



STAFF REPORT

TO: PLANNING COMMISSION

FROM: Chip Griffin, AICP, Consulting Planner

**REVIEWED BY: Karen Majors, Assistant City Manager & Director of
Community and Economic Development
Terry Blount, AICP, Planning Manager**

DATE: March 9, 2010

**SUBJECT: Alhambra Highlands Project (2008) Subsequent Environmental
Impact Report Scoping Session**

GENERAL INFORMATION

APPLICANT/OWNER: Richfield Investment Corporation
LOCATION: Multiple parcels within the Alhambra Hills Specific Plan area
(APNs: 366-010-007, 366-060-007, 164-010-025, 164-010-019,
164-150-016, 164-150-022, 164-150-030, 164-010-026)

GENERAL PLAN: Alhambra Hills Specific Plan (1986)

ZONING: R-10 (Single Family Residential: 10,000 sq. ft. minimum lot
area)

ENVIRONMENTAL: Staff proposes that the Planning Commission provide and
gather comments regarding the scope of a Subsequent
Environmental Impact Report according to CEQA section
15082 c

PROPOSAL: Application to allow 112 residential lots, developing 76.2 acres
of a 297.5 acre project area

RECOMMENDATION

Staff recommends that the Planning Commission:

- 1) Accept public testimony on the Notice of Preparation (NOP) and scope of issues to be addressed in the Subsequent Environmental Impact Report (Subsequent EIR).
- 2) Direct staff to continue to accept written comments in response to the NOP through March 22, 2010, at 5 P.M.

3) Direct staff to prepare a Draft Subsequent EIR.

PURPOSE OF EIR SCOPING SESSION

The purpose of the EIR Scoping Session is to provide information to the public on the EIR process, give a brief overview of the project, and to gather feedback on the scope, list of topics, and the alternatives to be included in the Alhambra Highlands Subsequent EIR.

The meeting agenda includes:

- Introduction of Staff and Consultants
- Overview of the Process
- Project Description (Overview) and History
- Preliminary Scope of the Subsequent EIR
- Public Input on the scope, topics, and alternatives
- Discussion of the next steps
- Adjournment

BACKGROUND/ PROJECT DESCRIPTION

The Alhambra Highlands Project consists of 297.5 acres of undeveloped lands along the crest and side-slopes of a ridge. The project site is primarily nonnative annual grassland, with scattered oak woodlands, scrub habitat and wetlands. The majority of the site is grazed by cattle, especially the hilltop plateau area where the project's residential lots are proposed. The project site is generally bounded by Alhambra Avenue to the north, Alhambra Valley Road and Reliez Valley Road to the west, and Skyline Drive to the south.

The project site consists of a crest and side slopes of a ridge at an elevation of approximately 250 to 630 feet. Portions of the property around the project site are undeveloped. Property to the north, south and west of the project site is zoned residential (R-7.5 and R-10). Property to the east and southeast of the site is zoned residential (R-20 and R-7.5) and Open Space (OS).

Background

The Alhambra Hills Specific Plan and EIR contemplated development of the Alhambra Highlands Project as one of several residential development projects proposed within the Specific Plan boundaries. On December 8, 2008, Richfield Investment Corporation submitted a revised vesting tentative map ("VTM") application for the Alhambra Highlands Project as further discussed below. For purposes of this analysis, the revised Alhambra Highlands Project is also referred to as the "2008 project."

The City certified the Alhambra Hills Specific Plan EIR in June 1986 and adopted the Alhambra Hills Specific Plan in March 1987. The Specific Plan area is comprised of 590.7 acres and is generally bounded by Alhambra Valley Road, Alhambra Avenue, and Reliez Valley Road. The Specific Plan designated approximately 296 acres within the Specific Plan area for residential development. The proposed 2008 project is a subset

of the larger 590.7-acre area.

In July 1990, the City approved a vesting tentative map for Tract No. 7245 creating 69 residential lots on 114.32 acres (including 30.14 acres for the Wildcroft Drive Extension access road), Planned Unit Development (PUD) No. 89-5, and Design Review No. 89-42 for Alhambra Highlands Unit I. Concurrently, the City approved a vesting tentative map for Tract No. 7244 creating 79 residential lots on 79.01 acres, Planned Unit Development No. 89-6, and Design Review No. 89-41 for Alhambra Highlands Unit II. In September 1993, the City approved a vesting tentative map for Tract No. 7606 and Planned Unit Development No. 91-4 and Design Review No. 91-64, authorizing another 68 individual lots and common parcels on approximately 60 acres located north and east of Horizon Drive, east of Reliez Valley Road, referred to as the Images Subdivision. Reductions in the lot count for the Alhambra Highlands Units I and II subdivisions during final engineering design and drawings resulted in a total of 216 lots permitted (versus the 493 that were previously analyzed in the EIR for the project site) within the Specific Plan area.

