

# EXHIBIT A

## PLANNING COMMISSION RESOLUTION PC 11-03

### THE CITY OF MARTINEZ FINDINGS REQUIRED UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (Public Resources Code, Section 21000 *et seq.*)

#### ALHAMBRA HIGHLANDS PROJECT Mitigated/Alternate Access Alternative

##### I. Introduction

The Alhambra Hills Specific Plan and EIR contemplated development of the Alhambra Highlands Project as one of several residential development projects approved within the Specific Plan boundaries. The City of Martinez (“City”) certified the Alhambra Hills Specific Plan EIR in June 1986 and adopted the Alhambra Hills Specific Plan in 1987. The Specific Plan area consists 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.

In 1990 and 1993, the City of Martinez approved vesting tentative maps (“VTMs”), a planned unit development (“PUD”), and Design Review for the Alhambra Highlands Residential Project as further discussed below. The prior project approvals for the Alhambra Highlands Residential Project resulted in a total of 216 residential lots, open space and roads and are collectively referred to as, the “1990 project”. Due to changes in the 1990 Project necessitated by the federal and State permit process, in 2008, the Project applicant filed applications to modify the 1990 project approvals (the “2008 project”). Based on its review of the 2008 project applications, the City prepared a Final Subsequent Environmental Impact Report (Final “SEIR”) for the Alhambra Highlands Residential Project. The SEIR evaluated the environmental impacts associated with the 2008 project and the related entitlements including Design Review, a VTM, an amendment to the PUD, and conditional use permits.

The 2008 project reduces the number of dwelling units from 216 to 112 units and the developable acreage from 122.4 to 76.2 acres. The Revised Project supersedes the 1990 Project, including the conditions of approval because in many cases, the revisions to the project were designed to include features in the project that address the issues covered by the 1990 Project conditions of approval. These significant revisions necessitated preparation of the Final SEIR which addresses the potential environmental effects associated with the development of approximately 76.2 acres of approximately 298 acres of undeveloped lands along the plateau and side-slopes of a ridge in the Alhambra Hills within the Alhambra Hills Specific Plan area in Martinez.

The project site is primarily nonnative annual grassland, with scattered oak woodlands and 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 proposes various infrastructure improvements, such as new roads and sewer systems, including the extension of Wildcroft Drive and inclusion of a new water tank to serve the project area. The project would provide a total of 214 acres of on-site Alameda whipsnake habitat mitigation and open space and 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.

The findings, recommendations, and statement of overriding considerations set forth below (“Findings”) are made and recommended by the City of Martinez Planning Commission, for adoption by the Martinez City Council, as the City’s findings under the California Environmental Quality Act (“CEQA”) (Pub. Resources Code, § 21000 et seq.) and the CEQA Guidelines (Cal. Code Regs., title 14, § 15000 et seq.) relating to the Project. The Findings provide the written analysis and conclusions of this Commission regarding the Project’s environmental impacts, mitigation measures, alternatives to the Project, and the overriding considerations, which in this Commission’s view, justify approval of the Mitigated/Alternate Access Alternative to the Alhambra Highlands Residential Project, despite its environmental effects.

## **II. General Findings and Overview**

### **A. Relationship to the City of Martinez General Plan and the Alhambra Hills Specific Plan**

Development of the Project site for residential uses is consistent with the Alhambra Hills Specific Plan, the Martinez General Plan and previous zoning approvals for the project site.

### **B. Procedural Background**

On February 17, 2010, the City released the Initial Study for the Alhambra Highlands Residential Project to the public. On March 9, 2010, the Planning Commission held the Focused Subsequent Environmental Impact Report scoping session, the purpose of which was to get feedback and input from the public regarding their concerns and issues related to the proposed project. All of the input was considered in the environmental analysis. The City’s Design Review Committee (“DRC”) then met on July 28, 2010 to review the draft design guidelines for the proposed project. At that meeting, the DRC received input from the public, asked questions of staff and the applicant’s design team, and requested that revisions be made to the document. The DRC recommended that the Planning Commission adopt the draft document as revised.

The Draft Subsequent Environmental Impact Report was published for public review and comment on October 21, 2010 (State Clearinghouse # 2010022053). The Planning Commission received public comments on the Draft at a meeting on November 18, 2010. The Draft SEIR was made available for review and comment by interested persons and public agencies through December 6, 2010. All of the comments received during that review period were responded to in the Responses to Comments volume of the Final SEIR. Together, the Draft SEIR and the Responses to Comments volume (including all appendices) constitute the Final SEIR.

### **C. Description of Prior CEQA Review & Prior Project Approvals**

On June 4, 1986, the City certified as adequate under CEQA the Final EIR for the Alhambra Hills Specific Plan and subsequently adopted Resolution 56-87, designating 296 acres on the Alhambra Highlands property within the 590.7-acre Specific Plan area for residential development. In February 1989, following adoption of a Negative Declaration, the City Council approved an amendment to the Martinez General Plan and the Alhambra Hills Specific Plan relating to slope criteria applicable to the Specific Plan area.

Following these approvals, in September 1990, the City approved Tract No. 7245, Planned Unit Development No. 89-5, and Design Review No. 89-42 for the development of 69 lots within the Alhambra Highlands Unit I subdivision. Concurrently, the City approved Tract No. 7244, PUD No. 89-6, and Design Review No. 89-41 for development of 79 lots within the Alhambra Highlands Unit II subdivision. In September 1993, the City approved a vesting tentative map for Tract No. 7606, PUD No. 91-4, and Design Review No. 91-64, authorizing another 68 individual lots and common area parcels on approximately 60 acres located north and east of Horizon Drive, east of Reliez Valley Road, referred to as the "Images Subdivision." Collectively, the 1990 development approvals for the Alhambra Highlands Unit I and Unit II, and the 1993 development approvals for the Images Subdivision, are referred to as, the "1990 project." The 1990 project resulted in a total of 216 units on a 260-acre total project site. In conjunction with its 1990 project approvals, the City relied on the Alhambra Hills Specific Plan EIR and the 1989 Negative Declaration.

After 1990, the City granted various approval extensions of the 1990 project. During the next decade, the project applicant initiated State and federal permitting processes for the project. In 2005, after reducing the size of the project and revising the design of the residential development to address impacts to Alameda whipsnake habitat, the U.S. Fish & Wildlife Service ("USFWS") completed its Section 7 consultation process and issued a Biological Opinion ("BO") for the 1990 project. The findings of the BO necessitated revisions to the 1990 project including reduction in overall development footprint and on-site habitat preservation. These changes are reflected in the 2008 vesting tentative map application. Although the 2008 project is similar to the 1990 project, the City, as lead agency for the project under the California Environmental Quality Act ("CEQA"), believed that the proposals differed sufficiently to result in modifications and revisions to the prior Specific Plan EIR. The City has determined that, in accordance with Public Resources Code Section 21166 and CEQA Guidelines Section 15162, the 2008 project differed sufficiently from the development contemplated in the 1990 project and the Specific Plan EIR that preparation of the Focused Subsequent EIR was warranted.

### **D. Record of Proceedings and Custodian of Record**

For purposes of CEQA and the findings set forth herein, the record of proceedings for the City of Martinez's findings and determinations consists of the following documents and testimony, at a minimum:

- The Final EIR for the Alhambra Hills Specific Plan and all reports, documents, studies, memoranda, and maps related thereto.

- The Final SEIR for the Alhambra Highlands Residential Project and all reports, documents, studies, memoranda, and maps related thereto.
- The Notice of Preparation and other public notices issued by the City in conjunction with the Alhambra Hills Specific Plan Final EIR and the Alhambra Highlands Residential Project and the Final SEIR.
- All written and oral comments submitted by agencies or members of the public during the public review period for the Alhambra Hills Specific Plan FEIR and any public hearings or meeting held on Project approvals.
- All written and oral comments submitted by agencies or members of the public during the public review period for the Alhambra Highlands Residential Project SEIR and any public hearings or meeting held on Project approvals.
- All other public reports, documents, studies, memoranda, maps, or other planning documents related to the Alhambra Hills FEIR and the DEIR, prepared by the City, consultants to the City, or responsible or trustee agencies with respect to the City's compliance with the requirements of CEQA and the Project Entitlements.
- All other public reports, documents, studies, memoranda, maps, or other planning documents related to the Alhambra Highlands Residential Project or the Final SEIR and the Draft SEIR, prepared by the City, consultants to the City, or responsible or trustee agencies with respect to the City's compliance with the requirements of CEQA and the Project Entitlements.
- All local, state and federal permits and authorizations, including but not limited to the Section 404 Permit, Army Corp of Engineers (December 2008), USFWS Biological Opinion (November 2005), and the Section 401 Certification, S.F. Bay Regional Water Quality Control Board (May 2008, amended August 2008).
- Summary of Geotechnical Recommendations, Alhambra Highlands Subdivisions and Wildcroft Drive Extension, prepared by ENGE0, dated January 2004.
- Final Wetland Mitigation and Monitoring Plan for the Alhambra Highlands Project, prepared by LSA Associates, dated October 2008.
- Alhambra Highlands Tree Preservation Report, prepared by McNair & Associates, dated September 2004 and Addendum 1 dated June, 2005 and 2010 LSA Tree Survey.

- Alhambra Highlands Noise Report, prepared by Illingworth & Rodkin, dated November 2004.
- Alhambra Highlands Development Guidelines and Design Criteria Draft, prepared by The Dahlin Group, dated June 24, 2010.
- Alhambra Highlands Cultural Resources Analysis, prepared by Miley Holman Associates, dated December 2009.
- Alhambra Highlands Transportation Analysis, prepared by Crane Transportation, dated December 2009.
- The City of Martinez General Plan, as amended, and all environmental review documents, findings and statements of overriding considerations made pursuant to the Public Resources Code related thereto;
- The Alhambra Hills Specific Plan, as amended, and all environmental review documents, findings and statements of overriding considerations made pursuant to the Public Resources Code related thereto;
- All matters of common knowledge to this Commission, including, but not limited to (1) the Martinez General Plan, Alhambra Hills Specific Plan and other applicable policies, (2) the Martinez Zoning Ordinance and other applicable ordinances, (3) applicable City policies and regulations, (4) reports, projections, and documentation regarding development within and surrounding the City, and (5) federal, state, and county laws, regulations, guidelines, and publications.

The documents described above comprising the record of proceedings are located in the offices of the Community & Economic Development Department, c/o Planning Manager, 525 Henrietta Street, Martinez. The custodian of these documents is the Planning Manager or his designee.

#### **E. Consideration of the Subsequent Environmental Impact Report**

In recommending adoption of these Findings, the **Martinez Planning Commission** finds that the Final SEIR was presented to this Commission, which reviewed and considered the information in the Final SEIR prior to recommending approval of the Alhambra Highlands Residential Project SEIR. By these findings, this Commission ratifies, adopts and incorporates the analysis, explanation, findings, responses to comments and conclusions of the Final SEIR, and finds that this SEIR was completed in compliance with CEQA. The Final SEIR represents the independent judgment and analysis of the City.

All references to page numbers include page numbers in the Draft SEIR volume of the Final SEIR unless modified by the text noted in the Responses to Comments volume of the Final SEIR.

