

# CHAPTER I

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## Introduction

### 1.1 Overview

This Draft Environmental Impact Report (EIR) is an informational document that discloses to the public and decision makers the environmental effects of the proposed Bayview Estates Residential Project (“Project”). This document assesses the direct, indirect, and cumulative environmental effects or impacts that could result from implementation of the Project. The analysis in this document is based on information submitted by the Project applicant and sponsor, Discovery Builders, Incorporated (“Discovery Builders”), in its application to Contra Costa County (the County) for an amendment to the *Contra Costa County General Plan* (“General Plan”), rezoning, tentative subdivision maps, project design review and a Preliminary Development Plan. The Project site is a total of approximately 78.3 acres in the Vine Hill Pacheco Boulevard Area of unincorporated Contra Costa County. The applicant proposes to develop 144 single family homes and associated internal roadways and infrastructure on approximately 31.8 acres of the site, with the remaining 46.5 acres a combination of hilltop open space, a private neighborhood park, and wetland/marsh areas and a stormwater treatment basin.

The County has prepared this Draft EIR pursuant to the California Environmental Quality Act (CEQA) (Public Resources Code [PRC] Section 21000, *et seq.* and Section 15000, *et seq.*) and the state CEQA *Guidelines* (California Code of Regulations) promulgated thereunder (together “CEQA”). CEQA requires that an EIR be prepared by the agency with primary responsibility over the approval of a project (the Lead Agency). The County is the Lead Agency for this EIR, and as such is overseeing and administering the CEQA environmental review process.

This EIR is intended as an informational document that, in itself, does not determine whether the Project should be approved, but informs local officials involved in the planning and decision-making process for the Project.

### 1.2 Background

In 2008, Discovery Builders proposed an initial version of the proposed Project. The County analyzed the previous proposal in a 2008 Draft EIR. The County published and received public comment on the Draft EIR. In response to input received on the Draft EIR, in November 2010, Discovery Builders submitted a “Lesser Intensity Project Alternative” to the project analyzed in the 2008 Draft EIR. The Lesser Intensity Project Alternative consisted of a revised layout and grading plan that retained the existing top elevation of Vine Hill and was designed to alleviate potential water pressure issues of the originally proposed 2008 project by lowering the elevation

of residential development on the project site. In 2014, Discovery Builders submitted additional detail regarding proposed utilities and infrastructure of the Lesser Intensity Project Alternative, and in 2017, the County renewed preparation of a Draft EIR by issuing a renewed Notice of Preparation (see Section 1.3.1 below).

The Project applicant continued to coordinate with the County to further refine the proposed stormwater plan, grading in certain development areas and wetlands on the Project site, as well as utility infrastructure alignments. The currently proposed Project analyzed in this Draft EIR incorporates the aforementioned refinements to the 2008 proposal. Specifically, this Draft EIR presents an independent, stand-alone analysis of the currently proposed Project; it is not a recirculation of the 2008 Draft EIR to address the current Project, nor is the analysis herein a comparative assessment of the current Project compared to the proposal analyzed in the 2008 Draft EIR.

## 1.3 CEQA Environmental Review

As set forth in the provisions of CEQA *Guidelines* Section 15126.4, before deciding whether to approve a project, public agencies must consider the significant environmental impacts of the project and must identify feasible measures to minimize those impacts. Pursuant to CEQA *Guidelines* Section 15064, if any aspect of a proposed project, either individually or cumulatively, may cause a significant effect on the environment, regardless of whether the overall effect of the project is adverse or beneficial, an EIR must be prepared.

As previously indicated, this EIR is a factual informational document, prepared in conformance with CEQA and written for the purpose of making the public and decision makers aware of the environmental consequences of the proposed Project. For any environmental impact that is considered “significant”, the EIR identifies mitigation measures, where feasible, to reduce or avoid the significant impact. This EIR also considers the objectives of the Project and, where feasible, identifies alternative ways of accomplishing those objectives while substantially reducing the Project’s impacts.

The County, as Lead Agency, determined that preparation of an EIR is required for the proposed Project because there is “substantial evidence that the project may have a significant effect on the environment” (per CEQA *Guidelines* Section 15064[a][1]). This Draft EIR addresses each environmental topic for which the Project could result in a significant impact and identifies topics for which the Project would have a less-than-significant impact.

CEQA states that the Lead Agency (in this case the County) shall not “approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects...” (PRC Section 21002). If the Lead Agency approves a project despite residual significant adverse impacts that cannot be mitigated to less-than-significant levels, the agency must adopt a “Statement of Overriding Considerations” stating the reasons for its action in writing.

### 1.3.1 Notice of Preparation

On June 7, 2017, the County issued a Notice of Preparation (NOP) (provided in **Appendix A** of this document) to governmental agencies and organizations and persons interested in the Project. The NOP invited all responsible agencies, interested agencies and individuals to submit comments which address environmental concerns resulting from implementation of the Project. The County held a public scoping session on July 17, 2017, during which public input regarding environmental issues to be addressed was also received. As appropriate, this Draft EIR addresses those responses to the NOP that involved environmental issues associated with the Project site and proposed Project. Copies of written responses to the NOP are also provided in Appendix A.

### 1.3.2 Notice of Availability

This Draft EIR is available for review during the 45-calendar-day public review period, during which time written comments on the adequacy of the Draft EIR may be submitted to:

Gary Kupp, Senior Planner  
Contra Costa County Department of Conservation and Development  
Community Development Division  
30 Muir Road  
Martinez, CA 94553

Written comments may also be submitted electronically to [gary.kupp@dcd.cccounty.us](mailto:gary.kupp@dcd.cccounty.us).

