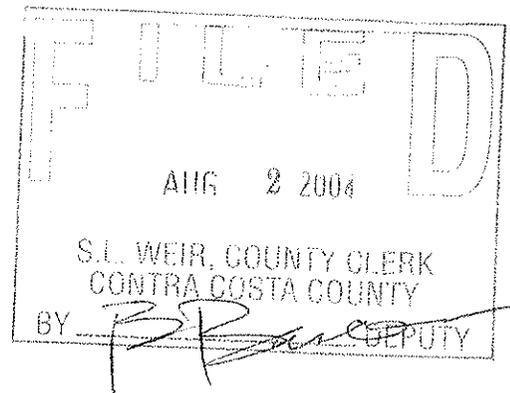


ENVIRONMENTAL INITIAL STUDY  
City of Oakley Westerly Annexation  
Oakley, California

July 28, 2004



*Prepared for:*

City of Oakley  
3639 Main Street  
Oakley, CA 94561  
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*Prepared by:*

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URBAN & ENVIRONMENTAL PLANNING

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## 1. SUMMARY

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<b>Project Title:</b>	Westerly Annexation Area, City of Oakley California.
<b>Lead Agency Name &amp; Address:</b>	City of Oakley Community Development Dept. 3639 Main Street, Oakley CA 94561.
<b>Contact Person &amp; Phone Number:</b>	Rochelle Henson, Senior Planner City of Oakley Community Development Dept. (925) 625-7000.
<b>Project Location:</b>	Southeast corner of East Cypress Road and Sellers Avenue, contiguous to the City of Oakley municipal boundaries.
<b>Project Sponsor's Name &amp; Address:</b>	City of Oakley 3639 Main Street, Oakley CA 94561
<b>General Plan Designation:</b>	Oakley 2020 General Plan: Agriculture, Agricultural Limited, Parks and Recreation, and Single Family High (see Figure 2 below).
<b>Zoning:</b>	Current Zoning: No current rezoning designation; proposed rezoning is described in Section 2B below; current Contra Costa County zoning A-2 and A-3 General and Heavy Agriculture.

### **Project Summary:**

The Contra Costa Local Agency Formation Commission (LAFCO) expanded the City of Oakley Sphere of Influence (SOI) in August of 2003 to include approximately 2,634 acres within the City's Planning Area, east of the current municipal boundaries. The proposed project involves annexation of a total of 87.9 acres, including 83.3 acres within the current SOI, together with a contiguous 4.7-acre parcel located outside the City SOI, but within the City's Planning Area boundary. This project therefore includes both a City annexation and concurrent minor amendment to the City of Oakley SOI.

As further detailed in Section 2C below, annexations are also required to the Diablo Water District (DWD), Ironhouse Sanitary District (ISD), and Contra Costa Water District (CCWD). The subject 87.9 acres are located entirely within the Spheres of Influence for DWD and ISD, and are also within CCWD's Future Water Service Area B. Concurrent actions are required by these responsible agencies to seek inclusion of the project area within their service areas. Consequently, these concurrent annexations will be processed through LAFCO as part of a City of Oakley sponsored boundary reorganization.

The City of Oakley has adopted a General Plan which establishes clear land use policy and development standards for continued farming activities and limited future residential development within the project boundaries. This environmental analysis is intended to serve as the primary project-level CEQA document for evaluation of such future development. As further described in Section 2C below, a subdivision of approximately 100 residential lots has been contemplated by the owner of the 24.0 acres located at the corner of Sellers Avenue and East Cypress Road (Baldocchi). The Baldocchi property is planned by the City for single-family residential use, whereas the balance of the partially developed properties within the project area are classified for Agricultural or Limited Agricultural uses (see Section 2D below for additional details).

This document examines the environmental consequences of a boundary reorganization which includes a minor City SOI amendment and concurrent annexation to the City, CCWD, DWD and ISD (as part of a boundary reorganization). The potential effects of a future housing development on the Baldocchi property, as well as smaller-scale agricultural-related developments on other properties within the project boundaries are also considered in this analysis. This Initial Study concludes that these actions could have potentially significant pre-mitigation environmental effects with respect to the following:

- ❖ Aesthetics
- ❖ Air Quality
- ❖ Biological Resources
- ❖ Cultural Resources
- ❖ Geology and Soils
- ❖ Hazards and Hazardous Materials
- ❖ Hydrology and Water Quality
- ❖ Noise
- ❖ Public Services
- ❖ Transportation and Traffic
- ❖ Utilities and Service Systems

However, based on the City's refined land use program for this area and the mitigation measures which have been incorporated by the project sponsor, there will not be a significant effect in this case. The nature and extent of potential environmental impacts are summarized in Section 3 of this Initial Study. A Mitigation Monitoring and Reporting Plan (MMRP) and draft Mitigated Negative Declaration (MND) will therefore be prepared.

## **2. PROJECT DESCRIPTION**

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### **A. Project Location**

The Westerly Annexation Area is located southeast of the intersection of East Cypress Road and Sellers Avenue within the Planning Area Boundary of the City of Oakley. As shown in Figure 1 below, Oakley is situated in eastern Contra Costa County, between the Cities of Antioch and Brentwood.

As shown in Figure 2, the 87.9-acre project area is contiguous to the City's municipal boundaries to the north and west. The area is also situated within Contra Costa County's adopted Urban Limit Line (ULL), within which urbanization is contemplated in accordance with the City's General Plan and the County's 65/35 Open Space Preservation Plan. An expansion of the City's Sphere of Influence (SOI) was approved by the Contra Costa Local Agency Formation Commission (LAFCO) in August of 2003, as shown in the cross-hatched area in Figure 2. This expanded SOI now includes approximately 2,634 acres within the City's Planning Area, east of the current municipal boundaries, including 83.3 acres of the Westerly Expansion Area (as shaded in yellow). A remaining contiguous 4.7-acre parcel is currently located outside the City SOI, but within the City's Planning Area boundary (also shaded in yellow but not cross-hatched). This parcel was included in the project area at the request of the land owner, Helen Jessie.

Figure 1: Regional Vicinity Map

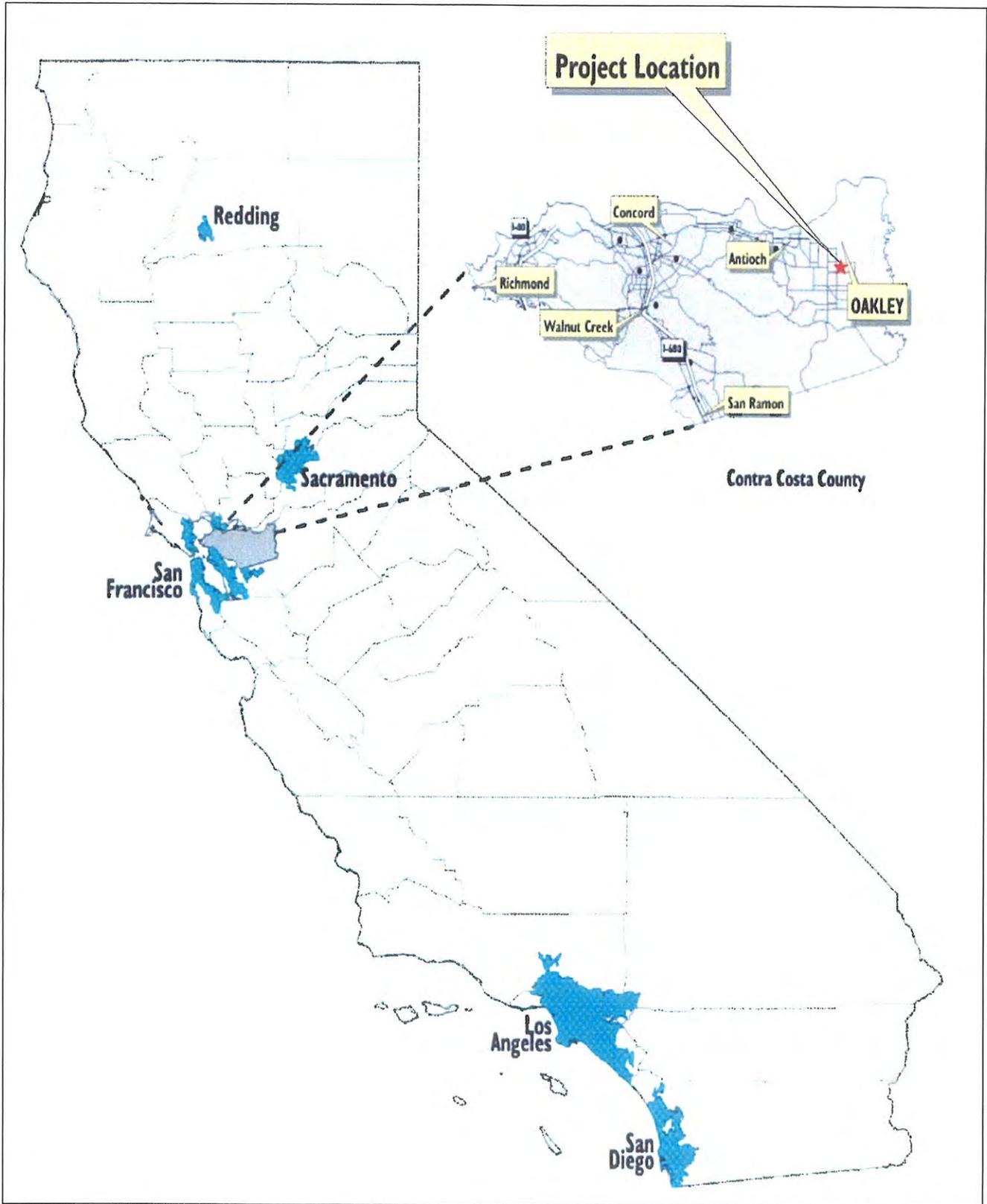
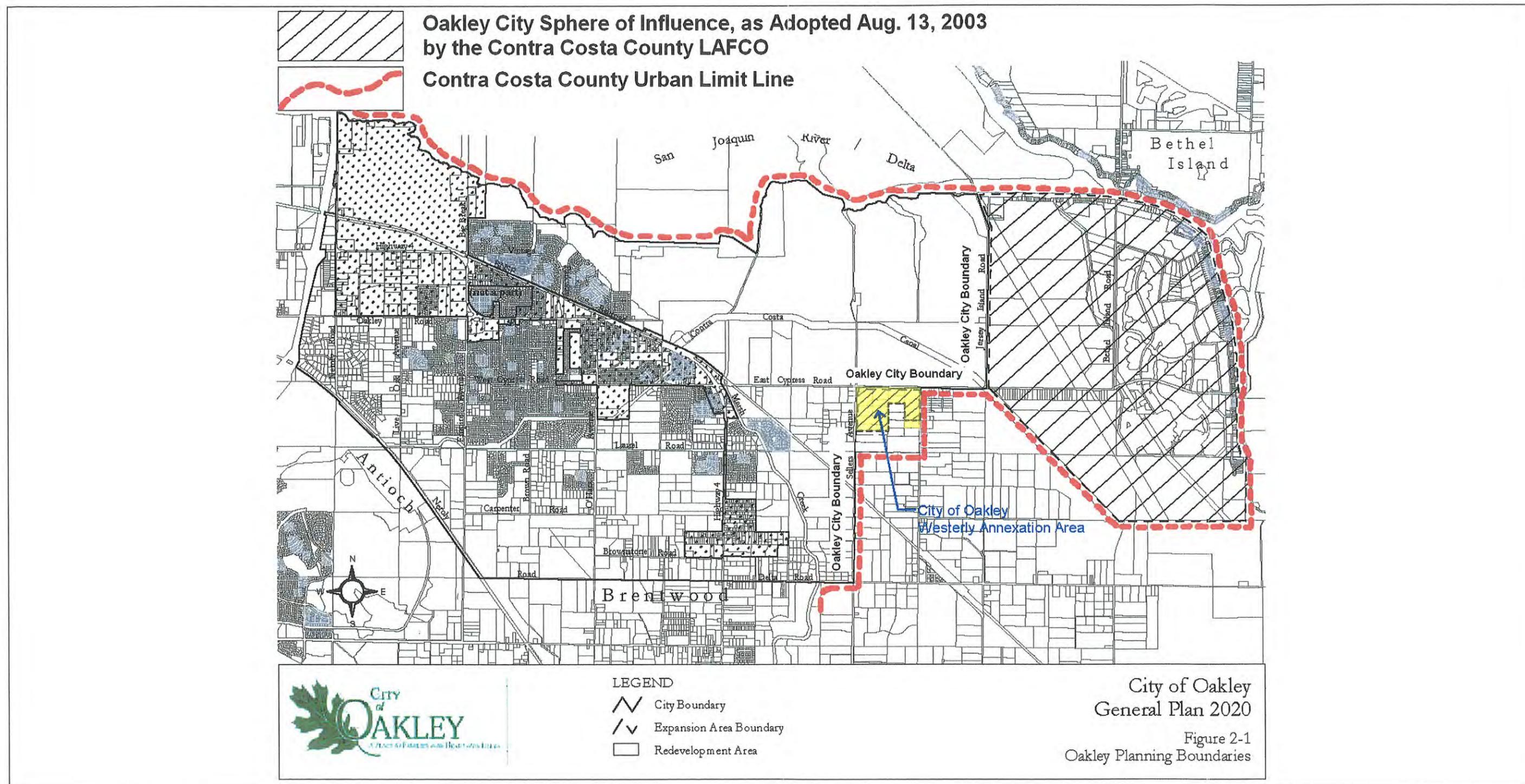


Figure 2: Project Area Location and City Sphere of Influence



## **B. Site Characteristics and Surrounding Uses**

This relatively flat site fronts on the south side of East Cypress Road, a designated City of Oakley major arterial roadway. Currently improved with two travel lanes east of existing State Route 4, the Oakley 2020 General Plan Circulation Element calls for East Cypress Road ultimately to be expanded to a six-lane divided major arterial between Jersey Island Road and Sellers Avenue, and also expanded to four travel lanes with additional left turn capacity at all major intersections between Jersey Island Road and Main Street (see Figure 3 below for a review of the planned roadway network, and Appendix "A" for a complete discussion of traffic and circulation issues).

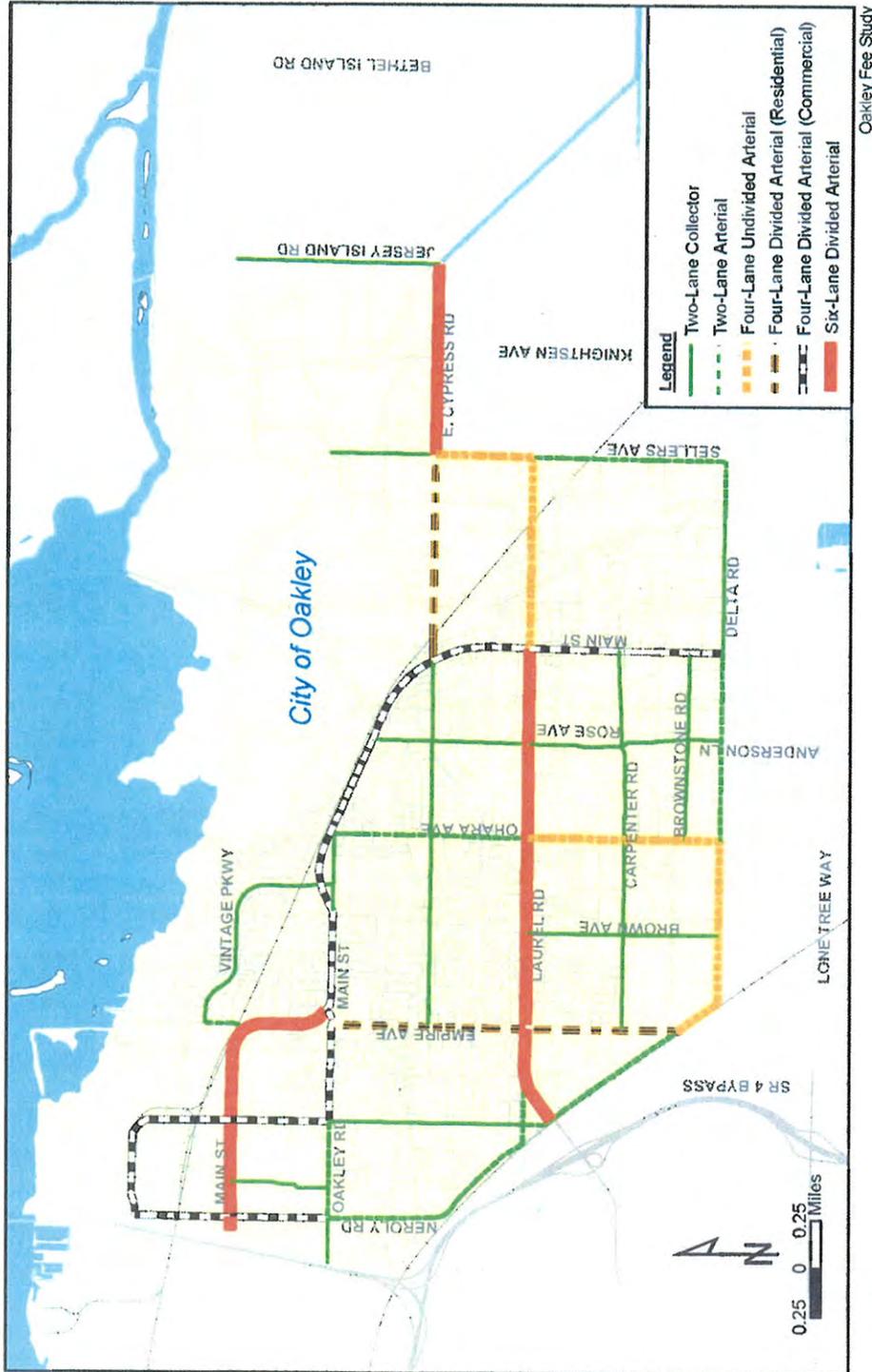
The project site also fronts onto Sellers Avenue, a planned four-lane undivided arterial roadway between East Cypress Road and the future Laurel Road connection (see Figure 3 and Appendix "A"). The future intersection of Laurel Road and Sellers Avenue, located approximately 900 feet south of the project will provide a means of direct access west, leading to Segment 1 of the future State Route 4 Bypass which is expected to be completed over the next 2-3 years. As represented in Figure 3, the Laurel Road extension between Main Street and Sellers Avenue will also be four lanes, while the remaining length of Laurel Road from Main Street west to the Bypass is planned as a divided six-lane major arterial.

The project area includes a total of 87.9 contiguous acres, as identified in Figure 4. A majority of this area was placed into the City's SOI last year by LAFCO (83.3 acres), leaving a remaining 4.7-acre parcel outside the City SOI, but within the City's Planning Area boundary. This combined site has historically been used for cattle grazing, dry farming, fruit and nut trees, row crops, grapes and livestock. As shown in photograph Figures 11 and 12, a number of small family-owned farms and ranches currently occupy the site.

Additional agricultural uses continue within the unincorporated area to the south and east of the project site. Several adjoining parcels to the south of the project site are within the Oakley Planning Area Boundary as well as the County Urban Limit Line, but were not placed into the Oakley SOI at the time of its expansion in 2003. Pursuant to an agreement reached between the City of Oakley and the Citizens Advisory Council for the adjacent unincorporated community of Knightsen, these remaining 70.7 acres to the south of the project site have been omitted from the subject annexation request. As reflected in Figure 2, the easterly boundary of the project site is also the edge of the City's SOI and the County Urban Limit Line. Properties further to the east will remain unincorporated and subject to County Agricultural zoning for the foreseeable future.

Figures 6A and 6B identify the nine (9) parcels which comprise the subject 87.9 acres. Parcel sizes range from 1.0 to 23.0 acres, with an average of approximately 10 acres. Access to the individual properties is currently provided by Sellers Avenue (on the west), East Cypress Avenue (on the north) or Knightsen Avenue (on the East). A private right-of-way currently extends south across the Cola property from East Cypress Avenue (see Figure 6B) providing access to two smaller parcels outside the project site.

Figure 3: City of Oakley Future Roadway Network

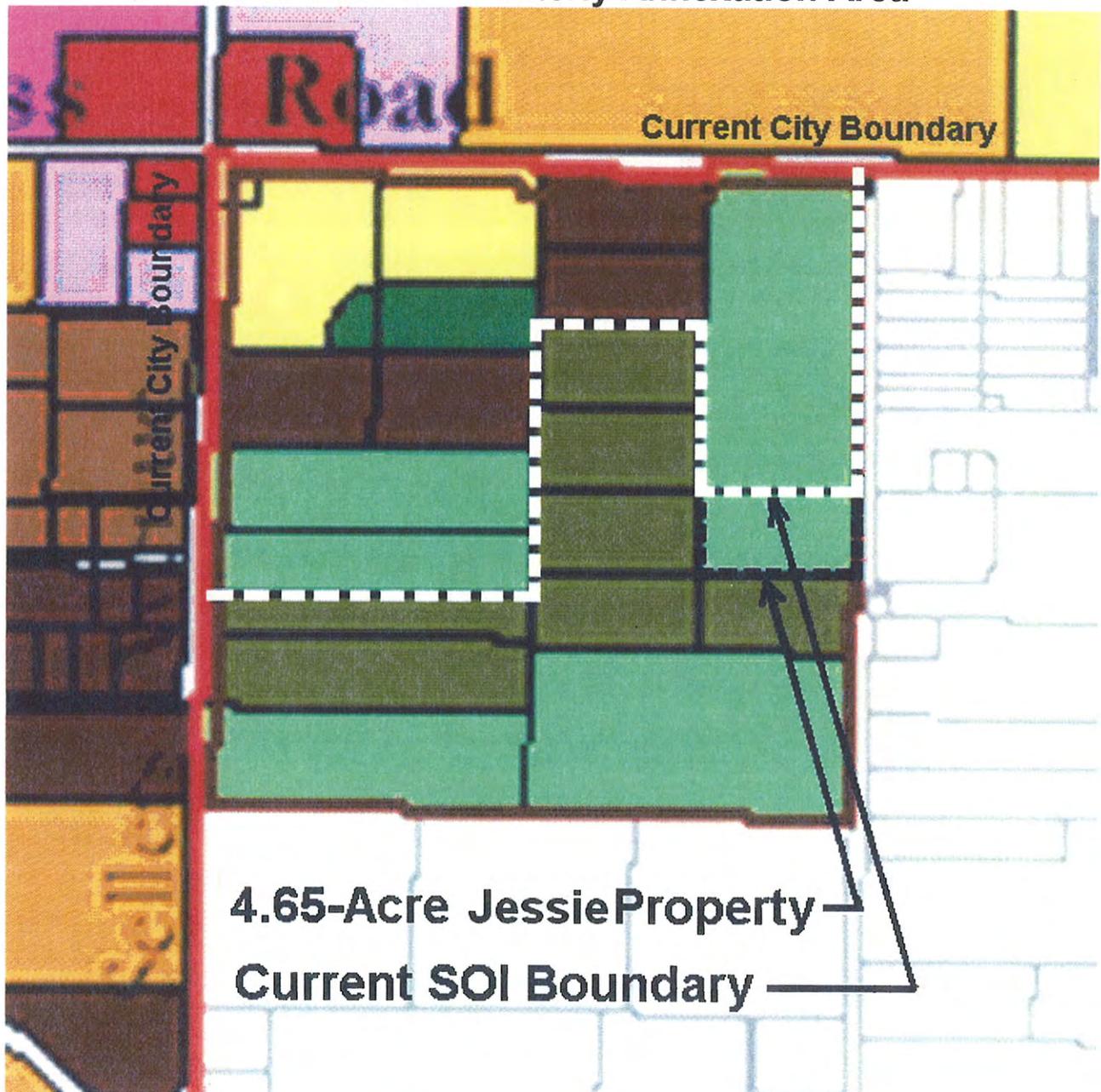


Oakley Fee Study

**FUTURE ROADWAY NETWORK**

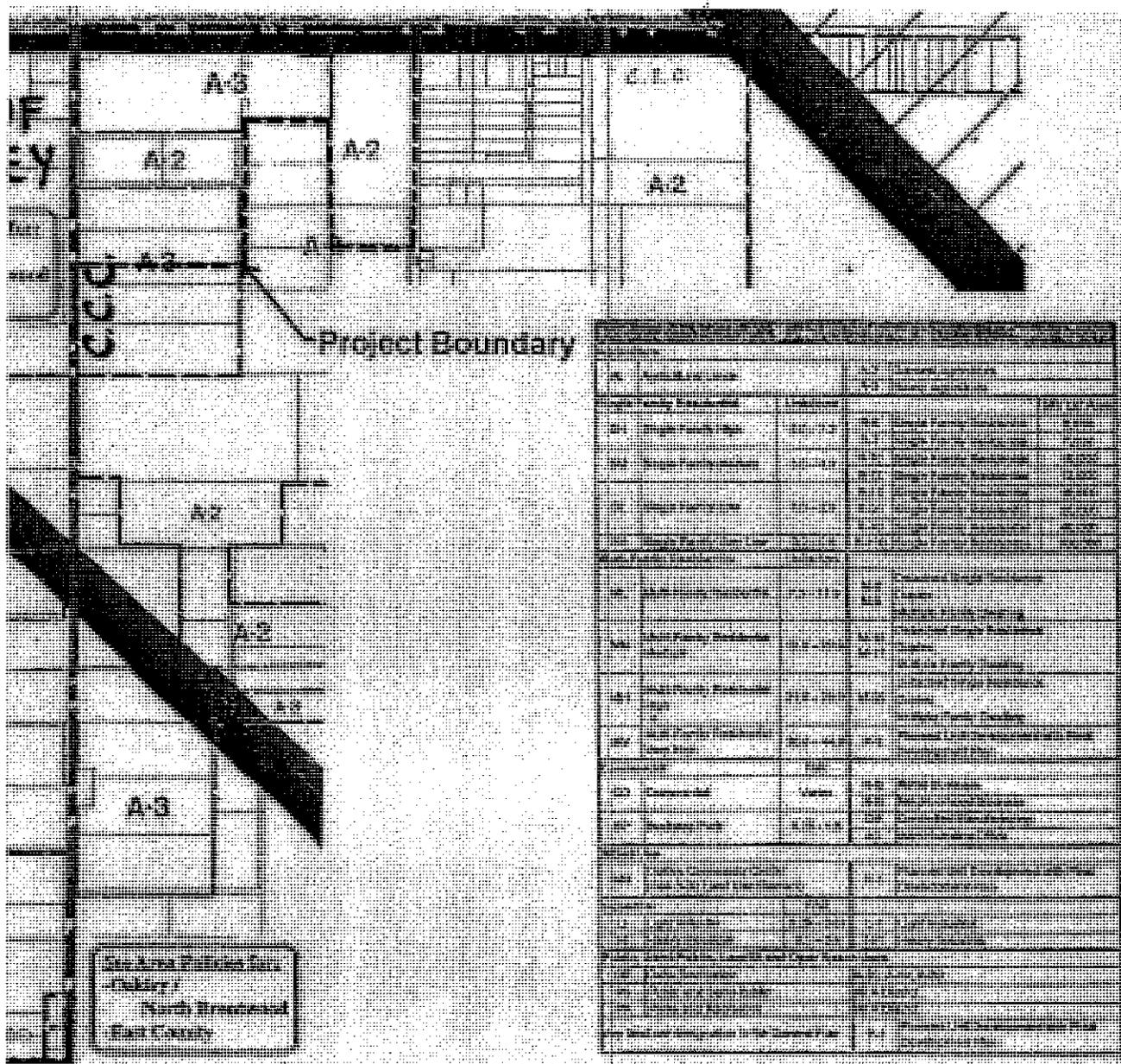
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**FEHR & PEERS**  
 TRANSPORTATION CONSULTANTS  
 February 2005  
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**Figure 4: Oakley 2020 General Plan  
 Land Uses for Westerly Annexation Area**



- |                        |                        |                         |
|------------------------|------------------------|-------------------------|
| Agriculture            | Commercial             | Roads                   |
| Agricultural Limited   | Commercial Downtown    | Waterways               |
| Single Family High     | Commercial Recreation  | County                  |
| Single Family Medium   | Business Park          | City Boundary           |
| Single Family Low      | Light Industrial       | Expansion Area Boundary |
| Single Family Very Low | Utility Energy         | Cypress Lakes Project   |
| Multi-Family Low       | Public and Semi-Public |                         |
| Multi-Family High      | Delta Recreation       |                         |
| Mobile Home            | Parks and Recreation   |                         |

**FIGURE 5: Current Contra Costa County Zoning**



## C. Description of Project

Consistent with its adopted General Plan and the LAFCO-approved Sphere of Influence, the City of Oakley has directed the preparation of this Initial Study and accompanying Mitigated Negative Declaration, and has contemplated several specific actions as part of the proposed project. This Initial Study has evaluated the following enumerated actions and their potential effects on the environment:

- 1. City-initiated application to the Contra Costa LAFCO for minor amendment of the current Oakley SOI to include the Helen Jessie parcel (APN 032-020-010) located at 4201 Knightsen Avenue.** As shown in Figures 3, 4 and 6B, this action would increase the size of the contemplated annexation by 4.65 acres. The inclusion of this property has been initiated at the request of the land owner, as evidenced by the letter of November 25, 2003 (Figure 14). Inclusion of this property at the request of the land owner is consistent with the agreement reached in 2003 between the City of Oakley and the Knightsen Town Advisory Counsel, and also consistent with findings made by LAFCO in August 2003 when considering the original SOI amendment. The subject 4.65 acres is contiguous other properties currently within the SOI, is within the City Planning Area Boundary and also within the Contra Costa County Urban Limit Line.
- 2. City-initiated application to the Contra Costa LAFCO for annexation to the City of Oakley of 83.3 acres currently within the City SOI, along with the additional 4.7-acre Jesse property added under item (a) above, for a total of 87.9 acres (as part of a boundary reorganization request).** Annexation of these properties, subject to the inclusion of the Jesse property within the City SOI, is consistent with the Oakley General Plan and the determination of findings made by LAFCO in August of 2003, identifying Oakley as the logical provider of municipal services to this area. The project area is contiguous to municipal boundaries to the north along East Cypress Road, and to the west along Sellers Avenue. As reflected in Figure 4, the Oakley 2020 General Plan has identified a detailed land use program for the area. This program includes a small area of single-family residential use at the corner of Sellers and East Cypress (24.0 acre Baldocchi property), an adjoining municipal park, and a range of agricultural uses extending both east and south to the project boundaries. This mix of land uses has been designed by the City to provide a buffer and transition between more intense uses to the north and west, and continuing agricultural uses in the unincorporated area to the south and east. Based on this land use program, the 87.9-acre project area has been estimated to have a future total development potential for up to 150 additional residential units.
- 3. Rezoning by the City of Oakley for the entire 87.9-acre project site.** The City's contemplated rezoning, which would become effective upon annexation, is consistent with the General Plan Land Use Classifications, as identified in Figure 15 (the General Plan / Zoning Compatibility Matrix, Table 2-6). As reflected in Figure 5 and further analyzed in the General Plan, the City of Oakley has adopted the Contra Costa County Zoning Ordinance as its initial zoning ordinance. Consequently the respective zoning district land use regulations and development standards are unchanged from those currently enforced by the County.

The rezoning action, as shown in Figure 16, contemplates application of zoning districts identified in Figure 15 as being compatible with the corresponding General Plan land use classification. These include the following applications:

- (a) 24.0 acres classified for Single Family High Density uses of up to 5.5 units per gross acre (average 6,000 square foot lots) rezoned P-1 (Planned Unit District) district. This district has been applied both to the entire Baldocchi property, including that portion planned for improvement as a public park facility. The park use is to be dedicated and improved as part of the future subdivision and development entitlement process (as outlined below).
  - (b) 21.7 acres classified for Single Family Very Low Density uses of up to 1.0 unit per gross acre (1.0 acre lots) rezoned R-40 (Single-Family) district. This district has been applied to the contiguous parcels south and east of the Baldocchi property.
  - (c) 42.2 acres classified for Agriculture Limited uses with parcel sizes of 1.0 to 10.0 acres, rezoned A-1 (Light Agricultural) district. Application of the A-1 district to 48% of the land area within the project area is intended to implement General Plan policy encouraging continued farming, with the potential for parcel sizes of between 1 and 10 acres in size.
4. **Consideration of future entitlements for a residential subdivision on the 24.0-acre Baldocchi property (APN 032-010-002 and 032-010-012) located at the southeast corner of East Cypress Road and Sellers Avenue.** Contemplated entitlements include a final development plan, vesting tentative subdivision map, and design review approval for a single-family residential development of up to 100 lots, and including a municipal park. As conceptually shown in Figure 7 (Preliminary Site Plan for the Baldocchi Property), contemplated residential development on this property, including minimum lot sizes of 5,000 square feet, would result in a gross project density of approximately 4.2 units per gross acre, or well under the mid-point of the General Plan range (3.8 – 5.5 units per acre). The subdivision design would include primary access onto Sellers Avenue, with secondary access on East Cypress Road. Internal streets will provide for circulation to the east, facilitating a future local street connection to Knightsen Avenue (see Appendix A for a complete discussion of traffic circulation needs and mitigation measures). The proposed P-1 rezoning will provide flexibility with respect to the conventional R-6 zoning development standards, subject to consistency with all applicable General Plan policies and detailed design review approval.
5. **Related City approvals, applicable to the entire 87.9-acre project site, including encroachment permits for contemplated roadway and infrastructure improvements, construction permits for private property improvements in accordance with applicable zoning and subdivision approvals, and related permits.** Various permits are contemplated over time within the annexed properties in order to support the improvement of properties and delivery of services consistent with General Plan policies and adopted zoning and subdivision regulations. As discussed in Appendix "A", future roadway widening is contemplated along both Sellers Avenue and East Cypress Road, and utility systems will be extended to serve future development and ongoing agricultural uses.

6. **Concurrent annexation (as part of a boundary organization) to the Contra Costa Water District (CCWD) and Diablo Water District (DWD).** As responsible agencies, these service providers will need to review this environmental document and determine its adequacy in addressing potential environmental effects and incorporated mitigation measures associated with the delivery of raw and treated water to the project area.

As shown in Figure 9, the subject property is outside of but contiguous to the CCWD current service boundary. It is also situated entirely within the CCWD Sphere of Influence Service Area B. CCWD Service Area B includes the City of Oakley plus the Cypress-Hotchkiss area, Veale Tract, Knightsen, and other currently unincorporated portions of Oakley<sup>1</sup>. Service Area B is outside of the Los Vaqueros project area, however, and the subject property is not currently entitled to the benefits of the Los Vaqueros project. CCWD has criteria, which must be met before service from Los Vaqueros facilities can be provided to locations outside the Los Vaqueros project area.

CCWD transports water through the Contra Costa Canal which crosses Sellers Avenue at a point approximately one-half mile north of the Westerly Annexation Area. As shown in figure 18, the canal runs from east to west through the City of Oakley and its SOI. CCWD has recently expressed concern with the potential for development adjoining the canal to adversely affect water quality within this facility. Consequently, CCWD is exploring various means for improving long-term quality and reliability of service through the canal, including piping or covering. CCWD recently determined that as a condition of providing service to the Cypress Grove project (located northwesterly of the subject 88 acres, within the City of Oakley and directly adjoining the Contra Costa Canal), it will collect a fee of \$2,500 per newly created lot or parcel.

CCWD provides raw water to DWD, via the Los Vaqueros Reservoir storage facility, for treatment and distribution to customers in Oakley and adjoining areas. As shown in Figure 8, the subject property is within the DWD's 1995 LAFCO approved SOI, and contiguous along its north and west boundary to the DWD current service boundary. DWD service is provided from the Randall-Bolt treatment plant, and DWD has plans to supplement its supply with water pumped by the DWD from local wells. Although DWD may determine its ability to service this small project area based on its own ground water resources (assuming they are in place prior to the project needing water), concurrent annexation to CCWD will be sought for purposes of reliability and consistency associated with Los Vaqueros. Based on these circumstances, concurrent annexation to both water districts will be requested.

The DWD currently provides treated water service to the City of Oakley and surrounding areas through a primary treatment facility and network of water distribution mains. The primary treatment facility, Randall-Bold, is jointly owned by DWD and CCWD. DWD currently has an ownership right in the Randall Bold plant of up to 30 MGD, and with the facilities currently in place DWD can deliver approximately 12 MGD of treated water through the plant. The 1998 DWD Master Plan includes a phased improvement program for a future service population of approximately 55,000 customers. As shown in Figure 18, DWD service plans include a 24" distribution pipeline in Sellers Avenue (west project boundary) and a second 24" line in East Cypress Road (north project boundary).

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<sup>1</sup> CCWD Future Water Supply Study 2002 Update.

Upon successful annexation to DWD and CCWD, application must be made to the U.S. Bureau of Reclamation for inclusion of these 87.9 acres within the Central Valley Project (CVP) Service Area. Under the terms of CCWD's contract with the Bureau for CVP water, the Secretary of the Interior (or designee) must consent to inclusion of the newly annexed lands before such lands can receive CVP water. As shown in Figure 17, the project area is currently outside, but contiguous to the current CVP Service Area.

Prior to initiating this inclusion process with the Bureau, confirmation through the U.S. Fish and Wildlife Service (USFWS) is needed to demonstrate that no federally listed endangered species will be adversely impacted by future development associated with the annexations. The basis for this determination of no impact is addressed in Section 3 (Impact Analysis) and Appendix B (the Biological Resources Analysis) of this report.

- 7. Concurrent annexation (as part of a boundary organization) to the Ironhouse Sanitary District (ISD).** As a responsible agency, ISD will need to review this environmental document and determine its adequacy with respect to evaluation of potential environmental effects and incorporated mitigation measures associated with the delivery of sanitary sewer collection and treatment services.

ISD provides wastewater service to Oakley and unincorporated areas of the County. As shown in Figure 10, the subject 87.9 acres are entirely within the District's current SOI, and contiguous to the formal District boundaries on the north and west. Services involve transmission of wastewater from residential, commercial and light industry to a treatment facility, and the final disposal of the wastewater and residual waste solids. ISD owns and operates the wastewater collection, treatment, storage, and effluent recycling facilities that serve the City of Oakley and other communities including: Knightsen, Bethel Island, a part of the Holland Tract, and an area between Sellers Avenue and the Contra Costa Canal.

ISD staff prepared a Trunk Line Master Plan in 1988 for the then, Oakley Sanitary District. ISD subsequently completed a Wastewater Facilities Plan Update (May 2003). The ISD Plan Update addresses ultimate build-out and identifies the collection system requirements to service the areas within the District Boundaries. The ISD Plan identifies sanitary wastewater line sizes, slopes, and locations necessary to accommodate the anticipated peak flow of wastewater to service the subject property based on adopted Oakley 2020 General Plan land uses (shown in Figure 4).

The wastewater system is composed of collection, treatment, and effluent recycling facilities. The treatment facilities must be expanded to meet ultimate service requirements, but are adequate to address demand from the subject 88 acres. Collection service to the project area will be accommodated through the extension of gravity flow lines from the west. According to the updated Wastewater Facilities Plan, current average dry weather flow to ISD's treatment plant is 2.02 million gallons per day (mgd), compared to the treatment plant capacity of 3.0 mgd. The plant provides wastewater treatment services for Oakley, Bethel Island, and the Sandmound area. There are currently 50 acres of onsite storage for treated wastewater. Although adequate to address the relatively small added demand from the project area, additional acreage for storage will be required as flows increase over time. The Central Valley

Regional Water Quality Control Board (CVRWQCB) has established waste discharge permit requirements for the plant. The plant, with its existing treatment system, has routinely met these discharge requirements. ISD has established its own users discharge standards to regulate its treatment process, in addition to pursuing the CVRWQCB discharge standards. These ISD standards monitor pH, total dissolved solids, heavy metals, and biological oxygen demand.

Effluent disposal from the plant is accomplished through land application of the treated effluent. Currently the effluent application is split between the mainland property and Jersey Island. ISD is permitted to apply its reclaimed water on 260 acres of its mainland property and 350 acres on its Jersey Island property, with a total permitted discharge of 2.0 mgd. These areas are sufficient to accommodate the current plant capacity of 3.0 mgd and to service the proposed annexation area. ISD has, however, increased its ultimate effluent disposal capacity through the acquisition of additional land in order to meet long-term demand from future development within the balance of the District's SOI.

ISD has estimated a future potential wastewater flow of between 7.1 and 7.5 mgd within its SOI area. To meet future wastewater service needs and projected effluent discharge water quality requirements, ISD will be upgrading and increasing both its wastewater treatment capacity and effluent application area. This increased capacity will be achieved in steps until the ultimate build-out is reached. New CVRWQCB approval will be required as expansion is needed. The District's refined wastewater flow projections and proposed facilities plans are consistent with future development allowed under Oakley's 2020 General Plan. These plans both include the subject 87.9 acre area.