#### **F. Severability**

If any term, provision, or portion of these Findings or the application of these Findings to a particular situation is held by a court to be invalid, void or unenforceable, the remaining provisions of these Findings, or their application to other actions related to the Alhambra Highlands Residential Project, shall continue in full force and effect unless amended or modified by the City.

### **III. Findings and Recommendations Regarding the Project's *One Significant and Unavoidable Impact***

#### **A. Air Quality & Greenhouse Gas Emissions**

##### **1. Construction dust has the potential for creating a nuisance at nearby properties, including sensitive receptors.**

(a) **Potential Impact.** Pages 126 through 128 of the Draft SEIR discuss the Project's potential impact related to construction dust creating a nuisance at nearby properties, including sensitive receptors. The Bay Area Air Quality Management District ("BAAQMD") defines sensitive receptors as facilities where sensitive receptor population groups (children, the elderly, the acutely ill and the chronically ill) are likely to be located. The closest sensitive receptors to the project site are adjacent residences and the Forest Hills Preschool and Childcare, which abuts the project site along Alhambra Avenue. John Swett Elementary School is located about 1,600 feet north of the northern project boundary.

(b) **Mitigation Measures.** The following mitigation measure is hereby adopted and will be implemented as provided by the Mitigation Monitoring Program:

Implement Alhambra Highlands Residential Project Mitigation Measure AIR-1 which consists of Best Management Practices ("BMPs") as follows: watering exposed surfaces twice a day; covering haul trucks; limiting vehicle speeds on unpaved roads to 15 mph; completion of roadway/driveway/sidewalk paving within two weeks following grading; building pads laid within two weeks after grading; minimized idling time; maintenance of construction equipment; and posting of a publicly visible sign with the person to contact regarding dust complaints.

(c) **Findings.** Based upon the Final SEIR and the entire record before this City, this Planning Commission finds that:

(1) **Effects of Mitigation.** Implementation of the BMPs listed in Mitigation Measure AIR-1 will reduce dust generation by 75 percent or more. According to both existing and updated BAAQMD CEQA guidance, the implementation of this mitigation measure will reduce construction period dust emissions to a less-than-significant level. Thus, changes or alternates have been required in, or incorporated into the project which avoid or substantially lessen the significant air quality impact.

(2) **Remaining Impacts.** The 2008 project would generate greenhouse gas emissions both during project construction and operation. The City of Martinez has adopted a CAP; however, the CAP does not include mitigation for the purpose of reducing the emissions of greenhouse gases during construction. In accordance with the BAAQMD updated CEQA guidance, a project would have a cumulatively considerable contribution of greenhouse gas emissions and a cumulatively significant

impact to global climate change if the project exceeds the BAAQMD annual emissions threshold for operational-related greenhouse gas emissions. No one single project could generate an amount of greenhouse gas emissions equivalent to result in global climate change; however, individual projects can collectively emit greenhouse gases that contribute to a cumulatively significant impact.

**2. Generation of annual operational-related greenhouse gas emissions in excess of BAAQMD thresholds thereby resulting in a cumulatively considerable contribution of greenhouse gas emissions and a cumulatively significant impact to global climate change.**

(a) **Potential Impact.** Pages 128 through 134 of the Draft SEIR evaluate the potential impact of the Project related to the increase in operational-related greenhouse gas emissions. The Project emissions would result in a cumulatively considerable contribution of greenhouse gas emissions.

(b) **Mitigation Measures.** The following mitigation measures are hereby adopted and will be implemented as provided by the Mitigation Monitoring Program:

Implement Alhambra Highlands Residential Project Mitigation Measure AIR-2 – requiring all individual lots within the project to be designed as custom and semi-custom home sites. The CC&Rs for the project will require that all homes will be designed to meet or exceed the minimum standards of the 2010 Green Building Standards Code.

(c) **Findings.** Based upon the Final SEIR and the entire record before this City, this Planning Commission finds that:

(1) **Effects of Mitigation.** The potential impact of the Project related to the increase in operational-related greenhouse gas emissions can be reduced through implementation of the mitigation measure described above and through the CC&Rs for the Project. The homes will be designed to meet or exceed the minimum standards of the 2010 Green Building Standards Code. Therefore, changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant greenhouse gas emissions impact.

(2) **Remaining Impacts.** As Mitigation Measure AIR-2 cannot fully reduce Project impacts related to increases in greenhouse gas emissions to less than significant levels, the increases to greenhouse gas pollutants attributable to the Project are considered a significant and unavoidable impact. The Final SEIR considered various alternatives to the Project, one of which would partially reduce such impacts. The Mitigated/Alternate Access Alternative would involve a level of development similar to the 2008 project, but with two fewer units. This alternative would disturb less area and not require as much grading; therefore, the construction dust and greenhouse gas emission impacts would be slightly less than the emissions under the 2008 project. Because the air quality impacts would be partially reduced under this Project alternative, and because of other reasons, this alternative has been selected as the Preferred Project for the reasons discussed below.

(3) **Overriding Considerations.** The specific, economic, legal, social and other benefits of the Project outweigh any remaining unavoidable significant adverse

impact of the Project resulting from impacts due to greenhouse gas emissions, as more fully stated in the Statement of Overriding Considerations in Section VII below.

**3. Construction dust has the potential for creating a nuisance at nearby properties.**

(a) **Potential Impact.** Pages 134 through 135 of the Draft SEIR discuss the potential impact of the Project related to the increase in construction dust at nearby properties.

(b) **Mitigation Measures.** The following mitigation measures are hereby adopted and will be implemented as provided by the Mitigation Monitoring Program:

Implement Alhambra Highlands Residential Project Mitigation Measure AIR-3, which consists of the implementation of BMPs as described in Mitigation Measure AIR-1.

(c) **Findings.** Based upon the Final SEIR and the entire record before this City, this Planning Commission finds that:

(1) **Effects of Mitigation.** Impacts related to construction dust will be reduced by 75 percent or more following implementation of the BMPs described in Mitigation Measure AIR – 1 and 3. According to the 1999 BAAQMD CEQA Guidance, the implementation of this mitigation measure would reduce construction period dust emissions to a less than significant level. For these reasons, changes or alterations have been required or incorporated into the Project which avoid or substantially lessen the significant construction air quality impacts.

(2) **Remaining Impacts.** Any remaining impacts related to construction dust will not be significant because the BMPs in Mitigation Measure AIR-1 are expected to largely reduce dust generation. According to the 1999 BAAQMD CEQA Guidance, the implementation of this mitigation measure will reduce construction period dust emissions to a less than significant level.

**IV. Findings and Recommendations Regarding Significant Impacts Which Are Avoided or Mitigated to a Less-Than-Significant Level**

**A. Aesthetics**

**1. Degradation of scenic vistas.**

(a) **Potential Impact.** The potential impact of the Project on scenic vistas is discussed at pages 91 through 95 of the Draft SEIR.

(b) **Mitigation Measures.** The following mitigation measures are hereby adopted and will be implemented as provided by the Mitigation Monitoring Program:

Implement Alhambra Highlands Residential Project Mitigation Measure AES-1, 1a – 1h. Collectively, these mitigation measures regulate home height (shall not exceed 33 feet), require the submittal of landscape plans that incorporate screening landscaping to screen views of project infrastructure, require earth toned color selections, discourage blank walls of hillside houses, and for lots visible from public

vantage points, if landscaping is added, recordation of a scenic easement in favor of the City of Martinez.

In addition, as part of the 2008 project, the applicant has prepared Development Guidelines and Design Criteria (“Guidelines and Criteria”). The Guidelines and Criteria contain design criteria to be applied to all development within the project site. The Guidelines and Criteria are consistent with the approved Specific Plan, which provide the zoning and development standards for new residential development on the project site. The Guidelines and Criteria include six sections including, 1) introduction, 2) the architectural design process, 3) site planning, 4) architecture design guidelines, 5) landscape design guidelines, and 6) hardscape. These individual sections provide guidelines with the goal of encouraging a community of individual and outstanding architectural homes.

(c) **Findings.** Based upon the Draft SEIR and the entire record before this City, this Planning Commission finds that:

(1) **Effects of Mitigation.** The potential impact of the Project on scenic vistas can be reduced through the implementation of the mitigation measures described above because it will ensure that the height, lot size, landscape plan, and color of each home complies with the approved zoning and development standards which are designed to minimize impacts to scenic vistas. Furthermore, the 2008 project would result in less of a visual impact than the 1990 project due to the reduction of the project’s size by more than 100 dwelling units and the elimination of the Images Subdivision (approved as part of the 1993 approvals) on the western facing slopes of the site and a reduction of overall developable area. The off-site mitigation at Christie Road and the Allen Property would result in the preservation of open space and would thus not result in impacts to the visual character or quality of the site and its surroundings. In addition, the 2008 project analyzed in the Final SEIR only proposes development of residential lots within Development Area 7 of the areas (1, 7, 9, 10, 12, 13, and 14) as compared to the impact identified in the Specific Plan EIR (see Initial Study Appendix A for a map of the development areas). Thus, changes or alternations have been required or incorporated into the Project to avoid or substantially lessen the significant impact to scenic vistas.

(2) **Remaining Impacts.** Any remaining impacts related to the degradation of scenic vistas will not be significant because implementation of the foregoing BMPs and the Guidelines and Criteria will assure that any remaining impacts fall below the threshold of a significant impact as set forth in the Final SEIR.

## **2. Degradation of existing visual character of the site and its surroundings.**

(a) **Potential Impact.** The potential Project impact on the existing visual character of the site and its surroundings is discussed at pages 95 through 98 of the Draft SEIR.

(b) **Mitigation Measures.** The following mitigation measures are hereby adopted and will be implemented as provided by the Mitigation Monitoring Program:

Implement Alhambra Highlands Residential Project Mitigation Measure AES-2, which consists of Implementation of AES-1 described above.

(c) **Findings.** Based upon the Final SEIR and the entire record before this City, this Planning Commission finds that:

(1) **Effects of Mitigation.** Implementation of Mitigation Measure AES-2 and the Development Guidelines and Design Criteria would reduce impacts on visual character to a less-than-significant level because the homes will be integrated within the topography of the project site, landscaping and natural features of the land; grading will be minimal and relate to the natural topography of the site; and the residential designs will strive for simple forms with strong simple details, subdued colors, carefully crafted details and an integration of house and landscape designs. Therefore, changes or alterations have been required or incorporated into the Project to avoid or substantially lessen the significant impact to visual character.

(2) **Remaining Impacts.** Any remaining impacts related to the degradation of the existing visual character of the site will not be significant because implementation of the foregoing BMPs and the Guidelines and Criteria will assure that any remaining impacts fall below the threshold of a significant impact. **The proposed project would create a new source of light and glare affecting day and nighttime views.**

(a) **Potential Impact.** Pages 98 and 99 of the Draft SEIR discuss the potential aesthetic impact of the Project on day and nighttime views from new sources of light and glare.

(b) **Mitigation Measures.** The following mitigation measures are hereby adopted and will be implemented as provided by the Mitigation Monitoring Program: Implement Alhambra Highlands Residential Project Mitigation Measures AES-3 which includes measures to control outdoor lighting through the subdivision. In response to comments received on the Draft SEIR, AES-3 was revised to require that outdoor lighting shall be designed to minimize glare and spillover to surrounding properties through the use of “shielded light fixtures that direct light downwards and have incandescent light color.” This mitigation measure also requires the incorporation of non-mirrored glass to minimize daylight glare.

