

**Planning Commission of the City of Fairfield**  
**MITIGATED NEGATIVE DECLARATION**  
(MD2023-007 | ER2023-025)

**LEAD AGENCY:** City of Fairfield

**NAME OF PROJECT:** Archway Recovery Services

**FILE NUMBER:** MD2023-007; ER2023-025

**PROJECT SPONSOR:** James Haliburton, BRW Architects

**PROJECT LOCATION:** Southeast corner of Peach Tree Drive and Heath Drive in Fairfield, CA 94533  
(APN: 0034-050-320)

**PROJECT DESCRIPTION:** The project includes construction of a two-story 18,800 sq. ft. 62-bed adult residential substance abuse recovery facility on a 1.77-acre vacant parcel at the southeast corner of Heath Drive and Peach Tree Drive in the City of Fairfield. The project will include two on-site sliding vehicle gates and a pedestrian gate, landscaping with bioswales, and street frontage improvements.

**SURROUNDING LAND USES AND SETTING:** The project site is surrounded by apartment buildings to the north, single family residential homes to the south, and churches to the east and west.

**ENVIRONMENTAL EFFECTS:** Based upon an initial study prepared for the project, it has been determined that the project may have the following significant environmental impacts, but with the mitigation measures, the potential impacts will be avoided or reduced to insignificant levels.

**Impact AQ-1: Construction**

*Construction activities would generate exhaust emissions from vehicles/equipment and fugitive particulate matter emissions that would affect local air quality. Construction dust could be generated at levels that would create an annoyance to nearby properties. Because of the prevailing winds that affect the area, generation of dust during grading and construction activities is a potential significant impact of the project.*

**Mitigation AQ-1: Construction**

*To mitigate these potential impacts to less-than significant levels, the City will require the Enhanced Control Measures identified as acceptable by the BAAQMD Guidelines including the following:*

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

2. *All haul trucks transporting soil, sand, or other loose material off-site shall be covered.*
3. *All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.*
4. *All vehicle speeds on unpaved roads shall be limited to 15 mph.*
5. *All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.*
6. *Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by California).*
7. *All construction equipment shall be maintained and properly tuned in accordance with the manufacturer's specifications. All equipment shall be checked by a certified visible emissions evaluator.*
8. *Post a publicly visible sign with the telephone number and person to contact at the lead agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.*
9. *Sweep as needed (with water sweepers) all paved access roads, parking areas, and staging areas at construction sites.*
10. *Install sandbags or other erosion control measures to prevent silt runoff to public roadways.*
11. *All construction equipment, diesel trucks, and generators shall be equipped with Best Available Control Technology for emission reductions of NOx and PM.*
12. *All contractors shall use equipment that meets CARB's most recent certification standard for off-road heavy duty diesel engines. The idle time of diesel-powered construction equipment shall be limited to two minutes.*
13. *All diesel-powered off-road equipment larger than 50 horsepower and operating on the site for more than two days continuously shall, at a minimum, meet U.S. EPA particulate matter emissions standards for Tier 2 engines or equivalent.*
14. *All diesel-powered portable equipment (i.e., air compressors, concrete saws, forklifts, and generators) operating on the site for more than two days shall meet U.S. EPA particulate matter emissions standards for Tier 4 engines or equivalent.*
15. *Suspend excavation and grading activity when winds (instantaneous gusts) exceed 25 mph.*
16. *Limit the area subject to excavation, grading, and other construction activity at any one time.*

### **Impact Bio-1: Burrowing Owl**

*It cannot be ruled out that burrowing owl may appear on-site under certain circumstances before start of construction and could potentially be impacted by the proposed project. Out of an abundance of caution, the following mitigation measure will ensure that any potential impacts are less than significant.*

### **Mitigation Bio-1: Burrowing Owl**

*Prior to any ground disturbance, pre-construction surveys for burrowing owl shall be conducted by walking the entire project site. The pre-construction surveys shall be conducted within 14 days prior to the onset of any ground-disturbing activities. Surveys shall be conducted by a qualified biologist following California Department of Fish and Wildlife (CDFW) 2012 staff report survey methods. If no burrowing owls are detected during the pre-construction survey, no further action is necessary. If construction is delayed or suspended for more than 30 days after the survey, the area shall be resurveyed in accordance with previously described methods.*