Once scheduled, the date of the public hearing on the Draft EIR will be posted on the County's website for the Project (<http://www.co.contra-costa.ca.us/4731/Bayview-Residential-Project>).

### 1.3.3 Response to Comments / Final EIR

Responses to all substantive comments received on the adequacy of the Draft EIR and submitted within the specified review period of the Draft EIR will be prepared and included in the Response to Comments / Final EIR. The County will then consider certification of the Final EIR under CEQA, including consideration of whether the Final EIR was completed in compliance with CEQA; was presented to and reviewed by the decision-making body; and is adequate, accurate, and reflects the County's independent judgment and analysis. Prior to approval of the Project, the County must certify the Final EIR and adopt a reporting and monitoring program for mitigation measures identified in this report in accordance with the requirements of PRC Section 21081.

## 1.4 Adequacy of the EIR Analysis

### 1.4.1. Standards of Adequacy of an EIR

Pursuant to CEQA Guidelines Section 15151, an EIR should be prepared with a sufficient degree of analysis to provide decision makers with information that enables them to make a decision which intelligently takes account of environmental consequences. An evaluation of the

environmental effects of a proposed project need not be exhaustive, but the sufficiency of an EIR is to be reviewed in the light of what is reasonably feasible. Disagreement among experts does not make an EIR inadequate, but the EIR should summarize the main points of disagreement among the experts. The courts have looked not for perfection but for adequacy, completeness, and a good faith effort at full disclosure.

Plans and reports describing the proposed construction and operation of the proposed Project have been developed to a degree sufficient to permit environmental analysis in conformance with CEQA. Accordingly, this EIR presents reasonable assumptions (as described in Chapter 3, *Project Description*, of this document) about the proposed Project and describes their associated environmental impacts. Where necessary, the analysis is based on conservative assumptions that tend to overstate Project impacts.

CEQA *Guidelines* Section 15382 defines a significant effect on the environment as “a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project....” Therefore, in identifying the significant impacts of the Project, this EIR concentrates on its substantial physical change and upon mitigation measures to avoid, reduce, or otherwise alleviate those effects.

## 1.4.2. Impacts of the Environment on a Project

Impacts of the environment on a project, as opposed to impacts of a project on the environment, are generally beyond the scope of required CEQA review. The California Supreme Court has stated, “CEQA analysis is concerned with a project’s impact on the environment, rather than with the environment’s impact on a project and its users or residents.” (*California Building Industry Association v. Bay Area Air Quality Management District*, [S213478, Dec. 17, 2015] [“*CBIA v. BAAQMD*”]). As the Court observed, certain considerations involving schools, residential developments and whether the project may exacerbate existing impacts must be analyzed. However, to the extent that the impacts discussed in this EIR (in such sections as 4.2, *Air Quality*; 4.5, *Geology and Soils*; 4.6, *Greenhouse Gas Emissions and Energy*; 4.7, *Hazards and Hazardous Materials*; 4.8, *Hydrology and Water Quality*; and 4.10, *Noise*) relate to the pre-existing environment’s effects (on or off site) on the Project or potential site users, except for those exceptions identified in *CBIA v. BAAQMD*, are included for informational purposes. For the purpose of a thorough analysis, all thresholds for determining the significance of impacts in accordance with the requirements of the *CEQA Guidelines* have been included, including those found in Appendix G of the *CEQA Guidelines*.

## 1.5 Organization of this Draft EIR

This Draft EIR is organized as follows:

This *Introduction* (Chapter 1) contains a brief summary of the Project and environmental review process. The chapter also describes the purpose, intended use, and organization of the EIR.

The **Summary** (Chapter 2) of this EIR contains a summary of the proposed Project, environmental impacts and recommended mitigation measures, residual environmental impacts after mitigation, and alternatives to the Project that would reduce or avoid impacts considered significant and unavoidable.

The **Project Description** (Chapter 3) describes the Project location, physical characteristics of the Project key to the environmental analysis, the Project objectives, and a list of the required Project approvals and other agencies that must consider aspects of the Project.

**Environmental Setting, Impacts and Mitigation Measures** (Chapter 4) is organized by sections that address each environment topic. Each section discusses the setting (existing conditions and regulatory framework), the environmental impacts (including cumulative impacts) that would result with the Project, and the mitigation measures that would reduce or eliminate the identified significant impacts. The criteria and thresholds used to determine the significance of potential environmental impacts are also specified in Chapter 4.

**Alternatives** (Chapter 5) evaluates a reasonable range of alternatives to the proposed Project, including a No Project alternative as required under Section 15126.6(e) of the CEQA *Guidelines*. Chapter 5 discusses the environmental impacts associated with each alternative, compares the relative impacts of each alternative to those of the Project and the other alternatives, and discusses the relationship of the alternatives to the Project sponsor's objectives. The determinations of the County concerning the feasibility, acceptance, or rejection of each and all alternatives considered in this EIR will be addressed and resolved in the County's CEQA findings to certify the EIR, prior to taking action on the Project, as required by CEQA.

**Other CEQA Considerations** (Chapter 6) discusses the Project's potential for inducing growth and summarizes the significant unavoidable impacts, effects found not to be significant, and significant irreversible effects, pursuant to Section 15127 of the CEQA *Guidelines*.

**Report Preparation** (Chapter 7) identifies the EIR report preparers. Persons and documents consulted during preparation of the EIR are listed at the end of each topical analysis section in Chapter 4.

**Appendices and References.** The NOP, as well as supporting background documents and technical information that support the impact analysis, are presented in the appendices. All reference documents listed at the end of each analysis section (throughout Chapter 4) are available for public review at the Contra Costa County Department of Conservation and Development, Current Planning Division.

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