The City approved a series of extensions for Vesting Tentative Maps No. 7244 and No. 7245, PUD Nos. 89-5, 89-6 and DR Nos. 89-41, 89-42 between 1991 and 1999, and these tentative maps, permits, and design reviews remained valid until September 19, 2000. The City similarly approved extensions for Vesting Tentative Map No. 7606, PUD No. 91-4 and DR No. 91-64 with final extensions granted in 1999. Final maps for Tract Nos. 7244 and 7245 were submitted to the City in September 2000. The final map submittal was deemed complete on February 7, 2001.

Since September 2000, the Alhambra Highlands Residential project has received multiple outside agency approvals including: the US Army Corps of Engineers (Corps) Section 404, December 2008; United States Fish and Wildlife Service (Biological Opinion, November 2005); and the San Francisco Regional Water Quality Control Board (Section 401 water quality certification, amended August 2008). As a result of the consultation process and State and federal agency review, the project was modified to reduce the density and number of dwelling units and eliminate a proposed subdivision, revise the utility needs, and increase the amount of on-site and off-site habitat mitigation for the Alameda whipsnake. A total of 214 acres of on-site whipsnake habitat and 308 acres of off-site mitigation land are included in the project in accordance with the 2005 Biological Opinion.

Prior Environmental Review

The Specific Plan EIR evaluated development of the Alhambra Highlands Project. The Specific Plan EIR analyzed impacts resulting from the development of 493 units within the Alhambra Highlands Project area. Figure 2 shows the boundaries of the Alhambra Highlands Specific Plan. Following approval of the Specific Plan, the City granted a number of subsequent approvals related to the Alhambra Highlands Project as summarized below.

Proposed Project

As described above, the proposed project was previously approved by the City for this

site, however, since its approval the project has undergone significant revisions to accommodate the November 2005 U.S. Fish and Wildlife Biological Opinion and Section 7 consultation. These modifications resulted in a reduction in the number of dwelling units (from 216 to 112 units) and developable acreage (from 122.4 to 76.2 acres) contemplated in the 1990 project approvals.

Land Subdivision

The 2008 project includes subdivision of the 298-acre site into 11 parcels, A through K, and 112 residential lots. Parcels A-D are open space (106.9 acres), parcel E is a park (2.1 acres), parcels F-H are open space (127.5 acres), parcel I along Alhambra Avenue is for future development and not part of the current proposal (2.1 acres), parcel J is the water tank site (2.2 acres) and parcel K is a private street within the project area (0.5 acres). The 112 residential lots (40.8 acres) would range in size from 7,900 square feet to 16,000 square feet. Within the 298-acre site, a total of 214.33 acres must be maintained as open space and 3.6 acres of the open space must be enhanced for Alameda whipsnake habitat mitigation.

Wildcroft Drive Extension

Consistent with the Specific Plan and the 1990 project, the 2008 project proposes public access to the project via an extension of Wildcroft Drive from Alhambra Avenue. Wildcroft Drive currently terminates just northeast of Alhambra Avenue. As part of the project, Wildcroft Drive would extend up to the project site, generally parallel to an existing pedestrian and equestrian easement. The Wildcroft Drive extension proposed would be a public street with a 72-foot right-of-way.

Water Tank

The 2008 project includes a water tank to serve the project site. The tank would be located in the eastern portion of the project site (on parcel J). The water tank and the associated water conveyance system would be effectively integrated into the City's water system not only to service the proposed project, but also to provide redundancy and improve the existing system that serves existing area residents.

Infrastructure

In addition to the new water tank, the 2008 project also includes development of new roads and sewer systems. Project street improvements include a main entry road (extension of Wildcroft Drive) and new streets to connect the proposed residential lots to Wildcroft Drive. A new emergency vehicle access (EVA) and water service road would be provided to connect the water tank site to Wildcroft Drive. Two new on-site stormwater detention basins would also be constructed as part of the project. One of the new detention basins would be located near Wildcroft Drive and Alhambra Avenue, and one would be located near Reliez Valley Road.