8. **Related Actions by Responsible Local, State and Federal Agencies.** Annexation of the Westerly Area and development of the Baldocchi property will require a number of approvals from local, State and Federal authorities. The following additional actions will be required in order to facilitate contemplated development on the Baldocchi property:
- (a) Diablo Water District (permits to extend and connect to current District facilities and facilitate treated water usage).
  - (b) Contra Costa Water District CCWD must coordinate the inclusion process with the U.S. Bureau of Reclamation for allocation of water resources to the project area. In addition, the District is currently pursuing physical improvements to improve long-term quality and reliability of service through the Contra Costa Canal. As part of the tentative map process, the City and developer of the Baldocchi property will need to further investigate the project's relationship and potential contribution to this improvement program. This process may lead to an agreement with CCWD for participation in this program.
  - (c) Ironhouse Sanitary District (permits to extend and connect to current District facilities for discharge of wastewater effluent).
  - (d) California Regional Water Quality Control Board (National Pollution Discharge Elimination System stormwater discharge permit approval).

Figure 6A: Assessors Parcel Maps Identifying Project Parcels

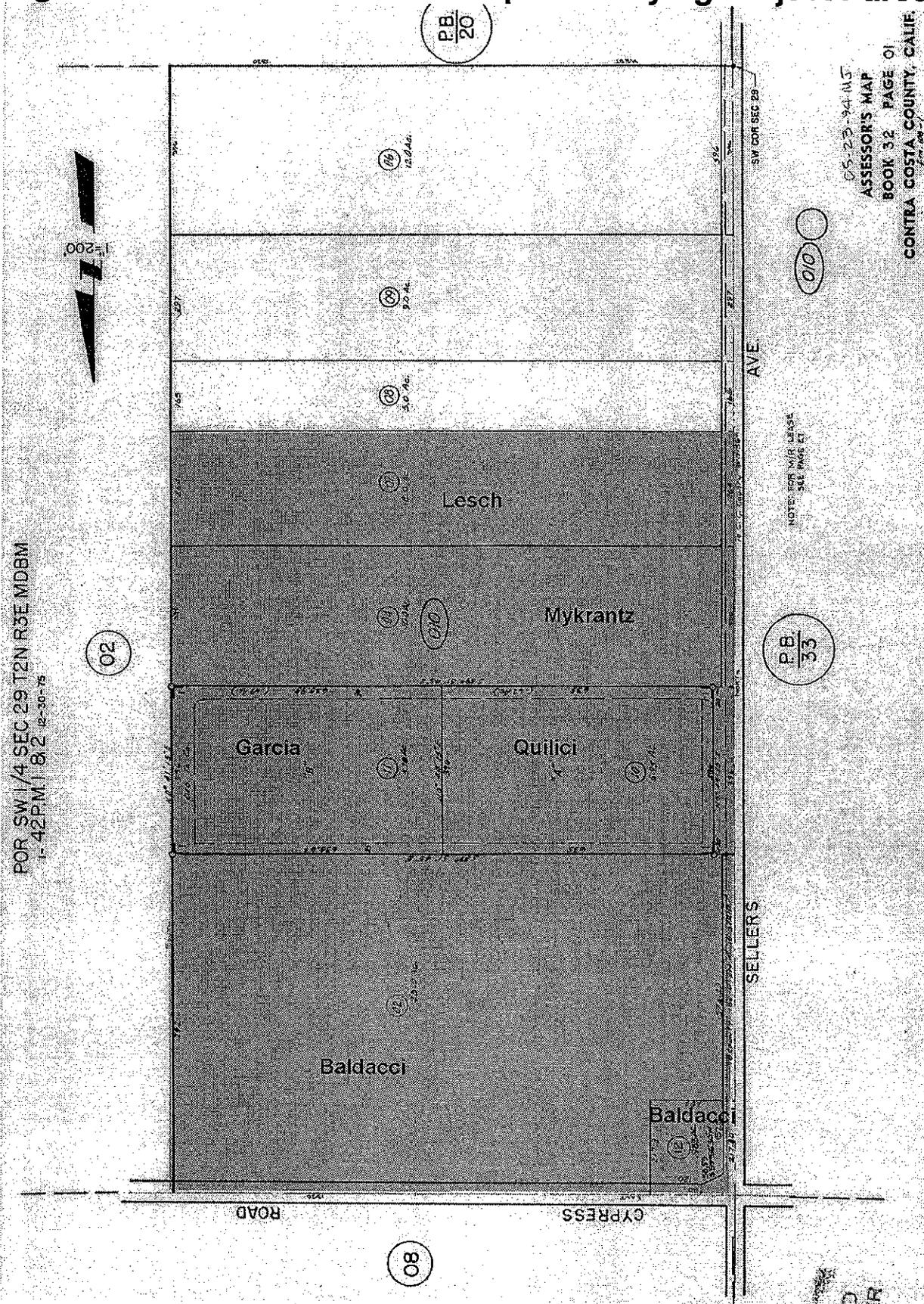


Figure 6B: Assessors Parcel Maps Identifying Project Parcels

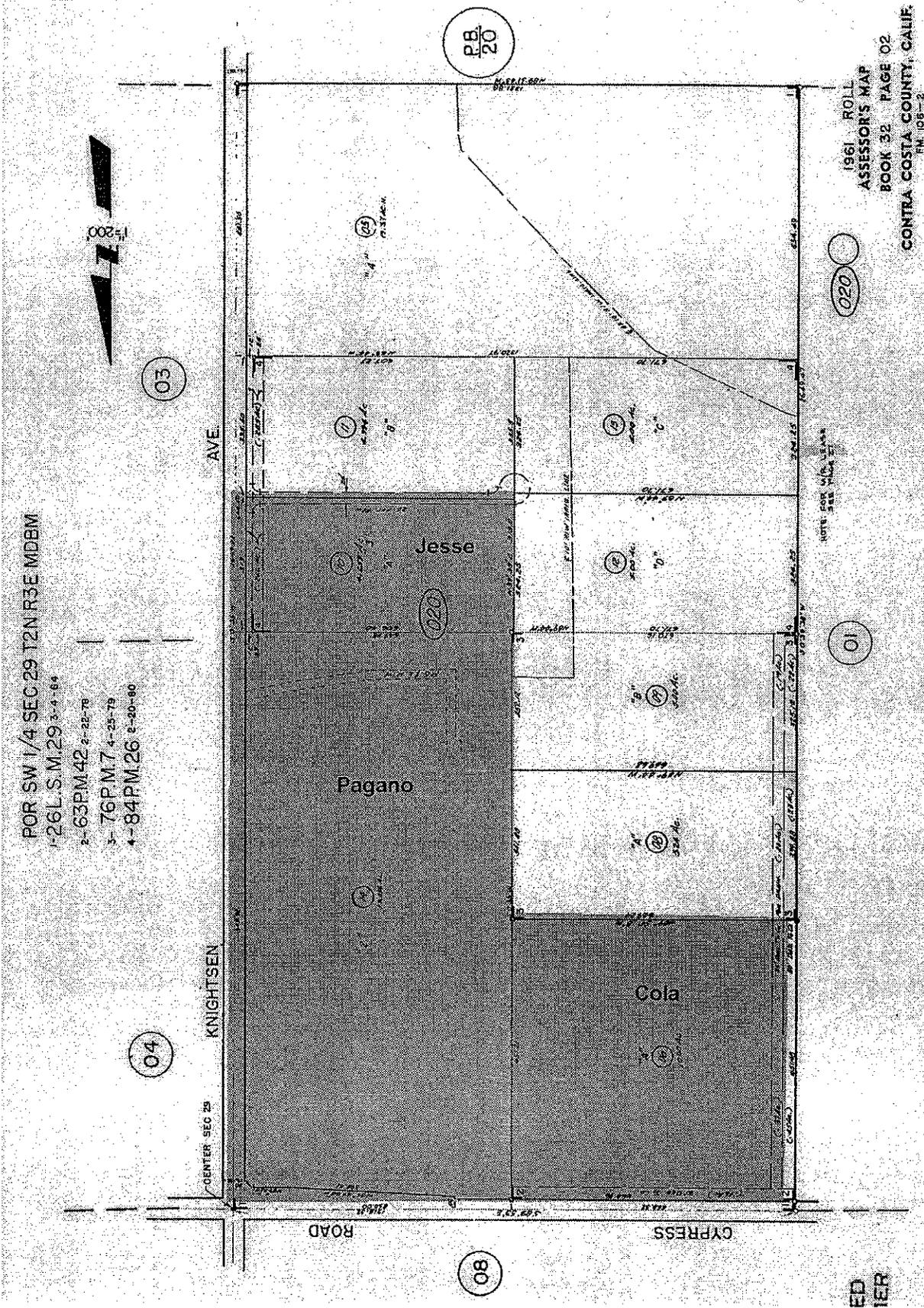
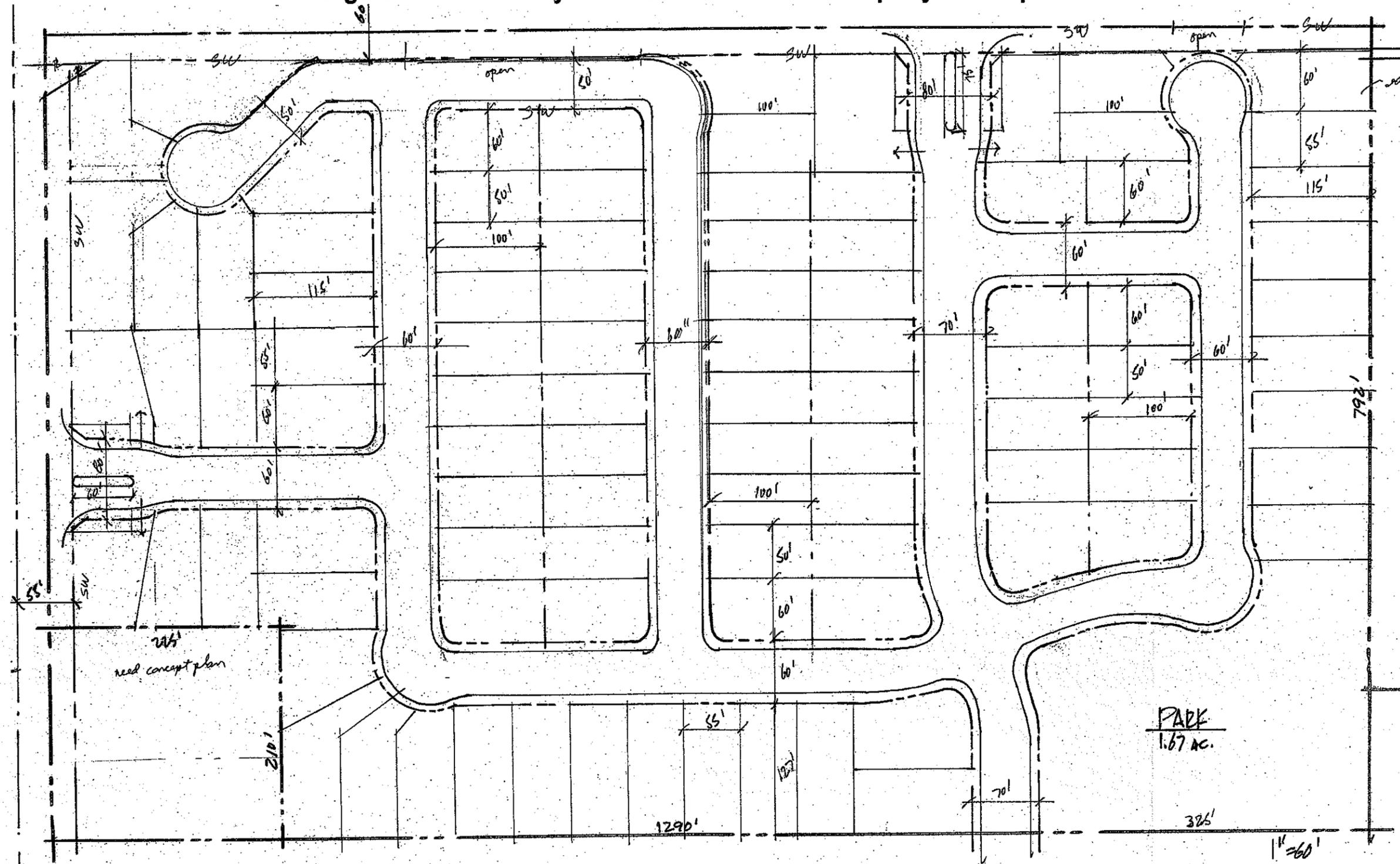


Figure 7: Preliminary Site Plan for Baldocchi Property Development



P-1 prozone

need concept plan

50' x 100' LOTS (60' x 100' CORNERS) — 56  
 55' x 115' LOTS — 40

9% slope = 4.9 miles

GROSS AREA — 23.46 AC  
 BALDOCCHI PROP — (0.96 AC.)  
 R.O.W. DEDICATION — (1.18 AC.)

PARK  
 1.67 AC.

Figure 8: Diablo Water District Boundary and Sphere of Influence

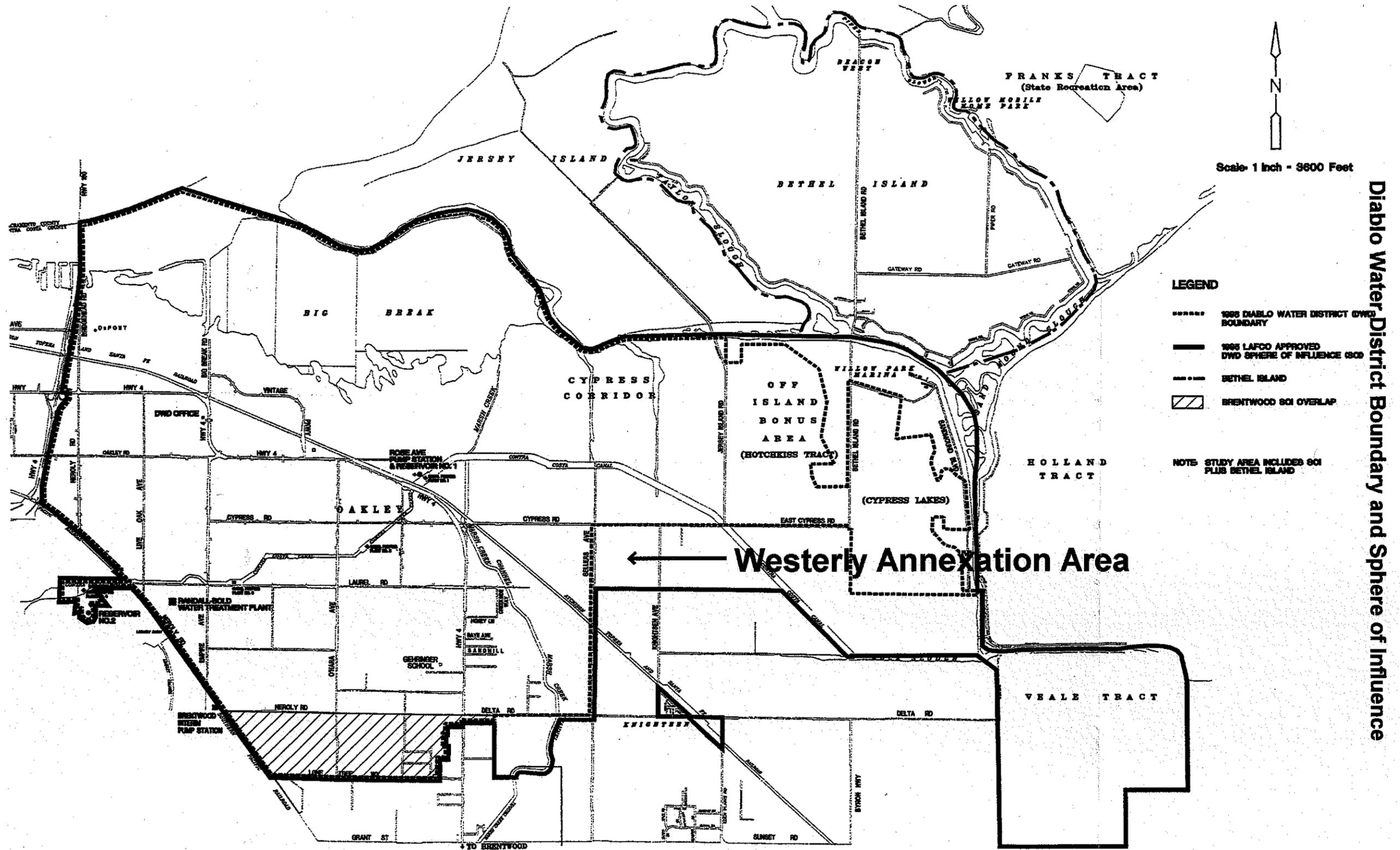


Figure 9: Contra Costa Water District Service Area and Facilities

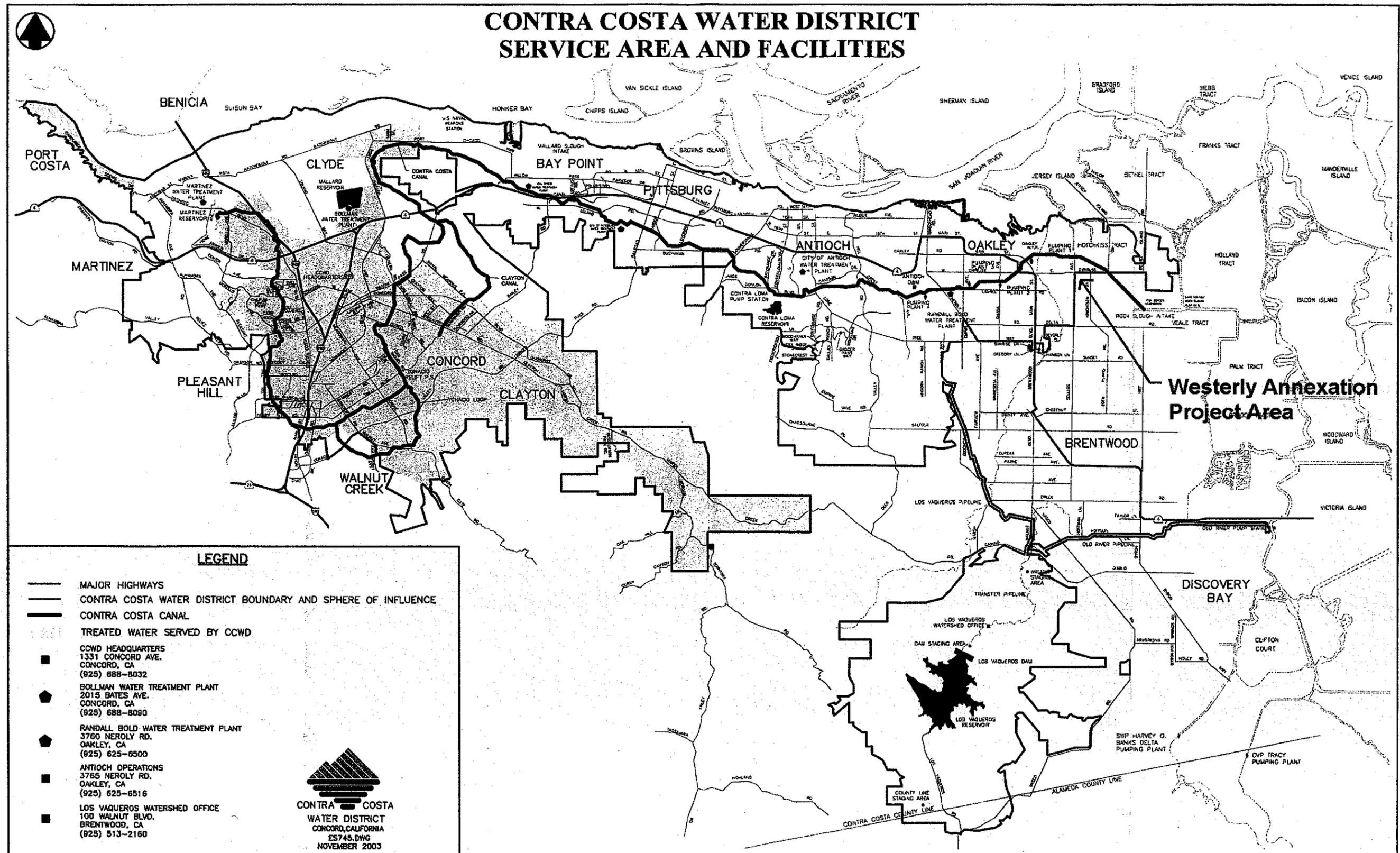
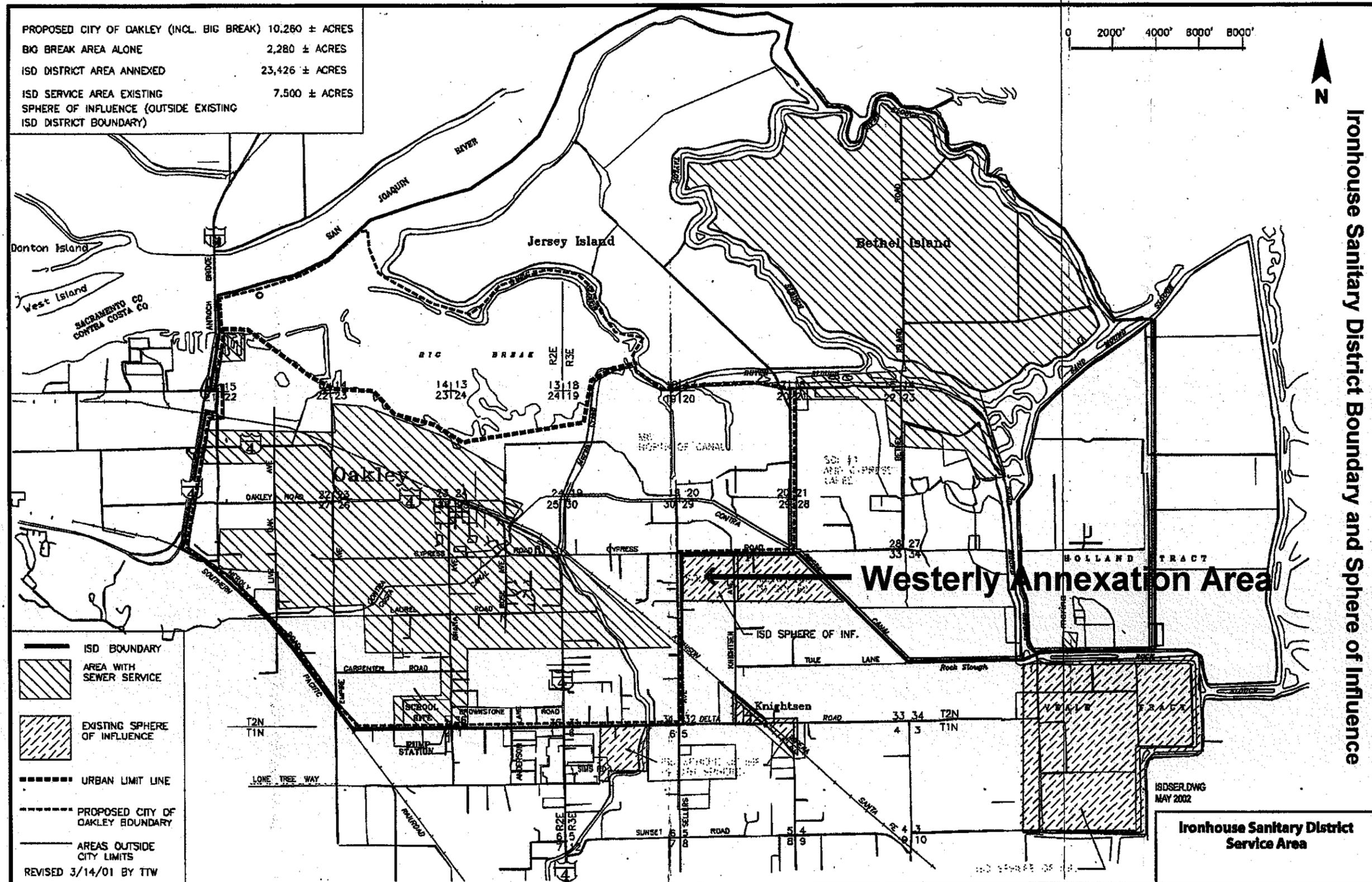
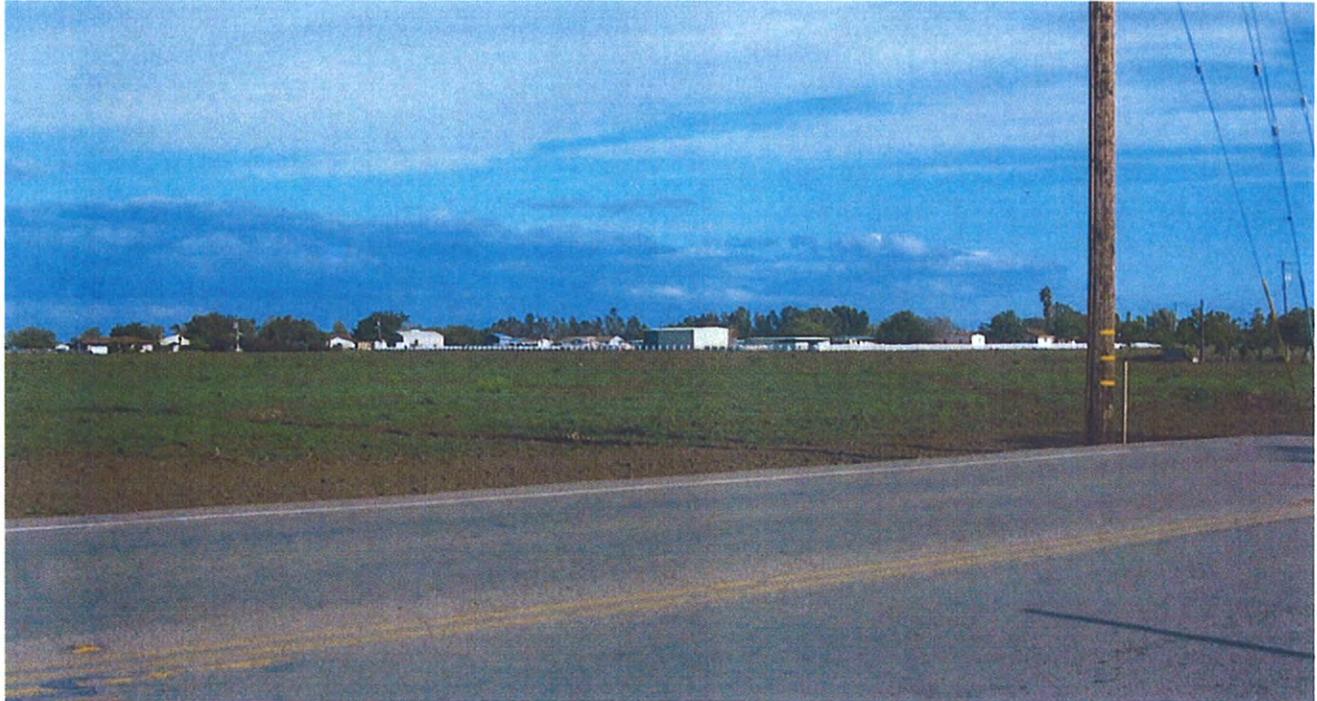


Figure 10: Ironhouse Sanitary District Boundary and Sphere of Influence



**Figure 11: View of Baldocchi Property Looking Southeast From Corner of E. Cypress Road and Sellers Avenue**



**Figure 12: View of Existing Agricultural Uses Looking East from Sellers Avenue**

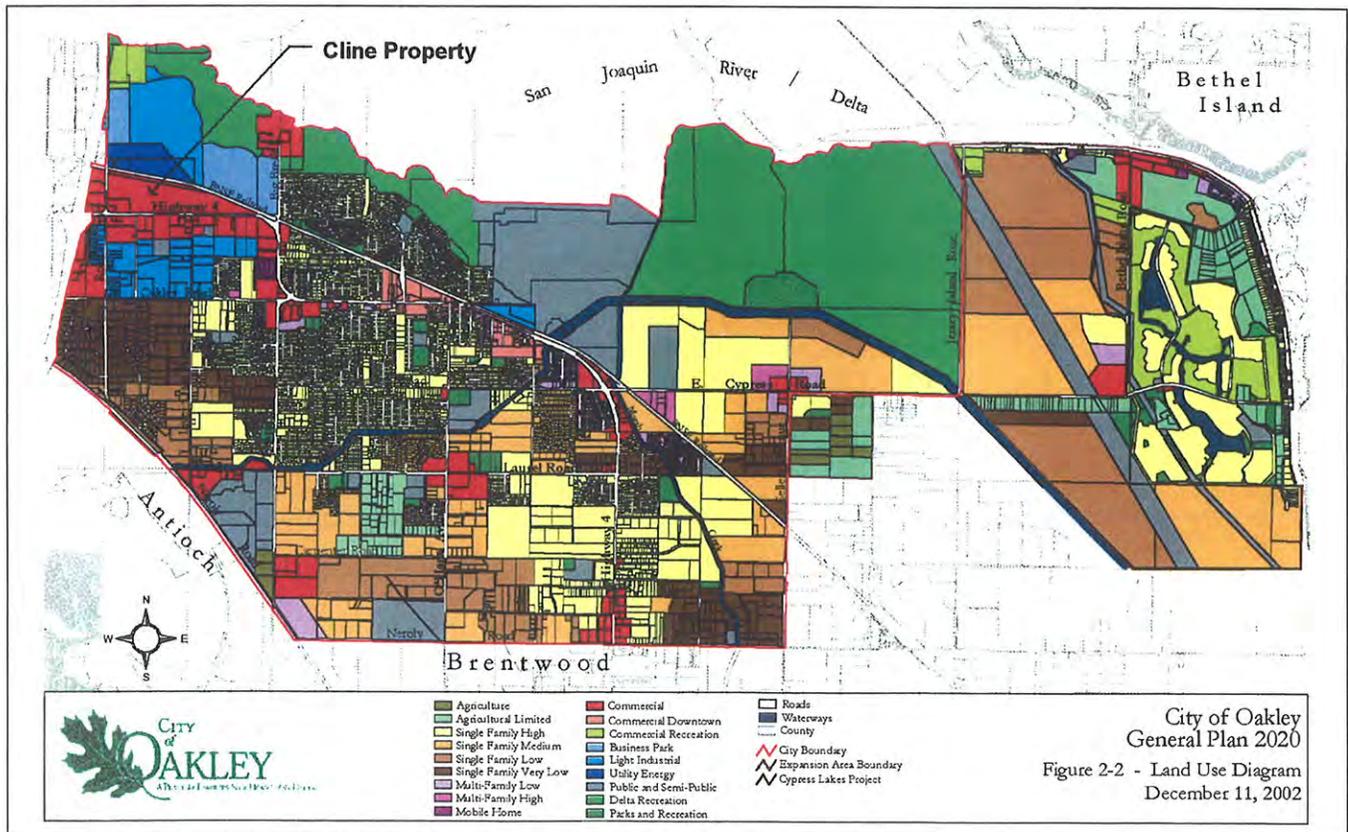


## D. Relationship to Oakley General Plan

The City of Oakley adopted its first comprehensive General Plan in December of 2002. The new General Plan covers the time horizon of 2002 through 2020. This action was supported by advance preparation and certification of a comprehensive program-level EIR (SCH No. 2002042134). Both the General Plan and supporting environmental analysis anticipated limited additional development within the subject 87.9-acre site, including a combination of single-family homes and improvements associated with continued agricultural uses.

Many of the environmental issues examined in this Initial Study were contemplated in the Oakley 2020 General Plan environmental impact report. In particular, impacts stemming from conversion of agricultural land uses, incremental increases in air emissions, increased traffic flow, associated noise, and resulting increases in demand on public services and infrastructure were all addressed as part of the previous study at a level which incorporated a slightly larger total amount of development associated with a Planning Area boundary which extends further to the south than the adopted and proposed SOI boundary (see Project Description Section 2C for further details). The analysis in Section 3.D. of this report builds upon this information.

**Figure 13: Oakley General Plan Land Use Diagram**



## Figure 14: Helen Jessie Letter Requesting Annexation

November 25, 2003

Barry Hand  
Planning Department  
City of Oakley  
3539 Main St.  
Oakley, CA 94561

Re: 4201 Knightsen Ave.  
APN 032-020-010

Dear Mr. Hand,

I am submitting this letter to request that my property as referenced above being 4.66 acres be included in the Oakley Sphere of Influence and be considered for annexation into the City of Oakley.

As it stands now the proposed Oakley Sphere of Influence line stops at my north boundary.

I had submitted a letter to you August 11, 2003 requesting to be included into the City of Oakley and it was my intention to be included in the annexation, but somehow I was left out of the process.

Your consideration of my request would be greatly appreciated.

Respectfully Submitted,

  
Helen Jessie  
Property Owner

## Figure 15: General Plan / Zoning Compatibility Matrix

2.0 – LAND USE ELEMENT

Table 2-6  
 GENERAL PLAN/ZONING COMPATIBILITY MATRIX

General Plan Designations	Zoning Categories																							
	Single-Family Residential (R-40)	Single-Family Residential (R-20)	Single-Family Residential (R-15)	Single-Family Residential (R-10)	Single-Family Residential (R-7)	Single-Family Residential (R-6)	Two-Family Residential (D-1)	Mobile Home Park (I-1)	Multi-Family Residential (M-17)	Multi-Family Residential (M-12)	Multi-Family Residential (M-9)	Multi-Family Residential (M-6)	Community Business (C-B)	Neighborhood Business (N-B)	Retail Business (R-B)	General Commercial (C)	Limited Office (O-1)	Administrative Office (A-O)	Light Industrial (L-1)	Controlled Heavy Industrial (W-3)	Heavy Industrial (H-1)	Agricultural Districts	Planned Unit (P-1)	
Agriculture (AG)																								■
Agriculture Limited (AL) <sup>3</sup>	□																							□
Single-Family Res. (SV) Very Low Density	■																							■
Single-Family Res. (SL) Low Density	■	■	■																					■
Single-Family Res. (SM) Medium Density			■	■																				■
Single-Family Res. (SH) High Density				■	■	■																		■
Multi-Family Res. (ML) Low Density						■	■					■	■											■
Multi-Family Res. (MH) High Density									■	■														■
Mobile Home (MO)								■																■
Commercial (CO)														■	■	■	■							■
Commercial Downtown (CD)					□	□	□							■	■	■	■	■	■					■
Commercial Recreation (CR)																								□
Business Park (BP) <sup>1</sup>																		□	□					□
Light Industrial (LI)																	□			■	□	□		□
Utility Energy (UE) <sup>2</sup>																								□
Public and Semi-Public (PS)	□	□	□	□	□	□	□	□	□	□	□	□	□	□	□	□	□	□	□	□	□	□	□	□
Delta Recreation (DR)																								□
Parks and Recreation (PR)	□	□	□	□	□	□	□	□	□	□	□	□	□	□	□	□	□	□	□	□	□	□	■	□
■ = Consistent with General Plan												□ = Could be Consistent with General Plan <sup>1</sup>												

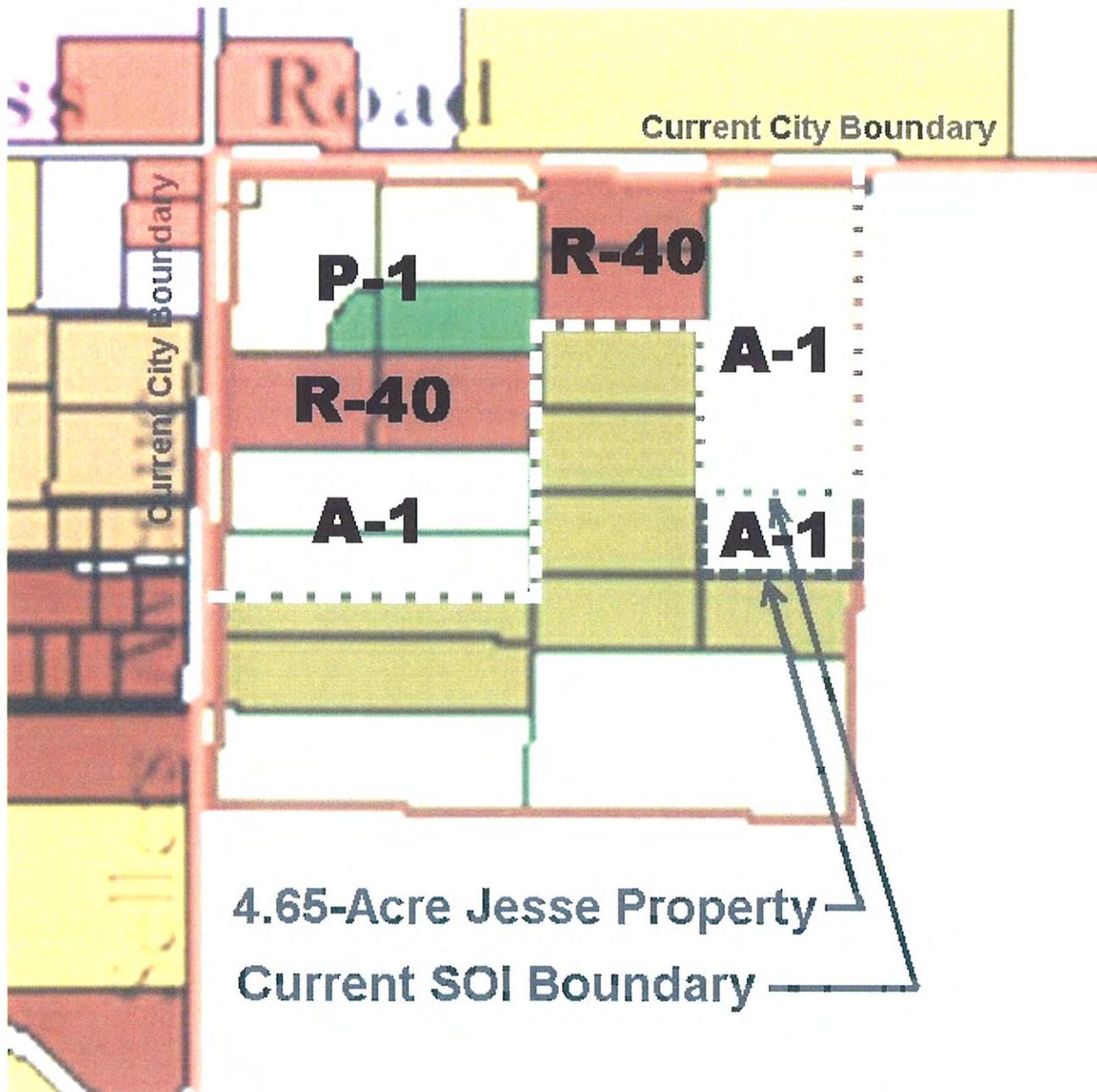
Source: Contra Costa County General Plan and Pacific Municipal Consultants, March 2001.

<sup>1</sup> Consistent only under certain circumstances, depending upon the specific use that is proposed.

<sup>2</sup> Agricultural Limited, Business Park and Utility Energy are newly established General Plan designations and Commercial Recreation is a modified designation. The City following adoption of this General Plan will adopt appropriate zoning districts. Until such time as revised zoning designations are adopted, the City shall determine zoning compatibility on a case-by-case basis.

<sup>3</sup> Zoning categories represent the City adopted Contra Costa County Zoning Ordinance. These designation will be reviewed and revised as appropriate following General Plan adoption.