(c) **Findings.** Based upon the Final SEIR and the entire record before this City, this Planning Commission finds that:

(1) **Effects of Mitigation.** Implementation of Mitigation Measure AES-3 will reduce the potential Project impact of new sources of light and glare affecting day and nighttime views to less than significant levels because outdoor lighting will be shielded in a manner that would minimize glare and spillover to surrounding properties. The incorporation of non-mirrored glass will minimize daylight glare. Revisions to this mitigation measure would further lessen the impacts and would not result in any new impacts or substantial increase in the severity of the impacts. The city determined that recirculation of the SEIR was not required as a result of the revised mitigation measure. Therefore, changes or alternations have been incorporated into the Project to avoid or substantially lessen the light and glare impacts.

(2) **Remaining Impacts.** Any remaining impacts of the Project due to new sources of light and glare will not be significant because these residual impacts will not rise to the level of significance requiring mitigation.

#### 4. **Cumulative Aesthetic Impacts.**

(a) **Potential Impact.** Pages 99 and 100 of the Draft SEIR discuss the potential cumulative impact of the Project on aesthetics. The 2008 project is similar in type and density to development located throughout the Alhambra Hills and Valley. In the vicinity of the proposed project, there are three approved projects located in the Alhambra Valley area.

(b) **Mitigation Measures.** The following mitigation measures are hereby adopted and will be implemented as provided by the Mitigation Monitoring Program:

Implement Alhambra Highlands Residential Project Mitigation Measures AES 1 – 3.

(c) **Findings.** Based upon the Final SEIR and the entire record before this City, this Planning Commission finds that:

(1) **Effects of Mitigation.** The potential cumulative impact of the Project on aesthetics can be reduced through the implementation of the mitigation measures described above. Similar to the proposed project, it is not anticipated that any new development would be allowed to significantly impact these scenic vistas as both the City and the County have regulations that protect views and would impose mitigation measures as set forth above to ensure impacts to aesthetic resources would not be significant. Therefore, changes or alternations have been incorporated into the Project to avoid or substantially lessen the aesthetics impacts of the Project.

(2) **Remaining Impacts.** Implementation of the mitigation measures identified for the 2008 project as well as compliance with existing City and County regulations would ensure that the 2008 project would not result in a cumulatively considerable significant aesthetic impact because the 2008 project significantly reduces the scope of the developable area, preserves a greater amount of on-site and off-site open space and native habitat, substantially reduces the number of dwelling units, eliminates development on the western facing slopes, and reduces the number and changes the location of water tanks, thereby reducing the potential visual impacts.

### **B. Biological Resources**

#### **1. Development of the project could impact the federally threatened Alameda whipsnake, either directly or through habitat modifications.**

(a) **Potential Impact.** Pages 145 through 149 of the Draft SEIR evaluate the impact of the Project related to potential impacts to the Alameda whipsnake.

(b) **Mitigation Measures.** The following mitigation measures are hereby adopted and will be implemented as provided by the Mitigation Monitoring Program:

Implement Alhambra Highlands Residential Project Mitigation Measure BIO 1, 1a – 1d, which includes pre-construction minimization measures; the implementation of

minimization measures during construction; post-construction minimizations measures; the mitigation of the reduction in habitat value of the Alameda whipsnake habitat; and the implementation of several Alameda whipsnake recovery plan tasks as provided in the Alameda Whipsnake Mitigation and Monitoring Plan.

(c) **Findings.** Based upon the Final SEIR and the entire record before this City, this Planning Commission finds that:

(1) **Effects of Mitigation.** Implementation of Mitigation Measures 1a – 1d will reduce this impact to less than significant levels because it incorporates a pre-construction trapping survey and monitoring requirements for the Alameda whipsnake as provided in the Alameda Whipsnake Mitigation and Monitoring Plan and the Biological Opinion in Appendix D to the Draft SEIR. These changes or alterations that have been required or incorporated into the Project would avoid or substantially lessen the Project impacts to Alameda whipsnake.

(2) **Remaining Impacts.** Any remaining Project impacts on the Alameda whipsnake or its habitat will be less than significant because all effects have been fully offset by the incorporation of the terms and conditions specified in the Biological Opinion as further set forth in the Final SEIR.

## **2. Development of the project would impact 0.002-acre of riparian vegetation.**

(a) **Potential Impact.** The potential impact of the Project related to the impact to riparian vegetation is discussed at pages 149 through 150 of the Draft SEIR.

(b) **Mitigation Measures.** The following mitigation measures are hereby adopted and will be implemented as provided by the Mitigation Monitoring Program:

Implement Alhambra Highlands Residential Project Mitigation Measure BIO-2 which includes the mitigation measures listed in the Streambed Alteration application.

(c) **Findings.** Based upon the Final SEIR and the entire record before this City, this Planning Commission finds that:

(1) **Effects of Mitigation.** Implementation of Mitigation Measure BIO-2 will reduce this impact to less than significant levels because the Streambed Alteration application includes the planting of willow saplings on the streambank adjacent to the proposed outfall location and the project includes removal of the invasive plant species giant reed (*Arundo donax*). Thus, changes or alternations have been required or incorporated into the Project that would avoid or substantially lessen the Project impacts to riparian habitat.

(2) **Remaining Impacts.** Any remaining Project impacts on riparian vegetation will be less than significant because the proposed project incorporates measures to avoid and minimize impacts to riparian vegetation associated with any proposed alterations or obstructions of stream channels in accordance with CDFG regulations.

## **3. Wetlands and waters of the United States/Water of the State would be impacted by project development.**

(a) **Potential Impact.** The potential impact of the Project on 15 jurisdictional features (waters of the United States) is discussed at pages 150 through 151 of the Draft SEIR.

(b) **Mitigation Measures.** The following mitigation measures are hereby adopted and will be implemented as provided by the Mitigation Monitoring Program:

Implement Alhambra Highlands Residential Project Mitigation Measure BIO-3 which calls for the creation of 0.14-acre of new seasonal wetland and a 0.11-acre of pond in accordance with the Corps' authorization/ approved wetland mitigation plan. The wetland mitigation plan also includes preservation and enhancement of 1.22 acres of ephemeral drainages, seasonal swales, and seeps on-site and off-site. Mitigation features shall be located within the on-site preservation area and on the Christie Road property located in nearby Hercules. The applicant shall implement all details provided in the approved Wetland Mitigation and Monitoring Plan included in Appendix D, which is incorporated by reference in the Final SEIR.

(c) **Findings.** Based upon the Final SEIR and the entire record before this City, this Planning Commission finds that:

(1) **Effects of Mitigation.** Implementation of Mitigation Measure BIO-3 will reduce Project impacts on jurisdictional waters of the United States to less than significant levels because it mandates the creation of 0.14-acre of new seasonal wetlands and 0.11-acre of pond in accordance with the Corps' authorization/approved wetland mitigation plan. The wetland mitigation plan also includes the preservation and enhancement of 1.22 acres of ephemeral drainages, seasonal swales, and seeps on-site and off-site. Mitigation features shall be located within the on-site preservation area and on the Christie Road property located in nearby Hercules. The applicant shall implement all details provided in the approved Wetland Mitigation and Monitoring Plan included in Appendix D, which is incorporated by reference in the Final SEIR. The implementation of the preservation and creation of wetlands habitat will fully offset any impacts of the proposed activity and result in no net loss of wetlands. Therefore, changes or alterations have been required or incorporated into the Project which avoid or substantially lessen the Project's impacts to wetlands.

(2) **Remaining Impacts.** Any remaining residual Project impacts on jurisdictional waters of the U.S. will be less than significant because the 2008 project is required by the section 404 permit to result in a no net loss of wetlands.

#### **4. Habitat for native wildlife would be disturbed by project development.**

(a) **Potential Impact.** Pages 151 and 152 of the Draft SEIR evaluate the potential impact of the Project related to disturbances to native wildlife habitat.

(b) **Mitigation Measures.** The following mitigation measures are hereby adopted and will be implemented as provided by the Mitigation Monitoring Program:

Implement Alhambra Highlands Residential Project Mitigation Measure BIO-4, which consists of the set aside of a majority of the project site as open space, so that the open space will continue to provide habitat for native wildlife.

(c) **Findings.** Based upon the Final SEIR and the entire record before this City, this Planning Commission finds that:

(1) **Effects of Mitigation.** Implementation of Mitigation Measure BIO-4 will reduce Project impacts related to native wildlife habitat because 217.93 acres of the approximately 298-acre property shall be set aside as open space in perpetuity (i.e., a conservation easement shall be placed over a portion of the property). This open space will continue to provide habitat for native wildlife. Therefore, changes or alterations have been required or incorporated into the Project which avoid or substantially lessen the Project impacts to wildlife habitat.

(2) **Remaining Impacts.** Any remaining Project impacts on native wildlife habitat will be less than significant because any additional disturbances to native wildlife would be sufficiently minimal to not rise to the level of a significant effect and all effects of the proposed Project were determined to not jeopardize federally-listed threatened or endangered species.

#### 5. Native trees would be impacted by the project.

(a) **Potential Impact.** Pages 152 through 154 of the Draft SEIR evaluate the potential impact of the Project related to impacts to native trees.

(b) **Mitigation Measures.** The following mitigation measures are hereby adopted and will be implemented as provided by the Mitigation Monitoring Program:

Implement Alhambra Highlands Residential Project Mitigation Measure BIO-5, 5a – 5f which consists of the tree preservation plan, tree planting within open space areas on the Project site, the possibility of planting at off-site mitigation properties, project grading to protect existing trees, and custom design of homes to minimize or avoid tree removal.

In addition, to further assure that the proposed mitigation would fully offset project impacts, Measure BIO-5c has been revised to require a 1.5:1 replacement ratio. This would require the planting of 938 replacement trees if 625 trees are removed. This would result in a minimum of 704 new trees at a 75 percent survival criterion. This number would exceed the number of trees that would be removed (625 removed, minimum 704 new).

(c) **Findings.** Based upon the Final SEIR and the entire record before this City, this Planning Commission finds that:

(1) **Effects of Mitigation.** Implementation of Mitigation Measure BIO-5, 5a – 5f, will reduce impacts related to native trees because these measures aggressively address the loss of trees through incorporation of a tree preservation plan, replacement of removed native trees at a 1.5:1 ratio on the project site, the possibility of planting at off-site mitigation properties, project grading to protect existing trees, and the custom design of homes to minimize or avoid tree removal.

Furthermore, the impacts on trees would be less with the 2008 project, than under the 1990 project. The 1990 project would have resulted in removal of 713 trees which met the size criteria (20-inch trunk circumference) of the City's tree ordinance. The 2008 project would result in the removal of 625 trees which meet this criterion. The

2008 project would impact a smaller area, preserve more on-site open space, and involve less grading which results in the removal of fewer trees. McNair and Associates Consulting Arborists and Horticulturalists and LSA Associates prepared a site specific Arborist Report, including tree preservation plan and tree inventory for the project. Therefore, changes or alterations have been required or incorporated into the Project which avoid or substantially lessen the Project's tree impacts. The City determined that recirculation of the SEIR was not required as a result of the revised tree mitigation measures because no new impacts would occur, nor would there be a substantial increase to the severity of the impacts.

