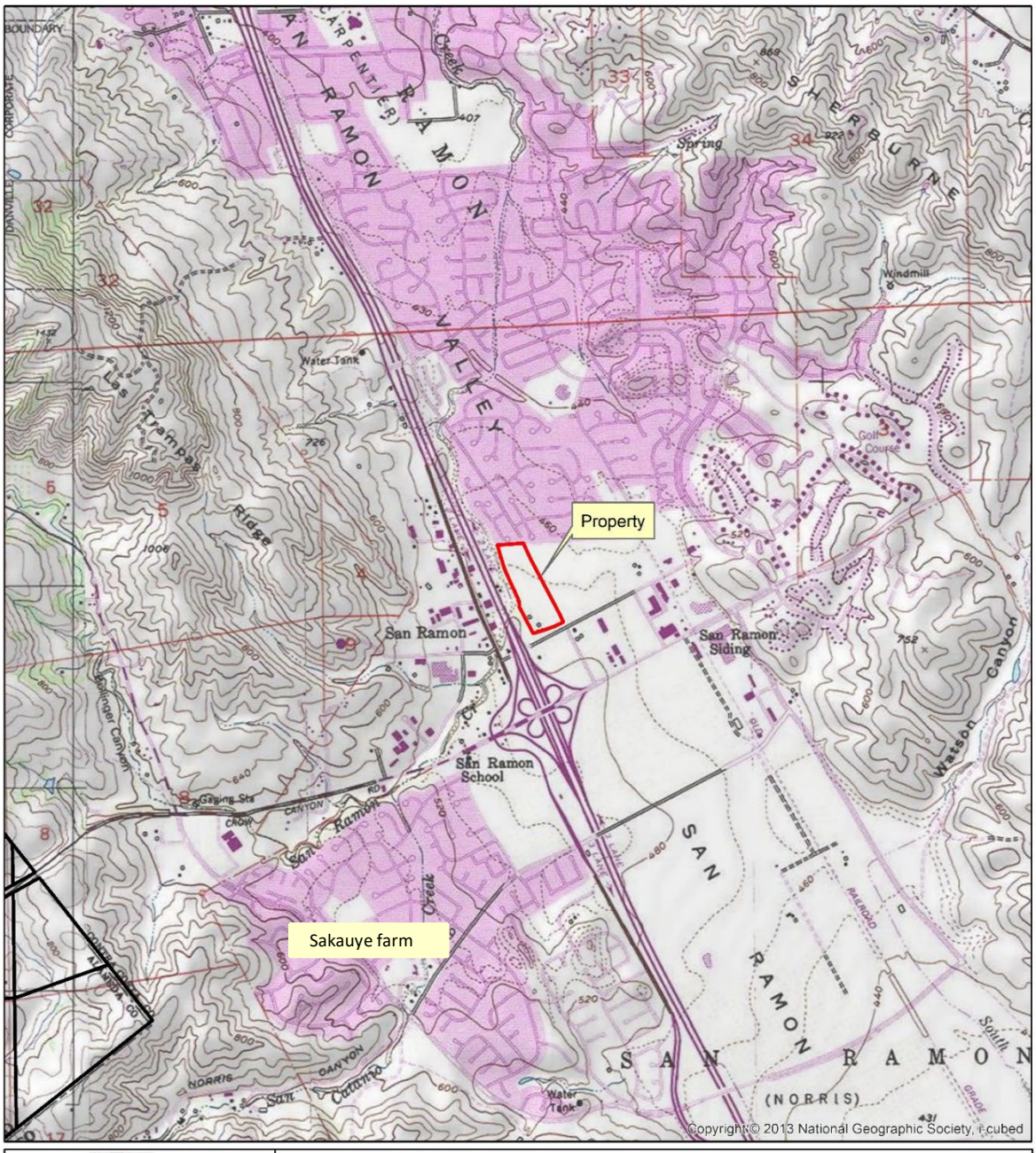
***P11. Report Citation:** Stacey De Shazo, M.A., with Bee Thao, M.A., and Nicole LaRochelle, B.A (2022): A Historic Resource Evaluation of the Borel Ranch at 3020 Fostoria Way, Danville, Contra Costa County, California.

***Attachments:** ☐NONE ☒Location Map ☒Continuation Sheet ☐Building, Structure, and Object Record ☐Archaeological Record ☐ District Record ☐Linear Feature Record ☐Milling Station Record ☐Rock Art Record ☐Artifact Record ☐Photograph Record ☐ Other (List):

State of California Natural Resources Agency	Primary #
DEPARTMENT OF PARKS AND RECREATION	HRI#
LOCATION MAP	Trinomial

Page 2 **of** 2 ***Resource Name or #** ca. 1923 irrigation equipment

***Map Name:** USGS 7.5' Diablo Quadrangle ***Scale:** 1:24,000 ***Date of map:** 1980



APPENDIX 3.2-1

Archaeological and Tribal Cultural Resource Reports

Archaeological and Tribal Cultural Resource reports are exempt from the California Public Records Act under California Government Code Section 6254.10 and California Code of Regulations Section 15120(d). Therefore, these reports and related correspondence are not included in the document.