**Figure 16: Proposed City Rezoning for Project Area**



- P-1:** Planned Unit District (Land Use and Density per Oakley 2020 General Plan)
- R-40:** Single-Family Residential (40,000 SF Minimum Lot Size)
- A-1:** Light Agricultural District (Parcel Sizes per Oakley 2020 General Plan of 1-10 Acres)

Figure 17: Central Valley Project Service Area Map

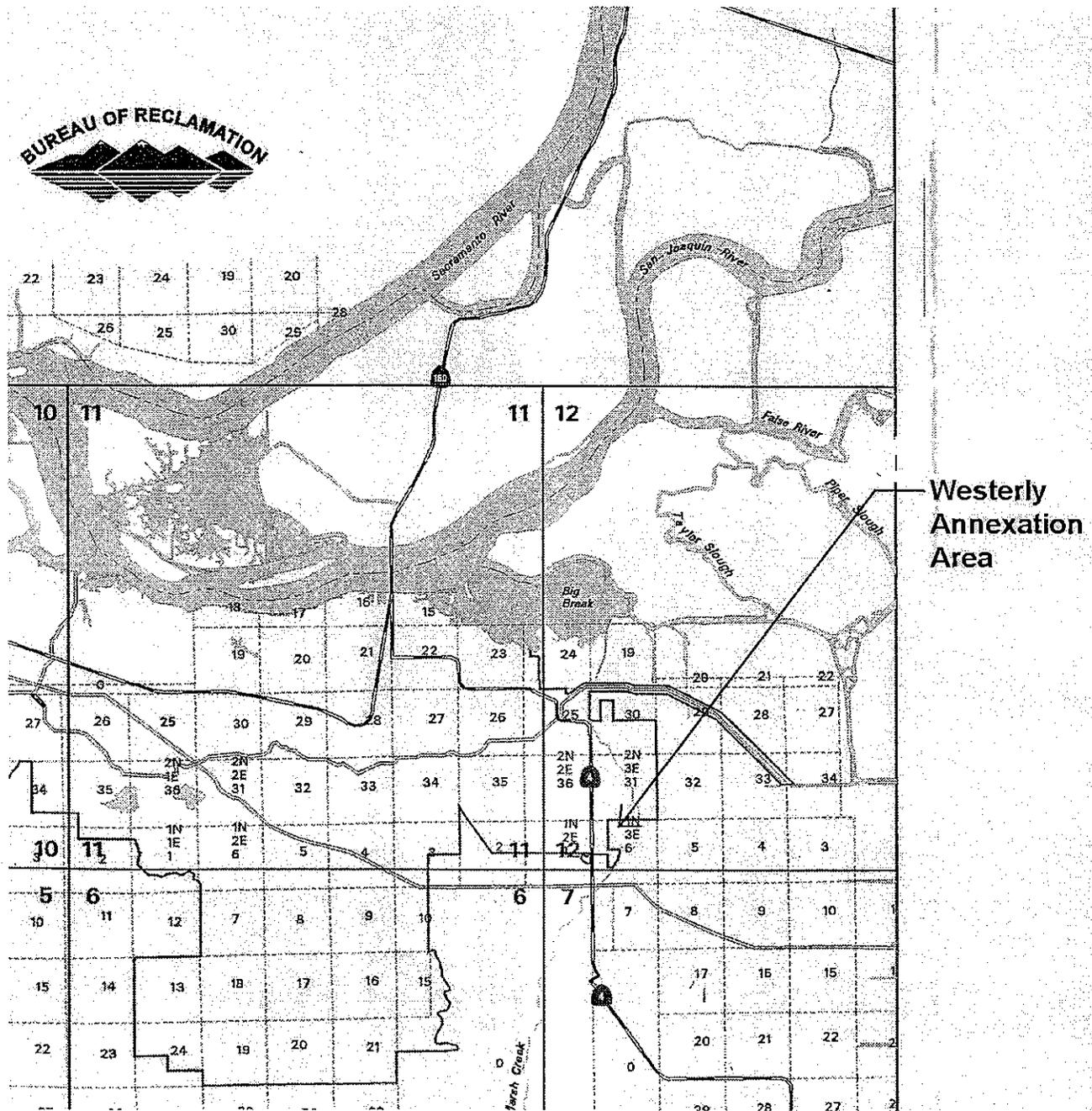
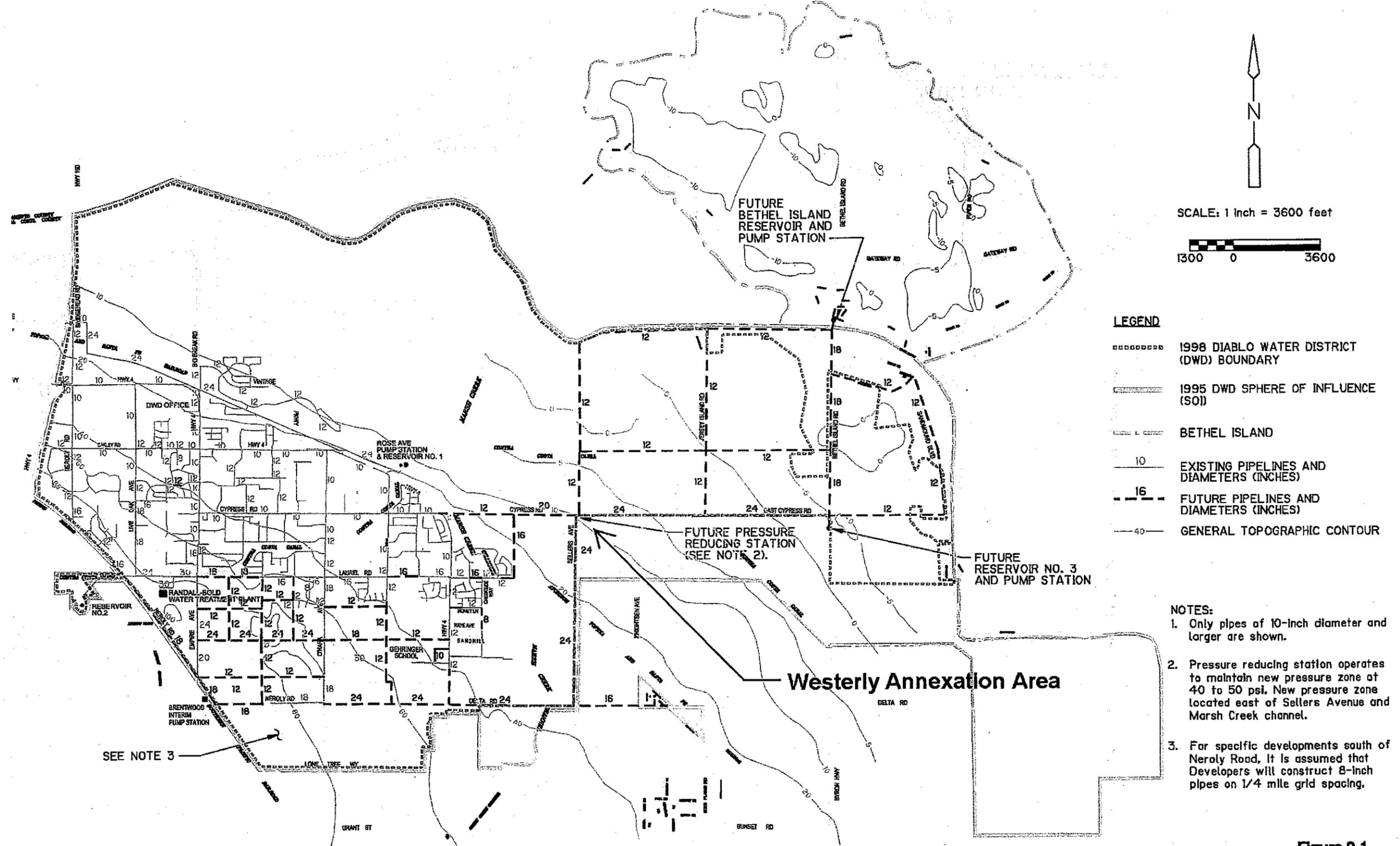


Figure 18: DWD Distribution System Plan



- LEGEND**
- 1998 DIABLO WATER DISTRICT (DWD) BOUNDARY
  - 1995 DWD SPHERE OF INFLUENCE (SOI)
  - BETHEL ISLAND
  - 10 EXISTING PIPELINES AND DIAMETERS (INCHES)
  - 16 FUTURE PIPELINES AND DIAMETERS (INCHES)
  - 40 GENERAL TOPOGRAPHIC CONTOUR

- NOTES:**
1. Only pipes of 10-inch diameter and larger are shown.
  2. Pressure reducing station operates to maintain new pressure zone at 40 to 50 psi. New pressure zone located east of Sellers Avenue and Marsh Creek channel.
  3. For specific developments south of Neroly Road, it is assumed that Developers will construct 8-inch pipes on 1/4 mile grid spacing.

CDM Camp Dresser & McKee

Figure 9-1  
 Ultimate Distribution System for  
 DWD Sphere of Influence and Bethel Island

### 3. INITIAL STUDY CHECKLIST

#### A. Environmental Factors Potentially Affected:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

- |   |   |  |
|---|---|--|
| <input checked="" type="checkbox"/> Aesthetics                    | <input type="checkbox"/> Agricultural Resources               | <input checked="" type="checkbox"/> Air Quality              |
| <input checked="" type="checkbox"/> Biological Resources          | <input checked="" type="checkbox"/> Cultural resources        | <input checked="" type="checkbox"/> Geology / Soils          |
| <input checked="" type="checkbox"/> Hazards & Hazardous Materials | <input checked="" type="checkbox"/> Hydrology / Water Quality | <input type="checkbox"/> Land Use / Planning                 |
| <input type="checkbox"/> Mineral resources                        | <input checked="" type="checkbox"/> Noise                     | <input type="checkbox"/> Population Housing                  |
| <input checked="" type="checkbox"/> Public Services               | <input type="checkbox"/> Recreation                           | <input checked="" type="checkbox"/> Transportation / Traffic |
| <input checked="" type="checkbox"/> Utilities / Service Systems   | <input type="checkbox"/> Mandatory Findings of Significance   |  |

#### B. Determination:

On the basis of this initial evaluation:

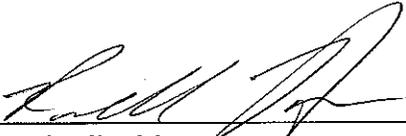
I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.	
I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.	<input checked="" type="checkbox"/>
I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.	

I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect (1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and (2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.	
--	--

I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.	
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The foregoing determination is based on the analysis contained in the following section of this Initial Study.

---

  
Rochelle Henson  
City of Oakley  
Senior Planner  
3639 Main Street  
Oakley, CA 94561  
(925) 625-7000

8/2/07  
Date

Initial Study Prepared by:

Richard T. Loewke, AICP  
55 Oak Trail Court  
Alamo, CA 94507  
(925) 831-8016

## C. Sources

In the process of preparing the Checklist and conducting the evaluation, the following references were consulted:

- A. Abrams Associates, July 2004. *Traffic Impact Study for Westerly Annexation Area.*
- B. City of Oakley, December 2002. *Oakley 2020 General Plan.*
- C. City of Oakley, December 2002. *Oakley General Plan 2020 Final Environmental Impact Report.*
- D. City of Oakley, April 2003. *Draft Capital Improvement Program for the City of Oakley.*
- E. City of Oakley, September 2001. *General Plan Background Report.*
- F. City of Oakley, May 2003: *Oakley Sphere of Influence Amendment Application to Contra Costa LAFCO.*
- G. City of Oakley, September 2002: *Municipal Zoning Ordinance, Chapter 8 of Municipal Code.*
- H. Contra Costa Water District, 2002: *Future Water Supply Update.*
- I. Diablo Water District, August 1998: *Facilities Plan Update.*
- J. Ironhouse Sanitary District, 1988: *Trunk Line Master Plan.*
- K. Ironhouse Sanitary District, May 2003: *Wastewater Facilities Plan Update.*
- L. Wildlife Research Associates, May 2004: *Biological Assessment for Westerly Annexation Area.*
- M. William Self Associates, April 2004: *Cultural Resource Assessment Report for Westerly Annexation Area.*

## D. Evaluation of Environmental Impacts:

Issue	Information Sources (See Item 3.C Above)	Potentially Significant Impact	Less than Significant With Mitigation	Less Than Significant Impact	No Impact
<b>1. Aesthetics – Would the project:</b>					
<b>a) Have a substantial adverse effect on a scenic vista?</b>	B, C, E, G			✓	
<p><b>Discussion:</b> As further explained under the Project Description section, the Westerly Annexation Area is located on the south side of East Sellers Road and east side of Sellers Avenue. Annexation of the project area will result in planned development of approximately 100 single-family homes on the 24.0 acres located at the intersection of these two arterial streets. As proposed, this housing project site has been placed within a P-1 (Planned Development) zone and will be subject to detailed design review and site plan approvals. No scenic vistas would be affected by this or other future incidental improvements within the balance of the 87.9-acre area. Additional aesthetic standards and guidelines have been incorporated into the Oakley 2020 General Plan and would be applicable to all future development and improvements.</p>					
<b>b) Substantially damage scenic resources, including, but not limited to trees, rock outcroppings, and historic buildings within a State scenic highway?</b>	B, C, E, G			✓	
<p><b>Discussion:</b> The proposed project is located within a rapidly urbanizing area of southeastern Oakley. No rock outcroppings are located within the project boundaries and no scenic highways adjoin the property. No historic buildings would be affected by implementation of the annexation program and development of the 24.0-acre Baldocchi property. Development of the subject site would not block any public views of Mt. Diablo or other designated scenic resources, as identified in the General Plan.</p>					
<b>c) Substantially degrade the existing visual character or quality of the site and its surroundings?</b>	B, C, E, G		✓		
<p><b>Discussion:</b> The proposed project site would result in development of approximately 100 one and two-story single-family homes southeast of the intersection of Sellers Avenue and East Cypress Road. Additional rural and agricultural building improvements are anticipated within the balance of the 87.9-acre area over time. The following mitigation measure will provide for protection of the aesthetic environment.</p> <p>(1) New residential development shall be subject to design review approval by the City of Oakley, in accordance with City ordinance and provisions of the applicable P-1 and R-40 zoning districts</p>					
<b>d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?</b>	B, C, E, G			✓	
<p><b>Discussion:</b> Parking lot lighting is anticipated as part of future residential subdivision and municipal park development on the 24-acre corner property (Baldocchi). Consistent with City standards, the design review and development plan entitlements will address the location and design of exterior lighting in such a manner as to control glare and avoid impact to motorists on East Cypress Road and Sellers Avenue. This impact would not be considered significant without mitigation; however, the following mitigation will serve to further reduce the potential for off-site glare.</p> <p>(1) Improvement plans shall include location and details of street lighting; architectural plans shall call for use of low-level building lighting with shields to minimize direct and indirect glare on adjoining streets and properties. Plans to include illumination diagrams.</p>					

Issue	Information Sources (See Item 3.C Above)	Potentially Significant Impact	Less than Significant With Mitigation	Less Than Significant Impact	No Impact
<p><b>2. Agricultural Resources:</b> In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:</p>					
<p>a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?</p>	<p>B, C, E, F, G</p>			<p>✓</p>	
<p><b>Discussion:</b> The proposed project would result in annexation of the entire 87.9 acres, and in development of the 24.0 acres located at the intersection of two designated arterial roadways in the City of Oakley. The proposed rezoning districts (see discussion in Section 2C) are designed to promote continued operation of the small farms which currently occupy the balance of the project site. The subject property is composed of Class II Delphi sand, described by the U.S. Natural Resources Conservation Service as "excessively drained soils" where runoff is slow or very slow. Used historically for dry farming, pasture and irrigated pasture, the designated residential portion of the 87.9-acre site is increasingly constrained for continued viable agricultural use because of encroaching urban development within the City of Oakley (see Section 2B for a more complete description of surrounding land uses). This site is not designated as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency. Based on these factors and the threshold analysis provided in the City's General Plan EIR, annexation of the project site and development of the 24.0-acre Baldocchi property in accordance with the adopted City General Plan would not represent a significant impact.</p>					
<p>b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?</p>	<p>B, C, E, F, G</p>				<p>✓</p>
<p><b>Discussion:</b> No Williamson Act contracts apply to the subject property, which consists of smaller parcels averaging 10 acres in size (see Figures 5A and 5B). No other adjoining properties are currently under Williamson Act contract.</p>					
<p>c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use?</p>	<p>B, C, E, F, G</p>				<p>✓</p>
<p><b>Discussion:</b> The proposed project site is situated adjoining a major arterial street in a rapidly developing portion of Oakley (East Cypress Road). It has been classified in the City's General Plan (and would be rezoned) for a transition from urban uses at the intersection of Sellers and Cypress, to sustained agricultural uses further to the south and east. This land use strategy was formulated to provide a buffer to more intensive agricultural uses to the south and east of the project site. No additional direct or indirect impacts to agricultural interests will result from annexation and development of the designated properties as proposed.</p>					

Issue	Information Sources (See Item 3.C Above)	Potentially Significant Impact	Less than Significant With Mitigation	Less Than Significant Impact	No Impact
<p><b>3. Air Quality:</b> Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:</p>					
<p>a) Conflict with or obstruct implementation of the applicable air quality plan?</p>	<p>A, B, C, D, E, F, G</p>		<p>✓</p>		
<p><b>Discussion:</b> The proposed project will contribute incrementally to local and regional air quality impacts, both in terms of construction-related activities and emissions from additional vehicle trips associated with the long-term estimate for up to an additional 150 dwelling units (100 units on the Baldocchi property and up to an additional 50 units throughout the project area over time). This maximum development potential is less than that evaluated as part of the Oakley 2020 General Plan, because the earlier analysis assumed annexation of the subject 87.9 acres, along with a remaining 70.6 acres within the City's Planning Area which were subsequently excluded from the SOI and the proposed annexation. The impacts for the resulting smaller development are therefore somewhat less than identified as part of the cumulative analysis contained in Chapter 3.4 of the Oakley 2020 General Plan EIR. This program level analysis identifies increased long-term emissions of ROG, NO<sub>x</sub>, CO and PM<sub>10</sub>, as well as dust and other airborne contaminants during construction, and incorporates appropriate programmatic mitigation (see also item 3d) below).</p> <p>(1) Development of the Baldocchi property shall be reviewed in detail at the tentative map stage in order to assure compliance with programmatic mitigation measures adopted with the Oakley 2020 General plan.</p>					
<p>b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?</p>	<p>A, B, C, D, E, F, G</p>			<p>✓</p>	
<p>Various diesel-powered vehicles and equipment would be in use on the site. In 1998 the California Air Resources Board (CARB) identified particulate matter from diesel-fueled engines as a toxic air contaminant (TAC). Health risks from Toxic Air Contaminants are a function of both concentration and duration of exposure. Unlike stationary sources, however, construction diesel emissions are temporary and affect an area for a period of days or weeks. In addition, construction related sources are mobile and transient in nature, and the bulk of the emission occurs within the project site at a substantial distance from nearby receptors. Because of its short duration, health risks from construction emissions of diesel particulate would be a less than significant impact. According the BAAQMD, emissions of ozone precursors (ROG and NO<sub>x</sub>) and carbon monoxide related to construction equipment are already included in the emission inventory that is the basis for regional air quality plans, and are not expected to impede attainment or maintenance of ozone and carbon monoxide standards in the Bay Area.</p>					

c) Result in a cumulative considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	A, B, C, D, E, F, G			✓	
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**Discussion:** The project area will contribute incrementally to air quality impacts associated with additional traffic movements. A detailed project traffic analysis has been developed to identify potential intersection level of service impacts and any resultant potentially significant increases in traffic delays. Contained in Appendix "A", this analysis shows the potential for a maximum of 1,450 daily vehicle trips from the project area at build-out (up to 152 combined pm peak-hour trips). The study finds that subject to completion of local roadway dedication and frontage improvements (including traffic control at the Baldocchi property project driveways – see Figure 7), implementation of the proposed project would not lead to a degradation of service levels below accepted standards at any of the intersections affected by such future development.

According to the analysis contained in the Oakley 2020 General Plan EIR, cumulative development within the City of Oakley will adversely impact the Bay Area air basin, which is currently classified under the federal Clean Air Act as a "nonattainment area" for ozone. Local development will also impact Contra Costa County, which has been classified under the California Clean Air Act as a "nonattainment area" for ozone and PM<sub>10</sub>. Based on the scale of development identified for the subject property, impacts associated with implementation of the proposed annexation project will be equal to or less than those identified as part of the cumulative analysis presented in the General Plan EIR.

Regional emissions associated with project vehicle use have been calculated using the URBEMIS-2002 emission model, using daily trip generation data provided by the traffic engineering consultant (see Appendix "A"). The incremental daily emission increase associated with project buildout operational trip generation is identified below for reactive organic gases and oxides of nitrogen (two precursors of ozone) and PM<sub>10</sub>. The Bay Area Air Quality Management District has established threshold of significance for ozone precursors and PM<sub>10</sub> of 80 pounds per day. These projected project emissions would be well below these thresholds of significance, so the proposed project would have a less-than-significant effect on regional air quality.

**Project Regional Emissions in Pounds Per Day**

	Reactive Organic Gases	Nitrogen Oxides	PM <sub>10</sub>
Project Emissions	18.0	18.2	14.1
BAAQMD Significance Threshold	80.0	80.0	80.0

None of the activities associated with the proposed project would have the potential to expose nearby -sensitive receptors (nearby residential areas) to a significant increase in toxic air contaminants. Trace quantities of toxic air contaminants would be expected to occur with on-site natural gas combustion. Additionally, toxic air contaminants are also known to be emitted during operation of motor vehicles. However, no method exists for evaluating the potential effects of toxics emitted by motor vehicles, and no standard emission factors are available. In light of the available information, the effects of the emissions from vehicle trips are not expected to be substantial. Vehicular traffic associated with build-out of properties within the Westerly Annexation Area would not cause significant impacts due to emissions of toxic air contaminants. Therefore, the impact is considered less than significant.

The BAAQMD's planning efforts aim to reduce ozone levels while allowing growth to occur. Implementation of the project would not conflict with relevant objectives of the BAAQMD's Clean Air Plan or the City General Plan's air quality policies. CEQA Guidelines indicate that a project would have a significant cumulative impact if its contribution would be "cumulatively considerable," or where the project would individually have a significant air quality impact. The foregoing analysis shows that the proposed Westerly Annexation Project emissions of ozone precursors (ROG and NOx) would not be individually significant and would not result in a measurable contribution.

d) Expose sensitive receptors to substantial pollutant concentrations?	A, B, C, D, E, F, G		✓		
--	---------------------------	--	---	--	--

**Discussion:** Construction activities associated with development of the 24.0-acre Baldocchi property could have a potential to generate substantial amounts of dust, resulting in short-term air quality impacts. Construction dust could affect local air quality during implementation of the project. The effects of construction activities would be increased dustfall and locally elevated levels of PM downwind of construction activity. This is considered a potentially significant impact. As mitigation for these potential effects, the following measures are recommended throughout all phases of construction:

- (1) Water or cover stockpiles of debris, soil, sand or other materials that can be blown by the wind.
- (2) Water all active construction areas at least twice daily.
- (3) Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard.
- (4) Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas and staging areas at construction sites.
- (5) Sweep daily (preferably with water sweepers) all paved access road, parking areas and staging areas at construction sites.
- (6) Sweep streets daily (preferably with water sweepers) if visible soil material is carried onto adjacent public streets.
- (7) Hydroseed or apply non-toxic soil stabilizers to inactive construction areas.
- (8) Enclose, cover, water twice daily or apply non-toxic soil binders to exposed stockpiles (dirt, sand, etc.).
- (9) Limit traffic speeds on unpaved roads to 15 mph.
- (10) Install sandbags or other erosion control measures to prevent silt runoff to public roadways.
- (11) Replant vegetation in disturbed areas as quickly as possible.
- (12) Posted the construction site in a conspicuous location with the name and phone number of a designated dust control coordinator who can respond to complaints by suspending dust-producing activities or providing additional personnel or equipment for dust control.

e) Create objectionable odors affecting a substantial number of people?	A, B, C, D, E, F, G		✓		
---	---------------------------	--	---	--	--

**Discussion:** Although unlikely, it is possible that residents of the rural area south and west of the project area could be exposed on a short-term basis to localized construction-related odors. Limitations on hours of construction in accordance with City standards will help to limit exposure of people during sensitive periods. Additional project-specific mitigation measures as outlined under item 3d) above will further reduce potential short-term impacts from construction activities.

- (1) Use of heavy equipment, including truck traffic to and from the site, shall be limited to the hours of 8:00 AM to 5:00 PM.

Issue	Information Sources (See Item 3.C Above)	Potentially Significant Impact	Less than Significant With Mitigation	Less Than Significant Impact	No Impact
<b>4. Biological Resources: Would the project:</b>					
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	B, C, D, E, F, G, L		✓		
<p><b>Discussion:</b> The subject 87.9-acre site is bounded on the north and west by arterial streets and established or planned urban uses within the current City limits. As detailed in the Biological Assessment prepared in May of 2004 for this site (see Appendix "B") no special-status plants are likely to occur on this site, and only a moderate potential exists for occurrence of one special status bird species (the burrowing owl). The western burrowing owl, a federal and state species of concern, though not observed on or adjoining this site, is believed to have a moderate potential to move onto the Baldocchi property site prior to development, due to proximity to known habitat and cleared vegetation conditions. The Biological Assessment documents the known history of burrowing owl occurrences within the vicinity of the project site, and outlines the following mitigation measures to protect against accidental take of the owl during the breeding/nesting season:</p> <ol style="list-style-type: none"> <li>(1) If ground disturbance must occur within the nesting season (February 1 to August 31), a pre-construction nesting burrowing owl survey following CDFG protocols shall first be performed by a qualified biologist to avoid impacts to burrowing owls. Protocol surveys include conducting a crepuscular (early morning or late evening) survey. Any active nests must not be disturbed until the young have fledged.</li> <li>(2) All burrows containing active nests shall be identified by flagging and be protected by a no disturbance buffer zone of 75 meters (approximately 250 feet). After the young have fledged, but before grading work is initiated, burrows shall be collapsed to prevent re-occupation by burrowing owls. Loss of habitat shall be compensated for by permanent protection of 6.5-acres of foraging habitat per pair at an off-site location approved by the CDFG.</li> </ol> <p>Development of the Baldocchi property and other construction within the Westerly Annexation Area could also result in the removal of potential passerine nesting habitat in the non-native grasslands and structures, although no focused surveys for nesting passerines have been conducted within the project area. Disturbance during the nesting season may result in the potential nest abandonment and mortality of young. This is a less-than-significant impact with the following mitigation measures incorporated.</p> <ol style="list-style-type: none"> <li>(3) Grading within the grasslands or demolition of structures should be conducted outside the nesting season, which occurs between approximately February 1 and August 15. If grading/demolition before February 1 is infeasible and groundbreaking must occur within the breeding season, a pre-construction nesting bird survey of the grasslands and structures should be performed by a qualified biologist. If no nesting birds are observed no further action is required and grading may occur within one week of the survey to prevent "take" of individual birds that may have begun nesting after the survey. If birds are observed on site after February 1 it will be assumed that they are nesting on site or adjacent to the site. If nesting birds are observed, ground breaking will have to be delayed until after the young have fledged, as determined by bird surveys by a qualified biologist, or after the nesting season.</li> <li>(4) The CDFG Central Coast Regional office does allow grading to occur if nesting birds are observed on site, providing that a 75-100 foot buffer zone is created around the observed nest. However, because nests may occur in the middle of the grading area, this method is not advised.</li> </ol> <p>Finally, several species of bats may day or night-roost in the structures that occur within the annexation area. Although no structures showed evidence of bat roosting activity, conditions of the structures may change over time creating more favorable roosting conditions, or bats could begin to occupy certain structures between the time of this assessment and construction activities. This is a less-than-significant impact with the following mitigation measures incorporated.</p>					

- (5) Structures possessing potential day and/or night roost habitat, and those not assessed during this effort, must be surveyed for evidence of bat roosting activity by a qualified bat biologist prior to demolition/construction activities. Surveys should be conducted 45 days in advance of construction or demolition, in order to provide ample time to conduct humane eviction, if required.
- (6) If a qualified bat biologist determines that no bat activity is taking place, but potential roost habitat exists, structures shall first be inspected to verify the absence of bats, and immediately thereafter sealed to prevent occupancy prior to demolition.
- (7) If bat roosting activity is found, humane eviction must be conducted by a qualified bat exclusion expert, or by a contractor under the supervision of a qualified bat biologist. Humane exclusion must be limited seasonally to between February 15 and April 15, or August 30 and October 15.

b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	B, C, D, E, F, G, L			✓	
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**Discussion:** As further explained in the Biological Assessment (Appendix "B") a majority of the 87.9-acre project area is currently utilized for cattle grazing or horse pasture (both irrigated and non-irrigated). As a result, non-native grasslands are the dominant vegetation community, with considerable ornamental landscaping and fruit bearing trees occurring around existing residences. In addition, houses barns, and outbuildings scattered throughout the 87.9-acres provide potential roosting habitat for various wildlife species, including birds and bats.

No significant riparian habitat or other sensitive natural community is present on the site, according to a reconnaissance-level site survey conducted on April 2, 2004. The site is isolated from such sensitive or natural communities by major roadways, active farms, and residential development. As visible in photo Figure 11, a majority of the Baldocchi property consists of regularly disked open pasture, without trees or structures (with the exception of an existing residence at the southwest corner). Consequently, no significant impacts would result from annexation of the project site, or from development of the Baldocchi property in particular.

c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	B, C, D, E, F, G, L			✓	
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**Discussion:** As indicated in Sections 4.a and 4.b above, the subject site contains no evidence of federally protected wetlands or waters of the U.S. Development of the site as proposed will not have an impact on any wetland habitats.

d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species, or with established native resident or migratory wildlife corridors, or impede the use of native nursery sites?	B, C, D, E, F, G, L			✓	
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**Discussion:** No impacts are likely to result from implementation of the proposed annexation program and residential development (with the possible exception of bird species discussed in 4.a) above), as the subject site is isolated from any wildlife corridors or larger parcels capable of supporting migratory animals. Wildlife movement includes migration (*i.e.*, usually one way per season), inter-population movement (*i.e.*, long-term genetic flow) and small travel pathways (*i.e.*, daily movement corridors within an animal's territory). While small travel pathways usually facilitate movement for daily home range activities such as foraging or escape from predators, they also provide connection between outlying populations and the main corridor, permitting an increase in gene flow between populations.

These linkages between habitat types can extend for miles between primary habitat areas and occur on a large scale throughout California. Habitat linkages facilitate movement between populations located in discrete areas and populations located within larger habitat areas. The mosaic of habitats found within a large-scale landscape results in wildlife populations that consist of discrete sub-populations comprising a large single population, often referred to as a meta-population. Even where patches of pristine habitat are fragmented, such as occurs with coastal scrub, the movement between wildlife populations is facilitated through habitat linkages, migration corridors and movement corridors. Depending on the condition of the corridor, genetic flow between populations may be high in frequency, thus allowing high genetic diversity within the population, or may be low in frequency. Potentially low frequency genetic flow may lead to complete isolation and, if pressures are strong, potential extinction (McCullough 1996; Whittaker 1998).

Movement corridors within the study area include the non-native grasslands and the drainage ditches along the three roads. Mammals, such as raccoon (*Procyon lotor*) and opossum (*Didelphis virginiana*) use the drainage ditches for movement corridors between open fields and structures. Skunks (*Mephitis mephitis*) will use the open fields for movement corridors between areas of row crops and orchards. No significant impacts to these corridors would result from annexation and limited development within the project area as contemplated.

e) Conflict with local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	B, C, D, E, F, G, L				✓
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**Discussion:** No heritage trees or other important natural vegetation would be affected by development of the Baldocchi property, or by other property improvements associated with the annexation program. The annexation program will result in adoption of rezoning which is consistent with the Oakley 2020 General Plan.

f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	B, C, D, E, F, G, L				✓
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**Discussion:** No such plan applies to properties within the project vicinity. No conflicts would result with contemplated plans within the regional setting.

Issue	Information Sources (See Item 3.C Above)	Potentially Significant Impact	Less than Significant With Mitigation	Less Than Significant Impact	No Impact
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**5. Cultural Resources: Would the project:**

a) Cause a substantial adverse change in the significance of a historical resource as defined in § 15064.5?	B, C, D, E, F, M		✓		
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**Discussion:** A pedestrian survey of the entire project area was performed on April 1, 2004 by William Self Associates, as part of a Cultural Resources Assessment (see Appendix "C"). The area was evaluated for the presence of historic or prehistoric site indicators. The archaeological survey was conducted using transect intervals of 10-15 meters. Survey access was available for nine of the ten parcels. The objective of the cultural resource evaluation within the Westerly Annexation was to locate, record, and evaluate the significance of all cultural resources within the proposed project area. Visible ground surface was examined for the presence of historic or prehistoric site indicators, such as charcoal, obsidian or chert flakes, grinding bowls, shell fragments, bone, and pockets of dark, friable soils (for prehistoric sites), and glass, metal, ceramics, brick, wood and similar debris (for historic sites).

No significant prehistoric or historic archaeological sites are known to exist in the Westerly Expansion Area. There is always a possibility that such resources may become apparent once vegetation is removed or during construction excavation. Indicators of prehistoric site activity include charcoal, obsidian or chert flakes, grinding bowls, shell fragments, bone, and pockets of dark, friable soils. Historic resources include glass, metal, ceramics, wood and similar debris.

Five previously unrecorded historic structures found during the archaeological survey of the project were documented, although no adverse impacts to these structures are anticipated from this project or from the planned development on the Baldocchi property. Because it was not possible to survey the ground surface of the fenced area surrounding the residential structures on the Pagano Property, the unsurveyed area (shown in Figure 3 of Appendix "A") should be examined by a qualified archaeologist certified by the Registry of Professional Archaeologists prior to any future development on the property. The following mitigation measure has been prepared to address potential grading-related impacts:

- (1) In accordance with CEQA Subsection 15064.5 (f), should any previously unknown historic or prehistoric resources, including but not limited to charcoal, obsidian or chert flakes, grinding bowls, shell fragments, bone, pockets of dark, friable soils, glass, metal, ceramics, wood or similar debris, be discovered during grading, trenching, or other on-site excavation(s), earthwork within 100 feet of these materials shall be stopped until a professional archaeologist certified by the Registry of Professional Archaeologists (RPA) has had an opportunity to evaluate the significance of the find and suggest appropriate mitigation(s), as determined necessary.

In the event that Native American human remains or funerary objects are discovered, the provisions of the California Health and Safety Code should be followed. The following mitigation measures should be implemented in furtherance of the language contained in Section 7050.5(b) of the California Health and Safety Code, in the event that human remains or possible human remains are located:

- (2) In the event of discovery or recognition of any human remains in any location other than a dedicated cemetery, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains until the coroner of the county in which the human remains are discovered has determined, in accordance with Chapter 10 (commencing with Section 27460) of Part 3 of Division 2 of Title 3 of the Government Code, that the remains are not subject to the provisions of Section 27492 of the Government Code or any other related provisions of law concerning investigation of the circumstances, manner and cause of death, and the recommendations concerning treatment and disposition of the human remains have been made to the person responsible for the excavation, or to his or her authorized representative, in the manner provided in Section 5097.98 of the Public Resources Code.
- (3) The County Coroner, upon recognizing the remains as being of Native American origin, is responsible to contact the Native American Heritage Commission within twenty-four hours. The Commission has various powers and duties to provide for the ultimate disposition of any Native American remains, as does the assigned Most Likely Descendant. Sections 5097.98 and 5097.99 of the Public Resources Code also call for "protection to Native American human burials and skeletal remains from vandalism and inadvertent destruction." A combination of preconstruction worker training and intermittent construction monitoring by a qualified archaeologist will serve to achieve compliance with this requirement for protection of human remains. Worker training typically instructs workers as to the potential for discovery of cultural or human remains, and both the need for proper and timely reporting of such finds, and the consequences of failure thereof. Once the find has been identified, the archaeologist will make the necessary plans for treatment of the find(s) and for the evaluation and mitigation of impacts if the finds are found to be significant according to CEQA.

b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5?	B, C, D, E, F, M			✓	
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**Discussion:** The EIR-level analysis completed for the 2001 General Plan Update has presented no documentation suggestive of cultural or archaeological resources in the vicinity of this property. A site-specific archaeological and cultural resources assessment has been completed and is presented in Appendix "C". This study provides no suggestion of changes to the significance of resources resulting from the proposed project. Nevertheless, the foregoing mitigation measures 5a) (1) through (3) should be implemented.

c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	B, C, D, E, F, M			✓	
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**Discussion:** No. Refer to discussion under items 5.a and 5.b above.

d) Disturb any human remains, including those interred outside of formal cemeteries?	B, C, D, E, F, M		✓		
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**Discussion:** The potential for discovery of human remains is very low, according to the archaeological and cultural resources analysis presented in the Oakley 2020 General Plan EIR. However, as noted above, mitigation measures 5a) (1) through (3) have been developed to minimize the potential for impact.

Issue	Information Sources (See Item 3.C Above)	Potentially Significant Impact	Less than Significant With Mitigation	Less Than Significant Impact	No Impact
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**6. Geology and soils: Would the project:**

a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving?

i) Rupture of a known earthquake fault, as defined on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Div. of Mines & Geology Special Pub. 42.	B, C, D, E, F		✓		
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**Discussion:** A geotechnical analysis of the Oakley Planning Area is presented in the 2020 General Plan EIR and General Plan Background Report. In addition, detailed soils studies were previously prepared for the surrounding properties. Together, these studies confirm the absence of any earthquake faults as occurring within or adjoining the project site, and show that the site itself not located within a State mandated Earthquake Fault Hazard Zone. According to these reports, several active faults within the region, including the Antioch-Davis Fault (approximately 5 miles to the west), the Brentwood-Sherman Island Fault (approximately 4 miles to the south), the Great Valley Fault (approximately 3 miles to the east), and the San Andreas Fault (45 miles to the southwest) all have a potential to induce strong ground shaking. The General Plan EIR indicates a low potential for ground rupture on the subject property. However, earthquake activity can have a significant effect on the overall stability of the developed site. Future development within the project area should therefore implement the following mitigation:

- (1) A detailed soils report shall be prepared to provide specific recommendations on building and foundation design, and grading work on all new development within the project area.
- (2) Site is potentially subject to strong ground shaking, liquefaction, lateral spreading, and earthquake-induced landsliding. Final grading plans shall be prepared by a licensed civil engineer pursuant to the Uniform Building Code. These plans shall incorporate the recommendations of the soil engineering and engineering geology investigations. All grading activities shall be continuously inspected by the project geotechnical engineer in order to ensure that recommendations are incorporated during construction.

c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	B, C, D, E, F		✓		
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**Discussion:** Information presented in City's General Plan EIR includes a general review of surface and subsurface conditions and soil characteristics. Detailed information compiled as part of soils studies on adjoining properties suggest that while this site is subject to earth movement resulting from earthquakes, no evidence of high potential for lateral spreading, subsidence, liquefaction or other soil-related safety issues is present. The detailed soils report required under item 6a) above will, however, need to assure that engineering design has accounted for all soil surface and subsurface conditions.

d) Be located on expansive soil, as defined in Table 18-1-B of the UBC (1994), creating substantial risks to life or property?	B, C, D, E, F		✓		
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**Discussion:** Information contained in the EIR analysis prepared for the General Plan indicates that properties in this area may be subject to high shrink-swell conditions. Development of the subject property will be subject to compliance with applicable building codes and City grading ordinance requirements. Additional mitigation measures included in Sections 6a and b) above will reduce the potential for failure of graded slopes or damage from soil shrinkage or expansion. Development of the site will be subject to compliance with applicable building codes, City grading ordinance requirements, and the foregoing mitigation measures designed to reduce the potential for slope failure or damage from soil shrinkage or expansion. These mitigation measures include follow-up studies and the preparation of final grading plans by a licensed civil engineer. Final grading plans must specifically address slope stability, erosion control and drainage facilities. In addition, all grading activities shall be inspected by the project engineer in order to ensure that recommendations are incorporated during construction.

e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	B, C, D, E, F				✓
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**Discussion:** Project does not involve demand for septic tank facilities; public sewer is currently available nearby to serve the proposed project, and will be extended as a condition of subdivision entitlement for development of an estimated 100 homes on the Baldocchi property.

Issue	Information Sources (See Item 3.C Above)	Potentially Significant Impact	Less than Significant With Mitigation	Less Than Significant Impact	No Impact
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**7. Hazards and Hazardous Materials: Would the project:**

a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	B, C, D, E, F, G			✓	
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**Discussion:** No transport, storage or disposal of hazardous materials is associated with the anticipated future residential development on the Baldocchi property. No other hazardous materials will be used in sufficient quantities or under circumstances which could result in a potential hazard to the public or the environment. All construction work shall be in compliance with City ordinances, which will address construction-related hazards, materials usage and disposal. The following measure is intended to address existing facilities and conditions.