**(2) Remaining Impacts.** Any remaining Project impacts to native trees will be less than significant because the project tree impacts will be fully offset by the requirement to replant trees at a mitigation ratio greater than the City's standard 1:1 replacement ratio, thereby providing for replacement trees as needed to maintain survivability.

### **C. Cultural Resources**

#### **1. Ground-disturbing activities associated with site preparation and the construction of building foundations and underground utilities could adversely impact archaeological cultural resources.**

**(a) Potential Impact.** Pages 165 through 166 of the Draft SEIR evaluate the potential impact of the Project to archaeological cultural resources.

**(b) Mitigation Measures.** The following mitigation measure is hereby adopted and will be implemented as provided by the Mitigation Monitoring Program:

Implement Alhambra Highlands Residential Project Mitigation Measure CULT-1, which requires the City to hire a qualified archaeologist to assess any discovery of prehistoric or historical archaeological materials, stop all work within 25 feet of the discovery, and make recommendations for treatment of the discovery. Mitigation Measure CULT-1 also instructs project personnel not to collect or move any archaeological material and to avoid such adverse effects.

**(c) Findings.** Based upon the Final SEIR and the entire record before this City, this Planning Commission finds that:

**(1) Effects of Mitigation.** Implementation of Mitigation Measure CULT- 1 will reduce this impact to a less than significant level because it will ensure that the project applicant has a detailed plan in place to address the low potential that ground-disturbing construction at the project site could result in the disturbance of subsurface cultural resources, and potential impacts to cultural resources would be addressed in accordance with State law and standard requirements. Therefore, changes or alterations have been required or incorporated into the Project to avoid or substantially lessen significant cultural resources impacts.

**(2) Remaining Impacts.** Any remaining Project impacts to archaeological cultural resources will be less than significant because the detailed plan outlined in CULT-1 fully addresses potential impacts that could occur due to the potential existence

of undetected cultural resources. Any remaining residual impact would be so minimal as to not rise to the level of a significant archaeological cultural resource impact.

**2. Ground-disturbing activities associated with site preparation and the construction of building foundations and underground utilities could adversely impact paleontological resources.**

(a) **Potential Impact.** The potential impact of the Project related to paleontological resources is discussed at pages 166 through 167 of the Draft SEIR.

(b) **Mitigation Measures.** The following mitigation measures are hereby adopted and will be implemented as provided by the Mitigation Monitoring Program:

Implement Alhambra Highlands Residential Project Mitigation Measure CULT-2 which calls for halting of all work within 25 feet of a paleontological resource discovery, preparation of a report documenting a qualified paleontologist's assessment of the situation, and recommendation for the treatment of the resources discovered.

(c) **Findings.** Based upon the Final SEIR and the entire record before this City, this Planning Commission finds that:

(1) **Effects of Mitigation.** Implementation of Mitigation Measure CULT- 2 will reduce this impact to a less than significant level because in the event paleontological resources are discovered during initial project monitoring, all work within 25 feet of the discovery will be redirected, and a qualified paleontologist contacted to assess the situation, consult with agencies as appropriate, and make recommendations for the treatment of the discovery. Mitigation Measure CULT-2 also requires that adverse effects to the discovery be avoided by project activities, and in the event effects to such resources cannot be avoided, the resources must be assessed to determine their paleontological significance. If deemed significant, CULT-2 requires mitigation of the adverse effects to the resources. It requires that the paleontologist prepare a report documenting the methods and results; provide recommendations for the treatment of the resources discovered; and submittal of the report to the project applicant and the University of California Museum of Paleontology. For these reasons, changes or alternations were required or incorporated into the Project to avoid or substantially lessen the Project's significant impacts on cultural resources.

(2) **Remaining Impacts.** Any remaining Project impacts to paleontological resources will be less than significant because they would be so minimal as to not rise to the level of a significant paleontological resource impact.

**3. Ground-disturbing activities associated with site preparation and the construction of building foundations and underground utilities could disturb human remains, including those interred outside of formal cemeteries.**

(a) **Potential Impact.** Pages 167 and 168 of the Draft SEIR discuss the potential impact of the Project related to the disturbance of human remains due to ground-disturbing activities.

(b) **Mitigation Measures.** The following mitigation measures are hereby adopted and will be implemented as provided by the Mitigation Monitoring Program:

Implement Alhambra Highlands Residential Project Mitigation Measure CULT-3 which calls for implementation of a detailed step-by-step treatment and disposition procedure that must be followed by project personnel.

(c) **Findings.** Based upon the Final SEIR and the entire record before this City, the Planning Commission finds that:

(1) **Effects of Mitigation.** Implementation of Mitigation Measure CULT-3 will reduce Project impacts on undiscovered human remains to less than significant levels because it requires the following: (1) work within 25 feet of the discovery of any human remains be redirected and the County Coroner notified immediately; (2) an archaeologist should be contacted immediately to assess the situation and consult with agencies; (3) notification of the project proponent; (4) directions to project personnel to not collect or move any human remains and associated materials; and (5) notification of the Native American Heritage Commission by the Coroner within 24 hours of identification of Native American human remains. (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 should (6) 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; (7) submit the report to the project applicant, the City of Martinez Community Development Department, the MLD, and the Northwest Information Center (NWIC); and (8) the applicant shall implement the recommendations of the archaeologist's report. For these reasons, changes or alternations were required or incorporated into the Project to avoid or substantially lessen the Project's significant impacts on cultural resources.

(2) **Remaining Impacts.** Any residual Project impacts to human remains due to ground-disturbing activities will be less than significant because no human remains have been identified on the Project site and are not anticipated to be encountered, damaged or destroyed by project construction. Nonetheless, all appropriate measures have been identified to minimize the likelihood of impacts.

#### **D. Hydrology/Water Quality**

**1. Construction activities could result in a potential for substantial degradation in water quality of receiving water and discharge of construction-related contaminants through increased erosion and sediment on-and/or off-site which could potentially violate water quality standards.**

(a) **Potential Impact.** Pages 177 through 180 of the Draft SEIR evaluate the potential impact of the Project associated with water quality impacts due to construction activities.

(b) **Mitigation Measures.** The following mitigation measures are hereby adopted and will be implemented as provided by the Mitigation Monitoring Program:

Implement Alhambra Highlands Residential Project Mitigation Measure HYD-1 – the Stormwater Pollution Prevention Plan (“SWPPP”) which is part of the 2009 NPDES Construction General Permit.

(c) **Findings.** Based upon the Final SEIR and the entire record before this City, this Planning Commission finds that:

(1) **Effects of Mitigation.** Implementation of Mitigation Measure HYD-1 will reduce potential water quality impacts related to construction to less than significant levels because the Project will be subject to the preparation and implementation of a comprehensive SWPPP. The project will also be subject to a comprehensive environmental monitoring and mitigation compliance and reporting program designed to ensure regulatory compliance related to water quality, including preparation of an NOI and submittal of same to the State Water Resources Control Board prior to rough grading. The Project proponent shall retain an independent monitor to conduct weekly inspections and provide written monthly reports to the City of Martinez to ensure compliance with the SWPPP. The Project proponent will also be required to obtain all necessary permits and meet all requirements specified by local, state, or federal agencies in whole or in part responsible for water quality protection, including, but not limited to (1) a California Department of Fish and Game Code Section 1600 Lake and Streambed Alteration Agreement, (2) a Regional Water Quality Control Board Section 401 certification, (3) a National Pollution Discharge Elimination System Storm Water Pollution Prevention Permit for General Construction, (4) incidental take authorization from the U.S. Fish and Wildlife Service and the National Marine Fisheries Service regarding endangered species, and (5) a California State Lands Use Lease Permit and Reclamation Board Encroachment Permit. Finally, the Project proponent will be required to implement specific best management practices designed to avoid contamination to waterways due to erosion of exposed soil. Thus, changes or alterations have been required or incorporated into the Project to avoid or lessen the significant Project water quality impact.

(2) **Remaining Impacts.** Any remaining Project impacts related to construction sediment and water quality contamination will be less than significant because the project incorporates BMPs and mitigation measures to fully offset potential water quality impacts and any residual impact will be so minimal that it would not rise to the level of a significant water quality impact as defined by CEQA.

**2. The development of the 2008 project could result in increased discharge of pollutants in nearby water bodies by affecting storm runoff quality which could violate water quality standards and otherwise substantially degrade water quality after construction is completed.**

(a) **Potential Impact.** The potential impact of the Project associated with pollutant discharge that would affect water quality is discussed at pages 180 through 182 of the Draft SEIR.

(b) **Mitigation Measures.** The following mitigation measures are hereby adopted and will be implemented as provided by the Mitigation Monitoring Program:

Implement Alhambra Highlands Residential Project Mitigation Measure HYD-2 which consists of the Final SWMP that must be approved by the San Francisco RWQCB prior to the issuance of a Final Grading Permit.

(c) **Findings.** Based upon the Final SEIR and the entire record before this City, this Planning Commission finds that:

(1) **Effects of Mitigation.** Implementation of Mitigation Measure HYD-2 will reduce impacts related to increased discharges of pollutants in or adjacent to nearby water bodies to a less than significant level because the Project proponent shall be required to have the final SWMP approved, which shall demonstrate that post-construction stormwater discharges will be treated to the Maximum Extent Practicable with BMPs prior to release into downstream receiving waters. Consequently, changes or alternations have been required or incorporated into the Project to avoid or substantially lessen water quality impacts.

(2) **Remaining Impacts.** Any remaining impacts related to discharge of pollutants in nearby water bodies will be less than significant because all activities will be required to comply with the 2009 NPDES permit requirements. The project will be required to manage construction and post-construction activities so as to comply with state and federal water quality and control standards.

**3. Development of the 2008 project could increase runoff water which could substantially increase the rate or amount of surface runoff in a manner which would result in on-site or off-site flooding or cause exacerbation of erosion downstream in the Alabama Creek watershed.**

(a) **Potential Impact.** The potential impact of the Project associated with increased runoff which could increase surface runoff and result in on-site or off-site flooding is discussed at pages 182 through 186 of the Draft SEIR.

(b) **Mitigation Measures.** The following mitigation measures are hereby adopted and will be implemented as provided by the Mitigation Monitoring Program:

Implement Alhambra Highlands Residential Project Mitigation Measures HYD-3, 3a – 3f. This six-part mitigation measure includes as follows: implementation of a Final SWMP; submittal of a remedial grading plan to the City prior to issuance of a grading permit; the putting in place of a grading completion bond; submittal of a drainage plan to the Contra Costa County Public Works Department prior to final map approval; and the submittal of a final drainage report to the City and the Contra Costa County Flood Control and Water Conservation District to confirm the results of the preliminary drainage studies performed by the project to date.

(c) **Findings.** Based upon the Final SEIR and the entire record before this City, this Planning Commission finds that:

(1) **Effects of Mitigation.** Implementation of Mitigation Measure HYD-3, 3a – 3f, will reduce impacts associated with alteration of drainage patterns, increases in calculated peak flood discharges and downstream flooding potential after the project is implemented to less than significant levels because by incorporating the requirements of Mitigation Measures HYD3-a and 3-f, the Project will not increase the rate or amount of surface runoff in a manner which would result in on-site or off-site flooding or cause exacerbation of erosion downstream in the Alhambra Creek watershed. Thus, changes or alterations have been required or incorporated into the Project to avoid or substantially lessen the Project's significant hydrology impacts.