*If burrowing owls are found to occupy the project site during the nonbreeding season (September 1 to January 31), occupied burrows shall be avoided by establishing a no-disturbance buffer zone a minimum of 100 feet around the burrow. Buffers may be increased to address site-specific conditions using the impact assessment approach described in the CDFW 2012 staff report. If a qualified biologist determines the location of an occupied burrow/s may be impacted even with the implementation of the 100-foot buffer, or the burrow(s) are in a location(s) on the project site where a buffer cannot be established without preventing the proposed project from moving forward, then a passive relocation effort may be instituted to relocate the individual(s) out of harm's way pursuant to a Burrowing Owl Exclusion Plan prepared in accordance with the CDFW 2012 staff report. The applicant shall notify CDFW at least 14 days prior to the implementation of the Burrowing Owl Exclusion Plan.*

*If burrowing owl are found to be present during the breeding season (February 1 to August 31), the proposed project ground-disturbing activities shall follow the CDFW 2012 staff report recommended avoidance protocol whereby occupied burrows shall be avoided with a no-disturbance buffer of between 50 meters and 500 meters depending on time of year and disturbance level, as described in the 2012 CDFW staff report. This breeding season buffer zone shall remain until the young have fledged or an unsuccessful nesting attempt is documented.*

### **Impact Bio-2: Nesting birds**

*The project site contains trees that provide suitable habitat for protected migratory or native resident nesting bird species relatively tolerant of human disturbance. Therefore, construction activities that adversely affect the nesting success of nesting birds or result in mortality of individual birds constitute a violation of State and federal laws should be mitigated. The following mitigations will ensure any potential impacts are less than significant.*

### **Mitigation Bio-2: Nesting birds**

*Removal of trees shall be limited to only those necessary to construct the proposed project as reflected in the relevant project approval documents. If the proposed project requires vegetation to be removed during the nesting season (February 1 to August 31), pre-construction surveys shall be conducted no more than 7 days prior to the start of ground or vegetation disturbance (including tree removal) to determine whether or not active nests are present.*

*If an active nest is located during pre-construction surveys, a qualified biologist shall determine an appropriately sized avoidance buffer based on the species and anticipated disturbance level. (CDFW recommends a minimum no-disturbance buffer of 250 feet around active nests of non-listed bird species and a 500-foot no-disturbance buffer around active nests of non-listed raptors.) A qualified biologist shall delineate the avoidance buffer using Environmentally Sensitive Area fencing, pin flags, and/or yellow caution tape. The buffer zone shall be maintained around the active nest site(s) until the young have fledged and are foraging independently, as confirmed by a qualified biologist. No construction activities or construction foot traffic is allowed to occur within the avoidance buffer(s).*

*In consultation with USFWS or CDFW (as appropriate), the qualified Biologist shall monitor the active nest during construction activities and modify the protection zone accordingly to prevent project-related nest disturbance, until the young have fledged.*

### **Impact Bio-3: Seasonal Wetlands**

*The project will impact .06 acres of seasonal wetlands.*

### **Mitigation Bio-3: Seasonal Wetlands**

*Prior to the fill of any potentially jurisdictional water as part of the proposed project, the project applicant shall consult with the United States Army Corps of Engineers (USACE) to determine the extent, if at all, that waters of the United States may be impacted by the proposed project. The applicant shall obtain a Section 404 CWA permit for impacts to waters of the United States, if required. The applicant shall also obtain a Section 401 Water Quality Certification from the Regional Water Quality Control Board (RWQCB). This permit and certification shall be obtained prior to issuance of grading permits for the implementation of the proposed project.*

*If the seasonal wetland is found to be exempt from being regulated by the USACE as a water of the United States, the applicant shall consult with the RWQCB and obtain a WDR if deemed necessary. The applicant shall design the proposed project to the extent feasible, to result in no net loss of functions and values of waters of the United States/State by incorporating impact avoidance, impact minimization, and/or compensatory mitigation for the impact, as determined in the CWA 404/401 or WDR. Compensatory mitigation may consist of (1) obtaining credits from a mitigation bank; (2) making a payment to an in-lieu fee program that will conduct wetland, stream, or other aquatic resource restoration, creation, enhancement, or preservation activities;*

and/or (3) providing compensatory mitigation through an aquatic resource restoration, establishment, enhancement, and/or preservation activity. This final type of compensatory mitigation may be provided at or adjacent to the impact site (i.e., on-site mitigation) or at another location, usually within the same watershed as the permitted impact (i.e., off-site mitigation). The project/permit applicant retains responsibility for the implementation and success of the mitigation project.