- (1) Accurate locations of all any pipelines and utilities present on the site shall be investigated as part of the soils engineering study and identified on plans and in the field prior to construction.

b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	B, C, D, E, F, G			✓	
<p><b>Discussion:</b> The location of any existing pipelines or other underground utilities on the Baldocchi property will be accurately identified prior to construction, through the soils report, tentative map and improvement plan review process. Potential hazardous associated with any such facilities will be resolved at that time.</p>					
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	B, C, D, E, F, G			✓	
<p><b>Discussion:</b> See Item 7a) above. No existing or proposed schools are located within ¼ mile of the project site. The project is located within the service area of the Oakley Union Elementary School District and Liberty Union High School District. The Delta Vista Middle School and a planned future elementary school site are located approximately ¾ mile to the west on the north side of East Cypress Road. See Sec. 13.c for additional information about nearby school facilities.</p>					
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code §65962.5 and, as a result, would it create a significant hazard to the public or the environment?	B, C, D, E, F, G			✓	
<p><b>Discussion:</b> The project site is not located on a known or listed hazardous materials site, according to information compiled as part of the Oakley 2020 General Plan EIR analysis.</p>					
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	B, C, D, E, F, G			✓	
<p><b>Discussion:</b> No public airport is located within 2 miles of the project site; no impacts will result.</p>					
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	B, C, D, E, F, G			✓	
<p><b>Discussion:</b> No private airport is located within the vicinity of the project site; no impacts will result.</p>					
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	B, C, D, E, F, G			✓	
<p><b>Discussion:</b> The project site is located at the intersection of two public streets. Development as proposed on the Baldocchi property will include detailed planning of internal site circulation, including accommodation of a future connection between Sellers Avenue and Knightsen Avenue, thereby facilitating improved safety of movements onto East Cypress Road under future traffic conditions (see Appendix "A" for further details). The project will therefore provide improve local daily and emergency access.</p>					

h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	B, C, D, E, F, G			✓	
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**Discussion:** Equipment used on site shall be properly licensed and maintained in accordance with City ordinances. The project site is located adjacent to public streets with adequate access for fire protection.

Issue	Information Sources (See Item 3.C Above)	Potentially Significant Impact	Less than Significant With Mitigation	Less Than Significant Impact	No Impact
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**8. Hydrology and Water Quality: Would the project:**

a) Violate and water quality standards or waste requirements?	B, C, D, E, F, H, I		✓		
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**Discussion:** The project must comply with all applicable Regional Water Quality Control Board standards and EPA regulations. The development program for the Baldocchi property will need to comply with the following mitigation measure to assure compliance and avoidance of impacts.

- (1) Project shall incorporate on-site storm water collection and conveyance pursuant to City and CCCFCWCD standards. All project grading activities shall comply with the requirements of the National Pollution Discharge Elimination System (NPDES) Program, as established by the Clean Water Act. The applicant shall obtain the appropriate permits from the Central Valley Regional Water Quality Control Board (RWQCB), based on a Storm Water Pollution Prevention Plan (SWPPP) which incorporates Best Management Practices, consistent with the State General Permit. The SWPPP shall provide for reduction of impacts from each phase of the project, consistent with NPDES standards.

b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	B, C, D, E, F, H, I		✓		
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**Discussion:** Development of the Baldocchi property must comply with all applicable Regional Water Quality Control Board standards and EPA regulations. No ground water recharge or ground water supply impacts are expected to directly result. Mitigation measure 8a) (1) will reduce risks from grading activities on the Baldocchi property to degrade downstream water quality, as part of the site grading and NPDES permit process. No other significant impacts will result from implementation of the annexation program and related residential and agricultural improvements.

c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?	B, C, D, E, F, H, I		✓		
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**Discussion:** Development of the 24-acre Baldocchi property together with anticipated future residential and agricultural improvements on the remaining 63.9 acres within the project area will generate incremental increases in impervious surfaces and peak storm water run-off. Construction and maintenance of storm drainage facilities are managed by the City of Oakley and the Contra Costa County Flood Control and Water Conservation District (CCCFCWCD). CCCFCWCD and the City have prepared and adopted plans to serve most of the incorporated City of Oakley. According to General Plan Policy 4.10.10, a master drainage plan shall be prepared in cooperation with the CCCFCWCD for the Westerly Annexation Area prior to development. The subject property slopes naturally to the north, where a storm drain trunk line will pick up surface flows and eventually carry them north to the San Joaquin River. Development of the Baldocchi property will require local improvements and fee contributions to this system, based on the following measures.

- (1) Prior to approval of a tentative subdivision map for the Baldocchi property, the developer shall obtain approval from the City of Oakley and CCCFCWCD of plans for mitigation of peak storm water flows from development of the planned residential uses within the northerly portion of the project area. These plans shall address the pre-treatment of flows in accordance with NPDES standards and the project SWPPP, and shall be consistent with the area master plan to provide for reduction of peak flows. Approved facilities shall be implemented concurrently with issuance of construction permits; this requirement may be satisfied through a combination of approved on-site detention and/or contribution of off-site facilities owned and maintained by the City and/or CCCFCWCD.
- (2) Prior to approval of a tentative subdivision map for the Baldocchi property, the developer shall obtain approval from the City of Oakley of plans for collection and conveyance of concentrated storm drainage flows to approved public facilities in accordance with the area master plan. All such improvements shall be constructed prior to issuance of building permits for residential uses within the project area.
- (3) All future development within the project area shall contribute to the cost of expanded storm drainage infrastructure and detention basins in accordance with General Plan Figure 4-2, Policy 4.10.10 and fees applicable at the time of permits.

d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?	B, C, D, E, F, H, I		✓		
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**Discussion:** The proposed project will not change the pattern of drainage within this area. The rate of surface runoff in the post development condition shall be mitigated in accordance with the standards prescribed under Section 8c) above.

e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted water?	B, C, D, E, F, H, I		✓		
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**Discussion:** Development authorized as a result of the specific plan will contribute to storm water runoff from the site. The rate of surface runoff in the post development condition shall be mitigated in accordance with the standards prescribed under Section 8c) above.

f) Otherwise substantially degrade water quality?	B, C, D, E, F, H, I		✓		
<p><b>Discussion:</b> The potential to impact water quality from proposed development on the Baldocchi property is moderate. In order to avoid water quality impacts, the proposed housing development will be required to comply with all local ordinances and NPDES / RWQCB requirements, as discussed under Section 8a) above. Project will also provide for on-site construction or contribution to planned off-site detention basin facilities in order to reduce peak flows in accordance with Section 8c)(1) above. Storm water will be conveyed in accordance with the approved area master plan, and as approved by the City of Oakley per measure 8c)(2) above. The developer of the proposed Baldocchi property shall provide for a complete analysis of storm drainage, in accordance with City and CCFCWCD standards (as outlined in Section 8c), in order to assure adequate capacity. Adequate storm drainage facilities shall be in place prior to issuance of grading permits for the project. As required under Section 8a), appropriate permits from the Central Valley Regional Water Quality Control Board (RWQCB) are required, based on a Storm Water Pollution Prevention Plan (SWPPP) which utilizes Best Management Practices, consistent with the State General Permit. The SWPPP shall provide for reduction of impacts from each phase of the project, consistent with NPDES standards.</p>					
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	B, C, D, E, F, H, I			✓	
<p><b>Discussion:</b> No new housing would be constructed as a result of the proposed project.</p>					
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	B, C, D, E, F, H, I		✓		
<p><b>Discussion:</b> The project site is located within an area of approximately 10'-15' elevation. As documented in Figure 8-3 of the Oakley General Plan, properties in this vicinity are not within a potential 100-year flood plain. No impediments to storm water conveyances would result from this project.</p>					
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	B, C, D, E, F, H, I		✓		
<p><b>Discussion:</b> No direct impacts will be caused by the proposed project, which is not located within any identified 100-year flood plain shown on the Oakley General Plan. The proposed housing project will contribute to increased storm water flows, as discussed under item 8c) above, and will provide mitigation for future impervious surfaces and increased peak flows as prescribed.</p>					
j) Inundation by seiche, tsunami, or mudflow?	B, C, D, E, F, H, I			✓	
<p><b>Discussion:</b> The project site is protected from potential effects of seiche, tsunami. No landslides or slope instability impacts are expected as a result of this project, as discussed in Section 3.D.6 above.</p>					

Issue	Information Sources (See Item 3.C Above)	Potentially Significant Impact	Less than Significant With Mitigation	Less Than Significant Impact	No Impact
<b>9. Land Use and Planning: Would the project:</b>					
a) Physically divide an established community?	B, C, E, F, G			✓	
<p><b>Discussion:</b> The proposed project will be consistent with the recently adopted City of Oakley 2020 General Plan, as shown in Figures 4 and 13. As a part of the annexation process, the property will be rezoned to accommodate a combination of residential and sustained agricultural uses as identified in Figure 16 and discussed in Section 2.C. These land uses provide for internal compatibility within the project area, as well as a transition between more intense planned residential and commercial land uses immediately to the north and west within the City, and to the south and east in the unincorporated area. This aspect of the proposed land use program was carefully evaluated at the time the SOI was amended, and provides for self-mitigation of any potential conflicts between uses. Section 2.C. provides a complete discussion of the proposed land use and rezoning programs.</p>					
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	B, C, E, F, G			✓	
<p><b>Discussion:</b> The 87.9-acre project area will provide for the eventual development of up to 150 future homes, two-thirds of which would be accommodated within a planned residential subdivision on the 24.0-acre Baldocchi property at the corner of East Cypress Road and Sellers Avenue. Parking facilities for the residential development and the internal neighborhood park will be provided in accordance with City Zoning Ordinance standards. This site is currently subject to a range of agricultural zoning districts under County control, as detailed in Figure 4. Proposed rezoning will be carried out as shown in Figure 16, resulting in a combination of residential and sustained agricultural uses in accordance with the City's General Plan. All such future residential development and continued agricultural activities will be regulated under the City Zoning Ordinance. The following measures are intended to provide a detailed review of plans and ensure consistency with General Plan policies.</p> <ol style="list-style-type: none"> <li>1. Site and architectural plans for all future residential development shall be subject to Design Review approval. Consistency with all applicable City zoning, Design Standards and related requirements shall be verified as part of this process. Avoidance of impacts to adjoining uses is dependent on complete implementation of all other measures listed in this MMRP.</li> <li>2. Development of the Baldocchi property shall also be subject to Final Development Plan (P-1 Zoning) and Tentative Subdivision Map approval. The adequacy of proposed infrastructure to comply with related mitigation measures shall be verified at that time.</li> </ol>					
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	B, C, E, F, G				✓
<p><b>Discussion:</b> No Habitat Conservation Plan (HCP) or Natural Community Conservation Plan (NCCP) has been finalized for this region, although one may be developed in the future. The proposed project would not conflict with any prospective HCP or NCCP within eastern Contra Costa County.</p>					

Issue	Information Sources (See Item 3.C Above)	Potentially Significant Impact	Less than Significant With Mitigation	Less Than Significant Impact	No Impact
<b>10. Mineral Resources: Would the project:</b>					
a) Result in a loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	B, C, D, E, F				✓
<b>Discussion:</b> According to the Oakley General Plan EIR, no mineral resource would be affected by future development within the proposed area.					
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	B, C, D, E, F				✓
<b>Discussion:</b> Site is not used or planned for mineral resource recovery purposes. No mineral resource would be affected by this project.					

Issue	Information Sources (See Item 3.C Above)	Potentially Significant Impact	Less than Significant With Mitigation	Less Than Significant Impact	No Impact
<b>11. Noise: Would the project:</b>					
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	A-G		✓		
<p><b>Discussion:</b> A noise study was prepared as part of the Oakley 2020 General Plan EIR. The proposed annexation would provide for a maximum of 150 future homes, approximately 100 of which would be accommodated within the 24.0-acre Baldocchi property. These uses would be sensitive to late evening noise and daytime noise associated with increased vehicular traffic over time along East Cypress Road and Sellers Avenue. In addition, temporary construction noise within various phases of future development both on and off-site could result in short-term impacts to current and future residents. Mitigation measures have been developed as part of this annexation program to assure compliance with the threshold limitations as set in the Oakley 2020 General Plan and City Noise Ordinance.</p> <ol style="list-style-type: none"> <li>1. Noise generating construction equipment, including truck traffic to and from the site, shall be limited to the hours of 8:00 AM to 5:00 PM. All construction equipment shall be properly muffled and maintained.</li> <li>2. The developer of the Baldocchi property shall provide a detailed noise study to demonstrate compliance with City of Oakley interior and exterior noise standards, as identified in the General Plan Noise Element and City Noise Ordinance. Measures which may be employed to achieve compliance with these standards include sound walls or earthen berms, closed windows with mechanical ventilation on residential second floors, use of specific building materials, etc. Compliance with these standards shall be verified prior to approval of site improvement plan and building plans.</li> </ol>					

b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	A-G		✓		
<p><b>Discussion:</b> The future housing project on the Baldocchi property has the potential to generate construction related noise and vibration in excess of state/local standards. These temporary construction noise and vibration have been addressed through mitigation provided in Section 11a) above.</p>					
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	A-G			✓	
<p><b>Discussion:</b> Potential long-term impacts are limited to minor increases in vehicular traffic. This is a less than significant impact.</p>					
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	A-G		✓		
<p><b>Discussion:</b> See comment and mitigation provided under items 11a and 11b above related to construction activities.</p>					
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	A-G				✓
<p><b>Discussion:</b> No applicable airport impacts.</p>					
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working on the project area to excessive noise levels?	A-G				✓
<p><b>Discussion:</b> No applicable private airstrip impacts.</p>					

Issue	Information Sources (See Item 3.C Above)	Potentially Significant Impact	Less than Significant With Mitigation	Less Than Significant Impact	No Impact
<b>12. Population and Housing: Would the project:</b>					
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	A-G			✓	
<p><b>Discussion:</b> Implementation of the Westerly Annexation Area program will lead to a small net increase in available housing supply, in accordance with the Oakley 2020 General Plan. All infrastructure systems proposed to serve the project will be sized and located in accordance with the Oakley 2020 General Plan and the adopted City SOI. Based on the General Plan classifications and rezoning districts proposed (see Section 2.C.), this project will incorporate a transition from residential to agricultural land use, and will not induce conversion of remaining agricultural land uses in the adjacent unincorporated area. As identified in Section 2.C., only 24.0 acres (27%) of the planning area is proposed for residential subdivision use (average 6,000 square foot lots); an additional 21.7 acres (25%) would be planned for Very Low Density Residential (1-acre lots), and the remaining 42.2 acres (48%) would be preserved for Limited Agricultural uses (1.0 – 10.0 acre lots). This program was reviewed with the adjoining Knightsen Town Advisory Counsel and endorsed by the Contra Costa LAFCO at the time of the SOI amendment in August of 2003.</p>					
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	A-G				✓
<p><b>Discussion:</b> No displacement of housing will occur as a result of the proposed project.</p>					
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	A-G				✓
<p><b>Discussion:</b> No displacement of people will occur as a result of the proposed project.</p>					

Issue	Information Sources (See Item 3.C Above)	Potentially Significant Impact	Less than Significant With Mitigation	Less Than Significant Impact	No Impact
<p><b>13. Public Services:</b> Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which would cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the following public services:</p>					
a) Fire Protection?	A-K		✓		
<p><b>Discussion:</b> This project involves the construction of up to 150 new residences within the 87.9-acre project area. This figure includes approximately 100 homes as part of a planned single-family subdivision of average 6,000 square foot lots on the 24.0-acre Baldocchi property at the corner of Sellers Avenue and East Cypress Road (see Section 2.C. for a complete description of the project). Development within the project area will create additional demand on fire protection facilities and services. Emergency response services to this project will be provided by the East County Fire Protection District (ECFPD). ECFPD serves the eastern portion of Contra Costa County and a current population of approximately 82,000 residents. ECFPD covers all of Oakley and the Cypress Corridor Expansion Area, along with additional areas in the East County previously served by the East Diablo and Bethel Island Fire Protection Districts.</p> <p>ECFPD provides service to structural, wildland, vehicle, and miscellaneous exterior-fires, vehicle accidents involving disentanglement and extrication, medical emergencies, and hazardous materials incidents. The Contra Costa County Fire Protection District provides dispatching services for ECFPD including fire, rescue, and medical emergencies. The Contra Costa County Fire Protection District also conducts inspections of buildings and properties to insure fire safety, reviews new construction plans for fire code compliance, conducts fire arson investigation, and develops and implements fire safety and burn prevention programs to school children, senior citizens, community groups, businesses and industry.</p> <p>ECFPD Station 93, located on 2<sup>nd</sup> Street at Acme Street, is well situated to meet the service needs of the City of Oakley during implementation of this project. Due to projected growth demands over the next several years however, the District has determined in cooperation with the City, that an additional fire station will be required. The new station, Station 92, has already been funded and is tentatively proposed to be located on Live Oak Avenue and Laurel Road, and constructed within the next five years. In addition, a third station is planned within the East Cypress Corridor (the remaining portion of the City SOI), as future development east of the Westerly Annexation Area takes place.</p> <p>In order to assure adequate fire protection for proposed new development within the Westerly Annexation Area, the following mitigation measures will be required.</p> <ol style="list-style-type: none"> <li>1. The site development plan for the Baldocchi property shall be reviewed and approved in accordance with inter-district agreements by the Contra Costa Fire Protection District prior to Development Plan and Tentative Subdivision Map approval by the City. The proposed street layout must ensure that fire engines can adequately be positioned, in order to provide access to within 150 feet of the perimeter of all structures, in accordance with California Fire Code and NFPA 13 requirements, where applicable.</li> <li>2. Applicable ECFPD fees relating to capital facility funding shall be paid prior to issuance of a final map and building permits for all new residences.</li> </ol>					

b) Police Protection?	A-K		✓		
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**Discussion:** The City of Oakley provides police services through a Police Department whose headquarters are located at 210 O'Hara Ave, within a portion of the Contra Costa County Sheriffs Office sub-station. The Police Department has its own telephone service, computers, and general office services. Oakley contracts with the Contra Costa County's Sheriff's Department to provide personnel, dispatch, records, and basic equipment services to the City's Police Department. Oakley controls the specifics of delivery of law enforcement services in the City. Part of this local control provides for the selection of personnel, uniforms, and police car markings. The City of Oakley participates in a mutual aid agreement with other jurisdictions for the sharing of resources to respond to significant public safety events.

The proposed annexation would result in a shift of services from County Sheriff to City Police for a relatively small area bounded on two sides by the City. The additional residential development and neighborhood park, as described in Section 2.C., would generate an incremental increase in operational demand for police services, and would place a small additional burden on facilities. Operational impacts will be offset through increases in property tax revenues; the following measure will provide mitigation for needed facilities.

- (1) All new development within the Westerly Annexation Area shall pay the applicable City impact fees for police services pursuant to current ordinances.

c) Schools?	A-K		✓		
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**Discussion:** The Oakley Union Elementary School District serves the City of Oakley and operates four elementary schools and two middle schools. The closest facilities to the Westerly Annexation Area are Gehringer Elementary, located at 4951 Main Street (pop. 765), and Delta Vista Middle School, located at 4701 Frank Hengel Way (pop. 765). Gehringer Elementary school was constructed to house 600 students, and accommodates its current enrollment through use of overflow space. Delta Vista Middle School was constructed to house 800 students, and can accommodate additional students through remaining design capacity, overflow space and portable classrooms, if needed.

The number of K-8 students expected to be generated on a per-unit basis for single-family and multi-family units is a composite number of .72 students. Based on current information contained in the Oakley Union Elementary School District's Facility Needs Analysis and current projections, the District is eligible for two additional elementary schools. Future facilities will be planned and located based on population demands within the District's service boundaries. A new elementary school site has been identified on East Cypress Road, directly adjoining Delta Vista Middle School, within ¼ mile of the Westerly Annexation Area.

The Liberty Union High School District (LUHSD) includes Liberty, Freedom, and La Paloma High Schools, and provides services throughout the Cities of Oakley and Brentwood, as well as the unincorporated areas of Knightsen and Byron. The nearest facility is Freedom High School, located at 1050 Neroly Road in Oakley, southwesterly of the project area. Liberty Union High School District estimates that each new dwelling unit will generate .32 students for grades 9-12. Maximum development projections for Oakley envision more than 11,000 new homes within the Oakley Planning Area, including the expanded SOI. If fully developed, these homes would generate approximately 3,600 high school students. Based upon these projections, the District anticipates at least one additional high school will be required in Oakley. The Oakley 2020 General Plan designates a proposed new high school site on the north side of East Cypress Road, immediately east of the current City limits, within approximately 1 mile of the Westerly Annexation Area.

The City and school districts are working together to address additional capacity needs within the respective school service areas over time. Student enrollment from initial development on the Baldocchi property will be accommodated within current facility capacities. This and other potential housing development within the project area will place an increasing burden on these facilities over time, however, which must be addressed through a contribution to planned facility expansions.

- (1) All new residential development within the project area will pay mitigation fees to the Liberty Union High School District and Oakley Union Elementary School District pursuant to local ordinance.

d) Parks?	A-K		✓		
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**Discussion:** The City of Oakley maintains a system of neighborhood and community parks, based on a standard in the General Plan calling for 6 acres per 1,000 residents (of which 2 acres / 1,000 residents is provided for neighborhood parks, 3 acres per 1,000 residents is provided for community parks, and 1 acre per 1,000 residents is provided for open space and special recreation areas). The Westerly Annexation Area is expected to generate a maximum of 150 future housing units over time, including approximately 100 units on the Baldocchi property. Based on an average household size of 3.2 persons as identified in the General Plan Housing Element), and taking current residents into consideration, the Westerly Annexation Area will ultimately add approximate 500 residents to the City of Oakley. These residents will represent a future demand for approximately 2.5 acres of parkland (based on an improved par ratio of 5.0 acres per 1,000 residents in accordance with General Plan Program 7.1.A). The following mitigation measures will ensure compliance with Oakley 2020 General Plan standards.

- (1) The tentative subdivision map and final development plan for the Baldocchi property shall include provision for dedication and improvement of the first phase of a future 2.5-acre park. The initial phase of development for the park shall include sufficient acreage and facilities to address the needs of a planned 100 dwelling units (approx. 1.6 acres based on 5 acres per 1,000 population and 3.2 persons per unit).
- (2) Future very low density residential development on properties to the south and east of Baldocchi shall be required to contribute to the completion of the neighborhood park to an ultimate size of approximately 2.5 acres.

e) Other Public Facilities?	A-K		✓		
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**Discussion:** Various water, storm drainage and sanitary sewer pipelines, as well as natural gas, electricity and cable facilities must be extended to address the service demands of planned future development within the Westerly Annexation Area. As discussed in the foregoing sections, ample capacity is available from the various service providers to meet these demands. However, local facilities must be extended into the project area to provide facility connections and hook-ups. In addition, roadway improvements within and along the frontage of the developing properties must be completed in a timely manner. The following mitigation measures address these issues.

- (1) The Baldocchi property project shall provide for completion of remaining improvements along both street frontages, and shall pay all applicable impact fees, as determined by the Community Development Director and City Engineer.

Issue	Information Sources (See Item 3.C Above)	Potentially Significant Impact	Less than Significant With Mitigation	Less Than Significant Impact	No Impact
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#### 14. Parks, Recreation and Open Space:

a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	B, C, D, E, F, L		✓		
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**Discussion:** Section 13d) above outlines the park facility demands associated with future development within the Westerly Annexation Area. The Westerly Annexation Area is expected to generate a maximum of 150 future housing units over time, including approximately 100 units on the Baldocchi property. These future residents will create a demand for approximately 2.5 acres of parkland which is to be met within the project area in the form of a new park facility. Based on standards outlined in the Oakley 2020 General Plan, this park is to be dedicated and improved in phases (see Section 13d). Operational demands for maintenance of this facility will be satisfied through anticipated project revenues.

b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	B, C, D, E, F, L		✓		
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**Discussion:** The proposed project includes dedication and improvement of a 2.5-acre park facility as detailed under Section 13d) above. Measures have been developed and are presented in this document to mitigate the various potential impacts associated with development of the park. The proposed park is to be located principally on the Baldocchi property (see Section 2.C for the complete project description). Potential environmental impacts associated with improvement of this park facility are addressed as an integral part of the part of this analysis. Approximately 1.6 acres of the park will be located within the southeasterly corner of the Baldocchi property, with the remaining 0.9 acre added at such time as additional development takes place on the adjoining properties to the south and east. These adjoining properties are classified for very low density residential use under the Oakley 2020 General Plan and would be rezoned R-40 (1-acre lots) under this annexation program. The park land use will be compatible with surrounding residential uses it serves. See Section D.2 above for a discussion of agricultural impacts, D.3 for air quality impacts, D.4 for biological resource impacts, and D.5 cultural resource impacts, and D.7 for health and safety impacts.

Issue	Information Sources (See Item 3.C Above)	Potentially Significant Impact	Less than Significant With Mitigation	Less Than Significant Impact	No Impact
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**15. Transportation / Traffic: Would the project:**

a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?	A-G		✓		
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**Discussion:** As detailed in Appendix "A" (the Traffic Impact Study), implementation of the annexation program for these 87.9 acres will involve future anticipated development of approximately 100 single-family homes on the 24.0-acre Baldocchi property, and up to an additional 50 homes within the balance of the project area, incrementally over time. Ultimate development within the project area will result in the generation of up to 152 pm peak hour vehicle trips, and approximately 1,450 total vehicle trips on an average daily basis. As detailed in the Traffic Impact Study, project traffic will gain access to East Cypress Road and Sellers Avenue through new public street openings. Access to Knightsen Avenue will also be provided over a long-term basis, as further development takes place to the east of the Baldocchi property. Primary traffic movement (roughly 65% of the total) will be over East Cypress Road and Main Street, westerly of the project. Up to an additional 25% of the project traffic would utilize Sellers Avenue south of the project for access to west-bound future Laurel Road or Delta Road, or to proceed south into Brentwood.

As outlined in Section 15b), this additional traffic movement will not have a significant direct or cumulative effect, provided that roadway and intersection control improvements as contemplated in the Oakley 2020 General Plan and shown in Figure 3 are carried out on a timely basis. All future development within the Westerly Annexation Area is subject to mitigation measures requiring a proportionate contribution to improvement of these facilities, as outlined in Section 15.b) below.

b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?	A-G		✓		
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**Discussion:** The Traffic Impact Study (Appendix "A") provides a detailed analysis of the operational impacts of future project traffic on nine separate intersections in the vicinity of the Westerly Annexation Area. The analysis examines potential impacts to LOS standards, as established in the Oakley 2020 General Plan, under current conditions, existing plus project conditions, and cumulative development conditions. The Study finds that overall traffic impacts from future project traffic would not be significant, and that all intersection LOS standards would be maintained at an acceptable level under all development scenarios. These conclusions assume that East Cypress Road will be improved under cumulative conditions in accordance with the Oakley 2020 General Plan Circulation Element standards as a 6-lane divided arterial between Sellers Avenue and Jersey Island Road, and as a 4-lane divided arterial between Sellers Avenue and Main Street. It has also been assumed that new signal lights will be installed Main Street / O'Hara Avenue, East Cypress Road / Delta Vista Middle School and Delta Avenue / Sellers Avenue. In addition, the currently signalized intersection at Sellers Avenue / East Cypress Road will be modified as part of these improvements. Direct impacts from the project would be offset by the following mitigation measures.

- (1) Future development within the Westerly Annexation Area, including the planned Baldocchi property subdivision, shall pay a traffic impact fee to the City of Oakley which includes contribution for: (a) The cost of a future traffic signal at East Cypress Road / Delta Vista Middle School and at Delta Road / Sellers Avenue, and for modifications to the current signal at East Cypress Road / Sellers Avenue; and (b) Regional improvements to the State Route 4 Bypass and SR 4. The fee shall be collected by the City Engineer at the time of final map or building permit, whichever occurs first.
- (2) Improvement plans for the Baldocchi property subdivision shall include dedication and widening of the Sellers Avenue (4 lanes total) and East Cypress Road (6 lanes total) frontages. Plans shall include details of transition paving and other traffic control measures along both street frontages, and/or a deferred improvement agreement. Future development on R-40 zoned properties to the east and south of Baldocchi shall also be subject to this requirement.
- (3) Internal street design within the Baldocchi property shall be subject to further review and approval by the City engineer prior to tentative map approval. The street system shall provide for a continuous internal collector roadway between Sellers Avenue and Knightsen Avenue (with a temporary stub at the easterly boundary of the Baldocchi property). This roadway connection will allow future project traffic to disperse to both Sellers Ave. and Knightsen Ave. without need for left-turn movements directly onto East Cypress Ave. under cumulative conditions. It shall also provide for safe movement of pedestrians and bicyclists.
- (4) The proposed Baldocchi property development shall provide parking for residential uses in accordance with City zoning ordinance standards. Overall parking arrangements for the residential lots and the neighborhood park shall be subject to further review and approval at part of the final development plan review process.

c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that result in substantial safety risks?	A-G				✓
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**Discussion:** None.

d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	A-G		✓		
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**Discussion:** As discussed Section 15a) and b) above, and in the Traffic Impact Study, no dangerous conditions would result from implementation of this annexation program. Mitigation measures have been recommended to address both direct and cumulative project traffic and local circulation impacts to a less than significant level.

e) Result in inadequate emergency access?	A-G			✓	
<b>Discussion:</b> Emergency access within the project area will be improved as a result of the planned internal roadway connection between Sellers Avenue and East Cypress Road. As detailed in the Traffic Impact Study and reflected in the foregoing mitigation measures, this traffic safety improvement will be completed on a phased basis as development takes place within the project area.					
f) Result in inadequate parking capacity?	A-G		✓		
<b>Discussion:</b> As discussed in Section 15b) above, all development within the area is subject to compliance with applicable City Zoning Ordinance requirements, and plans for the Baldocchi property will be reviewed at the final development plan stage of review to ensure compliance. See Section 15b) for recommended mitigation measures.					
g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?	A-G				✓
<b>Discussion:</b> No conflicts would result from implementation of the Westerly Annexation Area program.					

Issue	Information Sources (See Item 3.C Above)	Potentially Significant Impact	Less than Significant With Mitigation	Less Than Significant Impact	No Impact
<b>16. Utilities and Service Systems: Would the project:</b>					
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	A-M		✓		
<p><b>Discussion:</b> Projected demand from the Westerly Annexation Area program will be less than or equal to that anticipated with the 2020 Oakley General Plan EIR analysis. Consistent with the analysis presented in Section 2.C. above, mitigation measures are included to avoid otherwise potentially significant project impacts. New facilities will include storm drain and water supply lines. In addition, the adequacy of storm water conveyance and detention facilities must be verified or new facilities provided, as identified under Section 8 above. All project grading activities will comply with the requirements of the National Pollutant Discharge Elimination System (NPDES) Program, as established by the Clean Water Act (as required in Sections 3.D.6 and 3.D.8). The developer of the Baldocchi property must provide a Storm Water Pollution Prevention Plan (SWPPP) in compliance with applicable RWQCB standards (mitigation provided under Section 3.D.8). Delivery of potable water through DWD is subject to concurrent annexation to the CCWD and inclusion by the Bureau of Reclamation within the CVP service area.</p> <p>(1) Upon successful annexation to DWD and CCWD, application must be made to the U.S. Bureau of Reclamation for inclusion of these 87.9 acres within the Central Valley Project (CVP) Service Area. Under the terms of CCWD's contract with the Bureau for CVP water, the Secretary of the Interior (or designee) must consent to inclusion of the newly annexed lands before such lands can receive CVP water. Prior to initiating this inclusion process with the Bureau, confirmation through the U.S. Fish and Wildlife Service (USFWS) is needed to demonstrate that no federally listed endangered species will be adversely impacted by future development consistent with the annexation. The developer of the Baldocchi property shall work with CCWD staff to complete this documentation utilizing the analysis presented in Section 3 of this report and Appendix B (the Biological Resources Analysis).</p>					

- (2) In addition to normal CCWD and DWD annexation impact fees, development of the Baldocchi property may require participation in a fee-based program designed to enhance the long-term quality and reliability of service associated with operation and protection of the Contra Costa Canal. Payment of the \$2,500 per newly created lot or parcel (adjusted for inflation) to CCWD shall be determined as a condition of tentative map approval, and if required, shall be collected at the time of building permit issuance.
- (3) Developer of the Baldocchi property shall obtain approval from the City of detailed plans providing for storm drainage collection and conveyance, including required detention, based on the approved area master plan. All applicable fees associated with these facilities shall be paid prior to recordation of a final map.
- (4) All future development within the project area shall be subject to payment of Ironhouse Sanitary District impact fees prior to recordation of a final map or issuance of building permits, whichever occurs first. Prior to recordation of a final map, the developer of the Baldocchi property shall obtain approval from the City Engineer and ISD of plans to extend and connect to current District facilities for collection of wastewater effluent.

b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	A-M		✓		
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**Discussion:** See item 16 a) above.

c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	A-M		✓		
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**Discussion:** The need for new or expanded storm water drainage facilities is addressed in Sections 2.C and 16.A above. This analysis has determined that needed facilities can be extended to service the project area, and has assigned responsibility for construction of these facilities to the developer of the Baldocchi property.

d) Have significant water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	A-M		✓		
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**Discussion:** Additional entitlements are required in order to provide water service to the project area as identified in Sections 2.C and 16.A above. This analysis has determined that adequate resources are available, but that specific allocation must be made as part of this process. In addition, needed facilities can be extended to service the project area, and responsibility for construction of these facilities has been assigned to the developer of the Baldocchi property.

e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	A-M		✓		
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**Discussion:** This project involves annexation to the ISD as identified in Sections 2.C and 16.A above. This analysis has determined that adequate capacity is available to serve the area, and that needed facilities can be extended to service the project area, paid for by the developer of the Baldocchi property (see Mitigation Measure 16.a - 4).

f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	A-M			✓	
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**Discussion:** The proposed project will generate additional solid waste. Needed capacity to accommodate this project was included in the analysis contained in the Oakley 2020 General Plan EIR.

g) Comply with federal, state, and local statutes and regulations related to solid waste?	A-M			✓	
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**Discussion:** All applicable requirements will be met in accordance with City and County ordinances, as further documented in the Oakley 2020 General Plan EIR analysis.

Issue	Information Sources (See Item 3.C Above)	Potentially Significant Impact	Less than Significant With Mitigation	Less Than Significant Impact	No Impact
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### 17. Mandatory Findings of Significance:

a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	A-M		✓		
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**Discussion:** Impacts to the natural environment from the Westerly Annexation Area program are limited, as documented in Section 3.D.4 and the attached Biological Assessment (Attachment "B"). Specific mitigation measures have been included to reduce potential impacts to a less than significant level.

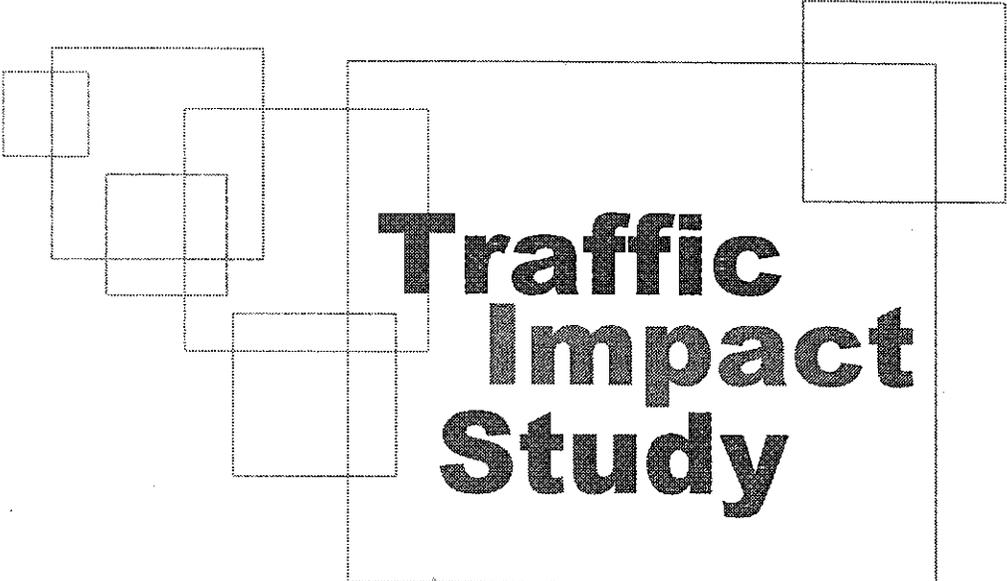
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)	A-M		✓		
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**Discussion:** This project has the potential to create air quality, noise, traffic, utility and service demand impacts which, in combination with other anticipated development in the vicinity or within the Oakley Planning Area, could be significant, unless mitigated. Measures are included in the foregoing sections of this document.

c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	A-M		✓		
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**Discussion:** Future development within the project area could result in significant impacts, unless appropriate mitigation as outlined in this document is implemented.

**Appendix "A"**  
**Traffic Impact Study by Abrams Associates**



# Traffic Impact Study

Abrams Associates  
Transportation • Traffic • Engineering • Planning

## **Westerly Annexation Area**

In The  
City of Oakley

**Prepared for:**

Mr. Richard Loewke  
Urban & Environmental Planning  
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**Prepared by:**

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July, 2004

# **Traffic Impact Analysis City of Oakley Westerly Annexation Area**

## **Project Description**

The proposed annexation area involves a total of approximately 87 acres located southeast of the intersection of Sellers Avenue and East Cypress Road. The project location is shown on Figure 1.

The development potential of the site is approximately 100 residential lots on the 23-acre Baldacci property. The remaining parcels total 64 acres that include a number of small family ranchettes that are likely to remain as agricultural land use classifications. For the purpose of this study, it is estimated that the development density will be just under one unit per remaining acre. This would result in a total of approximately 150 homes for the total annexation area. The traffic impacts that have been evaluated, therefore, will be the traffic from 150 new residential units.

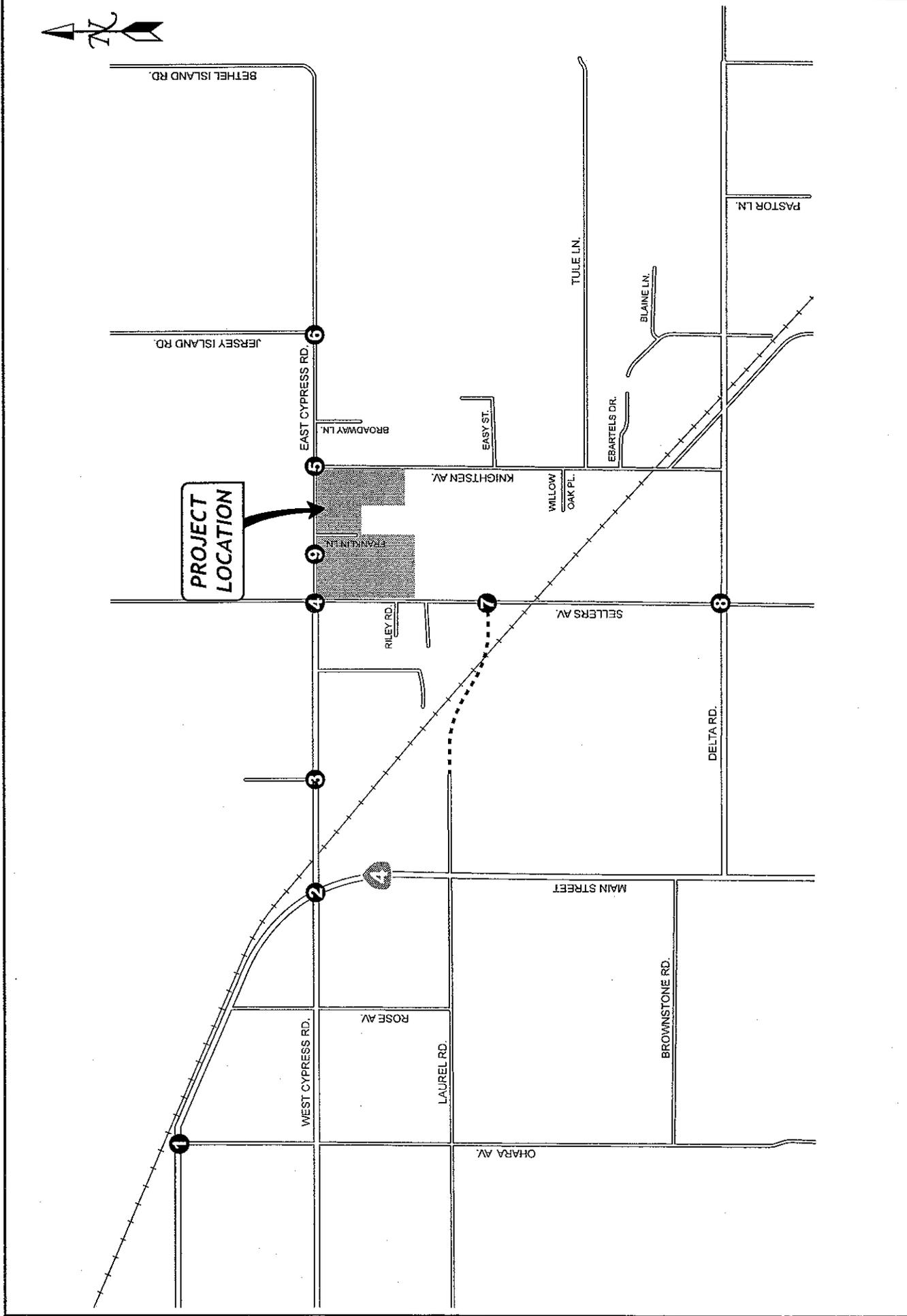
In order to evaluate the traffic impacts from the Westerly Annexation Area, capacity conditions have been studied at the following signalized intersections.