(2) **Remaining Impacts.** Any remaining impacts related to increased runoff will be less than significant because they will be so minimal as to not rise to the level of a significant effect pursuant to CEQA and no remaining potential for on-site or off-site flooding would occur.

**4. Construction of the 2008 project could expose people or structures to mudflows.**

(a) **Potential Impact.** The potential impact of the Project associated with the possible exposure of people to mud flows or other discharges of soil material off-site is discussed at pages 186 through 187 of the Draft SEIR.

(b) **Mitigation Measures.** The following mitigation measures are hereby adopted and will be implemented as provided by the Mitigation Monitoring Program:

Implement Alhambra Highlands Residential Project Mitigation Measure HYD-1.

(c) **Findings.** Based upon the Final SEIR and the entire record before this City, this Planning Commission finds that:

(1) **Effects of Mitigation.** Implementation of Mitigation Measure HYD-1 will ensure that no significant impacts related to mudflow occur as a result of the 2008 project. The Project proponent will ensure that site monitoring be periodically performed during the rainy season by the project Geotechnical Engineer (GE) or Certified Engineering Geologist (CEG) to monitor areas where hillside grading is to be performed, in order to assess any temporary erosion issues that might lead to mud flows or other discharges of soil material off-site. In the event that monitoring identifies potential debris flow hazards, the developer shall implement the following additional measures to eliminate the potential discharge of soil material off-site under the direction of the project GE/CEG: construct berms to block the potential for downstream movement of soil material; create catchment areas downstream of potential debris flows to capture mobilized material; and provide fencing or temporary barriers to block the movement of sediment. Thus, changes or alterations have been required or incorporated into the Project to avoid or substantially lessen the Project's significant hydrology impacts.

(2) **Remaining Impacts.** Any remaining impacts related to possible mudflows will be less than significant because in the event that on-site monitoring identifies potential debris flow conditions, additional measures to control debris flow will be implemented as discussed in the mitigation measure. Therefore, any residual impacts will not rise to the level of a significant effect pursuant to CEQA.

**5. Construction of the 2008 project could expose people or structures to flooding if the proposed detention basins were to breach.**

(a) **Potential Impact.** Page 187 of the Draft SEIR evaluates the potential impact of the Project associated with exposing people or structures to flooding in the event of a detention basin breach.

(b) **Mitigation Measures.** The following mitigation measures are hereby adopted and will be implemented as provided by the Mitigation Monitoring Program:

Implement Alhambra Highlands Residential Project Mitigation Measure HYD-5, or the requirement that a site-specific geotechnical report be prepared for the detention basins to confirm that the performance of all soils and slopes which would underlie the basin and other associated drainage improvements will withstand groundshaking.

(c) **Findings.** Based upon the Final SEIR and the entire record before this City, this Planning Commission finds that:

(1) **Effects of Mitigation.** Implementation of Mitigation Measure HYD-5 will reduce impacts related to construction of the project exposing people or structures to flooding if the proposed detention basins were to breach to less than significant levels because prior to approval of the development, the City will require site-specific geotechnical reports for the detention basins to confirm that the performance of all soils and slopes which would underlie the basin and other associated drainage improvements will withstand groundshaking. The site specific geotechnical report shall demonstrate that soils will be stabilized to minimize the potential for failure of the detention basins. The geotechnical report shall provide recommendations to stabilize slopes in such a manner that demonstrates breaching of the ponds is highly unlikely. The report shall be signed by the project GE and CEG. Ultimately, long-term maintenance of the basins will be performed by the project Geologic Hazard Abatement District (GHAD) in accordance with the plan of control or the HOA. Thus, changes or alterations have been required or incorporated into the Project to avoid or substantially lessen the Project's flooding impacts.

(2) **Remaining Impacts.** Any remaining impacts related to flooding impacts associated with a detention basin breach will be less than significant because they will be so minimal as to not rise to the level of a significant effect pursuant to CEQA due to the implementation of stabilization measures, ongoing monitoring, management and maintenance.

## **E. Noise**

### **1. Receptors located near the 2008 project site would be exposed to groundborne vibration during project construction.**

(a) **Potential Impact.** The potential impact of the Project related to the exposure of receptors to groundborne vibration during project construction is discussed at pages 200 through 206 of the Draft SEIR.

(b) **Mitigation Measures.** The following mitigation measures are hereby adopted and will be implemented as provided by the Mitigation Monitoring Program:

Implement Alhambra Highlands Residential Project Mitigation Measure NOISE-1, which restricts construction activities to certain days and times.

(c) **Findings.** Based upon the Final SEIR and the entire record before this City, this Planning Commission finds that:

(1) **Effects of Mitigation.** Implementation of Mitigation Measure NOISE-1 will be effective in reducing impacts associated with exposure of receptors to groundborne vibration during project construction to less than significant levels because all construction activities shall be restricted to Monday – Friday and to the hours of 7:00

a.m. to fuel and oil vehicles, 7:30 a.m. for vehicle warm-up, and construction shall not occur after 5:00 p.m. Work on weekends shall be limited to individual requests for low noise level work and shall be subject to revocation if complaints are received. The project applicant shall post a sign on the site notifying all workers of this restriction. Thus, changes or alternations have been required or incorporated into the Project to avoid or substantially lessen the Project's noise impacts.

(2) **Remaining Impacts.** The implementation of the mitigation measure described above would minimize construction period vibration impacts to a less-than-significant level because all construction activities will meet applicable construction restrictions to minimize the potential exposure of residents to elevated noise levels.

**2. The 2008 Project would substantially increase noise levels at private rear yard areas of several single-family residences (lots 29 to 36) within the Elderwood Glen Subdivision.**

(a) **Potential Impact.** The potential impact of the Project associated with increased noise levels at private rear yard areas of several single-family residences is discussed at pages 206 through 208 of the Draft SEIR.

(b) **Mitigation Measures.** The following mitigation measures are hereby adopted and will be implemented as provided by the Mitigation Monitoring Program:

Implement Alhambra Highlands Residential Project Mitigation Measure NOISE-2 which requires that noise barriers be constructed.

(c) **Findings.** Based upon the Final SEIR and the entire record before this City, this Planning Commission finds that:

(1) **Effects of Mitigation.** Implementation of Mitigation Measure NOISE-2 will reduce noise impacts to single-family residences (lots 29 to 36) to less than significant levels because 5-foot noise barriers will be constructed to mitigate substantial noise increases attributable to the project. The proposed noise barriers must be solid over the face and at the base. The project proponent shall hire an acoustical specialist to confirm the final design of the noise barrier based on the project's final grading plan to ensure the increase attributable to the project would be less than 3 dBA Ldn. Thus, changes or alternations have been required or incorporated into the Project to avoid or substantially lessen the Project's noise impacts.

(2) **Remaining Impacts.** Any remaining impacts related to increased noise levels in private rear yard areas will be less than significant because they will be so minimal as to not exceed the threshold of significance under CEQA.

**3. Receptors located near the 2008 project site would be exposed to construction noise levels that at times exceed 60 dBA Leq.**

(a) **Potential Impact.** The potential impact of the Project associated with construction period noise impacts is discussed at pages 208 through 209 of the Draft SEIR.

(b) **Mitigation Measures.** The following mitigation measures are hereby adopted and will be implemented as provided by the Mitigation Monitoring Program:

Implement Alhambra Highlands Residential Project Mitigation Measure NOISE-3, or adherence to a construction schedule; the construction of permanent noise barriers in certain locations within the project site; and implementation of six other measures designed to reduce noise.

(c) **Findings.** Based upon the Final SEIR and the entire record before this City, this Planning Commission finds that:

(1) **Effects of Mitigation.** Implementation of Mitigation Measure NOISE-3 will reduce Project impacts related to construction noise to less than significant levels because it requires, without limitation, (1) the restriction of noise-generating activities at the construction site or in areas adjacent to the construction site to the hours of 7:00 a.m. to 5:00 p.m., Monday through Friday with limited construction subject to City approval, on weekends and holidays between the hours of 9:00 a.m. to 5:00 p.m.; (2) the construction of permanent noise barriers or temporary solid plywood fences (minimum 8 feet in height) along the portion of Wildcroft Drive that adjoins existing residences in the Elderwood Subdivision as early in the construction schedule as possible; (3) the utilization of ‘quiet’ models of air compressors and other stationary noise sources where technology exists; the equipment of all internal combustion engine-driven equipment with mufflers; (4) the location of all stationary noise-generating equipment, such as air compressors and portable power generators, as far away as possible from residences or noise-sensitive land uses; the (5) location of staging areas and construction material areas as far away as possible from residences or noise-sensitive land uses; (6) routing all construction traffic to and from the project site via designated truck routes; (7) controlling noise from construction workers’ radios to a point that they are not audible at existing residences bordering the project site; (8) the prohibition of all unnecessary idling of internal combustion engines; (9) the notification of adjacent noise-sensitive land uses of the construction schedule in writing; and (10) the designation of a “disturbance coordinator” who would be responsible for responding to any local complaints about construction noise. Thus, changes or alternations have been required or incorporated into the Project to avoid or substantially lessen the Project’s noise impacts.

(2) **Remaining Impacts.** Any remaining impacts related to construction-related noise will be less than significant. A project would make a significant contribution to a cumulative noise impact (3 dBA Ldn increase above existing conditions) if its contribution to the noise increase is 1 dBA Ldn or greater. Cumulative traffic volumes were reviewed to calculate future build-out traffic noise levels and the project’s relative contribution to noise levels along roadway segments where noise levels would be substantially increased. This review indicated that the project would not make a “cumulatively considerable” increase in noise (1 dBA Ldn or more) to cumulative noise level increases of 3 dBA Ldn or more, as anticipated along Alhambra Valley Road, west of the site. The cumulative traffic noise impact is therefore considered less than significant.

## V. Findings and Recommendations Regarding Those Impacts Which are Less than Significant

**A. Specific impacts within the following categories of environmental effects were found to be less than significant as set forth in more detail in the Initial Study incorporated into the Final SEIR as Appendix A of the Draft SEIR.**

**1. Agriculture & Forest Resources:** The following specific impacts were found to be less-than-significant (B-a, B-b, B-c, and B-d as shown on pages 27 through 30 of the Initial Study) because implementation of the 2008 project would not result in the conversion of Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, nor would the project conflict with existing zoning for agricultural use, Williamson Act Contracts, or for forest land or timberland.

**2. Geology and soils:** The following specific impacts were found to be less-than-significant: F-a, F-b, F-c, F-d, F-e as shown on pages 50 through 60 of the Initial Study. This conclusion is due to the fact that the project would not expose people or structures to potential adverse effects, result in substantial soil erosion or the loss of topsoil, be located on a geologic unit or soil that is unstable, be located on expansive soil, or have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available to wastewater disposal.

**3. Hazards & Hazardous Materials:** The following specific impacts were found to be less-than-significant: H-a, H-b, H-c, H-d, H-e, H-f, H-g, H-h as shown on pages 64 through 70 of the Initial Study because there are no existing hazards or hazardous materials conditions at or near the site. The project site does not currently contain or store any hazardous materials, nor are there any structures within the project site that require demolition. The 2008 project site is not located within an airport land use area and is located further than 2 miles from the nearest public or public use airport.