### **Impact CR-1: Archaeological Resources**

Archaeological resources could be discovered during grading and potentially significant impacts could result to as-yet-unidentified archaeological resources at the construction stage.

### **Mitigation Measure CR-1: Archaeological Resources**

If prehistoric archaeological resources are discovered during grading activities, work within 25 feet of the discovery will be redirected and a qualified archaeologist contacted to evaluate the finds and make recommendations for mitigation to be followed by the applicant. It is recommended that adverse effects to such deposits be avoided. If such deposits cannot be avoided, it shall be determined, by a qualified archaeologist or equally qualified professional, whether they qualify as historical or unique archaeological resources under CEQA. If the deposits are not eligible, avoidance is not necessary. If they are eligible, they shall be avoided, or, if avoidance is not feasible, the adverse effects shall be mitigated.

Mitigation may include, but is not limited to, thorough recording on Department of Parks and Recreation form 523 records (DPR523) or data recovery excavation. If data recovery excavation is selected, the excavation must be guided by a data recovery plan prepared and adopted prior to beginning the data recovery work, and a report of findings shall be submitted to the City of Fairfield and the Northwest Information Center (NWIC) (CCR Title 14(3) 15126.(b)(3)(C)).

### **Impact CR-2: Archaeological Remains**

Archaeological remains could be discovered during grading and potentially significant impacts could result to as-yet-unidentified archaeological remains at the construction stage.

### **Mitigation Measure CR-2: Archaeological Remains**

If archaeological remains are discovered during grading activities, work within 25 feet of the discovery will be redirected and the County Coroner notified immediately. At the same time an Archeologist will be contacted to assess the situation. If human remains are of Native American origin, the Coroner must notify the Native American Heritage Commission within 24 hours of identification. The Native American Heritage Commission will identify a Most Likely Descendant (MLD) to inspect the site and provide recommendations for the proper treatment of the remains and associated grave goods.

*Upon completion of the assessment, the archaeologist shall prepare a report documenting the methods and results and provide recommendations for the treatment of the human remains and any associated cultural materials, as appropriate and in coordination with the recommendations of the MLD. The report shall be submitted to the City of Fairfield and the Northwest Information Center.*

**Impact GEO-1: Paleontological Resources**

*Paleontological resources could be discovered during grading and potentially significant impacts could result to as-yet-unidentified paleontological resources at the construction stage.*

**Mitigation Measure GEO-1: Paleontological Resources**

*If paleontological resources are discovered during grading activities, work within 25 feet of the discovery will be redirected until a paleontological monitor can evaluate the resources and make recommendations. If paleontological deposits are identified, it is recommended that such deposits be avoided by construction activities. If such deposits cannot be avoided, or if avoidance is not feasible, the adverse effects shall be mitigated. Mitigation can include data recovery and analysis, preparation of a report and the presentation of fossil material recovered to an accredited paleontological repository, such as the University of California, Museum of Paleontology (UCMP). Monitoring shall continue until, at the paleontologist's judgment, paleontological resources are no longer likely to be encountered. Upon project completion, a report shall be prepared documenting the methods and results of the monitoring. Copies of this report shall be submitted to the City of Fairfield and the repository to which any fossils were presented.*

**Impact TC-1: Tribal Cultural Resources**

*Tribal cultural resources could be discovered during grading and potentially significant impacts could result to as-yet-unidentified tribal cultural resources at the construction stage. Implementation of Mitigation Measures TC-1 and TC-2 would ensure that potential impacts related to previously undiscovered historic or archaeological resources and human remains would be less than significant.*

**Mitigation Measure TC-1: Tribal Cultural Resources**

*Due to the possibility of archeological resources on the project site, the City of Fairfield shall require a note on any plans that require ground disturbing excavation that there is a potential for exposing buried cultural resources, including prehistoric Native American burials.*

*Prior to groundbreaking, construction personnel associated with earth moving equipment, drilling, grading, and excavating, shall be provided with basic archaeological and cultural sensitivity training conducted by a qualified archaeologist and in consultation with the Yocha Dehe Wintun Nation. Issues that shall be included in the basic training will be geared toward training the applicable construction crews in the identification of archaeological deposits and tribal cultural resources. Training will include written notification of the restrictions regarding*