Intersection #1) Main Street (state Route 4) and O'Hara Avenue  
Intersection #2) East Cypress Road and Main Street (State Route 4)  
Intersection #4) East Cypress Road and Sellers Avenue

In addition, the following unsignalized intersections have been studied to determine the traffic capacity impacts, whether traffic signals would be warranted as a result of the project, or whether additional traffic control measures are needed.

Intersection #3) East Cypress Road and Delta Vista Middle School  
Intersection #5) East Cypress Road and Knightsen Avenue  
Intersection #6) East Cypress Road and Jersey Island Road  
Intersection #7) Sellers Avenue and Laurel Road  
Intersection #8) Sellers Avenue and Delta Road

A new intersection (Intersection #9) will also be created on East Cypress Road at the main project entrance. The traffic conditions and need for traffic controls at this intersection have also been studied.



**FIGURE 1 | PROJECT LOCATION**  
 TRAFFIC IMPACT STUDY  
**Oakley Westeryly Annexation Area**  
 City of Oakley

**Existing Traffic Conditions**

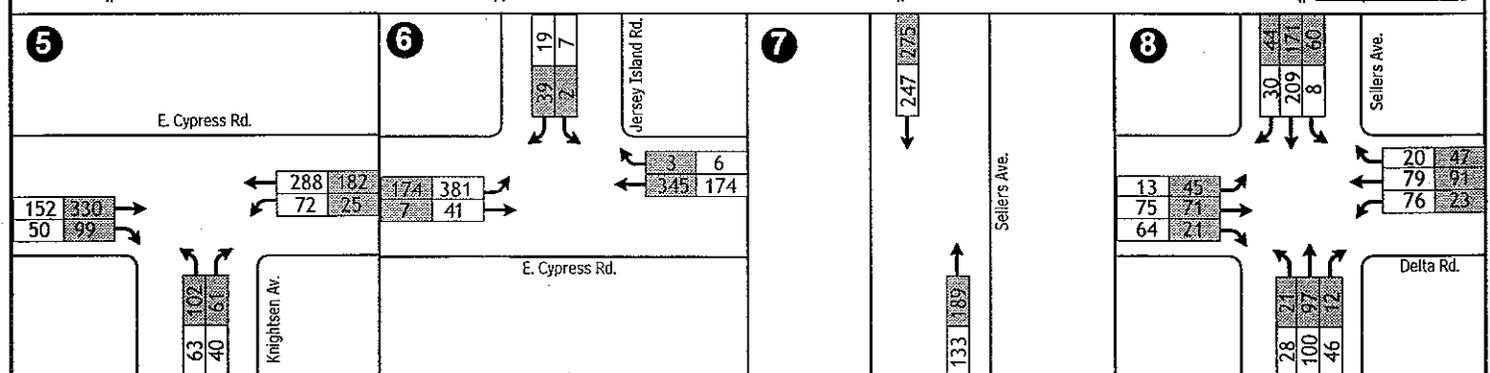
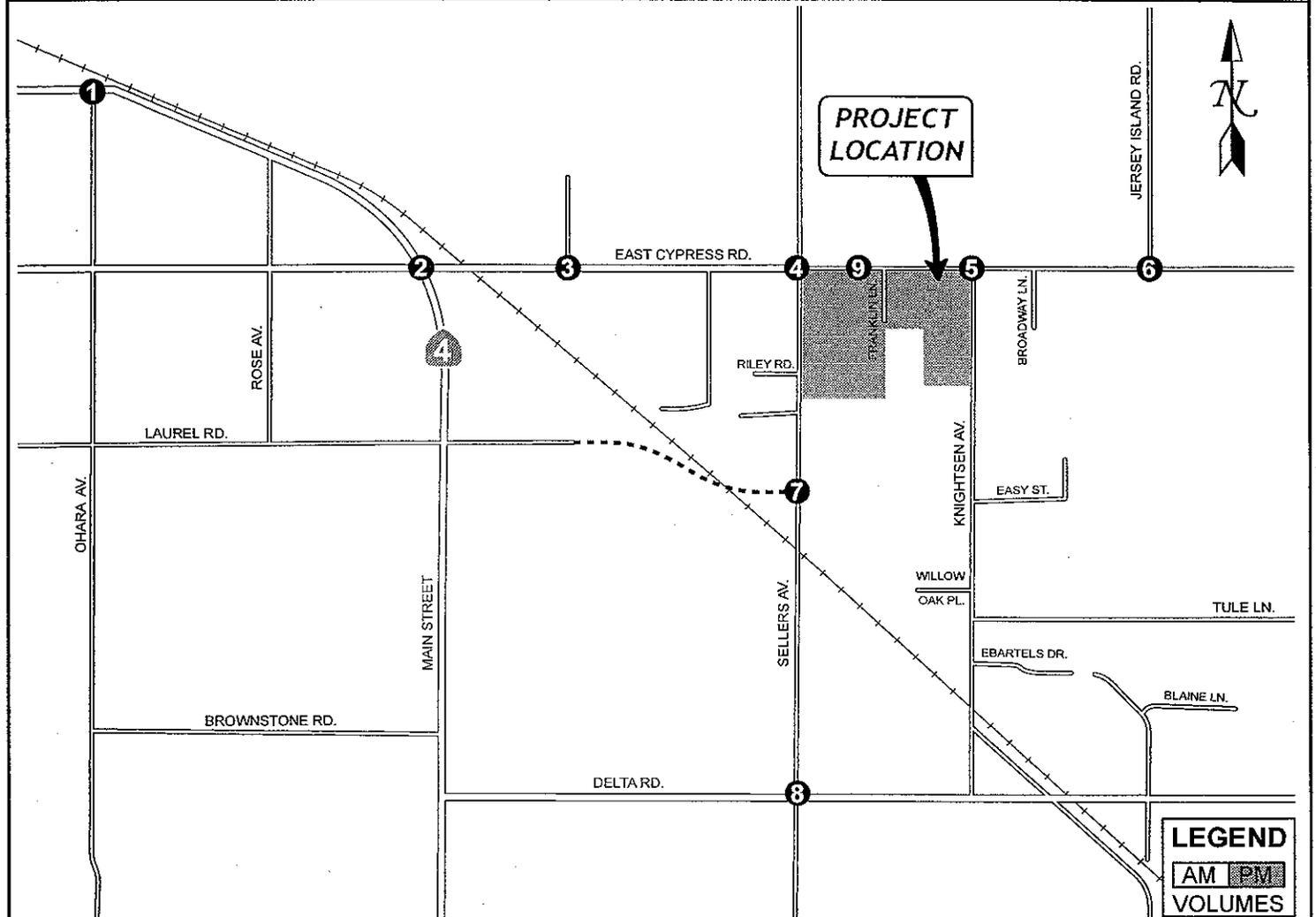
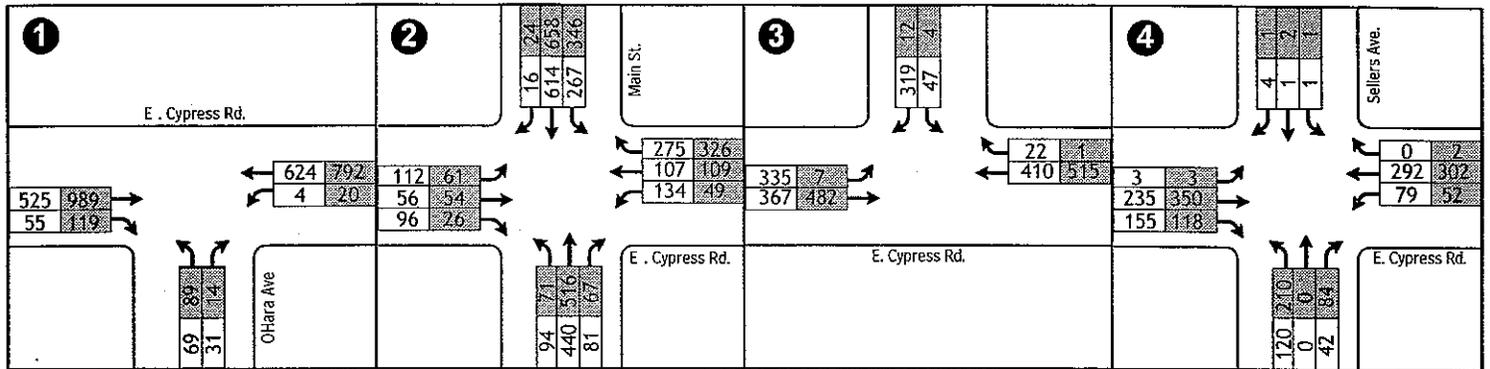
Traffic count data was collected for the AM and PM peak periods at the existing study intersections. The results of the capacity calculations are shown below in Table 1. All of these intersections currently operate at acceptable Levels of Service during both the morning and evening peak hours with the exception of Main Street and O'Hara Avenue. At this location the overall delay is acceptable due to the fact that the Main Street movements are unrestricted. However, a traffic signal is warranted at this location and it is assumed that one will eventually be installed as part of roadway improvements in this area. The intersection of Cypress Road and Main St (State Route 4) has the relatively high capacity conditions, but these conditions are still within acceptable traffic standards.

The traffic count data for the study area is portrayed on Figure 2, while the existing lane configurations at each intersection, are shown on Figure 3.

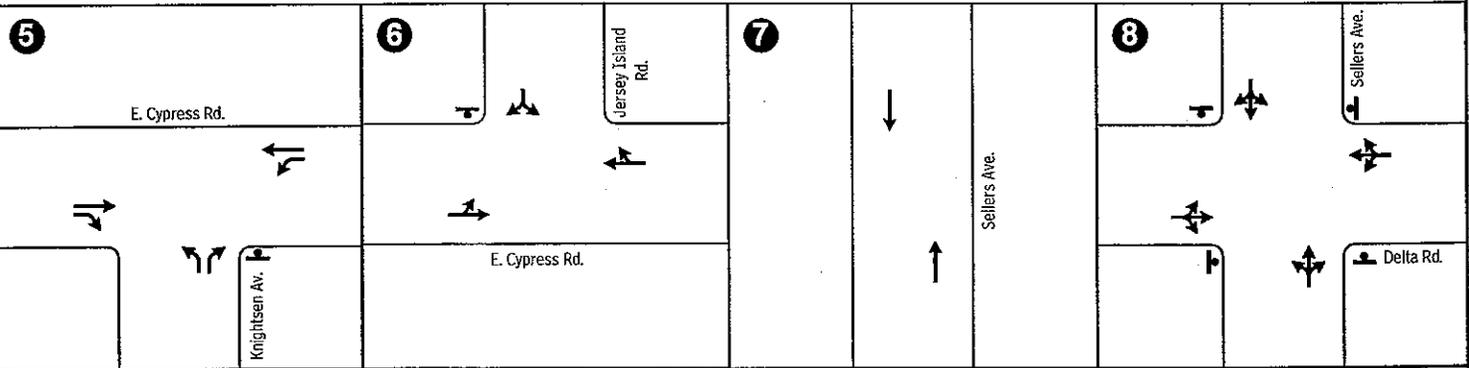
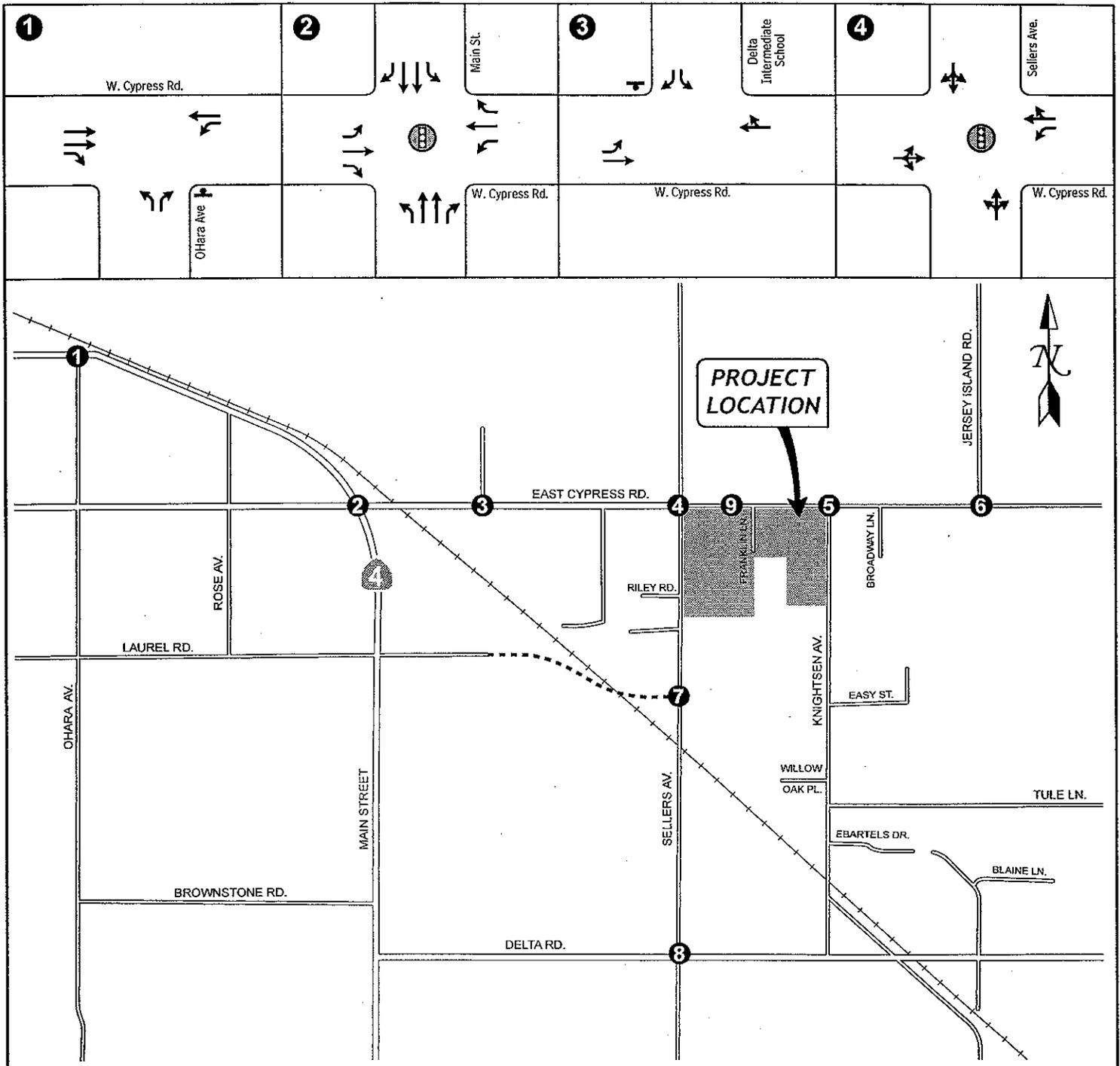
**Table 1**  
**Existing Intersection Levels of Service (2004)**

Intersection	Traffic Control	AM	PM
1.) Main Street (State Route 4) and O'Hara Avenue	Traffic Signal	LOS E (36.9 sec)	LOS F (>50 sec)
2.) East Cypress Road and Main Street (State Route 4)	Traffic Signal	LOS C (23.3 sec)	LOS C (23.1 sec)
3.) East Cypress Road and Delta Middle School	Stop Sign	LOS D (33.3 sec)	LOS B (14.4 sec)
4.) East Cypress Road and Sellers Avenue (Traffic Signal)	Traffic Signal	LOS B (10.4 sec)	LOS B (11.7 sec)
5.) East Cypress Road and Knightsen Road	Stop Sign	LOS B (13.2 sec)	LOS B (14.1 sec)
6.) East Cypress Road and Jersey Island Road	Stop Sign	LOS B (11.2 sec)	LOS B (14.7 sec)
7.) Sellers Avenue and Laurel Road	Stop Sign	Future	Future
8.) Sellers Avenue and Delta Road	All-Way Stop	LOS A (8.7 sec)	LOS A (8.5 sec)
9.) East Cypress Road and the New Project Entrance	Stop Sign	N/A	N/A

**Note:** Capacity calculation results for signalized and all-way stop controlled intersections are expressed in terms of Level of Service and average delay for the entire intersection. For one or two-way stop controlled intersections, the results are expressed in terms of Level of Service and average delay for the minor approach.



**FIGURE 2 | EXISTING AM/PM PEAK HOUR TRAFFIC VOLUMES**  
 TRAFFIC IMPACT STUDY  
**Oakley Westerly Annexation Area**  
 City of Oakley



**FIGURE 3 | EXISTING LANE CONFIGURATIONS**  
**TRAFFIC IMPACT STUDY**  
**Oakley Westerly Annexation Area**  
 City of Oakley

All of the roadways, with the exception of Highway 4, are two-lanes. Cypress Road has some additional turn lanes at intersections. Heavy traffic conditions occur in the vicinity of the Delta Intermediate School during the morning commute peak period. The Intermediate School has an afternoon peak at about 3:00 PM and does not have a significant effect on the commute peak hour from 5:00 PM to 6:00 PM.

**Trip Generation**

The trip generation forecasts for the Oakley Westerly Annexation are shown in Table 2. These rates have been estimated based on studies of single-family residential developments as presented in the ITE Trip Generation Manual<sup>1</sup>. The vehicle trip generation rates are ten (10) vehicle trips per day, with one trip per unit during the peak hour. These trip rates have generally been confirmed in other studies of single-family residential projects in central Contra Costa County.

**Table 2**  
**Trip Generation Characteristics of the Oakley Annexation**

ITE Trip Generation Rates (Trips per Unit)							
Development	Daily Trips	AM Peak Hour (8:00-9:00 AM)			PM Peak Hour (5:00-6:00 PM)		
		In	Out	Total	In	Out	Total
Single-Family Residential (Trips per Unit)	9.57	0.19	0.56	0.75	0.64	0.37	1.01
The Westerly Annexation Area (150 Units)	1,450	29	84	113	96	56	152

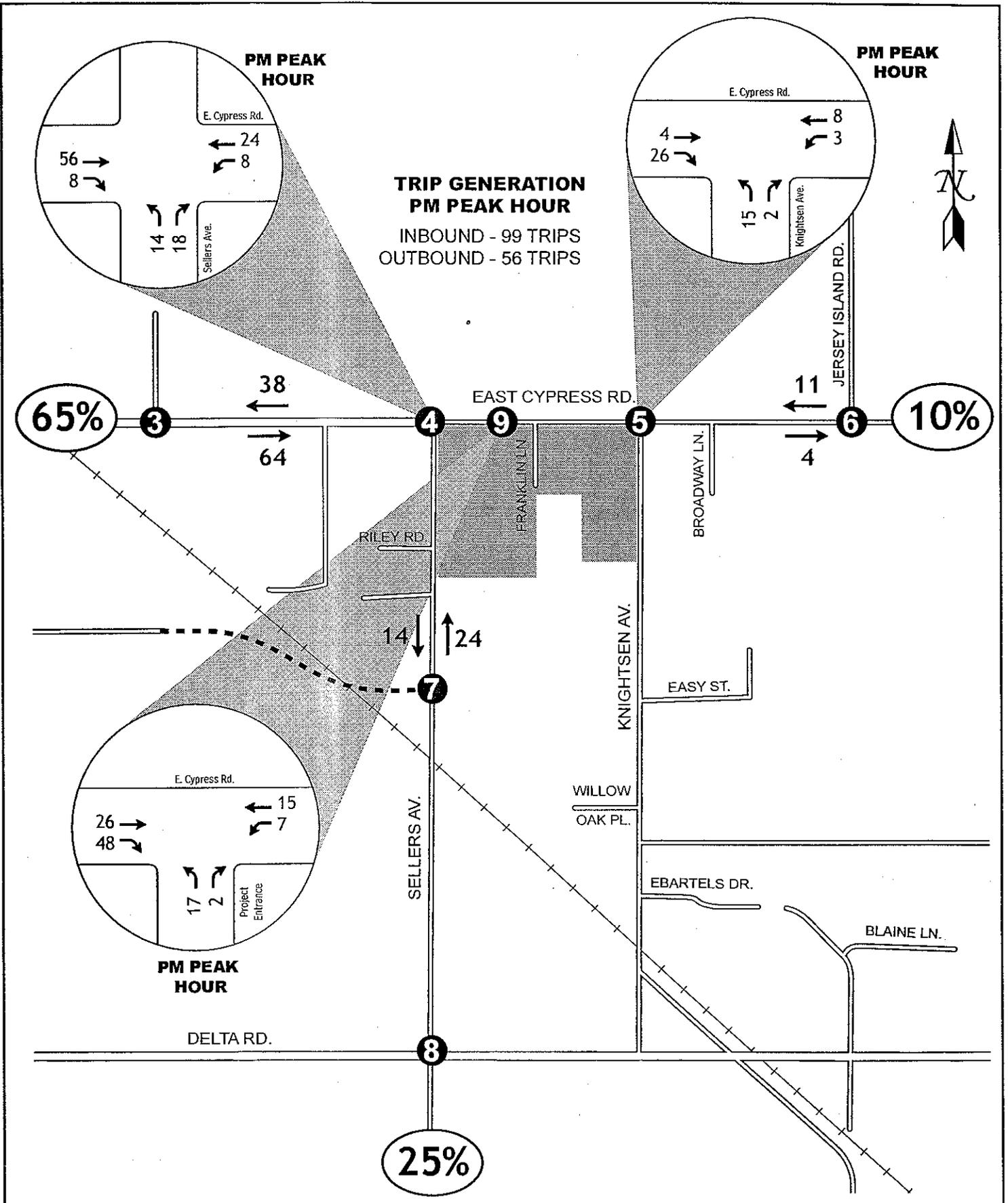
During the PM peak (5-6 PM), which is the most critical traffic period in the City of Oakley, the project will generate 152 vehicle trips, with 96 trips inbound and 56 outbound. The average daily traffic will be about 1,450 vehicle trips per day. The trip distribution and the resulting trip generation will be as shown on Figure 4.

The Oakley Westerly Annexation project will exceed the threshold (> than 100 peak hour trips) for Measure “C”, and the City will need to submit this report to the CCTA as a part of the annual checklist procedures. Since this project is consistent with the existing zoning and does not involve a General Plan Amendment, there is no further reporting that is required.

**Trip Distribution**

The site plan for the Oakley Westerly Annexation project has not been finalized. However, it is expected that the layout of the project and the internal roadway network

<sup>1</sup> Trip Generation, 7<sup>th</sup> Edition, Institute of Transportation Engineers, Washington D.C., 2003.



**FIGURE 4 | PROJECT TRIP GENERATION (PM PEAK HOURS)**  
 TRAFFIC IMPACT STUDY  
**Oakley Westerly Annexation Area**  
 City of Oakley

will include access on the east, north and west sides of the property. Access to the area will occur at new local streets that will connect to Sellers Avenue, Cypress Road and Knightsen Avenue. Once the project and local street network is completed, it is estimated that the trips will be distributed as shown on Figure 4. The major traffic movements will be on Cypress Road to the west of the project. About 65 percent of the traffic would travel through the intersection of East Cypress Road and Main Street (which would be about 64 trips per hour inbound and 33 outbound). About 20 percent of the traffic will be oriented to the south on Sellers Avenue and Knightsen Avenue.

### **Existing plus Approved plus Project Traffic Conditions**

The Oakley Westerly Annexation project could be constructed and occupied within about two years. In this two-year period, there may be other land use changes in the immediate neighborhood. These projects may include some additional residential development, and some expansion of commercial projects on Bethel Island, but these changes will not be significant in comparison to the current traffic volumes. In addition, the Cypress Lakes project (to the east) may begin to generate residential trips.

To account for these changes, a background growth of 5 percent has been assumed to occur for through traffic on Cypress Road over the next two years. With the addition of this background growth the level of service has been calculated and is presented in Table 3.

The Oakley Westerly Annexation area itself is being planned at a lower density than most of the surrounding properties. With 150 units on 87 acres, this would be a relatively low-density project. As noted in Table 3, the addition of project traffic will not significantly change any of the traffic conditions at the study intersections. All locations will continue to operate within City and County standards. As mentioned above, at the intersection of Main Street and O'Hara the overall delay is acceptable due to the fact that the Main Street movements are unrestricted. However, a traffic signal is already planned for this location and should be operational by September, 2004.

With the addition of project traffic the minor stop-controlled approach to the intersection of East Cypress Road and the Delta Intermediate School (Intersection #3) would degrade to LOS "E". However, the overall delay and LOS at this intersection would remain within acceptable levels. The majority of the side-street currently turns right (towards SR 4 and Oakley) so the short-term delays do not cause the intersection to violate the City's LOS Standards. This intersection already meets the peak hour volume warrant for a traffic signal during the morning peak hour and a signal is planned to be installed at this intersection (and at a new intersection to be created further to the west) as part of the Cypress Grove project.

**Table 3**  
**Intersection Levels of Service**  
**With the Addition of Project Traffic and Background Development**

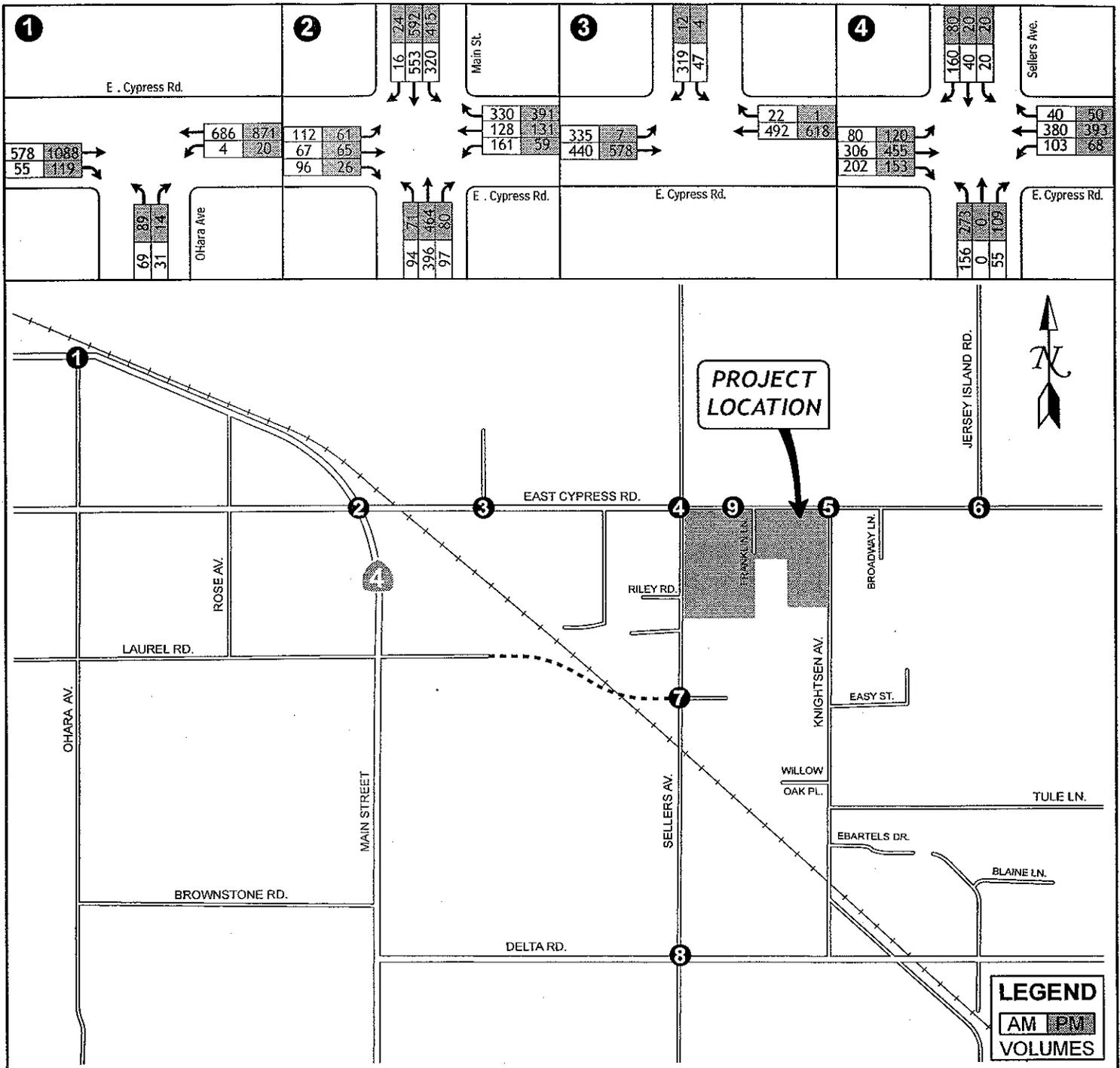
Intersection	Existing Conditions		Existing plus Project (2006)	
	AM	PM	AM	PM
1.) Main Street (State Route 4) and O'Hara Avenue	LOS E (36.9 sec)	LOS F (>50 sec)	LOS E (42.7 sec)	LOS F (>50 sec)
2.) East Cypress Road and Main Street (State Route 4)	LOS C (23.3 sec)	LOS C (23.1 sec)	LOS C (23.4 sec)	LOS C (24.0 sec)
3.) East Cypress Road and Delta Middle School	LOS D (33.3 sec)	LOS B (14.4 sec)	LOS E (46.9 sec)	LOS C (17.8 sec)
4.) East Cypress Road and Sellers Avenue (Traffic Signal)	LOS B (10.4 sec)	LOS B (11.7 sec)	LOS B (11.1 sec)	LOS B (12.3 sec)
5.) East Cypress Road and Knightsen Road	LOS B (13.2 sec)	LOS B (14.1 sec)	LOS B (14.2 sec)	LOS C (17.2 sec)
6.) East Cypress Road and Jersey Island Road	LOS B (11.2 sec)	LOS B (14.7 sec)	LOS B (11.2 sec)	LOS B (15.0 sec)
7.) Sellers Avenue and Laurel Road	Future	Future	Future	Future
8.) Sellers Avenue and Delta Road	LOS A (8.7 sec)	LOS A (8.5 sec)	LOS A (8.8 sec)	LOS A (8.7 sec)
9.) East Cypress Road and the Main Project Entrance	N/A	N/A	LOS C (15.2 sec)	LOS A (8.5 sec)

**Note:** Capacity calculation results for signalized and all-way stop controlled intersections are expressed in terms of Level of Service and average delay for the entire intersection. For one or two-way stop controlled intersections, the results are expressed in terms of Level of Service and average delay for the minor approach.

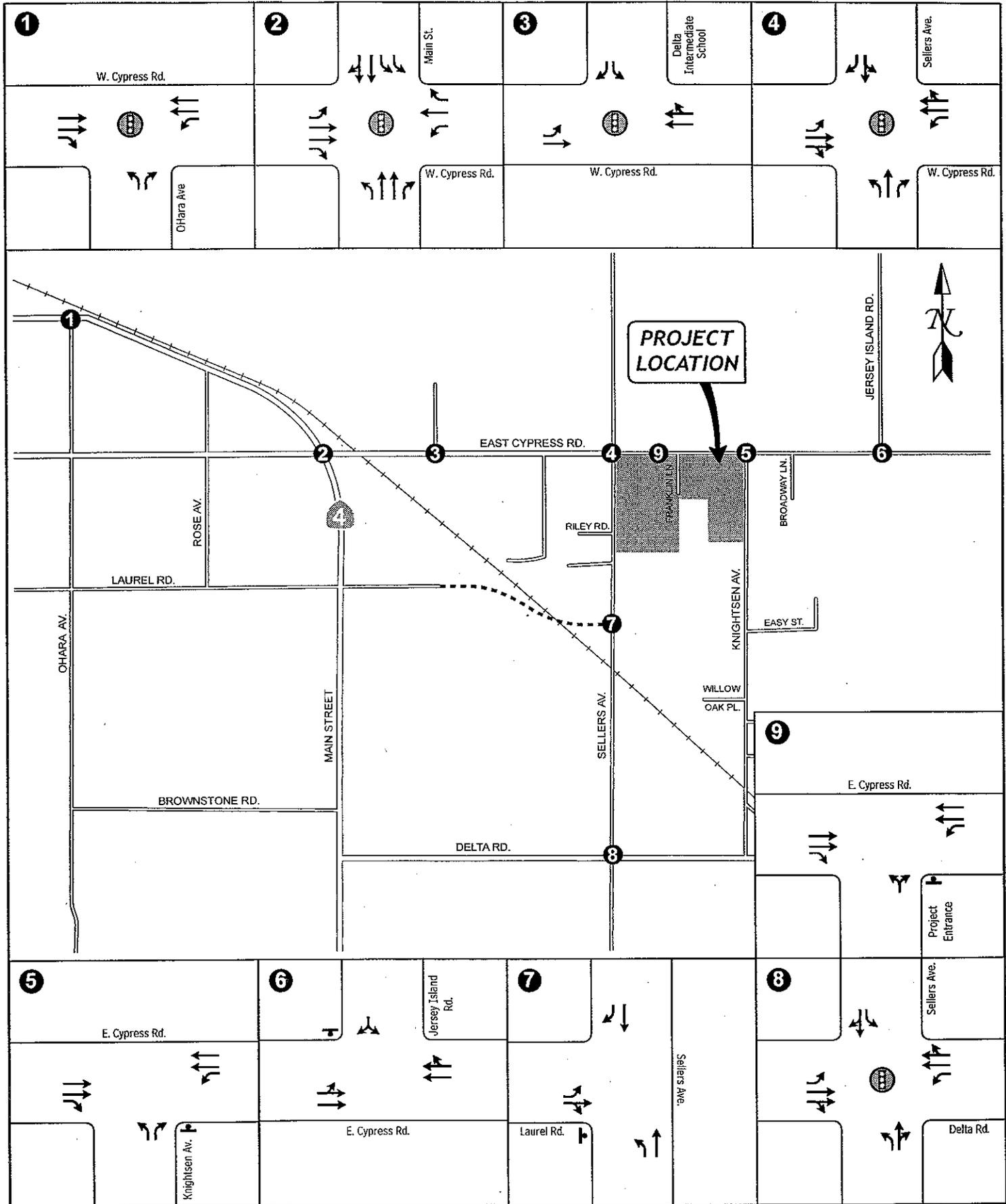
### Cumulative Traffic Volumes

The cumulative traffic capacity conditions have been based on traffic modeling studies of East Contra Costa County developed by Transplan, in conjunction with the Cities of Brentwood, Antioch and Oakley. These cumulative traffic forecasts are for the Year 2020 and assume buildout of the general Plan for the entire Cypress Road corridor, as well as for Bethel Island. These results have been checked against the forecasts in the CCTA countywide traffic model, which contains Year 2015 forecasts for all major arterials and freeways in the East County area. Please note that conditions at the study intersections on State Route 4 actually show improved operations during some periods due to diversion of some traffic to the planned SR 4 Bypass. Figure 5 shows the cumulative traffic volumes used in this analysis and Figure 6 shows the lane configurations and traffic controls that were assumed for the cumulative scenario.

The future growth in this corridor will be along the Cypress Road corridor, and on Bethel Island, and will consist primarily of lower density (up to four units per gross acre or less)



**FIGURE 5 | CUMULATIVE 2020 AM|PM PEAK HOUR TRAFFIC VOLUMES**  
 TRAFFIC IMPACT STUDY  
**Oakley Westerly Annexation Area**  
 City of Oakley



**FIGURE 6 | FUTURE (2020) LANE CONFIGURATIONS**  
**TRAFFIC IMPACT STUDY**  
**Oakley Westerly Annexation Area**  
 City of Oakley

residential development as specified in the City of Oakley and Contra Costa County General Plans. Cypress Road is planned to be a four-lane divided roadway west of Main Street except for a section between Sellers Avenue and Jersey Island Road that is planned to be a six-lane divided arterial. Depending on the final design of the roadway widening, left-turns onto East Cypress Road from the main project entrance may end up being prohibited in the future.

Again, as noted in Table 4, the addition of project traffic to future cumulative conditions will not significantly change any of the traffic capacity results at the study intersections. However, this is based on the assumption that a number of intersection and roadway improvements will be in place. East Cypress Road is assumed to be widened to four and six lanes as described above and Sellers Avenue is assumed to be improved to a four-lane roadway between East Cypress Road and the planned Laurel Road extension. With these types of improvements, all locations would continue to operate within City and County LOS standards.

**Table 4**  
**Intersection Levels of Service - Cumulative Traffic Conditions**  
**For Intersections in the Oakley Westerly Annexation Area**

Intersection	Existing plus Project Conditions		Cumulative plus Project Traffic Conditions	
	AM	PM	AM	PM
1.) Main Street (State Route 4) and O'Hara Avenue	LOS E (42.7 sec)	LOS F (>50 sec)	LOS B (16.6 sec)	LOS B (12.1 sec)
2.) East Cypress Road and Main Street (State Route 4)	LOS C (23.4 sec)	LOS C (24.0 sec)	LOS C (21.9 sec)	LOS C (33.3 sec)
3.) East Cypress Road and Delta Middle School	LOS E (46.9 sec)	LOS C (17.8 sec)	LOS B (14.7 sec)	LOS B (18.9 sec)
4.) East Cypress Road and Sellers Avenue (Traffic Signal)	LOS B (11.1 sec)	LOS B (12.3 sec)	LOS B (18.3 sec)	LOS B (16.7 sec)
5.) East Cypress Road and Knightsen Road	LOS B (14.2 sec)	LOS C (17.2 sec)	LOS C (14.2 sec)	LOS C (19.3 sec)
6.) East Cypress Road and Jersey Island Road	LOS B (11.2 sec)	LOS B (15.0 sec)	LOS B (11.3 sec)	LOS D (26.7 sec)
7.) Sellers Avenue and Laurel Road	Future	Future	LOS A (9.4 sec)	LOS C (22.3 sec)
8.) Sellers Avenue and Delta Road	LOS A (8.8 sec)	LOS A (8.7 sec)	LOS B (14.6 sec)	LOS B (16.0 sec)

**Note:** Capacity calculation results for signalized and all-way stop controlled intersections are expressed in terms of Level of Service and average delay for the entire intersection. For one or two-way stop controlled intersections, the results are expressed in terms of Level of Service and average delay for the minor approach.

For this cumulative capacity study, it has been assumed that Cypress Road would be widened as described above. With these improvements Table 4 shows that all key intersections will operate at acceptable Level of Service. This assumes that new traffic signals will have been constructed at East Cypress Road and the Delta Vista Middle School and at Delta Avenue and Sellers Avenue. It is also assumed that the current traffic signal at East Cypress Road and Sellers Avenue would be modified when East Cypress Road is widened.

### **Impacts and Mitigation Measures**

The overall traffic impacts of this annexation are not significant. With 150 homes on 87 acres, it is quite likely that the density of the residential development on the site would be similar to that which would occur without this annexation. With a density of less than 2 units per acre, the traffic impacts of this development are much less than those of other approved projects along the Cypress Road corridor and no off-site traffic mitigations that have been identified for this project. The analysis indicates there will be acceptable traffic conditions on both Cypress Road and Sellers Avenue with the addition of this project, and traffic capacity conditions will remain at acceptable levels with the addition of cumulative projects.

The project applicant for the Baldacci Property will be responsible for completing the project roadway frontage on Cypress Road and on Sellers Avenue, and for any traffic controls that are needed at the project driveways. This is the only off-site mitigation measure that is recommended. The roadway cross-section and right-of-way requirements have been established by the City of Oakley.

Traffic signal warrants (based on Caltrans Traffic Manual) have been evaluated for each of the unsignalized intersections. None of the traffic volume warrants will be exceeded as a result of this project with the exception of the intersection of East Cypress Road and the Delta Vista Middle School where the warrants are already met under existing conditions. The existing traffic signal at Sellers Avenue and East Cypress Road will need to be modified when additional traffic growth occurs, but this will not be required to accommodate traffic from the proposed project. It is assumed that new traffic signals will eventually be installed at Delta Avenue and Sellers Avenue and along East Cypress Road at the Delta Vista Middle School and at the Cypress Grove Project Entrance. It is assumed these improvements will be funded with traffic impact fees through this and other cumulative traffic generating projects within the City and its sphere of influence.

### **Traffic Impact Fees**

All residential units in the Oakley Westerly Annexation area will be assessed a traffic impact fee for both local roadway improvements, and for regional improvements such as the Highway 4 Bypass. The applicant will pay a traffic impact fee to the City of Oakley based on the number of units that are ultimately constructed on the site. These funds will help to pay for the above-referenced future system improvements.