**4. Land Use and planning:** The following specific impacts were found to be less-than-significant: J-a, J-b, and J-c as shown on pages 80-85 of the Initial Study. The 2008 project would result in substantially less development when compared to the 1990 project (112 units as opposed to 216 units as previously approved), as well as a reduction in developable acreage (from 122.4 to 76.2 acres), all of which would result in a reduction in land use impacts anticipated in the Specific Plan EIR. Therefore, the project would not alter any established roadways, nor would the project isolate the project site from existing development in the area. The 2008 project site is consistent with the existing zoning and General Plan designation; the project site is currently zoned for residential uses (R-10 One Family Residential – Minimum 10,000 Square Feet Lot Area), and its General Plan designation is for residential development. The reduced project development, and site design of the 2008 project makes the project more compatible with the Specific Plan and General Plan policies.

**5. Mineral resources:** The following specific impacts were found to be less-than-significant (K-a and K-b as shown on pages 86 through 87 of the Initial Study) because no known mineral resources of regional, statewide, or local importance are located within or adjacent to the project site.

**6. Population and housing:** The following specific impacts were found to be less-than-significant: M-a, M-b, and M-c as shown on pages 94 through 97 of the Initial

Study. The 2008 project will not induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly, nor will it displace substantial numbers of existing housing or people, necessitating the construction of replacement housing elsewhere.

**7. Public Services:** The following specific impacts were found to be less-than-significant: impacts to fire and police protection services, schools, parks or other public facilities as shown on pages 98 through 104 of the Initial Study. Furthermore, the Specific Plan EIR addressed public services impacts in the Municipal Services chapter. The 2008 project proposes to develop 112 detached single-family residential units on the project site, when compared to 216 units under the 1990 project, thereby reducing demand for public services.

**8. Recreation:** The following specific impacts were found to be less-than-significant: O-a and O-b as shown on pages 105 through 107 of the Initial Study. The 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, nor would the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment.

**9. Transportation/Traffic:** The following specific impacts were found to be less-than-significant: P-a through P-f as shown on pages 108 through 119 of the Initial Study. The City of Martinez General Plan and the 2009 Countywide Comprehensive Transportation Plan (“CTP”) are the current plans and policies that establish measures of effectiveness for performance of circulation in and around the project site. These documents state that level of service D (“LOS D”) is to be maintained along all major corridors and signalized intersections. The traffic impact report includes detailed discussion of analysis methods and table and figures to show the anticipated trip generation and trip distribution. All five intersections studied operate at LOS C or better. Furthermore, the project would not result in a change in air traffic patterns, substantially increase hazards due to a design feature, result in inadequate emergency access, or conflict with adopted policies, plans or programs regarding public transit, bicycle, or pedestrian facilities.

**10. Utilities:** The following specific impacts were found to be less-than-significant: Q-a through Q-g as shown on pages 119 through 128 of the Initial Study. The Contra Costa County Sanitary District’s wastewater treatment plan capacity is adequate to handle the proposed 112 unit residential project. In addition, the 2008 project requires construction of water and wastewater infrastructure, including one water tank and pump station improvements, to serve the proposed residential development. The project proposes detention facilities and storm water lines designed to convey project generated runoff to approved stormwater facilities. Finally, the City has sufficient water supplies for the project.

## **VI. Project Alternatives**

### **A. Background - Legal Requirements**

CEQA requires that EIRs assess feasible alternatives or mitigation measures that may substantially lessen the significant effects of projects prior to approval. *Public Resources Code § 21002*. With the exception of the “no project” alternative, the specific alternatives or types of alternatives that must be assessed are not specified. CEQA “establishes no categorical legal imperative as to the scope of alternatives to be analyzed in an EIR. Each case must be evaluated on its own facts, which in turn must be reviewed in light of the statutory purpose.” *Citizens of Goleta Valley v. Board of Supervisors*, 52 Cal.3d. 553, 556 (1990). The legislative purpose of CEQA is to protect public health, welfare, and the environment from significant impacts associated with all types of development, by ensuring that agencies regulate activities so that major consideration is given to preventing environmental damage while providing a decent home and satisfying living environment for every Californian. *Public Res. Code § 21000*. In short, the objective of CEQA is to avoid or mitigate environmental damage associated with development. This objective has been largely accomplished in the Revised Project through the inclusion of project modifications and mitigation measures that reduce the potentially significant impacts to an acceptable level. The courts have held that a public agency “may approve a developer’s choice of a project once its significant adverse environment effects have been reduced to an acceptable level – that is, all avoidable significant damage to the environment has been eliminated and that which remains is otherwise acceptable.” *Laurel Hills Homeowners Assoc. v. City*, 83 Cal.App.3d 515, 521 (1978).

## **B. Identification of Project Objectives**

The CEQA Guidelines state that the “range of potential alternatives to the proposed project shall include those that could feasibly accomplish most of the basic purposes of the project and could avoid or substantially lessen one or more of the significant effects” of the Project. *CEQA Guidelines § 15126(d)(2)*. Thus, an evaluation of the Project objectives is important in determining which alternatives should be assessed in the EIR. The general goal of the proposed Project is completion of a residential subdivision for development in Martinez. Generally, the Project would provide for the orderly and systematic development of a residential neighborhood, implement the Alhambra Hills Specific Plan, and develop trails and associated infrastructure in a manner consistent with the policies of the City and the characteristics and natural features of the land. Six specific project objectives are discussed at pages 43 through 44 of the Draft SEIR: (1) implement Alhambra Hills Specific Plan (2) create a residential subdivision for development of 112 semi-custom and custom residential homes; (3) design and develop a trail to connect the project site to Briones Regional Park; (4) construct a financially feasible development; (5) develop infrastructure associated with the project including the extension of Wildcroft Drive, a new water tank (to serve the project and surrounding development), detention basins, and other related infrastructure. And (6) reduce the number of units proposed in the 1990 project to preserve a significant area for Alameda whipsnake habitat and open space, provide an environmentally superior project, and comply with the requirements of the State and Federal permits.

## **C. Alternatives Analysis in Alhambra Hills Specific Plan EIR**

The CEQA Guidelines state that the “range of potential alternatives to the proposed project shall include those that could feasibly accomplish most of the basic purposes of the project and could avoid or substantially lessen one or more of the significant effects” of the Project. The City evaluated the alternatives listed below. Since the 2008 project is a specific development project within the larger Alhambra Hills Specific Plan project, which was evaluated in the Specific Plan EIR, the Specific Plan EIR included an analysis of the following alternatives to the Specific Plan: No Project/1973 Specific Area Plan alternative, which evaluates continued planning under the 1973 Specific Area Plan; and a Modified Third Draft Plan alternative, which evaluated a less intensive alternative.

The 1990 project resulted in a further reduction in development potential on the Alhambra Highlands property. Since the City approved the 1990 project, the developer obtained several State and federal agency approvals. Through the State and federal permitting process, the project was modified to reduce the density and number of dwelling units, minimize utility infrastructure, and increase the amount of on-site habitat preservation and off-site mitigation for the Alameda whipsnake. In December 2008, the project applicant submitted a revised vesting tentative map application that incorporates the reductions and modifications of the project to address the requirements of the 1990 project conditions of approval. Thus the 2008 project represents a mitigated alternative of the 1990 project. Notwithstanding that the 2008 project represents a mitigated alternative of the Alhambra Highlands project; CEQA still requires an analysis of project alternatives in an EIR. Thus two additional alternatives specific to the Alhambra Highlands Residential Project were considered: the Mitigated/Alternate Access Alternative and No Project/No Build Alternative.

### **1. No Project/1973 Specific Area Plan Alternative.**

The No Project/1973 Specific Area Plan alternative is discussed at pages 214 through 215 of the Draft SEIR.

**(a) Findings:** The No Project/1973 Specific Area Plan alternative is rejected as an alternative because it would not achieve the Project’s objectives or the objectives of the City, and because it would result in substantially greater significant environmental impacts than the proposed project.

**(b) Explanation:** The Specific Plan EIR alternatives analysis found that the No Project/1973 Specific Plan alternative would result in more severe impacts than the Specific Plan. Both land use and circulation impacts would be greater due to increased density and increased traffic from the residential units. Geotechnical impacts would increase because of the different circulation pattern and the need for additional grading and increased site disturbance. Hydrology and drainage impacts would be incrementally greater as the storm water flows would be higher than the Specific Plan. This alternative would require 44 percent more water than the Specific Plan and 40 percent more sewer capacity than the Specific Plan. This alternative would also result in a slight increase in emergency response time and greater demand for police services as a result of the increase in the total number of residential units. Both air quality and noise impacts would be more severe due to increased site disturbance and increased vehicle trips. The greater site disturbance would also increase the level of impact to biological

resources. This alternative would allow development to stretch continuously along the entire plateau and extend beyond various ridges, which would result in more significant visual impacts.

## **2. Modified Third Draft Plan Alternative.**

The Modified Third Draft Plan alternative is discussed at pages 215 through 216 of the Draft SEIR.

**(a) Findings:** The Modified Third Draft Plan alternative is rejected as an alternative because it would not achieve the Project's objectives or the objectives of the City.

**(b) Explanation:** The Specific Plan EIR describes the Modified Third Draft Plan alternative as a less intensive development alternative that would retain essentially the same development area and primary access route designations proposed in the Specific Plan, but reduce allowable densities in the plateau development areas and redistribute allowable densities more evenly among the fringe development areas. Development under the Modified Third Draft Plan alternative would have permitted 555 residential units within the Specific Plan area with an extension of Elderwood Drive to create the main access road to the plateau development areas. The Specific Plan EIR alternatives analysis found that although this alternative would result in a reduction in the number of dwelling units, the Modified Third Draft Plan alternative would result in an increased potential for land use and aesthetic impacts due to increased density along fringe areas above Reliez Valley Road. Nonetheless, the reduction in density and disturbed area associated with this alternative would reduce impacts related to geology, hydrology and drainage, water demand (26 percent less than Specific Plan project), sewer capacity (26 percent less than Specific Plan project), police services, noise impacts including reduced noise at Blue Ridge Drive, air quality contaminants, and biological impacts.

## **D. Alternatives Evaluated in the Alhambra Highlands Residential Project EIR**

### **1. Mitigated/Alternate Access Alternative**

The Mitigated/Alternate Access Alternative is evaluated at pages 216 through 230 of the Draft SEIR. This alternative consists of the development of the same 298 acres as the 2008 project, but reduces the total number of lots from 112 to 110, and reduces the size of the developable area by 4.1 acres. Its additional principal characteristics as compared to the 2008 Project are described at pages 216 through 218 of the Draft SEIR and summarized here:

- Proposes to abandon and remove the existing Wildcroft Drive intersection with Alhambra Avenue and shift the intersection/project access 400 feet to the northwest, away from neighbors, improving safety and sight distance on Alhambra Avenue;
- Relocates the detention basin at the Wildcroft Drive entrance, but includes a total of two detention basins (as shown on Sheet 1 of the alternative

vesting tentative map site plan for the Mitigated/Alternate Access alternative);

- Reduces the Wildcroft Drive right-of-way from 72 feet to 40 feet in width and incorporates a step retaining wall system that would reduce grading and allow 65 additional trees to be preserved (as compared to the 2008 project);
- Reduces the Wildcroft Drive street width from 36 feet to 28 feet;
- Includes a soundwall that varies in height from 5 to 7 feet along the southeast side of the Wildcroft Drive extension (see Landscape Plan included in Appendix E);
- Increases the minimum horizontal distance of the Wildcroft Drive curb line from existing residence from 24 feet to 29 feet;
- Increases the size of the park from 2.1 acres to 5.3 acres;
- Relocates the park (Parcel E) from the southwest side of the project at the intersection of Erica Way and Darley Way to the northwest side of Aberdeen Road adjacent to lot 6;
- Incorporates a step retaining wall system at the park to reduce grading and preserve an additional 82 trees;
- Redistributes lots 1 to 5 to accommodate the new and expanded park location;
- Revises grading plan at water tank site to eliminate 10-foot retaining wall;
- Refines water main service roadway and Horizon Drive EVA connection to reduce grading and retaining wall heights and preserve 54 additional trees;
- Eliminates proposed retaining walls along Horizon Drive EVA road to accommodate a soil nail wall;
- Refines alignment of Wildcroft Drive and the water main service roadway;
- Reduces the total disturbed/graded area of the site by approximately 3.9 acres which saves a total of approximately 200 trees; and
- Reduces street widths for single loaded streets to 28 feet which will accommodate

parking on one side, with the exception of Erica Way which would be 36 feet and will accommodate parking on both sides.