Open Space and Habitat Mitigation

The 2008 project would provide a total of 214 acres of on-site Alameda whipsnake habitat mitigation and open space. Of this on-site open space, the project includes 3.6 acres of enhanced whipsnake habitat. The 2008 project also includes two off-site

mitigation areas (totaling 308 acres), including 176 acres of whipsnake habitat at the Allen property and 144.89 acres of whipsnake habitat at the Christie Road property (see Figure 5 of the Wetland Mitigation and Monitoring Plan). The on-site open space will remain in a natural state and be maintained by a homeowner's association or Geologic Hazards Abatement District (GHAD). The off-site mitigation lands will be maintained by a land trust or the East Bay Regional Park District. In addition to land dedication, the project also includes other habitat measures including grading enhancements, off-site scrub restoration program, seeding and planting for outcrop areas, protective fencing and on-site monitoring during grading.

The 2008 project would also include active recreational open space, including a 2-acre park within the project site, and 2,760 linear feet of trail to connect to Briones Regional Park. An existing trail located on the west end of the project site provides a connection to Sequoia Way and the existing fire trail provides a connection to Horizon Drive.

Project Phasing

The project would be constructed in multiple phases over a 10-year period, with an anticipated buildout in 2019. The first phase would include the project infrastructure and rough grading of the subdivision and residential lots. Construction of this first phase is anticipated to be completed in 18 months to 2 years. Because the residential lots would be developed as semi-custom homes, the construction of the individual lots will depend on market demand.

ENVIRONMENT IMPACT REPORTS

An Environmental Impact Report (EIR) is an informational document designed to inform the public and decision makers about potential environmental impacts of a project. It is also a problem solving document that identifies ways to avoid or lessen impacts through mitigation measures or alternatives.

Key elements of an EIR are:

- 1) Summary
- 2) Project Description
 - a) Existing environmental setting
 - b) Thresholds of significance
 - c) Project impacts
 - d) Cumulative impacts
 - e) Mitigation measures
 - f) Level of significance after mitigation
- 3) Alternatives

SUBSEQUENT ENVIRONMENTAL IMPACT REPORT / ALHAMBRA HIGHLANDS

Public Resources Code Section 21166 and Section 15162 of the State CEQA Guidelines describe the conditions under which a Subsequent EIR would be prepared.

When an EIR has been certified for a project, no Subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in light of the whole record, one or more of the following occurs:

- 1) Substantial changes are proposed in the project which will require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified effects;
- 2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
- 3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete, shows any of the following:
 - a. The project will have one or more significant effects not discussed in the previous EIR;
 - b. Significant effects previously examined will be substantially more severe than shown in the previous EIR;
 - c. Mitigation measures or alternatives previously found not to be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternatives;
 - d. Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

Section 15163 of the State CEQA Guidelines states that a lead agency may choose to prepare a supplement to an EIR rather than a Subsequent EIR if:

- 1) Any of the conditions described above for Section 15162 would require the preparation of a Subsequent EIR, and
- 2) Only minor additions or changes would be necessary to make the previous EIR adequately apply to the project in the changed situation.

Section 15164 of the State CEQA Guidelines states that the lead agency may prepare an *addendum* to a previously certified EIR if some minor changes or additions are necessary, but none of the conditions described above for Section 15162 or 15163 calling for the preparation of a Subsequent or Supplemental EIR would arise.

Project Changes

With respect to changes in the Alhambra Highlands Project, the City evaluated the 2008 project applications and compared the 2008 project to the 1990 project and the analysis contained in the Specific Plan EIR. The differences between the approved 1990 project as evaluated in the Specific Plan EIR and the development proposal reflected in the 2008 project applications constitute changes in the project consistent with CEQA's requirements for the preparation of a Subsequent EIR. As described in the Initial Study,

the 2008 project is the same project as the 1990 project with the following key changes:

Table Comparing 1990 and 2008 Project Features

| FEATURE | 1990 | 2008 |
|-------------------------------|--------------------------|-------------|
| Total Acres | 297.5 | 297.5 |
| Total Disturbed Acres | 122.4 | 76.2 |
| Residential Lots | 216 | 112 |
| Open Space / Habitat Acres | 173.9 | 214 |
| Offsite Mitigation Area Acres | 0 | 308 |
| Tentative Maps | 3 | 1 |
| Water Tanks | 3 | 1 |
| Wildcroft Extension | By Condition of Approval | By Design |

Changes in Circumstances

The City also considered whether there were any changes in the circumstances in which the Alhambra Highlands Project would be undertaken. The City found that some changes in circumstances in the intervening years are due to changes in the physical setting of the site or surrounding the site in which the project would be developed (e.g., development of residential neighborhoods pursuant to the Alhambra Hills Specific Plan; listing of Alameda whipsnake and designation of critical habitat, etc.). In other cases, changes in circumstances reflect a change in regulations since the Specific Plan EIR was prepared (e.g., requirement for an analysis of greenhouse gas emissions, etc.), or requirements (e.g., a change in local, State or federal environmental laws, or specific agency approvals for the Alhambra Highlands Project).