### **Internal Roadway System**

The internal network of streets in this annexation area has not been finalized. From a traffic design standpoint, it is recommended that there be a continuous internal collector roadway from Sellers Avenue to Knightsen Avenue. This would allow traffic to disperse to Sellers Avenue or Knightsen Avenue where left-turn movements onto East Cypress Road may be accommodated. Each of the internal streets will need to meet City design standards with respect to the street width, and the provision of sidewalks.

### **Traffic Safety Issues**

The proposed project will not result in any unexpected changes to roadway safety. A new street intersection will be constructed on Cypress Road at the project entrance just west of Franklin Lane. It is assumed that the project would have a maximum of two access points onto East Cypress Road (the main entrance and at Franklin Lane). It is recommended that these two entrances be combined into one access location, if possible. Any intersections in this area will be controlled by a stop sign on the side street. Left turn lanes will be needed wherever left-turns are permitted, and it is important that the sight distance not be limited or obstructed during the near-term period. Depending on the final design of the roadway widening, left-turns onto East Cypress Road from one or both of the project entrances may end up being prohibited in the future.

### **Parking Issues**

The parking for a residential development such as this will be provided on-site, and will be consistent with City standards. Parking will not be an environmental issue based on compliance with applicable City of Oakley codes and standards.

### **Pedestrian Conditions and Bus Transit Access**

There are pedestrian crosswalks at the intersection of Cypress Road and Sellers Avenue. Other pedestrian and bicycle facilities are limited. The project will create a safe internal street environment for pedestrians and bicycles. There is no current bus transit service in the Cypress Road corridor. It is expected that a new bus route will be established in the future once more development occurs. The local East County Transit Authority has no immediate plans to start such a service.

APPENDIX A

POTENTIALLY-OCCURRING SPECIAL-STATUS PLANT SPECIES AT THE  
PROPOSED WESTERLY ANNEXATION PROJECT SITE

Family Name Scientific Name Common Name	Status USFWS/ CDFG/ CNPS List	Habitat Affinities and Blooming Period/ Life Form	Potential for Occurrence
<b>Asteraceae</b>			
<i>Blepharizonia plumosa</i> <i>ssp. plumosa</i> big tarplant	-/-1B	Valley/foothill grasslands, on dry sites. Extant in Alameda and possibly Contra Costa counties. Blooms July-Oct. Annual herb.	None: no suitable habitat.
<b>Brassicaceae</b>			
<i>Tropidocarpum capparideum</i> caper-fruited trepidocarpum	SCI-/1A	Valley/foothill grasslands (alkaline hills). Blooms March-April. Annual herb.	None: no suitable habitat.
<b>Chenopodiaceae</b>			
<i>Atriplex joaquiniana</i> San Joaquin sparscale	SCI-/1B	Chenopod scrub, Valley/foothill grassland and alkali meadows. Blooms April-September. Annual herb.	None: no suitable habitat.
<b>Geraniaceae</b>			
<i>Erodium macrophyllum</i> Round-leaved filaree	-/-/2	Cismontane woodland and valley-foothill grasslands. Blooms March-May. Annual herb.	None: no suitable habitat.
<b>Malvaceae</b>			
<i>Hibiscus lasiocarpus</i> Rose mallow	-/-/2	Occurs in freshwater marshes as an emergent herbaceous plant. Blooms in June and September.	None: no suitable habitat.
<b>Papaveraceae</b>			
<i>Eschscholzia rhombipetala</i> diamond-petaled California poppy	SCI-/1A	Valley/foothill grassland on clay soils. Blooms March-April. Annual herb.	None: no suitable habitat.

Explanation of sensitivity status codes is provided in Appendix C.

**APPENDIX B**

**POTENTIALLY-OCCURRING SPECIAL-STATUS WILDLIFE SPECIES AT THE  
PROPOSED WESTERLY ANNEXATION PROJECT SITE**

<b>Scientific Name Common Name</b>	<b>Status USFWS/ CDFG</b>	<b>Habitat Affinities and Reported Localities in the Project Area</b>	<b>Occurrence Potential</b>
<b>Invertebrates</b>			
<i>Branchinecta lynchi</i> Vernal pool fairy shrimp	FT/-	Inhabits vernal pools in grasslands in the Central Valley, and Coast ranges between December and May.	None: no suitable habitat.
<i>Branchinecta mesovallensis</i> Midvalley fairy shrimp	FSC/-	Inhabits vernal pools in grasslands in the Central Valley. Active between December and May.	None: no suitable habitat.
<i>Desmocerus californicus demorphus</i> Valley elderberry longhorn beetle	FT/-	Riparian and oak savanna habitats. Requires elderberry ( <i>Sambucus mexicana</i> ) as host plants. Inhabits streambanks in the Central Valley below 3,000 feet.	None: no suitable habitat.
<i>Hydrochara rickseckeri</i> Ricksecker's water scavenger beetle	SC/-	This aquatic species has been recorded in lakes, lagoons and vernal pools. Members of this Family (Hydrophilidae) are scavengers whose larvae are predaceous.	None: no suitable habitat.
<i>Lepidurus packardii</i> vernal pool tadpole shrimp	FE/-	Inhabits vernal pools in grassland habitats in the Central Valley between Shasta County and Merced County. Eggs hatch within a month of inundation, adults present until pools dry in the spring.	None: no suitable habitat.
<i>Lytta molesta</i> Molestan blister beetle	SC/-	Requires permanent water.	None: no suitable habitat.
<b>Amphibians</b>			
<i>Ambystoma californiense</i> California tiger salamander	PT/CSC	Breeds in temporary or semi-permanent pools. Seeks cover in rodent burrows in grasslands and oak woodlands.	None: no suitable habitat.
<i>Anniella pulchra pulchra</i> silvery legless lizard	SC/-	Inhabits sparsely vegetated areas on beaches and in chaparral, oak woodlands and riparian. Needs loose soils for burrowing (sand, loam or humus), moisture, warmth and plant cover. Burrows in washes, dune sand and loose soils at the base of slopes or in intermittent streams.	None: no suitable habitat.
<i>Rana aurora draytonii</i> California red-legged frog	FT/CSC	Prefers semi-permanent and permanent stream pools, ponds and creeks with emergent and/or riparian vegetation. Occupies upland areas especially during the wet winter months.	None: no suitable habitat.
<i>Emys marmorata marmorata</i> western pond turtle	SC/CSC	Prefers permanent, slow-moving creeks, streams, ponds, rivers, marshes and irrigation ditches with basking sites and a vegetated shoreline. Requires upland sites for egg-laying.	None: no suitable habitat.
<i>Phrynosoma coronatum frontale</i> California horned lizard	SC/CSC	Inhabits a variety of habitats with sandy soils. Active above ground between April and October. Preys primarily on native ant species.	None: no suitable habitat.
<b>Birds</b>			
<i>Accipiter cooperi</i> Cooper's hawk (nesting site only)	MB/CSC	Nests primarily in deciduous riparian forests. May also occupy dense canopied forests from gray pine-oak woodland to ponderosa pine. Forages in open woodlands.	None: no suitable habitat.

## APPENDIX B

### POTENTIALLY-OCCURRING SPECIAL-STATUS WILDLIFE SPECIES AT THE PROPOSED WESTERLY ANNEXATION PROJECT SITE

<i>Accipiter striatus</i> sharp-shinned hawk (nesting site only)	MB/CSC	Dense canopy pine or mixed conifer forest and riparian habitats. Water within one mile required.	None: no suitable habitat.
<i>Agelaius tricolor</i> Tricolored blackbird	SC/MB/CSC	Nests primarily in dense freshwater marshes with cattail or tules, but also known to nest in upland thistles. Forages in grasslands.	None: no suitable habitat.
<i>Athene cunicularia hypugea</i> burrowing owl	SC, MB/CSC	Open, dry grasslands, deserts, prairies, farmland and scrublands with abundant active and abandoned mammal burrows. Prefers short grasses and moderate inclined hills.	High: suitable habitat present.
<i>Chondestes grammacus</i> Lark sparrow	SC/-/-	Nests in open woodlands and chaparral and grasslands with scattered trees and shrubs	High: suitable habitat present.
<i>Circus cyaneus</i> northern harrier	MB/CSC	Nests and forages in grasslands and open marshland, both salt and fresh. Nests consist of a thin to thick layer of small sticks and reeds, lined with grasses.	None: no suitable habitat.
<i>Elanus leucurus</i> white-tailed kite (nesting sites only)	MB/CFP	Inhabits low rolling foothills and valley margins with scattered oaks and river bottom- lands or marshes adjacent to deciduous woodlands. Prefers open grasslands, meadows and marshes for foraging close to isolated, dense-topped trees for nesting and perching.	High: suitable habitat present.
<i>Eremophila alpestris actia</i> California horned lark	MB/CSC	Nests on relatively flat ground in open grasslands, removed from shrubs and trees.	None: no suitable habitat.
<i>Hirundo rustica</i> barn swallow	MB/-	Nests in anthropogenic structures stuck against a vertical surface. Nest made of mud pellets mixed with vegetable fibers and plant fibers.	High: suitable habitat present.
<i>Lanius ludovicianus</i> loggerhead shrike	SC, MB/CSC	Nests in woodland and scrub habitats at margins of open grasslands. Often uses lookout perches such as fence posts. Resident and winter visitor in lowlands and foothills throughout California.	High: suitable habitat present.
<i>Sayornis nigricans</i> black phoebe	MB/-	Nests in anthropogenic structures on ledges. Nest made of mud pellets, dry grasses, weed stems, plant fibers and hair.	High: suitable habitat present.
<i>Selasphorus rufus</i> Rufous hummingbird	SC, MB/-	Nests in chaparral, coniferous forest, scrub habitats and riparian habitats. Nests are placed on a downward drooping structure.	High: suitable habitat present.
<i>Selasphorus sasin</i> Allen's hummingbird	SC, MB/-	Nests in wooded areas, meadows, or thickets along shaded streams, on a branch low down on stem, although placement height varies between 10 inches and 90 feet.	High: suitable habitat present.
<i>Sturnella neglecta</i> western meadowlark	MB/-	Nests in grasslands removed from trees and shrubs. Nest is domed in structure.	High: suitable habitat present.
<b>Mammals</b> <i>Antrozous pallidus</i> pallid bat	-/CSC	Day roosts include rock outcrops, mines, caves, hollow trees, buildings and hridges. Recent research suggests high reliance on tree roosts	Moderate: See Table I

## APPENDIX B

### POTENTIALLY-OCCURRING SPECIAL-STATUS WILDLIFE SPECIES AT THE PROPOSED WESTERLY ANNEXATION PROJECT SITE

<i>Corynorhinus (Plecotus) townsendii townsendii</i> Townsend's big-eared bat	-/CSC	Roosting sites include caves, mine tunnels, abandoned buildings and other structures. Forages in a variety of plant communities including coastal conifer and broad-leaf forests, oak and conifer woodlands, arid grasslands and deserts. Most commonly associates with mesic sites. Highly sensitive to human disturbances; a single visit by humans can cause bats to abandon roosts.	Moderate: See Table 1
<i>Myotis ciliolabrum</i> small-footed myotis bat	SC/-	Roosts in caves, mine tunnels, crevices in rocks and buildings, generally near forested areas. Feeds low among trees or over shrubs.	Moderate: See Table 1
<i>Myotis evotis</i> long-eared bat	SC/-	Day roosts in hollow trees under exfoliating bark, and crevices in rock outcrops. Found roosting under bark of small black oaks in northern California. Found throughout California	Moderate: See Table 1
<i>Myotis thysanodes</i> fringed myotis bat	SC/-	Roosts in colonies in caves, cliffs and attics of old buildings. Will also use trees as day roosts.	Moderate: See Table 1
<i>Myotis yumanensis</i> Yuma myotis bat	SC/-	Roosts colonially in caves, tunnels and buildings. Inhabits arid regions.	Moderate: See Table 1.
<i>Vulpes macrotis mutica</i> San Joaquin kit fox	FE/CT	Range includes annual grassland, saltbush scrub and oak savanna at the valley/mountain interface.	None: no suitable habitat present

A definition of sensitivity codes is located in Appendix C.

**Appendix "B"**  
**Biological Assessment by Wildlife Research Associates**



## Wildlife Research Associates

Trish and Greg Tatarian

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May 26, 2004

Mr. Dick Loewke  
Urban and Environmental Planning  
55 Oak Trail Court  
Alamo, CA 94507  
Ph/Fx: 925-831-8016

**Re: Biological Assessment - Westerly Annexation Area, City of Oakley**

Dear Dick,

This biological assessment report presents our analysis of the 87-acre proposed Westerly Annexation Area, located at the southeast corner of East Cypress Road and Sellers Avenue in the Oakley Sphere of Influence, in eastern Contra Costa County, California. This report details the results of a reconnaissance-level survey of the project site, a discussion of the existing plant communities and wildlife habitats on-site, potentially occurring special-status natural communities, and special-status plant and animal species on-site, and identifies potential impacts and mitigation measures.

### **Project Description**

The proposed annexation area, approximately 87 acres, currently consists of nine separate parcels (APN 032-010-002-7, 032-010-004-3, 032-010-007-6, 032-010-010, 032-010-011-8, 032-010-012-6, 032-020-006-6 and 032-020-014), each containing small family ranchettes. The Westerly Annexation Area was placed into the City of Oakley's Sphere of Influence in 2003 by the Contra Costa County Local Agency Formation Commission. The proposed annexation area will also involve concurrent annexation to the Diablo Water District and Ironhouse Sanitary District as a boundary reorganization. Within the 87 acres, a single-family residential development is proposed in the northwest corner of the annexation area that will divide 23 acres (APN 032-010-002-7) into approximately 100 residential lots.

### **Methods**

Focused surveys for special-status species were not conducted as part of this effort. Information on special-status plant species was compiled through a review of the California Natural Diversity Data Base (CNDDB 2004) for the Brentwood 7.5-minute topographic quadrangle, the California Native Plant Society's (CNPS) *Inventory of Rare and Endangered Vascular Plants of California* (Skinner and Pavlik 1999), the California Department of Fish and Game's (CDFG) *Special Plants List* (CDFG 2004a) and the USFWS list of special-status plants (USFWS 2004).

A list of special-status wildlife species known or expected to occur on the site was compiled through a review of the CNDDB (CNDDB 2004), the CDFG's *Special Animals List* (CDFG 2004b), *State and Federally Listed Endangered and Threatened Animals of California* (CDFG 2004c) and the USFWS list of special-status animals (USFWS 2004).

A site visit was conducted on April 2, 2004 by Wildlife Research Associates ecologists Trish and Greg Tatarian. The reconnaissance-level site visit was intended only as an initial evaluation of on-site and adjacent habitat types. For purposes of this report, the property consists of all lands within the property boundaries.

### Setting

The proposed Westerly Annexation study area is located south of Dutch Slough in the San Joaquin River Delta, west of Mound Slough and east of Marsh Creek. The rectangular-shaped study area is located within the central portion of the Brentwood 7.5-minute topographic quadrangle, within the southwestern corner of Section 29 in the Township 2N and Range 3E area. The study area is located on flat lands that range in elevations from 10 feet to 15 feet.

Drainage ditches occur along the Sellers Avenue, East Cypress Avenue and Knightsen Avenue. The majority of these ditches have been cleared of vegetation.

### Vegetation Communities

Many of the parcels have either horses or cattle grazing on the property. As a result, non-native grasslands are the dominant vegetation community, with ornamental landscaping occurring around the residences.

Ruderal/Non-native Grassland: Ruderal habitat occurs when native vegetation has been completely removed by surface disturbances, such as discing or grading. Such areas, if left undeveloped, may become recolonized by invasive exotic species as well as native species. Non-native annual grassland is generally found in open areas in valleys and foothills throughout coastal and interior California (Holland 1986). It typically occurs on soils consisting of fine-textured loams or clays that are somewhat poorly drained. This vegetation type is dominated by non-native annual grasses and weedy annual and perennial forbs, primarily of Mediterranean origin, that have replaced native perennial grasslands and scrub as a result of human disturbance.

Plant species commonly occurring in the non-native grasslands include those observed on-site, such as wild oats (*Avena* sp.), mallow (*Malvaceae* sp.), filaree (*Erodium* sp.), brome grass (*Bromus* sp.), black mustard (*Brassica nigra*), Italian thistle (*Carduus pycnocephalus*), bristly ox-tongue (*Picris echinoides*), and horse weed (*Conyza bilboana*), among others. Landscape species observed include rose (*Rosa* sp.), lily of the Nile (*Agapanthus* sp.), and English walnut trees (*Juglans regia*), among others.

Great Valley Willow Scrub: Great Valley Willow Scrub typically consists of a dense, shrubby, streamside thicket dominated by any of several species of willows. An herbaceous understory may be present or not. This native plant community occurs close to river channels on fine-grained sand and gravel bars with a high water table. It is distributed along all the major rivers and most smaller streams throughout the Great Central Valley watershed below 1,000 feet in elevation (Holland 1986).

Great Valley Willow Scrub, comprising of 3 willow (*Salix* sp.) trees and approximately 50 feet in length, occurs within the drainage ditch along the northeastern portion of the site along East Cypress Avenue.

### Wildlife Habitats

Three potential wildlife habitats occur within the 87-acre property, non-native grasslands, anthropogenic structures and a small section of willow scrub habitat.

Non-native Grassland: Grassland habitat, including native and non-native grasslands, attract reptiles and amphibians, such as northern alligator lizard (*Gerrhonotus multicarinatus*), western fence lizard (*Sceloporus occidentalis*), and Pacific slender salamander (*Batrachoseps attenuatus*), which feed on invertebrates found within and beneath fallen logs within the vegetation community. This habitat also attracts avian seed-eating and insect-eating species of birds and mammals. California quail (*Lophortyx californicus*), mourning dove

(*Zenaidura macroura*), and western meadowlark (*Sturnella neglecta*) are a few seed-eaters that nest and forage in grasslands. Insect-eaters such as barn swallows (*Hirundo rustica*), and mockingbirds (*Mimus polyglottus*) use the habitat for foraging only. Grasslands are important foraging grounds for aerial and ground foraging insect-eating bat species such as myotis (*Myotis* spp.) and pallid bat (*Antrozous pallidus*). A large number of other mammal species such as California vole (*Microtus californicus*), Botta's pocket gopher (*Thomomys bottae*), and California ground squirrel (*Spermophilus beecheyi*) also forage and nest within grasslands. Small rodents attract raptors (birds of prey) such as owls that hunt at night, as well as day-hunting raptors such as red-tailed hawks (*Buteo jamaicensis*), northern harrier (*Circus cyaneus*) and white-tailed kite (*Elanus leucurus*), among others.

Within the grazed lands, small mammals were not abundant. However, on the 6200 Sellers Avenue site moderate numbers of ground squirrels and their burrows were observed. The presence of ground squirrels and short grass could signal attractive habitat to burrowing owls (*Athene cunicularia*). Please see below for further discussion on this species.

**Structures:** Anthropogenic structures, such as houses, barns and outbuildings located in the project area, provide potential roosting habitat for various wildlife species, including birds and bats. Bird species that use anthropogenic structures include passerines, such as barn swallows (*Hirundo rustica*) and black phoebe (*Sayornis nigricans*), and raptors, such as barn owls (*Tyto alba*). These species have adapted to the disturbances associated with human settlements and will nest and forage in close proximity to humans. In general, the nesting season for both passerines and raptors typically begins at the end of February and may last to mid-August. The conclusion of the nesting season is variable, as female barn swallows and black phoebe, for example, may produce 2-3 broods each year (Alsop 2001).

Evidence of nesting passerines, either barn swallows or black phoebe, was observed in several of the horse barns.

Statewide, buildings also provide significant bat roosting habitat, and it appears that large bat populations are supported by the availability of buildings. Because bats show high roost fidelity, it is possible for older structures to provide roost habitat for decades. However, not all buildings available to bats provide the temperature, humidity and other requirements for bats; such factors vary by building design, materials, location, human activity patterns, and by bat species. As a result not all buildings provide suitable roost habitat.

Please refer to Table 1, under Special Status Species, for a summary of on-site buildings surveyed, and their potential for bat roost habitat availability.

**Willow Scrub:** This habitat is a low shrubby tree structure that can cover an entire watercourse, with an impenetrable understory and includes fallen limbs and other debris. The small area of willow scrub on site reduces the potential use of this habitat. Bird species that hover while catching insects, such as black phoebe (*Sayornis nigricans*) may forage in this habitat on site.

#### **Wildlife Movement Corridors**

Wildlife movement includes migration (*i.e.*, usually one way per season), inter-population movement (*i.e.*, long-term genetic flow) and small travel pathways (*i.e.*, daily movement corridors within an animal's territory). While small travel pathways usually facilitate movement for daily home range activities such as foraging or escape from predators, they also provide connection between outlying populations and the main corridor, permitting an increase in gene flow between populations.

These linkages between habitat types can extend for miles between primary habitat areas and occur on a large scale throughout California. Habitat linkages facilitate movement between populations located in discrete areas and populations located within larger habitat areas. The mosaic of habitats found within a

large-scale landscape results in wildlife populations that consist of discrete sub-populations comprising a large single population, often referred to as a meta-population. Even where patches of pristine habitat are fragmented, such as occurs with coastal scrub, the movement between wildlife populations is facilitated through habitat linkages, migration corridors and movement corridors. Depending on the condition of the corridor, genetic flow between populations may be high in frequency, thus allowing high genetic diversity within the population, or may be low in frequency. Potentially low frequency genetic flow may lead to complete isolation and, if pressures are strong, potential extinction (McCullough 1996; Whittaker 1998).

Movement corridors within the study area include the non-native grasslands and the drainage ditches along the three roads. Mammals, such as raccoon (*Procyon lotor*) and opossum (*Didelphis virginiana*) use the drainage ditches for movement corridors between open fields and structures. Skunks (*Mephitis mephitis*) will use the open fields for movement corridors between areas of row crops and orchards.

#### **Special-Status Species and Natural Communities**

Certain plants and animal species are designated as having special status due to their overall rarity, endangerment, restricted distribution, and/or unique habitat requirements. In general, special status is a combination of these factors that leads to the designation of a species as sensitive. The Federal Endangered Species Act (FESA), enacted by Congress in 1973, outlines the procedures whereby species are listed as endangered or threatened and established a program for the conservation of such species and the habitats in which they occur. The California Endangered Species Act (CESA) of 1984 amends the California Fish and Game Code to protect species deemed to be locally endangered and essentially expands the number of species protected under the FESA.

The CDFG has also compiled a list of "Special Plants" (CDFG 2004c) and "Special Animals" (CDFG 2004d) which include California Special Concern species. These designations are given to those plant species whose vegetation communities are seriously threatened and those wildlife species whose breeding populations are in serious decline. Although these species may be abundant elsewhere they are considered to be at some risk of extinction in California. Although Special Concern species are afforded no official legal status under FESA or CESA, they may receive special consideration during the planning stages of certain development projects and adverse impacts may be deemed significant under the California Environmental Quality Act (CEQA).

#### *Special-Status Plant Species*

Special-status plant species include those listed as Endangered, Threatened, Rare or Candidates for listing by the USFWS (2004), the CDFG (2004a) and the California Native Plant Society (Skinner and Pavlik 1999, CNPSEI 2004). The CNPS listing is sanctioned by the CDFG and serves essentially as their list of "candidate" plant species.

Based on a review of the California Natural Diversity Data Base (CDFG 2004e) for the Brentwood topographic quadrangle, and general knowledge of the flora of Contra Costa County, a total of 5 special-status plant species were determined to have at least some potential for occurring in the project region. See Appendix A. A review of the CNPS electronic database (2004) for the same quadrangle resulted in one additional plant species.

None of these target species were detected during the reconnaissance survey and none are considered to occur within the project area due to the highly disturbed nature of the site and the lack of suitable alkaline or clay soils.

#### *Special-Status Wildlife Species*

Special-status animal species include those protected under the FESA, the CESA and Section 15380(d) of the California Environmental Quality Act (CEQA). The USFWS officially lists species as either Threatened, Endangered, or as candidates for listing. Additional species receive federal protection under the Bald Eagle

Protection Act (e.g., bald eagle, golden eagle), and the Migratory Bird Treaty Act (MBTA) (16 U.S.C. 703-711). In addition, many other species are considered by the CDFG to be Special Concern species; these are listed in Remsen (1978), Williams (1986), and Jennings and Hayes (1994). Although such species are afforded no official legal status, they may receive special consideration during the planning stages of certain development projects. The CDFG further classifies some species under the following categories: "fully protected", "protected fur-bearer", "protected amphibian", and "protected reptile". The designation "protected" indicates that a species may not be taken or possessed except under special permit from the CDFG; "fully protected" indicates that a species can be taken for scientific purposes by permit only.

A total of 31 special-status animal species have been recorded in the region or may be present within the project area. A complete list of wildlife species, including their potential to occur on site, their legal status and habitat affinities, is included in Appendix B. Appendix C provides the federal and state listing definitions. Of these, 9 species are considered to have a high potential to occur on site, based on habitats present, proximity of known populations within the region and/or the observed presence on site.

The following is a discussion of species having potential to occur on site and/or are species that are prominent in today's regulatory environment, such as the California tiger salamander and the burrowing owl. This document does not address impacts to species that may occur in the region but for which no habitat occurs on site, such as fish species.

California tiger salamander (*Ambystoma californiense*) is federally listed Endangered in Sonoma and Santa Barbara counties and proposed for listing as Threatened in the remainder of California and a California Special Concern species. As adults, they spend most of the year underground in the burrows of California ground squirrels (*Spermophilus beecheyi*) and pocket gophers (*Thomomys bottae*), feeding on insects (Loredo, et al. 1996; Stebbins 1985). Upland terrestrial habitat for Ambystomids is usually within 300 meters of aquatic breeding sites, but movements have been reported as far away as 800 meters (Trenham 2001, Madison and Farrand 1998). Following heavy winter rains (normally December-March) adults emerge nocturnally and briefly lay their eggs in ponds, preferring vernal pools, alkali sinks or cattle troughs that have muddy bottoms or contain some algal growth in the water for hiding in, but are devoid of fish. Although no studies have been conducted on the water quality requirements, it has been noted that turbid water is preferred (reduces predation), and water quality can prevent the transformation into the adult stage.

The closest reported sighting of CTS occurs approximately 6.3 miles southwest, at Briones Valley Road and Concord Avenue (CNDDB 2004). No suitable aquatic or terrestrial habitat is present on site. Therefore, no further analysis for this species is required.

Western burrowing owl (*Athene cunicularia*), a federal and state species of concern like other raptors and birds in general is protected under California Fish and Game Code 3503 and 3503.5, which prohibits the taking or destroying of nest or eggs of any bird and prohibits the taking or destroying of any bird or nest in the order of Falconiformes (falcons, kites, and hawks) and Strigiformes (owls). As a migratory species, burrowing owls are protected under the MBTA. The burrowing owl is small, and long-legged, with dull brown plumage that is barred and spotted with white. Burrowing owl are typically observed on the ground, at or near a burrow, or on elevated areas, such as dirt mounds or fence posts, that are used as observational or hunting perches. Burrows are the essential component of burrowing owl habitat (CDFG 1995, CBOC 1993) and are often the limiting factor in occupied habitat (Zarn 1974). Burrows used by burrowing owls are usually dug by small mammals, such as California ground squirrel (*Spermophilus beecheyi*), in loose soil, and are enlarged by the owls for nesting. Other structures used for nesting include soil under slabs of concrete, railroad ties, wood debris piles, and other anthropomorphic features (CBOC 1993). Burrows are used repeatedly for nesting, but not necessarily by the same pair of owls (Zarn 1974). During the breeding season, several burrows may be renovated, but only one will be used per pair, with non-nest (satellite) burrows created nearby for escaping, perching and observation points (Dechant, et al. 1999). Burrowing owls exhibit high site fidelity, reusing burrows year after year (CBOC 1997).

The closest reported sighting of burrowing owl occurs approximately 3.76 miles west, on Neroly Road in the City of Oakley. Other sightings occur between 4.7 miles southwest and 6.2 miles southwest of the project site (CNDDDB 2004). There is potential that burrowing owls could move onto the project site prior to development. Please see below for a discussion on potential impact.

The present range of the **San Joaquin kit fox** (*Vulpes macrotis mutica*), a federally listed Endangered species and a California listed Threatened species, extends from the southern end of the San Joaquin Valley north to Tulare County, and north along the Inner Coast Ranges and western valleys and foothills to central Contra Costa County. In the northern portion of its range, San Joaquin kit fox are typically associated with annual grassland and Valley oak woodland (USFWS 1997). Irrigated agricultural lands may provide some habitat, as long as the agricultural crop supports a prey population and there are areas in which to den (Morrell 1975). In the central portion of its range habitat associations typically used by kit fox include Valley sink scrub, Interior Coast Range saltbush scrub, Upper Sonoran subshrub scrub, annual grassland, and remaining native grasslands (USFWS 1997). In this portion of the range, in which agriculture is a dominant landscape feature, kit fox have been reported in grazed, non-irrigated grasslands, and denning adjacent to tilled or fallow fields, irrigated row crops, orchards, and vineyards (USFWS 1997). Population numbers have declined in this area from urban development, competition from red-fox (*Vulpes vulpes*) and coyote, and roadways.

The closest reported sighting of kit fox is near Byron, approximately 8.5 miles south of the study area. This species is not expected to occur on site based on the presence of domestic dogs and the rural residential nature of the study area. Therefore, no further analysis for this species is required.

#### *Other Special-Status Wildlife Species*

**Passerines** (perching birds) are protected under the MBTA and Fish and Game Code 3503, which protects the nest and eggs of any passerine. Several of the horse barns surveyed contained nesting barn swallows or black phoebe. Several ground nesting species, such as western meadowlark, also have potential to occur within the non-native grasslands within the project area. Other species with potential to nest on site include lark sparrow (*Chondestes grammacus*), white-tailed kite, barn swallow, loggerhead shrike (*Lanius ludovicianus*), black phoebe, rufous hummingbird (*Selasphorus rufus*) and Allen's hummingbird (*Selasphorus sasin*).

Many **bat species**, including big brown bat (*Eptesicus fuscus*), little brown bat (*Myotis lucifugus*), Yuma myotis (*Myotis yumanensis*), Brazilian free-tailed bat (*Tadarida brasiliensis*), and to some extent the California Special Concern species, pallid bat (*Antrozous pallidus*), and Townsend's big-eared bat (*Corynorhinus townsendii*), evolved to roost in rock crevices and caves, but have adapted quite well to using man-made structures such as buildings and bridges.

The attached Table 1 presents the results of the site reconnaissance and describes the buildings located at each address, as well as whether bats or signs of past or present bat roosting activity were observed, potential habitat value and recommended mitigation actions. Please refer to the Impacts and Mitigations section in this report for further details on mitigations.

For the most part, buildings located within the project area did not provide potential habitat for bats. Of those that did, two provided only potential night-roosting habitat, and fifteen provided potential day roosting habitat. A structure was considered to have potential day roost habitat if there were exterior openings that led into cavities or crevices within which bats typically roost. These include spaces beneath roof tiles, inside attics, or in walls. None of the structures surveyed showed evidence of past or present use by bats, as shown by fecal pellet accumulations, urine staining, entry staining, dead carcasses, live bats, or characteristic odor. Several structures were not accessible for exterior and/or interior surveys, so no information is available about those structures. Though no structures showed evidence of bat roosting activity, conditions could

change over time, or bats could begin to occupy structures between the time of this assessment and construction activities.

### **Impacts and Mitigation Measures**

This section summarizes the potential temporary biological impacts from construction activities within the study area. The analysis of these impacts is based on a single reconnaissance-level survey of the study area, a review of existing databases and literature, and personal experience with biological resources of the region. Potential impacts to special-status biotic resources, namely special-status animal species, may occur from the proposed project. Mitigation for these biological impacts to avoid adverse effects on the environment, are provided below.

*Potential Impact 1:* The proposed project could result in the removal of potential burrowing owl nesting habitat within the non-native grasslands, although no focused surveys for nesting burrowing owls have been conducted. Disturbance during the nesting season may result in the potential nest abandonment and mortality of young. *This is a less-than-significant impact with the following mitigation measures incorporated.*

*Mitigation Measure:* To avoid "take" and/or further evaluate presence or absence of burrowing owl, the following measures are recommended:

- If ground disturbance must occur within the nesting season (February 1 to August 31), a pre-construction nesting burrowing owl survey following CDFG protocols should be performed by a qualified biologist prior to disturbance. Protocol surveys include conducting a crepuscular (early morning or late evening) survey. Any active nests must not be disturbed until the young have fledged.
- All burrows with active nests shall be identified by flagging and be protected by a no disturbance buffer zone of 75 meters (approximately 250 feet). Avoidance also requires a minimum of 6.5-acres of foraging habitat contiguous to the occupied burrow site be set aside permanently.

Areas of bare ground or with grass less than six inches in height may attract burrowing owls during the winter season. If construction is to occur after a period of inactivity and soil is left barren, a burrowing owl habitat evaluation to determine occupancy of the site should be conducted prior to ground disturbance the following season.

*Potential Impact 2:* The proposed project could result in the removal of potential passerine nesting habitat in the non-native grasslands and structures, although no focused surveys for nesting passerines have been conducted within the project area. Disturbance during the nesting season may result in the potential nest abandonment and mortality of young. *This is a less-than-significant impact with the following mitigation measures incorporated.*

*Mitigation Measure:* To avoid "take" and/or further evaluate presence or absence of passerines, the following measures are recommended:

- Grading within the grasslands or demolition of structures should be conducted outside the nesting season, which occurs between approximately February 1 and August 15. If grading/demolition before February 1 is infeasible and groundbreaking must occur within the breeding season, a pre-construction nesting bird survey of the grasslands and structures should be performed by a qualified biologist. If no nesting birds are observed no further action is required and grading may occur within one week of the survey to prevent "take" of individual birds that may have begun nesting after the survey. If birds are observed on site after February 1 it will be assumed that they are nesting on site or adjacent to the site. If nesting birds are observed, ground breaking will have to be delayed until

after the young have fledged, as determined by bird surveys by a qualified biologist, or after the nesting season.

- The CDFG Central Coast Regional office does allow grading to occur if nesting birds are observed on site, providing that a 75-100 foot buffer zone is created around the observed nest. However, because nests may occur in the middle of the grading area, this method is not advised.

*Potential Impact 3:* Several species of bats may day or night-roost in the structures that occur within the annexation area. Although no structures showed evidence of bat roosting activity, conditions of the structures may change over time creating more favorable roosting conditions, or bats could begin to occupy certain structures between the time of this assessment and construction activities. *This is a less-than-significant impact with the following mitigation measures incorporated.*

*Mitigation Measure:* To avoid "take" and/or further evaluate presence or absence of bats, the following measures are recommended:

- Structures possessing potential day and/or night roost habitat, and those not assessed during this effort, must be surveyed for evidence of bat roosting activity by a qualified bat biologist prior to demolition/construction activities. Surveys should be conducted 45 days in advance of construction or demolition, in order to provide ample time to conduct humane eviction, if required.
- If a qualified bat biologist determines finds no bat activity but potential roost habitat exists, structures should be sealed prior to demolition.
- If bat roosting activity is found, humane eviction must be conducted by a qualified bat exclusion expert, or by a contractor under the supervision of a qualified bat biologist. Humane exclusion must be limited seasonally to between February 15 and April 15, or August 30 and October 15.

If you have any questions regarding this report, please call.

Sincerely,

Trish Tatarian

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**Table 1.  
Buildings Located On-Site, Bat Roost Value, and Mitigation Measures**

ADDRESS	BUILDINGS	BATS ROOSTING?	HABITAT VALUE	ACTION
6200 Sellers Ave.	Ranch House	None observed	Potential day roost – some small openings	A
	Concrete Pump House	None observed	Potential night roost	B
	Wooden Barn #1	None	None – too exposed	C
	Sm. Wood Shed	None	None – too exposed	C
	Machinery Shed	None	None – too exposed	C
	Concrete Granary	None	None – too exposed	C
	Wooden Barn #2	None	None – too exposed	C
	Small House	None observed	Potential day roost – some openings into ceiling	A
	Trailer	None	None – too small, disturbed	C
6250 Sellers Ave.	Stucco Residence	None (only exterior ¾ surveyed – no access granted)	Potential day roost – small openings into ceiling space	A
	Stucco Garage	None (only exterior 1/4 surveyed – no access granted)	Potential day roost	A
	Metal Barn	None	None - too exposed	C
	Horse Barn	None	None - too exposed	C
6300 Sellers Ave.	Residence	None – no interior survey	Potential day roost	A
	Barn	None – no interior survey	Potential day roost	A
	Sheds 1 & 2	None – no interior survey	Potential day roost	A
6310 Sellers Ave.	Stucco Residence	None – no interior survey	Potential day roost in roof tiles, roof space	A
	Wooden Trailer Home	None – no interior survey	None – well sealed	C
	Wooden Work Shed	None – no interior survey	Potential day/night roost – openings under roof	A
	Metal Barn 1	None	None – too exposed	C
	Metal Barn 2	None	None – too exposed	C
	Metal Barn 3	None	None – too exposed	C
6390 Sellers Ave.	Wooden Residence	None – no interior survey	Potential day roost in attic, walls	A
	Metal Barn 1	None	None – too exposed	C
	Metal Barn 2	None	None – too exposed	C
4460 Franklin Ave.	Brick/Stucco Residence	None	Potential day roost in roof tiles, attic, walls	A

ADDRESS	BUILDINGS	BATS ROOSTING?	HABITAT VALUE	ACTION
4460 Franklin Ave.	Metal Trailer	None	None	C
	Wooden Barn 1	None	None – too exposed	C
	Metal Shed	None	None – too exposed	C
	Wooden Shed	None	None – too exposed	C
	Long Wooden Shed	None	None – openings, but too disturbed	C
	Wooden Barns 2 & 3	None	None – too exposed	C
4277 Knightsen	Wooden House	None – (no exterior or interior access)	Potential day roost	A
	Stucco House 1	None – (no exterior or interior access)	Potential day roost	A
	Metal Barn	None – (no exterior or interior access)	Potential day roost	A
	Stucco House 2	None – (no exterior or interior access)	Potential day roost	A
4201 Knightsen	Metal Trailer Home	None	None	C
	Wooden/Metal Barn	None	Potential night roost	B

Explanations:

- A. Surveys if buildings to be demolished
- B. Demo during day
- C. None

**Appendix "C"**  
**Cultural Resource Assessment by**  
**William Self Associates**

**CULTURAL RESOURCE ASSESSMENT REPORT  
WESTERLY ANNEXATION AREA  
CITY OF OAKLEY, CONTRA COSTA COUNTY, CALIFORNIA**



**PREPARED FOR:**

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**April 2004**

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### APPENDIX A

Figure 1: Project Vicinity Map

Figure 2: Location Map

Figure 3: Archaeological Survey Map

### APPENDIX B

Photographs

### APPENDIX C

Native American Heritage Commission Letter

### Appendix D

Record Search Results

### Appendix E

State of California DPR Forms

## Management Summary

William Self Associates, Inc. (WSA) has implemented a record search, archaeological field survey and assessment of an 87-acre project area at the City of Oakley's proposed Westerly Annexation area located along Cypress Road in Oakley, Contra Costa County. At the request of the City of Oakley, a cultural resource study was conducted in compliance with Section 21084.1 of the California Environmental Quality Act (CEQA).

The archival record search for the following project conducted at the Northwest Information Center (NIC) of Sonoma State University on behalf of WSA (File No. 03-642), indicated that there have been 2 previous surveys and no recorded prehistoric or historic sites within ½ mile of the project area. WSA contacted the Native American Heritage Commission (NAHC) in March, 2004, requesting information on any sacred sites within the project area and a listing of interested Native American representatives. Debbie Pilas-Treadway, an NAHC staff member, responded to our request on April 2, 2004. Ms. Pilas-Treadway noted that "a record search of the sacred land file has failed to indicate the presence of Native American cultural resources in the immediate project area" (see attached Native American Heritage Commission Letter and List of Native American Contacts). No individual tribal representatives were contacted as part of this scope of work.

WSA conducted field surveys in order to document any previously unrecorded cultural resources within the Westerly Annexation boundaries. Jenni Price, B.A., and Kyle Brown, M.A, conducted the field survey of the project area on April 1<sup>st</sup>, 2004. As a result, five previously unrecorded historic structures were identified.

Proper implementation of the two proposed mitigation measures, including construction personnel training, and archaeological monitoring would reduce the impact to a less-than-significant level. Adverse impacts from construction activity would most likely result from encountering additional cultural deposits during any future construction in the Westerly Annexation project area.

All materials collected in preparation for this assessment report, including archival materials from the Northwest Information Center (NIC), field survey notes, and photographs, will be stored at the corporate office of William Self Associates, Inc. in Orinda, California.