**(a) Findings:** The Mitigated/Alternate Access Alternative is selected as the preferred project and will be implemented instead of the 2008 project because it best achieves both the Project's objectives and the objectives of the City, it is feasible, and it substantially lessens the Project impacts as further discussed below.

The project objectives are as follows: (1) implement Alhambra Hills Specific Plan (2) create a residential subdivision for development of 112 semi-custom and custom residential homes; (3) design and develop a trail to connect the project site to Briones Regional Park; (4) construct a financially feasible development; (5) develop infrastructure associated with the project including the extension of Wildcroft Drive, a new water tank (to serve the project and surrounding development), detention basins, and other related infrastructure; and (6) reduce the number of units proposed in the 1990 project to preserve a significant area for Alameda whipsnake habitat and open space, provide an environmentally superior project, and comply with the requirements of the State and Federal permits.

This alternative would meet the first project objective because the alternative would result in residential development in a location within the Alhambra Hills Specific Plan area approved for residential development. The Mitigated/Alternate Access Alternative also meets the second and fourth project objectives because the alternative only reduces the number of lots by 2 and would result in the development of 110 custom and semi-custom residential lots in accordance with the approved Specific Plan.

This alternative completely satisfies the third project objective because it would enable the design and development of a longer trail than that proposed by the 2008 project (5,500 linear feet) to connect the project site to the Briones Regional Park thereby providing a public trail and recreational uses.

This alternative deviates from the fifth project objective but only slightly – the width of a small amount of the roadways would be reduced from 36 to 28 feet and this alternative proposes to abandon and remove the existing Wildcroft Drive intersection with Alhambra Avenue and shift the Wildcroft Drive entrance approximately 400 feet to the northwest, away from neighbors. To ensure that any on-site circulation and access issues are fully addressed, the project proponent will perform an operational traffic study prior to final map approval that adequately satisfies the City Engineer and demonstrates that sufficient right of way is provided to accommodate the alternative roadway improvements.

This alternative meets the sixth project objective because it would provide additional habitat on-site for Alameda whipsnake and open space. It also includes a 5.3-acre park and 5,500 linear feet of trail to connect to the Briones Regional Park.

**(b) Explanation:** The infrastructure which would serve this alternative would be similar to the infrastructure included in the 2008 Project. This alternative would provide an additional 3.5 acres of on-site Alameda whipsnake habitat mitigation and open space which would increase the 214 acres proposed by the project. Consistent with the 2008 project, this alternative also includes two off-site mitigation areas (totaling

309 acres). The open space for the project would be maintained under this alternative in the same manner as the 2008 project.

### ***Aesthetics***

The impacts on aesthetics of the Mitigated/Alternate Access Alternative are slightly less than the 2008 project as evaluated on pages 220 to 226 of the Draft SEIR. This Alternative results in slightly less development on the site than the 2008 project including two fewer units, less site disturbance, less grading, and the removal of fewer trees a 142 tree reduction. The visual impacts depicted in the visual simulation of Viewpoint 4 will look different than the 2008 project – see the Projected View from the New Intersection of Alhambra Avenue and Wildcroft Drive Looking West (Figures V-3A and 3B). One of the reasons that the City has selected this alternative as the preferred project is because the impact to Viewpoint 4 would be less than the visual impact of the 2008 project as there would be fewer retaining walls and less grading and the changes in topography would occur more gradually. Implementation of Mitigation Measure AES-1d would reduce this impact to a less-than-significant level. This alternative would result in the same remaining aesthetic impacts and require the same mitigation measures as the proposed Project.

### ***Air Quality and Greenhouse Gas Emissions***

The Mitigated/Alternate Access Alternative would involve a level of development similar to the 2008 project, although it would result in two fewer units, disturb less area, and would not require as much grading. As a result, with respect to air quality and greenhouse gas emissions, the construction dust impacts would be slightly less than the emissions under the 2008 project but would remain significant as evaluated on page 226 of the Draft SEIR. As with the 2008 project, the impacts could be reduced to a less-than-significant level with implementation of Mitigation Measure AIR-1. The impact associated with greenhouse gas emissions would also remain cumulatively significant and unavoidable under this alternative.

This alternative would not result in a significant impact with respect to consistency with regional air quality plans because the reduced size of the development would remain within the amount of development projected under the adopted General Plan which served as the basis for the regional air quality plan. The Mitigated/Alternate Access Alternative would not violate any air quality standard or contribute substantially to an existing or projected air quality impact as this alternative would generate incrementally less emissions than the 2008 project as it would result in two fewer units, disturb less area, and would not require as much grading. Moreover, this alternative would not create objectionable odors affecting a substantial number of people or expose sensitive receptors or the general public to substantial levels of toxic air contaminants.

### ***Biological Impacts***

The Mitigated/Alternate Access Alternative would not result in any significant impacts related to a conflict with an adopted habitat conservation plan, nor would it result in any new or substantially more severe biological or wetland/waters of the U.S. impacts when compared to the project as discussed on pages 226 through 227 of the

Draft SEIR. This alternative would result in a 3.5-acre reduction in the amount of developable area which would result in a corresponding reduction in whipsnake habitat that would be impacted by project development. The Mitigated/Alternate Access alternative results in the preservation of 234.2 acres of open space on site.

Accordingly, the Mitigated/ Alternate Access alternative would result in a reduction in total habitat impacts, as compared to the 2008 project. This alternative will result in the preservation of additional high quality whipsnake habitat because the Wildcroft Drive access roadway alignment would be reduced in width and located within an area of the site authorized for development under the USFWS Biological Opinion as discussed on page 227 of the Draft SEIR. (Biological Opinion is Appendix A to the Draft SEIR).

Thus, this alternative would improve the mitigation ratio while preserving additional high quality on-site whipsnake habitat.

Impacts to riparian vegetation and wetlands and waters of the United States/State would be the same as the impacts associated with the 2008 project while impacts to on-site trees would be reduced. This alternative would result in 142 fewer native trees being removed due to the change in alignment and reduction in roadway width as discussed on page 227 of the Draft SEIR. Implementation of the same mitigation measures as those proposed for the project will reduce the impacts of this alternative to a less-than-significant level, including the Final Wetland Mitigation and Monitoring Plan prepared by LSA Associates (Appendix D, Draft SEIR).

### ***Cultural Resources***

The cultural resource impacts for this alternative would be the same as for the Project, as evaluated on page 228 of the Draft SEIR but with the potential to result in less of an incremental impact due to the reduction in area of disturbance associated with the slightly smaller development footprint. As with the 2008 project, impacts to historical resources would be less than significant as no historic resources exist on the site or in the immediate vicinity. Impacts to cultural and paleontological resources are not anticipated under this alternative (or the 2008 project) as the site has an extremely low potential for the discovery of significant archaeological resources. The possibility, however, cannot be discounted that such resources may be encountered. As a result, the significant impacts and mitigation measures identified for the 2008 project would be applicable to this alternative for archaeological resources, paleontological resources, and human remains.

### ***Hydrology & Water Quality***

This alternative would disturb a smaller portion of the approximately 298-acre site and would thus result in a reduced amount of runoff that could affect the stormwater conveyance system as evaluated on pages 228 and 229 of the Draft SEIR.

Calculations estimate a net reduction in site imperviousness from 13.58 to 12.36 acres. This alternative would not result in any significant impacts related to groundwater, 100-year flood hazard area, flood hazards—levee or dam, or inundation hazards. While it may result in construction activities that may result in water quality degradation, all of the mitigation measures recommended for the Project would also apply to this alternative. Overall, the impacts on hydrology and water quality would be slightly less

than the 2008 Project because the site area proposed for development would be slightly reduced. These findings are based on the multiple reports and letters prepared by ENGEO Incorporated.

### ***Noise Impacts***

Finally, the Mitigated/Alternate Access Alternative is anticipated to result in noise impacts similar to those identified for the 2008 Project and these impacts could also be mitigated by the noise mitigation measures recommended for the project. Impacts associated with traffic on the extension of Wildcroft Drive would be significant for this alternative (and the 2008 project); however, the level of impact to individual lots would be different than the 2008 project due to the modified alignment and different final grade finishes. As a result, detailed traffic noise modeling was conducted for this alternative. Traffic along the alternative roadway location would increase existing Ldn noise levels at residential receivers along Valley Glen Lane by 0 dBA to 8 dBA, whereas the project would increase noise by up to 7 dBA. The calculated noise level increase would vary depending on the existing noise environment at receivers (loud versus quiet), the elevation of the planned roadway in relation to existing receivers, and potential reflections from the proposed soil nail retaining wall. Traffic noise modeling results for this alternative and the 2008 project are summarized in Table V-1, Draft SEIR. In all cases, exterior noise levels in the rear yards of adjacent residences would remain at or below 60 dBA Ldn which would meet the City's exterior and interior noise levels for residential uses.

Like the 2008 project, implementation of the Mitigated/Alternate access alternative would substantially increase noise levels at private rear yard areas of several single-family residences within the Elderwood Subdivision as traffic along Wildcroft Drive would become the predominant noise source in areas that are currently quiet. In some instances, the noise impact would be greater than the 2008 project, but in all cases the noise levels would be reduced to a less-than-significant level with a sound wall that ranges in height from 5 to 7 feet along the roadway edge, which is proposed as part of this alternative. Mitigation Measure NOISE-2 recommended for the 2008 project will be implemented to verify the wall heights proposed in each specific location are adequate to achieve an acceptable noise level of 60 dBA. In no case, is a wall height in excess of 7 feet expected to be necessary.

### ***Environmental Topics Found to be Less than Significant***

In addition, the Mitigated/Alternate Access alternative, like the 2008 project, would not result in any significant impacts related to the categories of environmental effects listed above in Section V. No substantial changes have occurred that would introduce any significant impacts. In addition, the Mitigated/Alternate Access alternative would not result in any new significant impacts or substantial changes in the severity of previously identified impacts. Furthermore, no new information has become available since the certification of the Alhambra Hills EIR indicating that for the topics listed above the Mitigated/Alternate Access Alternative would have any new significant or substantially more severe environmental effects, or that new or different mitigation measures or project alternatives would be feasible or more effective in mitigating an

impact. For these reasons, this alternative would not require further environmental review of these topics. This is primarily due to the fact that the majority of the impacts associated with this alternative would be incrementally reduced due to the reduction of disturbed area, less grading (as further discussed in the ENGEO May 2010 letter regarding Alternative 1 included in Appendix E, Draft SEIR), less tree removal, development of two fewer residential lots, and narrower streets.