In many instances, the changes in circumstances resulted in a modification to the project in order to lessen potentially significant environmental impacts. Nonetheless, the City has determined that further environmental review will be required for some environmental topics in order to evaluate whether or not changes will result in major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects. In other cases, the Initial Study explains that, notwithstanding the changes in circumstances, the 2008 Project would not result in new significant or substantially more severe environmental impacts warranting major revisions to the prior EIR. For these effects, no further environmental review is proposed.

Finally, the City considered whether new information of substantial importance which was not known and could not have been known would show that:

- The 2008 project will have new significant effects;
- The 2008 project will have substantially more severe effects;
- Mitigation measures or alternatives previously found to be infeasible would in fact be feasible and would substantially reduce one or more significant project effects, but the project proponents decline to adopt the mitigation or alternatives; or

- Mitigation measures or alternatives which are considerably different from those analyzed in the Specific Plan EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation or alternatives.

Based on its review, the City concluded that new information arose since the 1990 project which indicates that the project could have new significant or more severe effects that were not discussed in the prior EIR. Although the Specific Plan EIR remains valid as to the analysis of potential environmental impacts resulting from the Alhambra Highlands Project, some revisions to the Specific Plan EIR are necessary to address the 2008 project and the circumstances in which the project would be undertaken. Consequently, the City has concluded that a Subsequent EIR is the appropriate document to address the 2008 project.

NOTICE OF PREPARATION

Pursuant to Section 15082 of the California Environmental Quality Act (CEQA) Guidelines, the Notice of Preparation (NOP) was released on February 18, 2010, to announce the initiation of the Subsequent EIR process and to solicit comments from responsible agencies and neighboring property owners and interested parties concerning the scope of issues to be addressed in the Subsequent EIR. The NOP was also published in the Martinez Gazette on Thursday, February 18, 2010.

Based on the findings of the Initial Study, the NOP states that the City anticipates that the Subsequent EIR will address the following topics:

| | | |
|------------|--|----------------------|
| Aesthetics | Air Quality / Greenhouse Gas Emissions | Biological Resources |
| Noise | Hydrology / Water Quality | Cultural Resources |

EIR Scoping Session

Included in the NOP was the Notice for this EIR Scoping Session pursuant to Section 15082 c.

Pursuant to the CEQA-mandated 30-day public review period from receipt of the NOP, the City will accept written comments through March 22, 2010. Verbal comments will be accepted at the Planning Commission EIR Scoping Session although the public is encouraged to submit written comments in addition to verbal comments provided at the meeting. Again, it is emphasized that comments should be restricted to the scope of environmental issues to be addressed in the EIR, and not on the merits of the project. Following the close of the NOP review period, City staff and the EIR consultant will review comments received and finalize the consultant’s scope of work for preparation of a Draft Subsequent EIR.

MILESTONES

| Date | Milestone | Status / Notes |
|-------------|---|---|
| 2/18 | Publish NOP | Done / SCH 2010022053 |
| 3/9 | EIR Scoping Session | In progress |
| 3/22 | NOP noticing ends | 30 days from 2/18 |
| 4/12 | Publish Draft Subsequent EIR | 45 day notice required |
| 4/27 | Planning Commission Draft Subsequent EIR review | Held during review period |
| 5/27 | Draft Subsequent EIR Public review period ends | All comments in |
| 7/27 | Planning Commission hearing on Final Subsequent EIR and project | PC to hold hearing on FSEIR, VTM, PUD, and UP |

CORRESPONDENCE

Staff has received three inquiries by phone regarding the NOP and the Scoping Session.

EXHIBITS

1. Notice of Preparation (NOP) / EIR Scoping Session
2. Letter from Governor's Office of Planning and Research, acknowledging receipt of NOP (SCH #2010022053)
3. Initial Study (provided to the Planning Commission previously under separate cover)
4. Vesting Tentative Map (sheets 1 – 22, please keep this set throughout the application review process)
5. Alhambra Highlands Specific Plan