## **PROJECT DESCRIPTION AND LOCATION**

The City of Oakley's proposed Westerly Annexation project area is located on the south side of Cypress Road between Sellers Avenue to the west and Knightsen Avenue to the east (Figure 1). The project location is south of the Contra Costa Canal and north of the Atchison, Topeka, and Santa Fe Railroad. The 87-acre site includes Assessor's Parcels 032-010-002-7, 032-010-004-3, 032-010-007-6, 032-010-010, 032-010-011-8, 032-010-012-6, 032-020-006-6, 032-020-014, and 032-020-010. Future residential development is proposed on APN 032-010-002-7 and APN 032-101-012-6. The project area is situated in Township 2 North, Range 3 East, in Section 29 of the former Rancho Los Meganos as depicted on the 1978 Brentwood, California 7.5' USGS topographic quadrangle (Figure 2). The elevation of the properties is approximately 10 feet (asl), and land use in the project area is currently agricultural

## **ENVIRONMENTAL SETTING**

### **Existing Environment**

The Westerly Annexation project area is situated on the western margin of California's Central Valley, one of two principal grassland communities that exist in California (the second being the coastal grassland that covers middle-elevation hillsides from San Francisco to southern Oregon). Together these are known as the Pacific Prairie (Brown 1985:84). The project area, located south of the present city limits of Oakley, lies in the Delta flats, with a series of low, rolling hills west of the project area.

Annual precipitation in the region varies from six to 29 inches, with precipitation concentrated in the fall, winter, and spring months. This climate is much like that found in the Mediterranean: mild, rainy winters, and hot, dry summers. After the first rain at the end of October or early November, the vegetation becomes green and remains green, but not growing, until late February, when the grasses begin to grow rapidly. By early May, grasses have usually changed to a dry, golden-color, and stay that way until fall.

Temperatures in the summer are high, often reaching over 38° C (100° F) (Brown 1985:87). The combination of the climate and arable soils has proven irresistible to farmers; the extensive agricultural use of the region has resulted in the disappearance of much of the original marsh and

grassland community. Grasslands persist, but the dominant species are completely different from those found 150 years ago by settlers (Brown 1985:84).

With some exceptions, however, the flora and fauna have not changed as dramatically in this part of Contra Costa County as in other areas of California. Grazing cattle have prevented the overgrowth of vegetation and trees that would require protective fire control. Common vegetation observed during the survey include: lupine, blue dicks (*Brodiaea pulchella*), blue bells, mustard (*Brassica* sp.), common groundsel (*Senecio vulgaris*), purple sanicle (*Sanicula bipinnatifida*), yellow fiddleneck (*Amsinckia* sp.), shepherd's-purse (*Capsella Bursa-pastoris*), chamomile, cilantro, miner's lettuce (*Montaiper foliata*), oak (*Quercus* sp.), buckeye (*Aesculus californica*), and various other native and imported grasses.

Animal life within the region is diverse. Unlike prehistoric times when animals such as pronghorn, antelope, tule elk, mule and black-tail deer, and grizzly bears occupied the area, today the region favors small, herbivorous mammals – especially voles, pocket gophers, ground squirrels, and pocket mice (Brown 1985:87). The larger, open areas of the project area attract some larger animals including deer, coyotes, rabbits, skunks, opossum, raccoons, and a number of birds including several types of owls, buzzards, and various raptors.

## CULTURAL SETTING

### Prehistory

Research into local prehistoric cultures began with the work of N. C. Nelson of the University of California at Berkeley, who conducted the first intensive archaeological surveys of the San Francisco Bay region from 1906 to 1908. He was the first person to identify the Bay Area as a distinct archaeological entity. He maintained that the intensive use of shellfish—a subsistence strategy reflected in both coastal and bay shore middens—indicated a general economic unity in the region during prehistoric times (Moratto 1984: 227). Nelson documented more than 100 shellmounds along the bay shore in Alameda and Contra Costa Counties, when the area was still ringed by salt marshes three to five miles wide (Nelson 1909: 322ff.).

In 1911, Nelson supervised excavations at CA-SFR-7 (the Crocker mound) near Hunter's Point, a site later dated to 3,000-1,500 B.P. (years before present)<sup>1</sup>. L.L. Loud identified archaeological components from this same period in Santa Clara County in 1911 while excavating at CA-SCL-1

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<sup>1</sup> All B.P. dates are calculated from 1950 AD.

(the Ponce, Mayfield, or Castro Mound site). R. J. Drake recognized them in San Mateo County in 1941-1942 at CA-SMA-23 (Mills Estate) in San Bruno (Moratto 1984:233).

The work of Nelson and Loud in the Bay Area provided the impetus for investigation into the prehistory of central California, which began in earnest in the 1920s. Stockton-area amateur archaeologists J.A. Barr and E.J. Dawson excavated a number of sites and made substantial collections in the area from 1893 to the 1930s. On the basis of artifact comparisons, Barr identified what he felt were two distinct cultural traditions. Dawson later refined his work into a series of "Early," "Middle," and "Late" sites (Ragir 1972; Schenck and Dawson 1929).

Professional or academic-sponsored archaeological investigations began in the 1930s when J. Lillard and W. Purves of Sacramento Junior College formed a field school, which conducted excavations throughout the Sacramento Delta area. By means of artifact and burial data they identified a three-phase sequence similar to Barr's and Dawson's, which they called "Early," "Intermediate," and "Recent" cultures (Lillard and Purves 1936). In 1954, Richard Beasley refined this system and extended it to include the region of San Francisco Bay. The result was referred to as the Central California Taxonomic System (CCTS) (Lillard, Heizer, and Fenenga 1939; Moratto 1984). Subsequently the CCTS system was applied widely to site dating and taxonomy throughout central California

Much of the subsequent archaeological investigation in the Central Valley focused on a refinement of the CCTS through an analysis of environmental change, settlement and subsistence strategy, exchange, population movement, and related topics. These studies established subsequences for many regions of central California. The best received of these studies has been Fredrickson's (1973) concept of cultural "patterns" (Moratto 1984:201-214). His idea was that, in spite of local variations, widespread cultural patterns are identifiable. He described patterns as "adaptive modes," which extend across one or more regions and are "characterized by particular technological skills and devices, particular economic modes, including participation in trade networks and practices surrounding wealth, and by particular mortuary and ceremonial practices" (Fredrickson 1973:7-8).

Fredrickson's chronological sequence for central California begins with the Windmill Pattern, which possesses cultural elements belonging to both the Early and Middle Horizons. Sites from this period date from about 6,950 to 3,950 B.P. Although earlier occupations no doubt existed, sites from the PaleoIndian Period, dating from about 11,950 to 7,950 B.P., are thought to be buried beneath Holocene alluvial deposits and are not well documented in this part of California (Ragir 1972). Some scholars have suggested that Windmill Pattern sites are associated with an

influx of people from outside of California, who introduced subsistence patterns adapted for a riverine-wetlands environment (Moratto 1984:207).

Windmill Pattern sites are often situated in riverine, marshland, or valley floor settings, as well as atop small knolls above prehistoric seasonal floodplains. Such an area provided a wide variety of plant and animal resources. Most Windmill Pattern sites have contained burials with remains that are extended ventrally, oriented to the west, and that contain copious amounts of mortuary artifacts. These artifacts often include large projectile points and a variety of fishing paraphernalia—net weights, bone hooks, and spear points. The faunal remains indicate that the inhabitants hunted a range of large and small mammals. Stone mortars and grindstones for seed and nut processing are common finds. Other artifacts—such as charmstones, ochre, quartz crystals, and both *Olivella* and *Haliotis* shell beads—suggest a practice of ceremonialism and trade.

The subsequent Berkeley Pattern (previously included in the Middle Horizon culture) covers a period from about 3,500 to 1,500 B.P. in the San Francisco Bay region. This pattern shares some attributes with the Windmill Pattern at the beginning of the sequence and with the Late Horizon period at the end. Berkeley Pattern sites are much more common and well documented, and therefore better understood, than Windmill Pattern sites. These sites are scattered in more diverse environmental settings, but riverine settings are prevalent.

Deeply stratified midden deposits, which developed over generations of occupation, are common to Berkeley Pattern sites. These middens contain numerous milling and grinding stones for food preparation. Projectile points in this pattern become progressively smaller and lighter over time, culminating in the introduction of the bow-and-arrow during the Late Horizon period. Slate pendants, steatite beads, stone tubes, ear ornaments, and burial techniques that utilize variable directional orientation, flexed body positioning, and a general reduction of mortuary goods are unique to Berkeley Pattern sites (Fredrickson 1973:125-126; Moratto 1984:278-279).

The Late Prehistoric Period (formerly the Late Horizon) ranges from about 950 to 150 B.P. This period coincides with Fredrickson's Augustine Pattern, which is typified by intensive fishing, hunting, and gathering (especially acorns), a large population increase, expanded trade and exchange networks, increased ceremonial and social attributes, and the practice of cremation in addition to flexed burials. Certain artifacts are also distinctive in this pattern: bone awls used in basketry, small notched and serrated projectile points that are indicative of bow-and-arrow usage, occasional pottery, clay effigies, bone whistles, and stone pipes. The Augustine Pattern and the Late Prehistoric period are recognized as the apex of Native American cultural development in this part of California.

In 1951, prehistoric burials and artifacts were exposed by heavy equipment operators on the southwestern bank of San Francisquito Creek in Santa Clara County. Dubbed the University Village Site (CA-SMA-77), it was excavated in 1951 and 1952 by G. A. Gerow of Stanford University. The cultural pattern identified was a mixture of Windmill Pattern traits with materials markedly dissimilar to other Early Horizon period sites. To explain this, Gerow argued for a cultural expression different from that found in the Central Valley, which had been used to define the Windmill Pattern. Gerow suggested that an Early Bay Culture inhabited the area from 3,400 to 2,900 B.P. that eventually merged with the culture of the Central Valley.

Evidence of even earlier occupation in the Bay Area came to light in 1970 during construction of the Bay Area Rapid Transit system (BART) when workers unearthed a skeleton in San Francisco's Civic Center. W. G. Henn and R. E. Schenk of San Francisco State University examined the skeleton and confirmed through radiocarbon dating that the skeletal remains dated to approximately 5,660 B.P. Further confirmation for early occupation came from Sunnyvale when Bada and Helfman provided radiocarbon dates of about 4,410  $\pm$  95 B.P. for charcoal found in association with a skeleton unearthed there.

In 1922, B. Seymour, a student at Stanford University, found a skull eroding out of the bank of San Francisquito Creek. It was located about six meters below the surface and was in primary context. Labeled Stanford Man I, it was dated in 1974 to 5,080  $\pm$  70 B.P. (Berger 1974). B. Gerow discovered Stanford Man II, a flexed human skeleton, 1,150 m downstream from Stanford Man I in 1963. Radiocarbon dates for Stanford Man II were 4,350  $\pm$  70 B.P. (Berger 1974).

Data recovered from these and other Bay Area sites indicate a widespread but sparsely populated culture of hunters and gatherers in the region as early as 5,660 B.P. (Henn and Schenk 1970; Henn et al. 1972). This culture was replaced around 3,950 B.P. by one adapted to bayshore and marshland habitation. The Berkeley Pattern describes this culture, although there is considerable regional variation (Moratto 1984:207-211). Moratto suggests that this replacement culture corresponds to the spread of Utian (Miwok-Costanoan) people from eastern Contra Costa County. By 3,400 B.P., this group had settled in the southern Bay Area. From there they spread northward to the peninsula, westward to the coast, and southward to the Santa Clara Valley. They would remain in these areas until historic times.

By 1920 B.P., the Berkeley Pattern was developing into the Augustine Pattern, with its characteristic bow-and-arrow, tubular tobacco pipe, cremation, intensive acorn utilization, and complicated exchange systems. It was this emerging pattern that was destroyed by the Spanish mission system and subsequent historical developments (Moratto 1984:283).

## **Ethnography**

At the time of historic contact with the Spanish missionaries and explorers, the project area was occupied by the Bay Miwok group of Native Americans. The Bay Miwok spoke a language now considered one of the major subdivisions of the Miwok-Costanoan, which belonged to the Utian family within the Penutian language stock (Shipley 1978: 82-84).

Levy (1978:399) places the Bay Miwok territory from the Suisun Bay to just south of Mount Diablo and from there eastward to the Sacramento-San Joaquin Delta. The tribal group associated with the project area was known as the Chupcan. Levy (1978:401) states that

On April 3, 1776, members of an exploring expedition visited a village near Antioch. Anza (1930:144) estimated the population of the settlement at 400 persons. The settlement visited probably belonged to the tribelet referred to in the mission books as Chupcan.

Baker and Shoup (1990:4) [citing Bennyhoff (1977) and Milliken (1983)] suggest that the Bay Miwok tribal group living just south of the survey area was probably the Wolwon (also cited as Volvon or Bolbon) people who occupied the upper Marsh Creek drainage east of Mount Diablo.

The time at which the Bay Miwok migrated into this area is disputed. Beeler (1959), who has studied the Saclan language, claims it was originally spoken to the east along the lower courses of the Tuolumne, Stanislaus, and the Mokelumne rivers. He surmises that these people were displaced to the west by a northerly push of the Yokuts, which may have been completed as recently as 300 years ago. This implies the Bay Miwok were in their historical territory only a century or less before the first Spanish explorers arrived in the region (Beeler 1959:68).

Farris, Davis, and McAleer (1988:2), in their analysis of ethnographic and ethnohistoric data, find some support for this position from scholar William Shipley, who maintains the Yokuts' homeland appears to be in the southern San Joaquin Valley. James Bennyhoff, however, disputes this scenario in a personal communication with Farris, Davis, and McAleer (1984). This raises the question: if the Bay Miwok came into this area only as recently as 300 years ago "...whom did they displace? Was it the Costanoan-speaking peoples, Patwin, or some other group?" (Farris, Davis, and McAleer 1988:2). At present there is no definitive answer to the question of the native occupancy of the area before 300 years ago.

The Miwok comprised a group of people united by language but broken into tribal groups (independent political entities such as the Chupcan and Wolwon), each occupying defined

territories over which they controlled access to natural resources. Although each tribal group had one or more permanent villages, their territory contained numerous smaller camp sites used as needed during a seasonal round of resource exploitation.

Extended families lived in domed, conical structures built of thatched grass. Semi-subterranean men's houses were built at the larger village sites, also using thatched grass and earth cover (Kroeber 1970). Tule or balsa canoes were used to navigate to and from islands and for hunting and gathering forays into the delta.

Given an abundant and continuous subsistence base, ceremony in Miwok life was fairly extensive, and scholars have written much about it based on early ethnographic accounts (Bennyhoff 1977:11; Kroeber 1970; Levy 1978). Rituals associated with death were of great importance. Two forms of interment were practiced and mortuary goods were often placed into the grave at the time of burial. Cremation was also occasionally practiced.

Scholars have suggested the early California environment offered a large assortment of resources for use by native people, although acorns, fish, and game mammals formed the staples of their diet (Baumhoff 1963). Researchers have stressed that acorns, with various seeds, grasses, nuts, berries, and roots were of utmost importance, as plant food collection and preparation formed the center of Miwok technology (Bennyhoff 1977:10; Kroeber 1970:814-815; Gifford 1916:139-194).

The arrival of the Spanish in the San Francisco Bay Area in 1775 led to the rapid demise of native populations, including the Bay Miwok. Diseases introduced by early expeditions and missionaries killed a large number of local peoples, exemplified by a mass burial of 18 individuals adjacent to the Hotchkiss Mound site near Oakley (Heizer 1954). On an expedition through the Central Valley in 1832-1833, Ewing Young observed:

In the Fall of 1832...the banks of the Sacramento River, in it's whole course through the valley, were studded with Indian villages....On our return, late in the summer of 1833, we found the valleys depopulated. From the head of the Sacramento to the great bend and slough of the San Joaquin, we did not see more than six or eight Indians; while large numbers of their skulls and dead bodies were to be seen under almost every shade-tree near water, where the uninhabited and deserted villages had been converted into graveyards (Cook 1955:318).

With abandonment of the mission system and Mexican takeover in the 1840s, numerous ranchos were established. The few remaining Indians were then forced, by necessity, to work for the ranchos. The native lifestyle in much of northern California ceased to exist by the mid-19th century, and most of the native population vanished with it. For further ethnographic information on the Bay Miwok, refer to Levy (1978) and Bennyhoff (1977).

## Regional History

The history of northern California, Contra Costa County, and the project area in particular, can be divided into several periods of influence. For the purposes of establishing a historic context from which to assess the potential significance of historic sites in the project area, various periods and local sub-periods, some of which overlap, are defined below.

Due to its location beyond the eastern slope of Mount Diablo, about 30 (air) miles from San Francisco Bay, the project area was largely isolated from the Spanish and Mexican periods of California. Therefore, events associated with the Spanish and Mexican periods, and cultural remains from those periods, are not expected to be reflected in the project area but are discussed briefly as points of reference:

Spanish Period (in California)	1775 - 1822
Mexican Period	1822 - 1848
American Period	1838 - present

### *Spanish Period (1775-1822)*

The Spanish period in Alta California began in 1775 when Captain Juan Manuel Ayala's expedition explored the San Francisco Bay and ventured up the Sacramento and San Joaquin rivers in search of a suitable mission site. The first mission in the region was established the following year with the completion of Mission San Francisco de Asis (Mission Dolores) in San Francisco. The mission era ensued, lasting over the next 46 years, leading to the establishment of numerous missions and outposts, and the subsequent "missionization" of native groups, which contributed to their decimation due to disease and subjugation.

The earliest historical accounts of the project area come from the Spanish explorers who ventured to Mount Diablo in the late 18th century. Although it is not known if they came into the project area, they must have passed within a few miles of it (Farris, Davis, and McAleer 1988:7). The Anza-Font expedition of 1776 traveled along the southern shore of Suisun Bay until reaching present day Antioch where they noticed numerous rancherias before turning southeast in an attempt to cross the tule swamps (Cook 1957:135).

### *Mexican Period (1822-1848)*

Under the Spanish, the missions controlled the land. After Mexico seceded from Spain in 1822, land was granted to private citizens, a practice that increased significantly after the 1833 act of the Mexican legislature that established the secularization of the missions. By 1845, the last of the mission land holdings were relinquished, opening the way for the large ranchos common to

California in the mid-1800s. Predominant land-use on the ranchos was the raising of livestock and ranching. American explorers, mostly traders and beaver trappers, were also flocking to the west during this time, and their "trail blazing" led to the settlement of the territory. Jedediah Smith, in 1827, led a party of trappers up the Sacramento River from the San Joaquin Delta region, leading to the establishment of the "California-Oregon Road," followed by numerous explorations over the next twenty-five years (Kyle 1990: preface).

Jose Noriega and his wife, Manuela Fenendez, took possession of the Rancho de Los Meganos (sand dunes ranch) soon after their arrival in 1834. The parcel Noriega claimed was four leagues long and three leagues wide (approximately 17,000 acres), extending east from the foot of Mount Diablo to the mouth of the San Joaquin River. No standing architectural remains from this period are known to exist in the area.

Deterioration of relations between the United States and Mexico resulted in the Mexican War, which ended with Mexico relinquishing California to the United States under the Treaty of Guadalupe Hidalgo of 1848. With the formation of the new State of California, and the onset of the American period, rapid changes were in store for the region.

The discovery of gold in the Sierra Nevada in 1848 produced a major population increase in the northern half of California as emigrants sought gold or various jobs producing goods or services for miners. Land use changes resulted as livestock grazed some native grasses to extinction, woodlands were cut for lumber, railroad ties, and mine timbers, and agricultural development occurred on nearly all arable land.

#### *American Period (1838 - present)*

In 1836, near the end of the Mexican period, John Marsh arrived in Los Angeles, Alta California. While riding north in search of a place to settle down, he met Jose Noriega. Noriega agreed to accept all of Marsh's money, \$500, in exchange for Noriega's Rancho de Los Meganos. Marsh thus became the first Anglo-American to settle in Contra Costa County (Emanuel 1993:204). From 1838 until he built what became known as the "Stone House" in 1856, Marsh lived on the rancho in a small adobe structure. This adobe was apparently located very close to a group of Indians, likely to have been Bay Miwok. Farris, Davis, and McAleer (1988:8) cite a letter from Abby Tuck Marsh (John Marsh's wife) stating that about twenty Indians lived in huts "a few rods from the door of the adobe" (a rod being 16.5 feet). It is said Marsh moved a village of natives across Marsh Creek to the northwest in order to put the Stone House where he wanted it (site record for CA-CCO-548 by Farris 1987).

When twin brothers William and Joseph Smith moved their families from Massachusetts to California in 1849, John Marsh was there to greet them. Accounts vary somewhat, but it seems

clear that shortly after their arrival, the brothers quickly acquired land, either from Marsh's vast holdings or from an unknown party (Emanuel 1993:216; Slocum & Co. and Munro-Fraser 2000:671; Kyle 1990:64). The brothers were both carpenters and ordained ministers and they quickly found jobs in "New York of the Pacific," today known as Pittsburgh, constructing housing for the flood of immigrants coming to California in search of gold. Joseph died of malaria that first winter.

The following summer, William received news that a ship docking in San Francisco was carrying passengers from Maine wanting to settle permanently in California (Kyle 1990:64). He immediately went to greet them and offered each family a lot at Smith's Landing on which to build a home. Approximately half of the families accepted his offer, and the settlement they created was named Antioch at their 1851 Fourth of July picnic (Slocum & Co. and Munro-Fraser 2000:672-3).

On June 24, 1851, Marsh, who was then in his fifties, married Abbie Tuck. She was a devout Baptist living with missionaries near San Jose. He took her to live in his four-room, earthen floor adobe house. In 1854 he hired artisans to build a more permanent and stately structure, later to be known as the Stone House. The cost of the building was about \$20,000 (Historic Record Company 1926:381). Abbie Marsh died in August 1855 before the house was finished, leaving behind John Marsh and their young daughter, Alice (Emanuel 1993:204).

On September 24, 1856, Marsh was stabbed to death on the road just outside Martinez by Jose Olivas, Juan Garcia, and Felipe Moreno, three disgruntled employees who felt he had cheated them out of their wages. They overtook his buggy on mustangs while he was traveling to Martinez. They lassoed him, pulled him off his buggy, and then stabbed him to death. His driverless horse and buggy continued on to Martinez where it was spotted by some citizens, who went back and found his body (Historic Record Company 1926:382).

After a series of events, Marsh's rancho was finally acquired by James T. Sanford. According to Emanuel (1993:199) the only noteworthy aspect of Sanford was his sale of a few acres to the San Pablo and Tulare Railroad, thereby defining the land for the village of Brentwood. Sanford, together with John F. Williams, owned all of the Brentwood Coal Company, which also held partial title to the Marsh land. In 1878, Sanford missed his mortgage payments on the Marsh property, and the Savings and Loan Society wasted no time in acquiring it (Emanuel 1993:200).

The Savings and Loan Society of San Francisco kept most of the rancho land for 22 years, renting it out to dry-land farmers. Rent was paid in the form of wheat or barley at a rate between one-quarter to one-third of their crop (Emanuel 1993:200).

On October 23, 1900, a group of Scottish investors, Balfour-Guthrie Investment Company, bought Rancho de Los Meganos from the Savings and Loan Society for \$200,799.43. Even though Balfour-Guthrie purchased the land in 1900, it took until 1913 for the firm to obtain a portion of the ranch still owned by the estate of James T. Sanford (a little more than 5.25 percent of the land), which was offered \$50,000 for the parcel. At the same time, the company acquired another 500 acres from a Peter G. King (Hohlmayer 1991a).

On September 16, 1912, a permit was issued by the chief of the U.S. Army Corp of Engineers and authorized by the Secretary of War to divert two hundred cubic feet per second of water from Indian Slough, a branch of Old River (which, in turn, was a branch of the San Joaquin River) in Contra Costa County (Hohlmayer 1991a). Balfour-Guthrie spent \$500,000 that same year building an irrigation system to spread water over more than 22,000 acres, including lands near the cities of Brentwood and Knightsen, Discovery Bay to the east, and the town of Oakley to the north.

The development of this irrigation system changed the land use in the area from cattle, grain, and alfalfa production to dairy farms, orchards (walnuts, cherries, almonds, apricots, peaches, and plums), and vineyards (Hohlmayer 1991b). Other crops, such as tomatoes, strawberries, and beans were begun in the 1950s.

## **RESULTS OF THE RECORDS AND LITERATURE SEARCH**

The staff at the California Historical Resources Information System, Northwest Information Center (NIC) at Sonoma State University conducted a record search of the project vicinity on March 15, 2004 (File No. 03-642) (Appendix D). The record search included a review of all cultural resource and excavation reports and recorded archaeological sites within a ½-mile radius of the project area. The study included a review of archaeological, ethnographic, historical, and environmental literature as well as records and maps on file at the California Archaeological Inventory.

Eleven surveys have been conducted within ½-mile of the project area (Ashkar 1998; Baker 1985a, 1985b; Busby 1976; Garaventa 1993; Hampson 1989; Moratto et al. 1990; Moratto et al. 1995; Roop 1986; West 1982; West and Welch 1996). As a result of the surveys, one historic site was identified within ½-mile of, but outside the project area (CA-CCO-718H).

CA-CCO-718H was recorded in 1998 by S. Ashkar. The site includes two representative railroad grades on the Atchison, Topeka, and Santa Fe Railroad. The railroad grade at these locations was

described as standard gauge tracks with wooden and cements ties. An electrical shed and crossing arms were also noted.

The NIC record search also provided copies of an 1862 General Land Office (GLO) Plat of Township 2 North, Range 3 East (Appendix D). The map is of interest because it shows an historic road crossing through the project area. A copy of the 1914 Brentwood USGS quadrangle map was also included. This map places the historic Iron Horse School, listed on the Historic Resources Inventory of Contra Costa County (1989), on the northwest corner of the intersection of Cypress Road and Sellers Avenue outside of the project area.

### **NATIVE AMERICAN CONSULTATION**

On March 31, 2004, Kyle Brown of William Self Associates, Inc. (WSA) contacted the Native American Heritage Commission (NAHC) to request information on known Native American traditional or cultural properties within the project area, and to request a listing of individuals or groups with cultural affiliation to the project area. Debbie Pilas-Treadway, an NAHC staff member, responded to this request on April 2, 2004. Ms. Pilas-Treadway noted that "a record search of the sacred land file has failed to indicate the presence of Native American cultural resources in the immediate project area" (see attached Native American Heritage Commission Letter and List of Native American Contacts). No individual or tribal members will be notified as part of this scope of work. The project sponsor may desire to use the list of individuals to solicit comment on the project environmental documentation if desired.

### **METHODOLOGY AND RESULTS OF THE FIELD SURVEY**

#### **Methodology**

WSA archaeologists Kyle Brown and Jenni Price conducted a pedestrian survey of the project area on April 1<sup>st</sup>, 2004 (refer to Figure 3). The area was evaluated for the presence of historic or prehistoric site indicators. The archaeological survey was conducted using transect intervals of 10-15 meters. Survey access was available for nine of the ten parcels. The objective of the cultural resource evaluation within the Westerly Annexation was to locate, record, and evaluate the significance of all cultural resources within the proposed project area. Visible ground surface was examined for the presence of historic or prehistoric site indicators, such as charcoal, obsidian or chert flakes, grinding bowls, shell fragments, bone, and pockets of dark, friable soils (for prehistoric sites), and glass, metal, ceramics, brick, wood and similar debris (for historic sites).

## Survey Results

The entire project area was surveyed with the exception of the southern portion of APN 032-020-014 (Douglas Pagano Property) due to fencing and hostile dogs. The majority of the project area is flat and open. Ground visibility within the area varied from excellent to poor depending on vegetation or landscaping. Excellent visibility occurred in areas where agricultural disking and rodent burrowing exposed soils for viewing. Poor visibility occurred in landscaping around residential structures or in densely vegetated grassy pastures and meadows that had not been grazed. A description of the survey results follows below. Parcels are discussed proceeding clockwise from the southwest (refer to Appendix 1: Figure 3).

**6200 Sellers Avenue.** This 8-acre parcel (APN 032-010-007-6) is currently owned by Faye Lesch. The property consists of a residential structure, barn, agricultural outbuildings, and an open field. The property has been evaluated for the National Register as part of a HUD financial grant study and was found not to be eligible (6Y2 status).

The wood frame residential structure sits on the west side of the property adjacent to Sellers Avenue (Appendix 2: Photo 1). This rectangular plan, single family residence, built in 1938, measures approximately 50 feet (N-S) by 25 feet (E-W). It has ship-lap siding. The roof has a single gable and is covered with asphalt composition shingles. The façade is composed of a single door with a small protective roof and an exterior wire-mesh security door. Windows are wood frame with single pane double hung panels. A newer concrete foundation has been added to the house since its construction. The residence is enclosed with a patch-work fence lined with wisteria, lilac bushes, and palm trees. Overall, the condition of the structure is poor.

The remnants of a barn and several cinderblock sheds and outbuildings are located directly east of the house (Photo 2). The property owner indicated that these utility buildings once housed walnut processing equipment. The buildings are currently filled with older and more recent trash.

A small barn is located east of the cinder-block structures. The barn measures 20 feet (N-S) by 30 feet (E-W) and is approximately 20 feet high at the peak of its single center-gabled roof. The barn is wood framed and is sided with vertical, rough-cut, redwood siding that was fastened with wire-cut nails. The floor of the barn consists of 2 x 12 inch redwood planks, many of which are rotten or missing. There is a wood-frame shed on the north side of the barn that measures approximately 15 feet (N-S) by 20 feet (E-W). The barn and other outbuildings are surrounded by historic and modern trash including numerous old appliances, tires, yard equipment, rotten wood, sheet metal, and garbage.

The open field, which is located south and east of the house, is flat and is covered with dry and re-sprouted wheat stalks. The field was surveyed by walking east-west transects. Ground visibility was fair where there was vegetation and better where animal burrowing exposed the ground surface. Soil is a medium to light brown clay with pebbles and gravel. No historic or prehistoric artifacts were observed in the field.

**6250 Sellers Avenue.** This 10-acre parcel (APN 032-010-004-3) is currently owned by Grady Mykrantz (Figure 3). The property contains an historic (1942) residential structure, recent ranch buildings, horse and cattle corrals, and an open pasture. The Contra Costa County Assessor's Office estimates that the house at 6250 was built in 1942. The home on the parcel is a stucco and wood, single story structure (Photo 3) that measures approximately 30 feet (N-S) by 30 feet (E-W). It has a single gabled roof with asphalt shingles. A recessed porch is located centrally on the façade and serves as the main entrance. The façade windows are wooden framed with double hung-panels. Vinyl double hung windows have replaced the wooden windows on the other elevations. Off of the east side of the structure is a detached garage measuring 20 feet (E-W) by 10 feet (N-S) with a sliding wood door and a driveway leading west to Sellers Avenue. A metal-clad structure of similar size is located just east of the garage and may function as a workshop. An additional entryway and porch are located on the east side of the house. The house is bordered by lawn, oleander and fruit trees.

A recently constructed horse stable and cattle and horse corrals are centrally located on the rectangular shaped property. Livestock occupied the stable and corrals at the time of the survey, and therefore the ground surface within these enclosures was not examined. The pasture to the east of the house and livestock complex was surveyed for the presence of historic and prehistoric artifacts utilizing east-to-west transects. Ground visibility in the pasture was poor due to tall grass, thistle, and mustard vegetation. Soil is a light to medium brown clay.

**6310 Sellers Avenue.** This approximately 6-acre parcel (APN 032-010-010) is currently owned by Vernon and Linda Quilici. The property contains a single family stucco-clad house, wooden barn, and horse stable; all of recent construction. The Contra Costa County Assessor's Office estimates that the house at 6310 Sellers Avenue was built in 1977. Mr. Quilici indicated that he had built the barn and horse corral within the last 10 years. Because the house and associated structures are not historic, as they have been built within the last 30 years, they are not described in detail.

There are open, recently disked fields to the west, north, and east of the structures on the property. Ground surface visibility was excellent there. The fields were surveyed by walking east-west transects. Like the other properties previously surveyed, the soil also can be described as medium brown clay. No surface artifacts were observed at 6310 Sellers Avenue.

**6300 Sellers Avenue.** This 5.8-acre parcel (APN 032-010-011-8) is owned by Horacio and Delia Garcia. This property contains a single family stucco-clad house, several mobile-home type trailers, a metal clad barn, horse stables, and a horse corral (Photo 4). The Contra Costa County Assessor's Office estimates that the house at 6300 Sellers Avenue was built in 1980. The majority of the property was covered in structures for boarding horses. The property was surveyed by observing the ground surface in and around the buildings and corrals. No surface artifacts were observed at 6310 Sellers Avenue.

**6390 Sellers Avenue and 1021 Cypress Road.** This property (APN 032-010-002-7 and APN 032-101-012-6) includes two parcels located (APN 032-010-002-7 and APN 032-101-012-6) in the northwest corner of the project area that border both Sellers Avenue and Cypress Road. The majority of the 23-acre parcel consists of open disked fields. A residence, barn, and garage/workshop are located on the west side of the property. Residential development is planned on these parcels, although the owner indicated that he would retain approximately one acre of property to keep his house and outbuildings.

According to the Baldocchi's, the current owners, the house on the property was built in 1953. They moved into the house a year later. This single family wood frame house, measuring 50 feet (E-W) by 40 feet (N-S), is a single story structure with a cross gabled roof with asphalt shingles (Photo 5). The house is sided with horizontal tongue-and-groove boards. The garage on the southwest corner of the house has been converted into living space. The house has both a front and rear entrance and the majority of the windows are either vinyl or aluminum framed. A brick chimney is centered on the north elevation of the house.

Three outbuildings are associated with the main house. The first of the three outbuildings is a well pump shed located directly south east of the house, adjacent to a cement patio that serves as the east entrance to the home. This small shed measures approximately 6 feet by 6 feet in plan, has a single center gabled roof, and tongue-and-groove siding that matches the house. The second outbuilding is a large barn that measures approximately 50 feet (N-S) by 45 feet (E-W) by 25 feet tall at the top of the center gabled roof (Photo 6). The barn has a slab foundation, wooden frame, and is covered with corrugated metal siding and roofing. The barn still contains equipment for processing walnuts, along with a boat and an RV. The final outbuilding is a long garage and workshop that is attached perpendicular to the south side of the barn. The garage measures 20 feet (N-S) by 70 feet (E-W) and is approximately 12 feet high. It is of similar design and construction as the barn (Photo 7). Mr. Baldacci indicated that he had built the barn and workshop in the mid-1960's.

According to Mr. Baldacci, the majority of the property at 6390 Sellers Avenue was planted in walnuts until the trees succumbed to Blackline disease within the last 20 years. This former orchard

is now an open field that was recently disked (Photo 8). The field was surveyed by walking east to west transects. The soil consists of medium brown clay. Some recent garbage was observed near the road, though no historic or prehistoric artifacts were found in the field.

**4460 Franklin Road.** This property (APN 032-020-006-6) is owned by Clyde Cola and is located directly east of Mr. Baldacci's field. This square 11-acre property has a house, horse stables, and a large pasture for grazing horses and cattle. The Contra Costa County Assessor's Office estimates that the stucco house was built in 1978 (Photo 9). The horse stables also appear to be of recent construction. The structures are not historic and consequently they are not described in detail.

The cattle pasture on the property was surveyed by walking east-west transects. Ground visibility was generally poor, as thick grass grew over most of the field, although soil (medium to light brown clay) was visible around rodent burrows. No artifacts were observed on the property.

**4277 and 4287 Knightsen Avenue.** This 37-acre property (APN 032-020-014) is owned by Douglas Pagano. The majority of the property is used to graze cattle. Two residential structures are located on the southern end of the property.

The cattle pasture was surveyed first walking north-south transects, parallel to Knightsen Avenue. Ground visibility was fair to poor depending on the vegetation. Soil on the northern end of the field was light brown sandy clay, trending towards medium brown clay at the southern end of the pasture. No artifacts were observed in the pasture.

An attempt was made to survey the southern end of the Pagano Property, where two residential structures and an outbuilding are located. These residences are fenced with a 5 foot-high wire fence. Nobody was home at the time of the survey and the presence of several aggressive dogs within the fenced area precluded the possibility of surveying this area. The two houses on the Pagano Property were clearly visible from the Jesse Property to the south. Both houses are accessed from an asphalt driveway that parallels the southern property boundary.

The larger of the two houses is located closest to Knightsen Avenue near the southeast corner of the property. Information from the Contra Costa County Assessor's Office indicated that this house (the oldest of the two) was constructed prior to 1950. The rectangular plan home has a wood frame with plywood siding (Photo 10). The roof is hipped and is covered with asphalt composition shingles. The house is estimated to measure approximately 75 feet (E-W) by 45 feet (N-S). The original windows have been replaced with vinyl framed sliding windows. The north elevation façade has a protruding porch and covered roof with a single door entryway. There is a brick chimney adjacent to the door. The owner is currently constructing a perimeter foundation for the house. The house is surrounded by lawn.

The second home on the parcel, is a stucco and wood, single story structure (Photo 11). It has a slab foundation and a hipped roof with asphalt shingles. An addition on the south side of the house has a single, center gable roof. All of the windows are aluminum framed. There is a concrete patio and brick chimney off the southeast corner of the house. The house is bordered by lawn and a few small shrubs. Based on its appearance and construction, this house was probably built in the late 1960's. There is a large corrugated metal shed/detached garage located west of the house.

**4201 Knightsen Avenue.** This 4.6 acre property (APN 032-020-010) owned by Helen Jesse was the last parcel surveyed for the current project. The parcel consists of a flat open mowed grass field, with a mobile home, and historic barn. Mrs. Jesse and her late husband moved to the property in the 1960's and installed the mobile home. Mrs. Jesse believes that the historic barn on the western end of the property was originally associated with the historic house on the Pagano Property.

The property was first surveyed by walking east to west transects. Ground visibility was fair, as there were numerous rodent burrows across the mowed grass. No historic or prehistoric artifacts were observed on the ground surface.

The historic barn (Photo 12) measures approximately 100 feet (E-W) by 50 feet (N-S). It is a wood frame structure with a single gabled roof. An addition has been added to the south side. The barn has a concrete slab floor. Helen Jesse indicated that her husband, who worked for a steel company, added corrugated metal siding and roofing over the original wood siding of the barn. There are now four entrance bays on the east elevation of the barn, and two on the south elevation. All entrances have either sliding or rolling (garage) style doors. Aluminum windows have been added to the east elevation. The barn currently serves as a workshop, though Mrs. Jesse believes that it originally housed a walnut processing facility.

**Iron Horse School.** Historic maps supplied from the archival record search conducted by the NIC indicated the presence of the historic Iron Horse School building just outside of the project area on the northwest corner of the intersection of Sellers Avenue and Cypress Lane. An effort was made to relocate the schoolhouse, although this location now appears to be covered by a mobile home and garage. No evidence of the school or the historic road noted on the 1862 GLO map was observed.

(D) Has yielded, or may be likely to yield, information important in prehistory or history.

Archaeological site evaluation assesses the potential of each site to meet one or more of the criteria for "importance" based upon visual surface and subsurface evidence (if available) at each site location, information gathered during the literature and record searches, and the researcher's knowledge of and familiarity with the historic or prehistoric context associated with each site.

### **Site Evaluation**

**6200 Sellers Avenue.** This historic property has already been evaluated for the National Register as part of a HUD study and was found not to be significant. The present study has found no additional information that would change this assessment. The property has been recorded on State of California DPR forms (Appendix E).

**6250 Sellers Avenue, 6390 Sellers Avenue, 4277 Knightsen Avenue, and 4201 Knightsen Avenue.** None of the structures on these properties appear to be eligible for California Register listing under criteria A, B, C, or D. Further research could be done on the structures to determine their architects, original owners, etc., however, since most of these structures lack integrity of setting and design (through modifications to the buildings, or subdivision of the property), it is believed that none would likely be considered eligible for the California Register. All five of the above listed properties have been documented on State of California DPR forms (Appendix E). Furthermore, none of the historic structures observed on these properties would be impacted, either through the City of Oakley's Westerly Annexation, or from the development of portions of Mr. Baldacci's property.

Other than the five historic structures found on the properties discussed above, no significant prehistoric or historic cultural resources were observed during the survey of the parcel. However, there is always a possibility that such resources may become apparent once vegetation is removed or during construction excavation. Indicators of prehistoric site activity include charcoal, obsidian or chert flakes, grinding bowls, shell fragments, bone, and pockets of dark, friable soils. Historic resources include glass, metal, ceramics, wood and similar debris.