*disturbance and/or removal of any portion of archaeological deposits and the proper procedures to follow should a resource be identified. The project applicant shall inform the Yocha Dehe Wintun Nation of the project construction schedule and allow for a Yocha Dehe Wintun Nation tribal monitor to be present at the project site during any ground disturbance activities in native soil, to ensure such activities do not negatively impact cultural resources. The tribal monitor will also be provided an opportunity to attend the pre-construction briefing. The construction contractor, or its designee, shall be responsible for implementation of this measure.*

### **Mitigation Measure TC-2: Tribal Cultural Resources**

*If archaeological remains or tribal cultural resources are uncovered, all construction activities within a 100-foot radius shall be halted immediately until a qualified archaeologist, in consultation with the tribal monitor, can evaluate whether the resource requires further study. The City shall require that the applicant include a standard inadvertent discovery clause in every construction contract to inform contractors of this requirement. Any previously undiscovered archaeological resources are found during construction shall be recorded on appropriate Department of Parks and Recreation forms and evaluated for significance in terms of California Environmental Quality Act criteria by a qualified archaeologist. Prehistoric archaeological site indicators include but are not limited to: obsidian and chert flakes and chipped stone tools; grinding and mashing implements (e.g., slabs and handstones, and mortars and pestles); bedrock outcrops and boulders with mortar cups; and locally darkened midden soils. Midden soils may contain a combination of any of the previously listed items with the possible addition of bone and shell remains, and fire-affected stones. Historic period site indicators generally include but are not limited to: fragments of glass, ceramic, and metal objects; milled and split lumber; and structure and feature remains such as building foundations and discrete trash deposits (e.g., wells, privy pits, dumps). If the resource is determined to be significant under CEQA, the City and a qualified archaeologist shall determine whether preservation in place is feasible. Such preservation in place is the preferred mitigation. If such preservation is infeasible, the qualified archaeologist shall prepare and implement a research design and archaeological data recovery plan for the resource. The archaeologist shall also conduct appropriate technical analyses, prepare a comprehensive written report and file it with the appropriate information center (California Historical Resources Information System [CHRIS]), and provide for the permanent curation of the recovered materials. For any tribal cultural resources found during the ground disturbance activities, the Yocha Dehe Wintun Nation shall be immediately notified, and the appropriate treatment method for the uncovered resources shall be determined by the City and archaeologist in consultation with the Yocha Dehe Wintun Nation and its Yocha Dehe Treatment Protocol.*

*The treatment of human remains and any associated or unassociated funerary objects discovered during any soil-disturbing activity within the project site shall comply with applicable State laws. This shall include immediate notification of the Solano County Coroner and the City of Fairfield of the discovery of any human remains.*

*In the event of the Coroner's determination that the human remains are Native American, the coroner must contact the NAHC within 24 hours. The NAHC shall identify a Most Likely Descendant*

*(MLD) of the deceased Native American (PRC Section 5097.98). The MLD may then make recommendations to the landowner or the person responsible for the excavation work, for the means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in PRC Section 5097.98. Development activity on the impacted site will halt until the landowner has conferred with the MLD about their recommendations for treatment of the remains, and the coroner has determined that the remains are not subject to investigation under California Government Code Section 27491.*

*The project applicant, archaeological consultant, and MLD shall make all reasonable efforts to develop an agreement for the treatment, with appropriate dignity, of human remains and associated or unassociated funerary objects (CEQA Guidelines Section 15064.5(d)). The agreement should take into consideration the appropriate excavation, removal, recordation, analysis, custodianship, curation, and final disposition of the human remains and associated or unassociated funerary objects. The California PRC allows 48 hours to reach agreement on these matters. If the MLD and the other parties do not agree on the reburial method, the project will follow PRC Section 5097.98(b) which states that ". . . the landowner or his or her authorized representative shall reinter the human remains and items associated with Native American burials with appropriate dignity on the property in a location not subject to further subsurface disturbance."*

DETERMINATION: On March 18, 2024, the Zoning Administrator of the City of Fairfield determined that the proposed project, as submitted, will not have a significant effect on the environment, including any adverse effect, either individually or cumulatively on wildlife resources.

The Initial Study was prepared by the Community Development Department, City of Fairfield. A copy of the Initial Study is attached. Additional information may be obtained at the Community Development Department, Fairfield City Hall, 1000 Webster Street, Second Floor, Fairfield, California 94533.

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DAVID FEINSTEIN, Planning Division Manager