Notwithstanding the 2008 project's less than significant impacts associated with these categories of environmental impact, the description of the Mitigated/Alternative Access alternative evaluated ways in which to refine the project to further substantially lessen the less-than-significant impacts of the 2008 project. Thus, the Draft SEIR includes information regarding reductions in grading and geotechnical considerations for the Mitigated/Alternate Access Alternative.

For all of the reasons set forth above, the City finds that the Mitigated/Alternate Access Alternative would substantially lessen the environmental impacts of the 2008 project. There are no new impacts or substantially more severe impacts associated with this Alternative. Based on the City's review of the alternative, the Mitigated/Alternate Access alternative also would attain most of the basic project objectives. For these reasons, the City selects the Mitigated/Alternate Access Alternative as the preferred project.

## **2. No Project/No Build Alternative**

The No Project/No Build Alternative is evaluated at page 233 of the Draft SEIR. This alternative assumes that the project site would remain in its current condition and would not be subject to development. This alternative is considered in this SEIR as a "No Project/No Build" alternative which was not considered in the Specific Plan EIR. Per CEQA Guidelines Section 15126, the No Project Alternative is considered to compare the impacts of approving the 2008 project to not approving the project. Under the No Project Alternative, no development would occur on the 298-acre project site and existing ranch-land type conditions would continue into the future.

**(a) Findings:** The No Project/No Build Alternative is rejected as an alternative because it would not achieve the Project's objectives or the objectives of the City to implement the Alhambra Hills Specific Plan, create a residential subdivision for development of 112 semi-custom and custom residential homes, and build the necessary associated infrastructure. It is considered the environmentally superior alternative in the strict sense that environmental impacts associated with its implementation would be the least of all the alternatives examined. The No Project/No Build alternative would not result in the impacts associated with the 2008 project, nor would it result in an increase in potential impacts identified for the 2008 project, as no development would occur and the project site would remain in its current condition.

**(b) Explanation:** This alternative would not realize the benefits of the Project or achieve any of the project objectives. The No Project/No Build Alternative would not provide the orderly development of the housing uses identified as objectives in the Draft SEIR, nor would it achieve the objective of generating property and sales tax revenues for the City. Under the No Project/No Build alternative, no new residential building pads

would be created and no new infrastructure would be constructed. Additionally, 234 acres of on-site mitigation and 309 acres of off-site mitigation for the Alameda whipsnake would not be established.

### **3. Other Alternatives**

Ten alternative access options were considered during the project review process but rejected from further consideration, except the Mitigated/Alternate Access Alternative. These alternatives included alternative conceptual plans identified in 2004, 2005 and 2008 based on consideration of the following primary objectives: maximum separation from existing homes; safety concerns; lighting concerns; reduced retaining wall heights, and reduced graded area. Two of the alternatives considered in 2004 (known as, “Bellecci Alternatives A and B”) as part of the final map process for the 1990 project evaluated a different alignment for Wildcroft Drive. These alternates were rejected because the alternates required 50-60’ high walls on the upslope side of the relocated roadway, thereby resulting in a substantial increase in retaining wall height. In 2005, another alternative was identified. Known as the, “Bellecci Non-Compliant Route Alternative,” this alternative location for Wildcroft Drive created a “T” intersection at Wildcroft Drive and Valley Glen Lane. The road would be located on the north side of the property closer to the Bethany Baptist church. Because this alternative route required 50’ –60’ high walls and required additional tree removal, the alternative was rejected from further consideration.

In 2007 and 2008, the developer evaluated another eight alternatives to screen alternative alignments for the Wildcroft Drive Extension. All but one of these was rejected from further review. These alternatives included the following alternative alignments for Wildcroft Drive:

- Alternative 1 involved relocation of the Wildcroft Drive alignment north of the existing electric tower, and the entrance location to the site was moved to the north. This alternative would result in a 16 percent street slope and 1.5:1 slopes to daylight-no benches would be provided. Alternative 1 resulted in a substantial increase to the number of trees that would be removed. Due to the extensive grading, street slopes and significant tree removal, this alternative was rejected from further review.
- Alternative 2 consisted of moving the Wildcroft Drive alignment to a location below the existing electric tower as shown in the schematic included in Appendix E. The entrance location would be relocated to the north. This alternative resulted in a 15 percent street slope and 1.5:1 slopes to daylight. Due to the extensive grading, street slopes and significant tree loss, this alternative was rejected from further review.
- Alternative 3 was similar to Alternative 2, only it resulted in a 16 percent street slope. It, too, was rejected from further review for the same reasons that Alternative 2 was eliminated.

- Alternatives 4 and 5 considered alternate routes located below the existing electric tower, but the entrance would be located at the existing intersection with Alhambra Avenue.
- Alternatives 6 and 7 were similar to Alternatives 4 and 5 in terms of the location of Wildcroft Drive, however, these alternatives introduced 16 percent street slope-tiered walls and 2:1 slopes to daylight (benches included). Due to the extensive grading, street slopes and significant tree loss, these alternatives were rejected from further review.

Many of the alternatives required impractical retaining wall heights and/or substantial tree removal. Alternative 1 (identified above) required substantial tree removal. Alternatives 2 through 5 required impractical retaining wall heights and Alternatives 6 and 7 were further refined to reduce wall heights and introduce 2:1 and 3:1 slopes. The Mitigated/Alternate Access Alternative identified above and further evaluated below was selected because the design met the objectives of moving the roadway away from the existing homes; the entrance at Alhambra Avenue is a safer location for ingress and egress; and additional impacts to trees and whipsnake habitat were avoided because this alternative results in less grading on the site.

The alternatives which were rejected from further review are considerably different from the alternatives evaluated in the Specific Plan EIR and would reduce one or more significant effects. Nonetheless, these alternatives would result in other greater environmental impacts compared to the environmental impacts of the project associated with the visual impacts resulting from the substantial retaining wall heights. Additionally, some of the Wildcroft Drive alternatives would result in an increase in tree removal and greater impacts to whipsnake habitat. Moreover these alternatives would not meet many of the primary objectives for the design of Wildcroft Drive. For these reasons, these alternatives were rejected from further review.

## **VII. Statement of Overriding Considerations**

Pursuant to Public Resources Code Section 21081 and CEQA Guidelines Section 15093, this City adopts and makes the following Statement of Overriding Considerations regarding the one remaining significant unavoidable impact of the Mitigated/Alternate Access Alternative selected in lieu of the proposed Project. The following summarizes the City's determination regarding the anticipated economic, legal, social, technological, and other benefits of this alternative and the proposed project, as a whole:

### **A. Findings and Statement**

The City finds and determines that the Mitigated/Alternate Access Alternative would substantially lessen most of the significant impacts associated with the 2008 project. Moreover, most of the significant impacts of the Mitigated/Alternate Access Alternative will be reduced to acceptable levels through the implementation of the mitigation measures recommended in the SEIR and documented in these Findings. As set forth above, however, the City's approval of the Mitigated/Alternate Access Alternative will result in one significant adverse environmental effect that cannot be

avoided even with the incorporation of all feasible mitigation measures into the Mitigated/Alternate Access Alternative. While this alternative mitigates the environmental effects more than the 2008 Project, it does not avoid the one significant and unavoidable environmental effect. The significant effect that has not been mitigated to a less-than-significant level is cumulative greenhouse gas emission impacts which would exceed the recently adopted BAAQMD CEQA thresholds.

In light of the environmental, social, economic, and other considerations identified in the prior findings for the Alhambra Highlands Specific Plan, and the considerations set forth below, this City chooses to approve the Mitigated/Alternate Access Alternative because, in its view, the economic, legal, social, technological, and other benefits resulting from the Alhambra Highlands Residential Project as implemented through the Mitigated/Alternate Access Alternative will render the significant effect acceptable. When compared to the original approved 1990 project and the 2008 project, the Mitigated/Alternate Access Alternative reduces GHG emissions and further lessens the impacts because it would result in fewer units, disturb less area, and reduce grading which would reduce construction-related GHG emissions. Moreover, the fewer units would generate fewer vehicular trips thereby resulting in a slight reduction in GHG emissions post-construction.

The following statement identifies the reasons why, in the City's judgment, the benefits of the Mitigated/Alternate Access Alternative outweigh the significant and unavoidable effect. The substantial evidence supporting the enumerated benefits of the Mitigated/Alternate Access Alternative for the Alhambra Highlands Residential Project are found in the preceding findings, which are herein incorporated by reference and in the record of proceedings and the record, as a whole.

Each of the overriding considerations set forth below constitutes a separate and independent ground for finding that the benefits of the Mitigated/Alternate Access Alternative outweighs its significant adverse environmental effect and is an overriding consideration warranting approval.

The City finds that the Mitigated/Alternate Access Alternative, as conditionally approved, would have the following economic, legal, social and technological and environmental benefits:

## **B. Statement of Overriding Considerations Related to the Mitigated/Alternate Access Alternative**

**1. Social and Community Benefits.** A new sustainable, comprehensively designed community is planned for future residents on the Alhambra Highlands Residential Project site. Under the selected alternative, the Alhambra Highlands Residential Project would further the City's General Plan policies and the goals and objectives of the Alhambra Specific Plan for new residential land use providing a variety of residential land use designations to meet the future needs of the City and the region, while ensuring compatibility with existing and planned land uses, in a manner consistent with the adopted Alhambra Hills Specific Plan. Approval of the Mitigated/Alternate Access Alternative for the Alhambra Highlands Residential Project would complete the specific plan and provide for orderly growth in an area identified for development since

the 1980s. Specifically, this alternative includes development of new single-family lots and related infrastructure to facilitate construction of 110 custom and semi-custom homes and would provide in-fill housing opportunities within the Alhambra Hills area of Martinez. The Mitigated/Alternate Access Alternative would also include active recreational open space, including a 5.3-acre park within the project site, and 5,500 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.

**2. Economic/Public Revenues.** The Alhambra Highlands Residential Project, through its phased implementation of the Mitigated/Alternate Access Alternative over a 10-year period would generate property tax revenues for the City. This development plays a strong role in achieving the General Plan's goal of developing tax revenue-creating activities necessary to implement other city-wide objectives. The developer will contribute its fair share toward the cost of City-wide community facilities which are proposed for construction outside of the Alhambra Highlands project site. In short, the project will increase tax revenues to the City through the addition of property value, the expansion of the housing market, and the overall enhancement of the City's economic base.

**3. Natural Resources.** Habitat preservation and restoration are important components of the Alhambra Highlands Residential Project, and through the Mitigated/Alternate Access Alternative, the project would provide a total of 217.5 acres of on-site Alameda whipsnake habitat mitigation and open space. The project also includes two off-site mitigation areas (totaling 309 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 would remain in a natural state and be maintained by a homeowner's association or Geologic Hazards Abatement District. The off-site mitigation lands would be maintained by a land trust conservancy, 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 Mitigated/Alternate Access Alternative would also include active recreational open space, including a 5.3-acre park within the project site, and 5,500 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.