### **Potential Project Impacts**

Impacts to cultural resources may result either directly or indirectly during the pre-construction, construction, and operational phases of the project. Direct impacts are those that may result from the immediate disturbance of resources, whether from vegetation removal, vehicle travel over the

surface, earth-moving activities, excavation, or alteration of the setting of a resource. Indirect impacts are those that may result from increased erosion due to site clearance and preparation, or from inadvertent damage or outright vandalism to exposed resources due to improved visibility or access.

Exposure of cultural resources during preconstruction site preparation or during construction excavation can also have a beneficial effect by making the data accessible for research. If these resources and their temporal and spatial context receive proper protection and analysis, they can add to the understanding of human adaptation to the environment and subsequent uses of the land and its resources. Analysis of cultural resources also can provide a very important key to changes in population and human movement within and throughout a geographic region.

### **Recommendations and Mitigation Measures**

No significant prehistoric or historic archaeological sites are known to exist in the Westerly Expansion Area. There is always a possibility that such resources may become apparent once vegetation is removed or during construction excavation. Indicators of prehistoric site activity include charcoal, obsidian or chert flakes, grinding bowls, shell fragments, bone, and pockets of dark, friable soils. Historic resources include glass, metal, ceramics, wood and similar debris.

Five previously unrecorded historic structures found during the archaeological survey of the project APE were documented, although no adverse impacts to these structures are anticipated from this project or from the planned development on the Baldacci property. Because it was not possible to survey the ground surface of the fenced area surrounding the residential structures on the Pagano Property, the unsurveyed area indicated in Figure 3 should be examined by a qualified archaeologist certified by the Registry of Professional Archaeologists prior to any future development on the property.

The following language should be incorporated in the project's condition(s) of approval:

In accordance with CEQA Subsection 15064.5 (f), should any previously unknown historic or prehistoric resources, including but not limited to charcoal, obsidian or chert flakes, grinding bowls, shell fragments, bone, pockets of dark, friable soils, glass, metal, ceramics, wood or similar debris, be discovered during grading, trenching, or other on-site excavation(s), earthwork within 100 feet of these materials shall be stopped until a professional archaeologist certified by the Registry of Professional Archaeologists (RPA) has had an opportunity to evaluate the significance of the find and suggest appropriate mitigation(s), as determined necessary.

In the event that Native American human remains or funerary objects are discovered, the provisions of the California Health and Safety Code should be followed. Section 7050.5(b) of the California Health and Safety Code should be implemented in the event that human remains or possible human remains are located. It states:

In the event of discovery or recognition of any human remains in any location other than a dedicated cemetery, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains until the coroner of the county in which the human remains are discovered has determined, in accordance with Chapter 10 (commencing with Section 27460) of Part 3 of Division 2 of Title 3 of the Government Code, that the remains are not subject to the provisions of Section 27492 of the Government Code or any other related provisions of law concerning investigation of the circumstances, manner and cause of death, and the recommendations concerning treatment and disposition of the human remains have been made to the person responsible for the excavation, or to his or her authorized representative, in the manner provided in Section 5097.98 of the Public Resources Code.

The County Coroner, upon recognizing the remains as being of Native American origin, is responsible to contact the Native American Heritage Commission within twenty-four hours. The Commission has various powers and duties to provide for the ultimate disposition of any Native American remains, as does the assigned Most Likely Descendant. Sections 5097.98 and 5097.99 of the Public Resources Code also call for "protection to Native American human burials and skeletal remains from vandalism and inadvertent destruction." A combination of preconstruction worker training and intermittent construction monitoring by a qualified archaeologist will serve to achieve compliance with this requirement for protection of human remains. Worker training typically instructs workers as to the potential for discovery of cultural or human remains, and both the need for proper and timely reporting of such finds, and the consequences of failure thereof. Once the find has been identified, the archaeologist will make the necessary plans for treatment of the find(s) and for the evaluation and mitigation of impacts if the finds are found to be significant according to CEQA.

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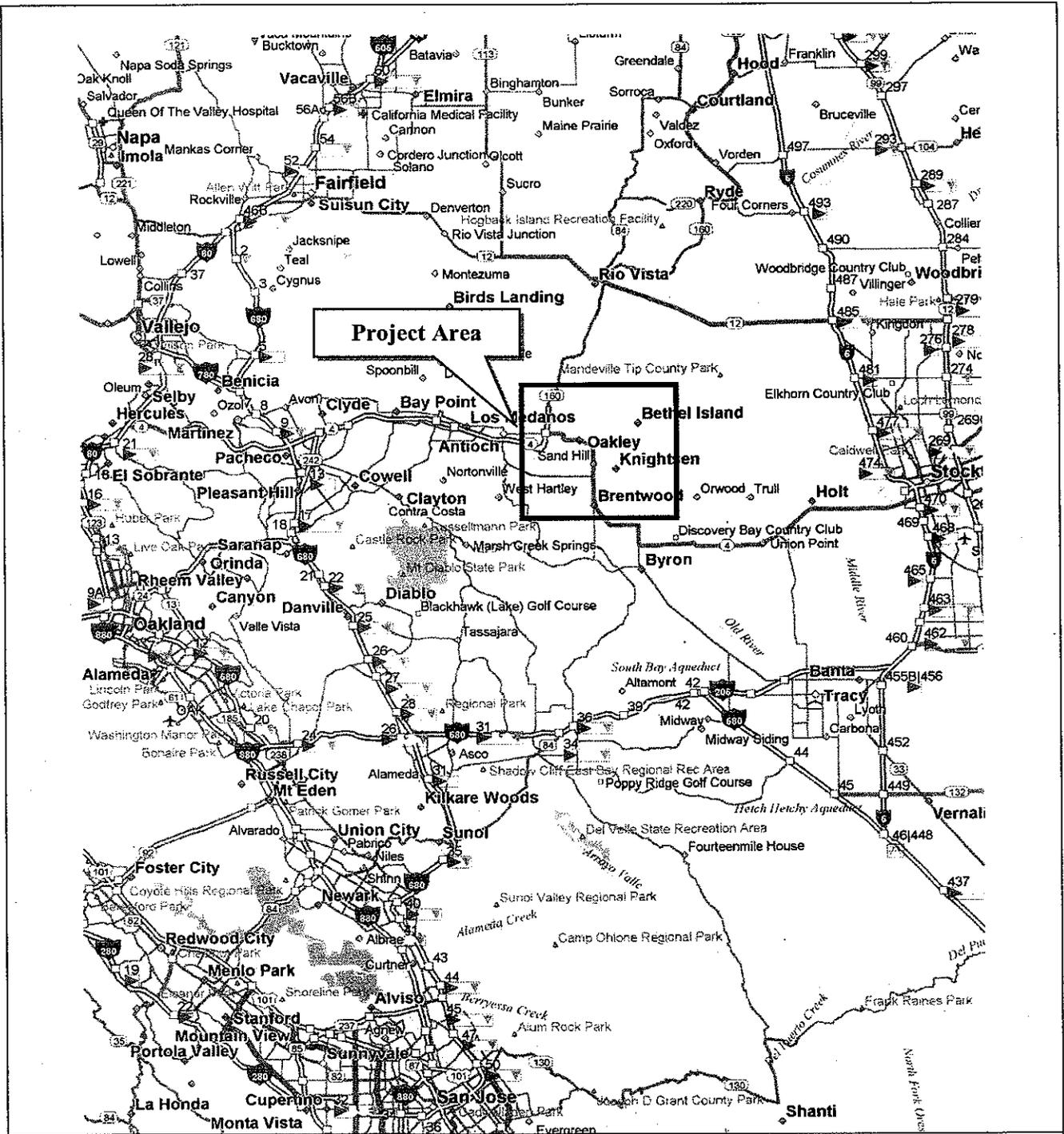
## **APPENDIX A**

### **Figures**

**Figure 1: Project Vicinity Map**

**Figure 2: Location Map**

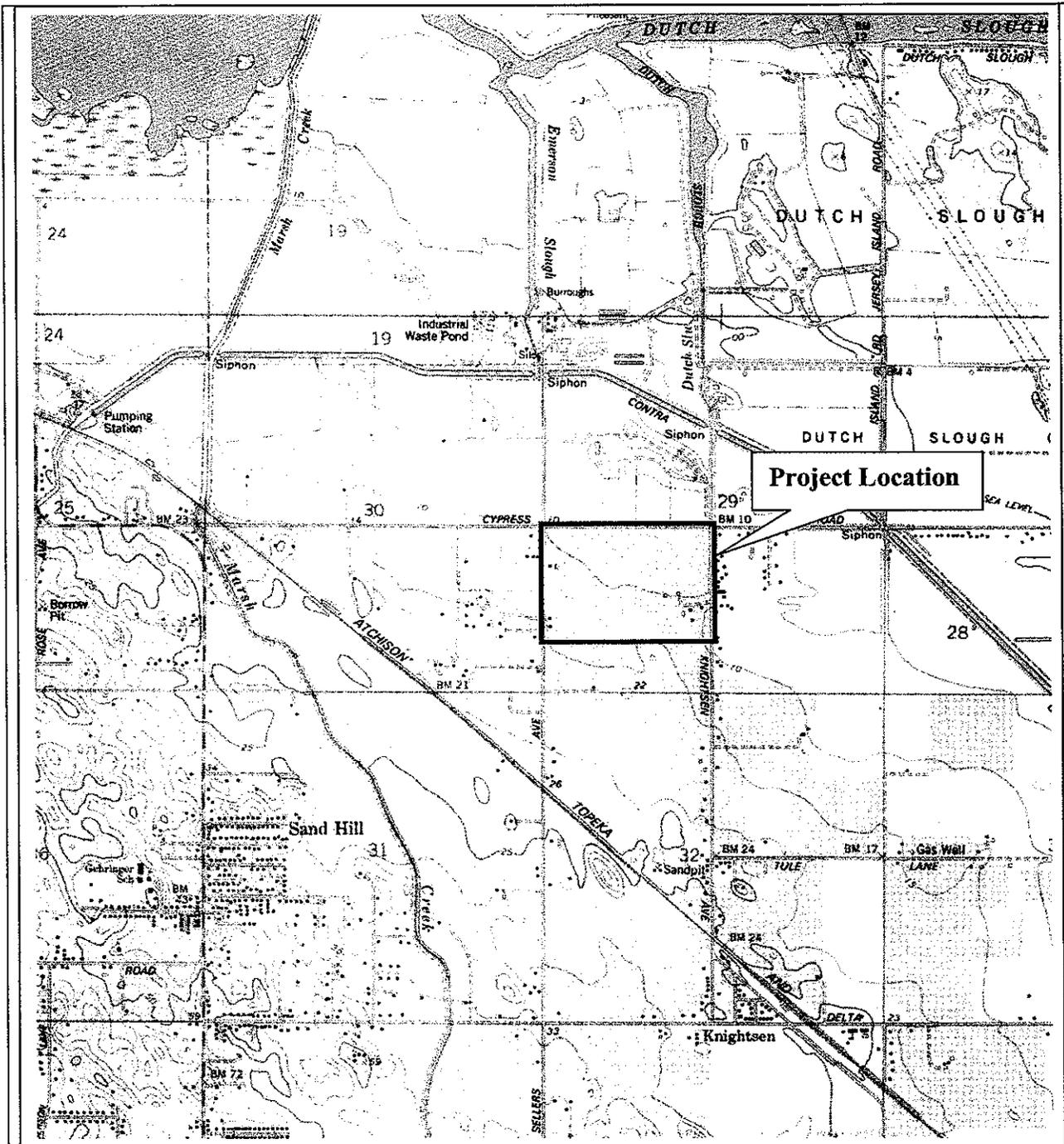
**Figure 3: Archaeological Survey Map**



**Figure 1: Project Vicinity Map**

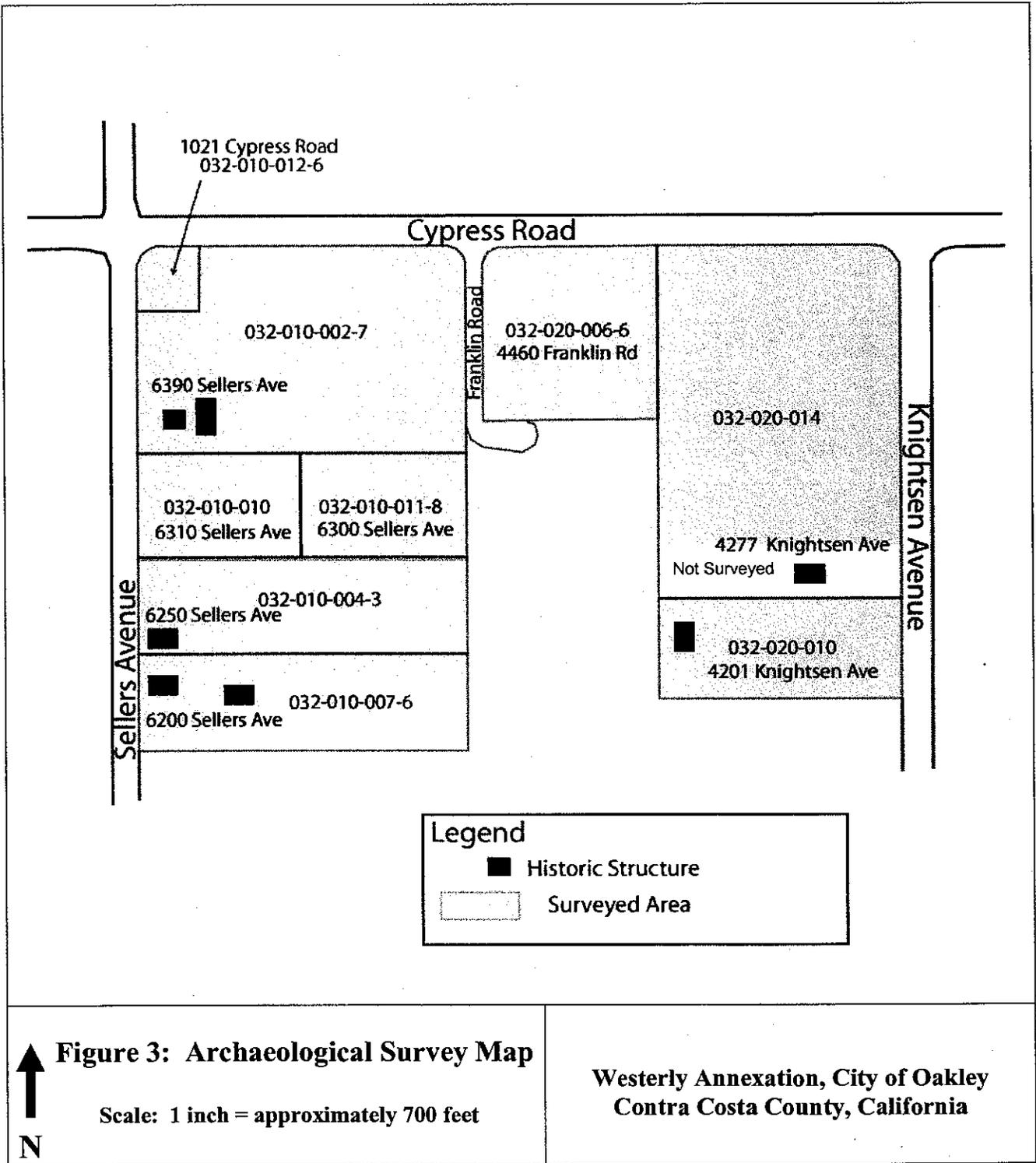
**N** Scale: 1:500,000 (1 inch = 7.9 miles)

**Westerly Annexation, City of Oakley  
Contra Costa County, California**



**Figure 2: Project Location Map**  
 1978 Brentwood USGS Quad Map  
 Scale: 1:24,000 (1 inch = 2000 feet)

**Westerly Annexation, City of Oakley**  
**Contra Costa County, California**



**APPENDIX B**

**Photographs**



Photo 1: East elevation of the historic residence at 6200 Sellers Avenue.



Photo 2: Barn (center) and agricultural outbuildings (right) at 6200 Sellers Avenue, view east.

**Photos 1 and 2**

**Westerly Annexation, City of Oakley  
Contra Costa County, California**

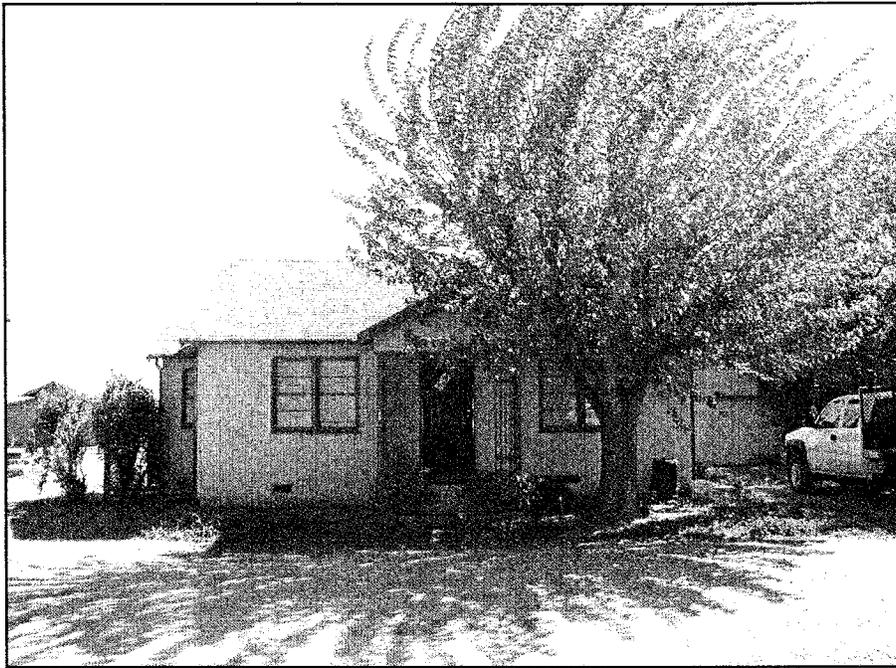


Photo 3: Historic residence at 6250 Sellers Avenue. View east.



Photo 4: Residence at 6300 Sellers Avenue. View northwest.

**Photos 3 and 4**

**Westerly Annexation, City of Oakley  
Contra Costa County, California**

**William Self Associates, Inc.**

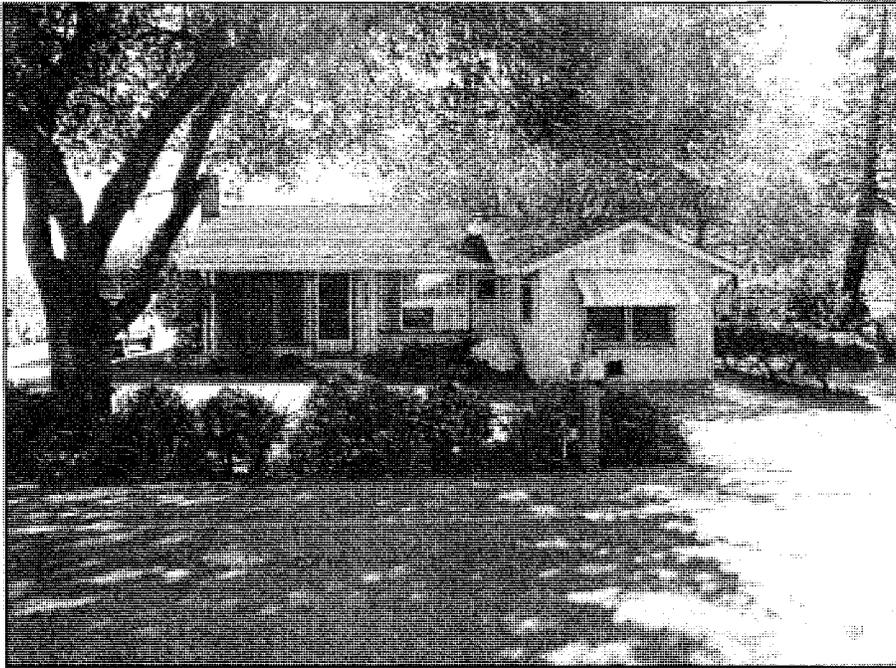


Photo 5- Residence at 6390 Sellers Avenue, view east.



Photo 6- Barn at 6390 Sellers Avenue, view south.

**Photos 5 and 6**

**Westerly Annexation, City of Oakley  
Contra Costa County, California**

**William Self Associates, Inc.**

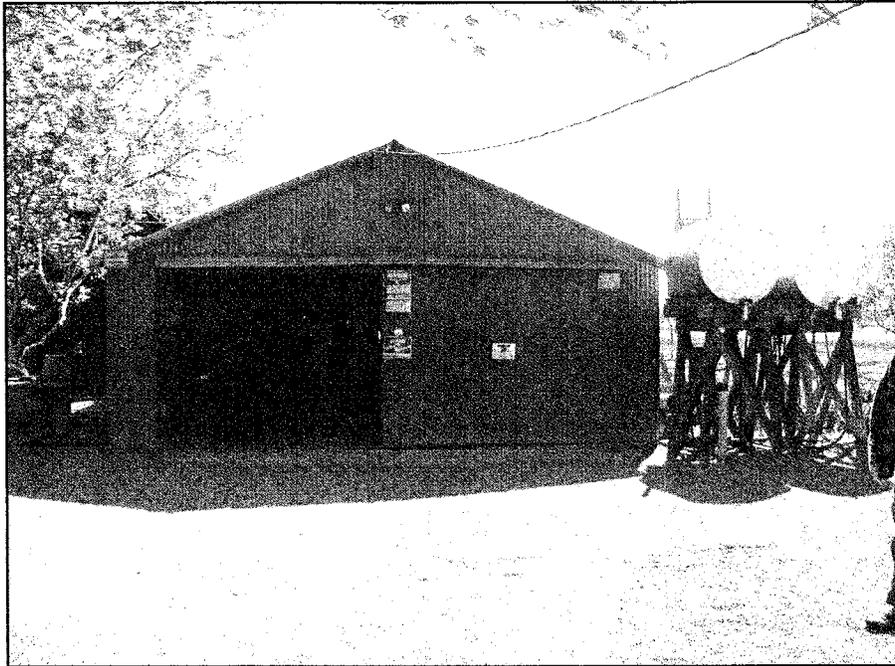


Photo 7- Garage at 6390 Sellers Avenue, view east.

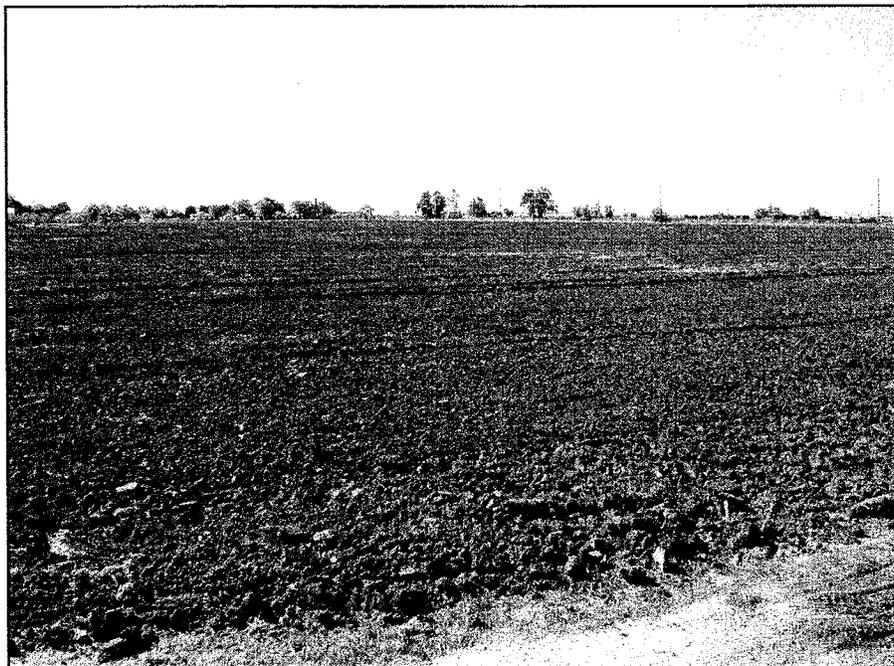


Photo 8- Open field at 6390 Sellers Avenue. View northwest towards the intersection of Sellers Avenue and Cypress Road from the east boundary of the Baldacci property.

**Photos 7 and 8**

**Westerly Annexation, City of Oakley  
Contra Costa County, California**

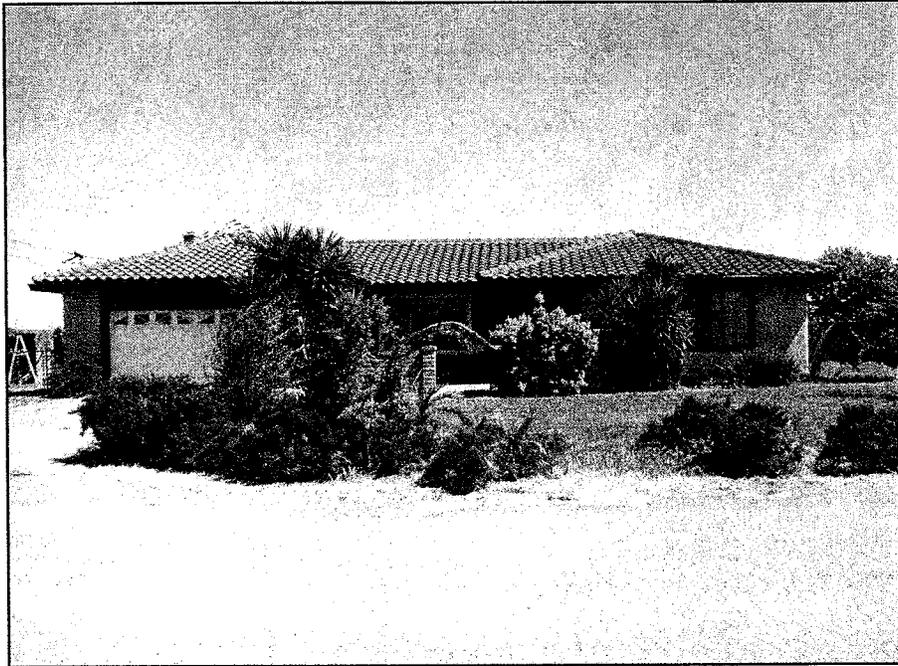


Photo 9- Residence at 4460 Franklin Road, view east.

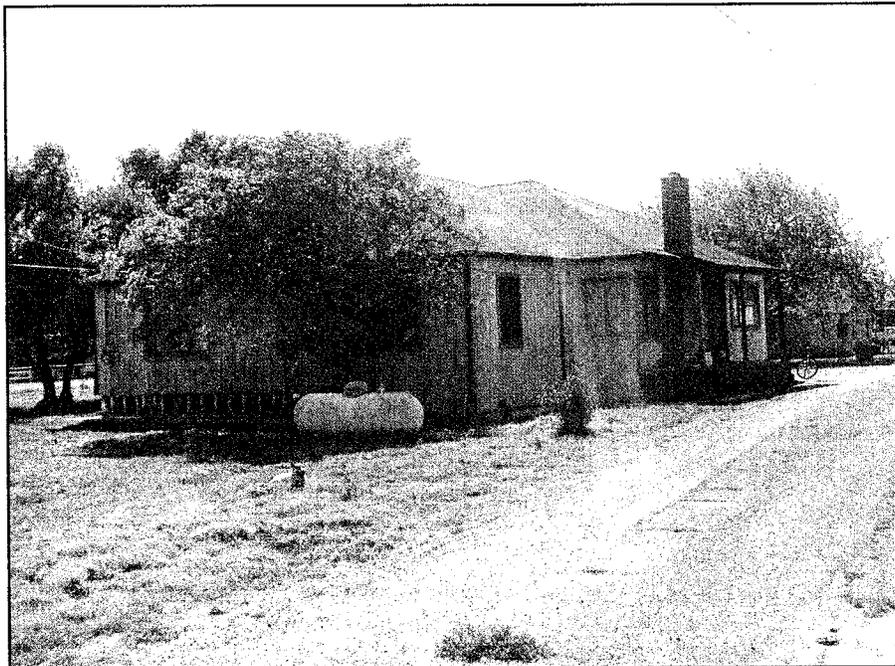


Photo 10- Historic house at 4277 Knightsen Avenue (Pagano Property), view southwest from outside of the gated driveway.

**Photos 9 and 10**

**Westerly Annexation, City of Oakley  
Contra Costa County, California**

**William Self Associates, Inc.**

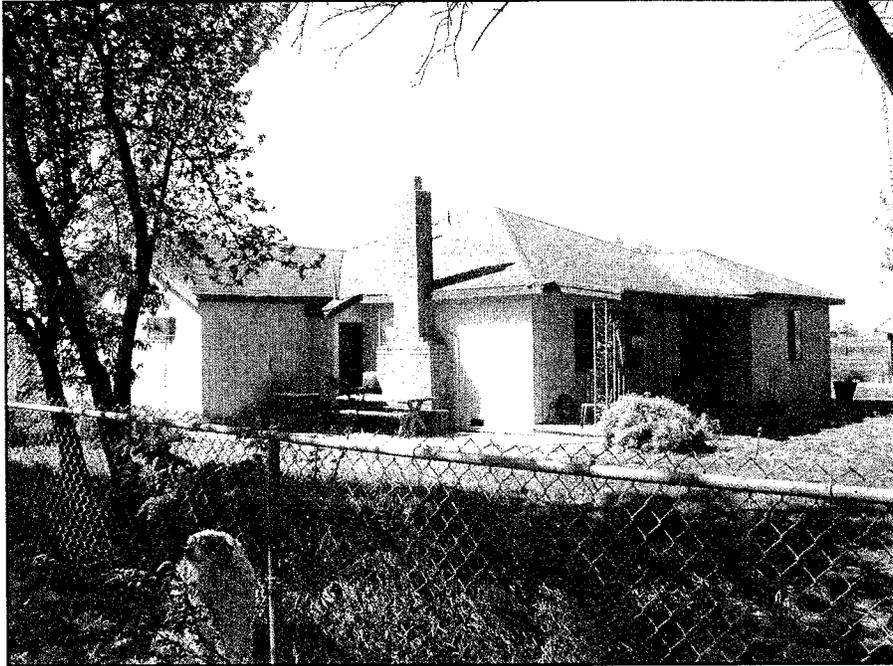


Photo 11- Southeast elevation of the rental house on the Pagano Property at 4287 Knightsen Avenue.

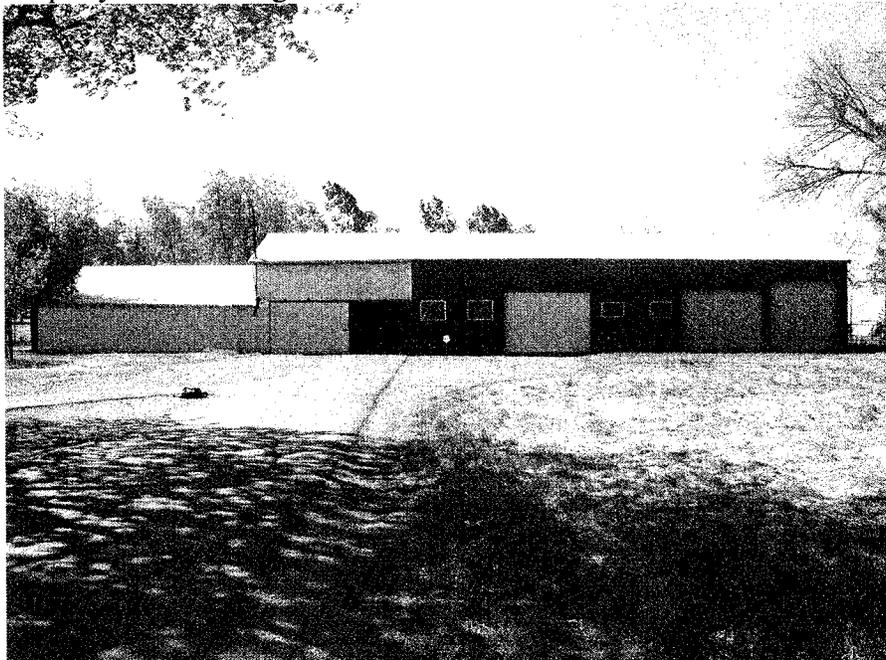


Photo 12- East elevation of the Jesse Property historic barn at 4201 Knightsen Avenue.

**Photos 11 and 12**

**Westerly Annexation, City of Oakley  
Contra Costa County, California**

**APPENDIX C**

**Native American Heritage Commission Letter**



WSA

www.williamself.com

Consultants in Archaeology and Historic Preservation

Native American Heritage Commission  
915 Capitol Mall, Room 364  
Sacramento, CA 95814

March 31, 2004

RE: *CULTURAL RESOURCES INVENTORY OF PROPOSED DEVELOPMENT*

Dear Native American Heritage Commission:

William Self Associates has recently been contracted to conduct a record search and intensive archaeological survey of the City of Oakley's proposed Westerly Annexation within Contra Costa County (see attached map). This project is located in Township 2 North, Range 3 East, in Section 29 of the Brentwood USGS Quadrangle Map.

We bring this project to the attention of the Native American Heritage Commission with the desire to obtain pertinent information regarding prehistoric, historic and/or ethnographic land use and sites of Native American traditional or cultural value that might be known to exist within the project vicinity, as depicted in the Sacred Lands database or other files under your jurisdiction. We would also appreciate obtaining a list of interested Native American tribal entities or individuals for the project area. We have made contact with the California Historical Resources Information System at Sonoma State University to review their files as part of the background research on the project.

We would appreciate a response, at your earliest convenience (by fax if possible), should you have information relative to this request. Should you have any questions, I can be reached at (925) 253-9070.

Thanks again for your assistance.

Sincerely,

Kyle S. Brown  
Senior Archaeologist

**WILLIAM SELF ASSOCIATES, Inc.**

Attachment

**PAID** By: *KB*  
Date: *3/31/04*

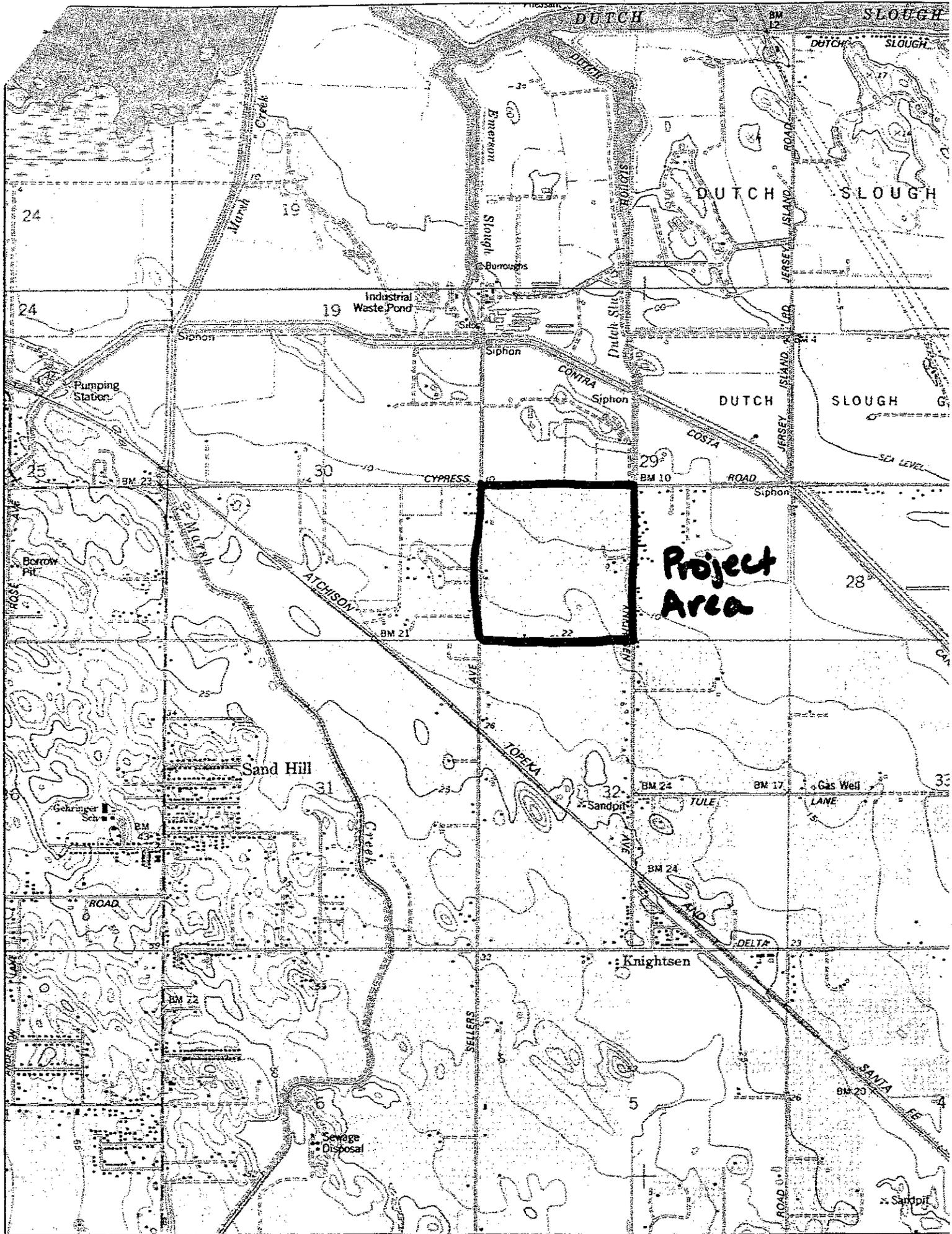
Northwestern California  
PO Box 816  
Lakeport CA 94543  
707-251-8310  
925-254-3553 fax

**William Self Associates, Inc.**

E-mail: [wself@williamself.com](mailto:wself@williamself.com)

CORPORATE OFFICE: San Francisco Bay Area  
PO Box 2192, 61d Avenida de Orinda, Orinda CA 94563  
Phone: 925-253-9070/ 925-254-3553 fax

Southern California  
344 F Street, Suite 100  
Chula Vista CA 91910  
619-422-6000  
619-425-1357 fax



STATE OF CALIFORNIAArnold Schwarzenegger, GOVERNOR**NATIVE AMERICAN HERITAGE COMMISSION**

915 CAPITOL MALL, ROOM 364  
SACRAMENTO, CA 95814  
(916) 663-4082  
Fax (916) 657-5390  
Web Site [www.nahc.ca.gov](http://www.nahc.ca.gov)



April 2, 2004

Kyle Brown  
WSA Inc  
PO Box 2192, 61d Avienda de Orinda  
Orinda, CA 94563

Sent by Fax: 925-254-3553  
Number of Pages: 2

RE: Proposed Westerly Annexation, Contra Costa County.

Dear Mr. Brown:

A record search of the sacred land file has failed to indicate the presence of Native American cultural resources in the immediate project area. The absence of specific site information in the sacred lands file does not indicate the absence of cultural resources in any project area. Other sources of cultural resources should also be contacted for information regarding known and recorded sites.

Enclosed is a list of Native Americans individuals/organizations who may have knowledge of cultural resources in the project area. The Commission makes no recommendation or preference of a single individual, or group over another. This list should provide a starting place in locating areas of potential adverse impact within the proposed project area. I suggest you contact all of those indicated, if they cannot supply information, they might recommend others with specific knowledge. If a response has not been received within two weeks of notification, the Commission requests that you follow-up with a telephone call to ensure that the project information has been received.

If you receive notification of change of addresses and phone numbers from any these individuals or groups, please notify me. With your assistance we are able to assure that our lists contain current information. If you have any questions or need additional information, please contact me at (916) 653-4038.

Sincerely,

Handwritten signature of Debbie Pilas-Treadway in black ink.

Debbie Pilas-Treadway  
Environmental Specialist III

**NATIVE AMERICAN CONTACTS**  
**Contra Costa County**  
**April 2, 2004**

Katherine Erolinda Perez  
1234 Luna Lane  
Stockton , CA 95206  
(209) 462-2680

Ohlone/Costanoan  
Northern Valley Yokut  
Bay Miwok

Trina Marine Ruano Family  
Ramona Garibay, Representative  
36423 Peugeot Place  
Newark , CA 94560  
(510) 794-5462  
(510) 673-5029 - Cell

Ohlone/Costanoan  
Bay Miwok  
Plains Miwok  
Patwin

The Ohlone Indian Tribe  
Andrew Galvan  
PO Box 3152  
Mission San Jose , CA 94539  
chochenyo@AOL.com  
(510) 656-0787 - Voice  
(510) 882-0527 - Cell  
(510) 656-0780 - Fax

Ohlone/Costanoan  
Bay Miwok  
Plains Miwok  
Patwin

This list is current only as of the date of this document.

Distribution of this list does not relieve any person of statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.96 of the Public Resources Code.

This list is only applicable for contacting local Native Americans with regard to cultural resource assessment for the proposed Westley Amendment, