

**ADDENDUM TO MITIGATED NEGATIVE DECLARATION, SCH 2023090470
CDMS21-00010 – AYERS ESTATES THREE-LOT MINOR SUBDIVISION
JUNE 17, 2024**

I. Introduction

This Addendum evaluates the potential environmental impacts of a revised three-lot Minor Subdivision of the parcel located at 1931 Ayers Road in the Concord area of unincorporated Contra Costa County. The parcel has been re-surveyed and the Tentative Parcel Map (TPM) has been updated to be consistent with the new land survey. The applicant (project proponent) has submitted a new Minor Subdivision application with the updated TPM (see Attachment A). The Addendum compares the potential environmental effects of the updated TPM with the original TPM that was evaluated in Mitigated Negative Declaration/Initial Study (MND), State Clearinghouse SCH 2023090470.

MND SCH 2023090470, consists of the draft MND, which was published on September 20, 2023 and this MND Addendum. No comments were received during the September 20, 2023 to October 23, 2023 public review period for the draft MND. Therefore, preparation of a final MND was not necessary.

II. Background

On December 4, 2023, the Contra Costa County Zoning Administrator adopted MND SCH 2023090470 for the CDMS21-00010 Ayers Estates Three-Lot Minor Subdivision and approved the project, including the TPM. In approving the project, the Zoning Administrator modified the original TPM by requiring that the private access road accessing the three subdivision lots be moved five feet to the south. The approval included the granting of an exception to the requirements and regulations of County Code Section 914-2.004 (Offsite Collect and Convey) and a variance for a retaining wall within the side-yard setback. The approval also included a Tree Permit for the removal of 20 trees on the subject parcel and construction work within the drip lines of five off-site trees that are protected under the County's Tree Protection and Preservation Ordinance (County Code Chapter 816-6), including work within the drip lines of four off-site trees for installation of the private access road.

The applicant subsequently re-surveyed the subject parcel and prepared an updated TPM based on the new land survey that retains the original placement of the private access road and includes revised square footages for the subdivision lots and drainage basins, and revised tree locations and canopies. The applicant has submitted a new Minor Subdivision application for approval of the updated TPM with the private access road in the originally proposed location. Based on the revised tree locations and canopies, the applicant requests a new Tree Permit for the removal of 21 trees on the subject parcel and construction work within the drip line of one off-site tree for installation of a retaining wall along the southern property boundary (see Attachment B). Installation of the private access road would not encroach into the dripline of any tree.

III. Basis for the MND Addendum

This MND Addendum is in compliance with the Guidelines for California Environmental Quality Act (CEQA Guidelines) in California Code of Regulations, Title 14, Chapter 3, Sections 15000 – 15387). CEQA Guidelines Section 15164 permits a lead agency to prepare an addendum to the previously adopted MND if some changes or additions to the MND are necessary but none of the changes warrant preparation of a new or subsequent MND pursuant to CEQA Guidelines Section 15162. The following discussion is based on the requirements of CEQA Guidelines Section 15162.

- A. When a MND has been adopted for a project, no subsequent MND shall be prepared unless the Department of Conservation and Development (DCD), as the lead agency, determines on the basis of substantial evidence, one or more of the following:
1. There are substantial changes in the project, which require major revisions to the MND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.

The updated TPM is based on a new land survey and includes revised square footages for the subdivision lots and drainage basins but did not change the configuration of the lots or the locations of the drainage basins. The updated TPM also revised tree locations and canopies to correctly show the trees in the vicinity of the private access road, including two trees previously shown on the neighboring property that are actually on the subject parcel. As shown on the updated TPM, no off-site trees have drip lines that will be affected during installation of the driveway. The updated TPM retains the original placement of the private access road and shows changes in tree locations and canopies in the immediate vicinity of the driveway. Based on these changes, the applicant is requesting a new Tree Permit for the removal of two on-site trees adjacent to the proposed driveway. The updated tree locations and canopies will not alter any other aspect of the Minor Subdivision project. As detailed in Section V, approval of updated TMP and new Tree Permit will not result in a new significant environmental effect or substantially increase the severity of previously identified effects.

2. There are substantial changes with respect to the circumstances under which the project is undertaken which require major revisions to the MND due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.

There are no changes to the circumstances under which the Project will be undertaken. The new land survey revised the square footages for the subdivision lots and drainage

basins, and the locations and canopies of trees. The Minor Subdivision will still require installation of the private access road and bioretention basin and retaining wall. A Tree Permit will still be required for development of the subdivision parcels. There are no changes to the residential lots or the private access road, and no changes to the requested exception to the requirements and regulations of County Code Section 914-2.004. Therefore, the updated TPM does not constitute a substantial change in circumstances involving new or increased environmental effects.

3. New information of substantial importance has been found that was not known and could not have been known at the time of MND adoption, which shows any of the following:

- a. The project will have one or more significant effects not discussed in the MND.

As detailed in Section V, the updated TPM and new Tree Permit will not result in any new previously unidentified significant environmental effects.

- b. One or more significant effects disclosed in the MND will be substantially more severe than shown in the MND.

The updated TPM includes revised square footages for the subdivision lots and drainage basins, and revised tree locations and canopies; however, as discussed in Section V, these changes do not affect any significant environmental effects discussed in the MND.

- c. Mitigation measures or alternatives that were previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the applicant has declined to adopt the mitigation measure or alternative.

As discussed above, the updated TPM does not affect any significant environmental effects discussed in the MND, and therefore, does not affect any of the mitigation measures identified in the MND. Further, the applicant has agreed to all mitigation measures proposed in the MND. Thus, no alternative mitigation measures or alternatives, which would substantially reduce one or more significant effects, have been identified.

- d. There are mitigation measures or alternatives that are considerably different from those analyzed in the MND that would substantially reduce one or more significant effects, but the applicant has declined to adopt the mitigation measure or alternative.

The applicant has accepted all of the mitigation measures identified in the MND. On that basis, no alternative mitigation measures or alternatives have been identified. The updated TPM does not affect any of the identified significant environmental effects or mitigation measures.

- B. If changes to a project or its circumstances occur or new information becomes available after adoption of a negative declaration, the lead agency shall prepare a subsequent EIR if required under Section III.A. Otherwise the lead agency shall determine whether to prepare a subsequent negative declaration, and addendum, or no further documentation.

As discussed above, there are no changes or new information that would result in significant environmental impacts not previously identified in MND SCH 2023090470 and no changes in the severity of the identified significant environmental impacts. As a result, DCD has determined that an MND Addendum shall be prepared.

- C. Once a project has been approved, the lead agency's role in project approval is completed, unless further discretionary approval on that project is required. Information appearing after an approval does not require reopening of that approval. If after the project is approved, any of the conditions described in Section III.A occurs, a subsequent MND shall only be prepared by the public agency which grants the next discretionary approval for the project, if any. In this situation no other responsible agency shall grant an approval for the project until the subsequent MND has been adopted.

As discussed above, none of the conditions described in Section III.A have occurred, and therefore, a new CEQA document is not required. Thus, approval of the updated TPM with the exception to the requirements and regulations of County Code Section 914-2.004, the variance for a retaining wall within the side-yard setback, and the new Tree Permit may be approved based upon the MND, as revised by this Addendum.

- D. A subsequent MND shall be given the same notice and public review as required under Section 15087 or Section 15072. A subsequent MND shall state where the previous document is available and can be reviewed.

As discussed above, preparation of a subsequent MND is not required. Therefore, pursuant to CEQA Guidelines Section 15164(c), no additional public notification is required prior to the adoption of this Addendum.

IV. Changes to the Description of the Project

The updated TPM changes the Description of the Project evaluated in MND SCH 2023090470 as follows. Deleted text is shown with ~~strikethrough text~~ and new text is indicated by double underlined text.

The proposed project is approval of a ~~an updated~~ Tentative Parcel Map for a three-lot *Minor Subdivision* application to subdivide a vacant ~~2.36~~ 2.37-acre parcel located at 1931 Ayers Road into a ~~27,464~~ 27,787 sq. ft. Parcel A, a ~~36,065~~ 36,500 sq. ft. Parcel B, and a ~~38,029~~ 38,787 sq. ft. Parcel C. Access to the parcels would be provided by a private access road that traverses the northerly portions of Parcels B and C and the northeastern corner of Parcel A. A hammerhead would be installed at the onsite western end of the private access road per Fire Code requirements.

Given the existing topography of the site, stormwater runoff flows generally towards the southwest away from Ayers Road. With the proposed project drainage improvements, storm runoff would flow towards the private access road or towards the southerly portion of the site to a bioretention basin to be installed in the southeastern portion of Parcel C. From here, stormwater would flow into a new 24-inch storm drain in Ayers Road that would connect to a 42-inch storm drain on Myrtle Drive. This diversion of runoff from the southwest to the southeast requires the granting of an *Exception* to the requirements and regulations of County Code Section 914-2.004 (Offsite Collect and Convey).

Retaining walls would be installed as necessary along the western and southern boundaries of the property to contain runoff on the property and direct stormwater flow to the bioretention basin. Proper installation of the bioretention basin necessitates installation of a six-foot tall retaining wall adjacent to the southern property boundary at the edge of the basin, which would require the granting of a *Variance* for a structure within the side yard setback at this location.

In order to accommodate building envelopes on Parcels B and C, the installation of the private access road, and installation of drainage improvements, a total of ~~20~~ 21 on-site trees protected under the Contra Costa County Tree Protection and Preservation Ordinance would be removed and construction work would occur within the ~~drip lines of four protected trees located off site to the north during installation of the private access road and within the drip line of one protected tree located to the south of the site during installation of the retaining wall and bioretention basin.~~ Removal of the ~~20~~ 21 on-site trees and construction work within the ~~drip lines of five trees~~ drip line of one off-site tree would require the granting of a *Tree Permit*.

The project site is currently not served by a municipal sewer system. The applicant has stated an intent to tie into the City of Concord Sanitary Sewer System. This will require approval by the Contra Costa Local Agency Formation Commission (LAFCO) for out of agency service that is conditional on *Annexation* of the project site to the City of Concord. Either the project sponsor or the City can apply to LAFCO for annexation.

V. Analysis of Potential Environmental Impacts of the Updated TPM

The potential environmental impacts of the updated TPM are discussed in more detail below. The updated TPM would not result in any new significant impacts or increase the severity of any impact identified in MND SCH 2023090470.

A. Aesthetics

The MND aesthetics analysis found that the original TPM would not have any potentially significant environmental impact. The updated TPM would not create any new significant environmental impact or increase the severity of any potential impact found to be less than significant.

B. Agricultural and Forest Resources

The MND did not identify any impacts on agricultural and forest resources, as the subject parcel is not considered forest land or timberland. The updated TPM would not change any conditions related to agricultural and forest resources.

C. Air Quality

The MND identified potentially significant impacts related to the generation of substantial air pollutants and odors during grading and construction activities on the subject parcel and included mitigation measures Air Quality 1 and Air Quality 2 that would reduce potentially significant impacts to less-than-significant levels. The updated TPM would not substantially alter future grading and construction activities or the significance of the identified impacts, and would not reduce the effectiveness of the recommended mitigation measures.

D. Biological Resources

The MND identified potentially significant impacts on nesting birds during project construction, and included mitigation measure Biology 1 that would reduce potentially significant impacts to less-than-significant levels. The updated TPM would not substantially alter future grading and construction activities or the potentially significant impacts on nesting birds, and would not reduce the effectiveness of the recommended mitigation measure.

E. Cultural Resources

The MND identified potentially significant impacts related to the possibility of buried archaeological resources and human remains on the subject parcel that could be

encountered or disturbed during grading and construction activities on the parcel, and included mitigation measures Cultural Resources 1 and Cultural Resources 2 that would reduce potentially significant impacts to less-than-significant levels. The updated TPM would not substantially alter future grading and construction activities or the significance of identified impacts, and would not reduce the effectiveness of the recommended mitigation measures.

F. Energy

The MND energy analysis found that the original TPM would not have any potentially significant environmental impact. The updated TPM would not create any new significant environmental impact or increase the severity of any potential impact found to be less than significant.

G. Geology and Soils

The MND included an assessment of the potential geological impacts of the original TPM and found that construction on the subject parcel would have potentially significant impacts due to liquefaction and expansive soils on the subject parcel, a potentially significant impact due to soil conditions unsuitable for septic systems on the parcel, and the possibility of accidental discovery of paleontological resources and geologic features on the parcel. As a result, the MND included mitigation measures Geology 1 through Geology 5 and Cultural Resources 1 to address potential impacts. The updated TPM would not affect the significance of the identified potentially significant impacts and would not reduce the effectiveness of the recommended mitigation measures.

H. Greenhouse Gas Emissions

The MND assessment of greenhouse gas emissions found that the original TPM would not have any potentially significant environmental impact. The updated TPM would not create any new significant environmental impact or increase the severity of any potential impact found to be less than significant.

I. Hazards and Hazardous Materials

The MND included an assessment of the potential impacts due to hazards and hazardous materials at the subject parcel and identified a potentially significant release of hazardous emissions during project construction due to the proximity of the subject parcel to schools, and included mitigation measures Air Quality 1 and Air Quality 2 that would reduce potentially significant impacts to less-than-significant levels. The updated TPM would not substantially alter future grading and construction activities or the significance of the

identified impacts, and would not reduce the effectiveness of the recommended mitigation measures.

J. Hydrology and Water Quality

The MND included an assessment of the potential impacts due to hydrology and water quality and found that the original TPM would not have any potentially significant environmental impact. The updated TPM would not create any new significant environmental impact or increase the severity of any potential impact found to be less than significant.

K. Land Use and Planning

The MND found that the original TPM would have no impact on land use and planning, as the project would result in three new single-family residential parcels in the R-20 Single-Family Residential District. The updated TPM would not change any conditions related to land use and planning.

L. Mineral Resources

The MND found that the original TPM would have no impact on mineral resources, as there are no resources on the subject parcel or in the vicinity. The updated TPM would similarly have no impact on mineral resources.

M. Noise

The MND identified a potential noise impact at nearby offsite locations during project construction and included mitigation measure Noise 1 to address the significant impact. The updated TPM would not substantially alter future grading and construction activities or the significance of the identified impact, and would not reduce the effectiveness of the recommended mitigation measure.

N. Population and Housing

The MND found that there would be a less than significant impact on population as the original TPM may increase the number of persons in the Concord area by nine persons, and no impact due to the displacement of housing or persons from the vacant parcel. Construction under the updated TPM would have the same increase in the number of persons in the Concord area and would also not displace housing or persons, and therefore, would impacts similar to the project on population and housing.

O. Public Services

The MND found that the original TPM would not affect the provision of public services and would not have any significant impact on public services. The updated TPM would not create any new significant environmental impact or increase the severity of any potential impact found to be less than significant.

P. Recreation

The MND found that the original TPM would have less than significant recreation impacts. The updated TPM would not create any new significant environmental impact or increase the severity of any potential impact found to be less than significant.

Q. Transportation

The MND transportation analysis found that the original TPM would not have any potentially significant environmental impact. The updated TPM would not create any new significant environmental impact or increase the severity of any potential impact found to be less than significant.

R. Tribal Cultural Resources

The MND identified potentially significant impacts related to the possibility of buried archaeological and paleontological resources and human remains on the subject parcel that could be encountered or disturbed during grading and construction activities on the parcel, and included mitigation measures Cultural Resources 1 and Cultural Resources 2 that would reduce potentially significant impacts to less-than-significant levels. The updated TPM would not substantially alter future grading and construction activities or the significance of identified impacts, and would not reduce the effectiveness of the recommended mitigation measures.

S. Utilities and Service Systems

The MND found that the original TPM would have less than significant impacts on utilities and service systems. The updated TPM would not create any new significant environmental impact or increase the severity of any potential impact found to be less than significant.

T. Wildfire

The MND included an assessment of the potential wildfire risks of the original TPM and found that construction on the subject parcel would have potentially significant impacts due to liquefaction, and included mitigation measures Geology 1 through Geology 4 to

address potential impacts. The updated TPM would not affect the significance of the identified potentially significant impacts and would not reduce the effectiveness of the recommended mitigation measures.

U. Mandatory Findings of Significance

The potential significant impacts of the updated TPM would be similar to the original TPM. With implementation of mitigation measures recommended in the MND, there would be less-than-significant impacts.

VI. Conclusion

Based on the information provided above, the updated TPM would not result in a measurable increase in environmental impacts over what was previously analyzed in the MND. The updated TPM would have impacts similar to the original TPM, and there are no altered circumstances or new information of substantial importance since the adoption of the MND. The updated TPM:

- would not result in any new significant impacts,
- would not increase the severity of previously identified impacts,
- would not result in mitigation measures previously found to be infeasible becoming feasible, and
- would not result in mitigation measures that are considerably different from those included in the MND to substantially reduce one or more significant impacts.

ATTACHMENT B

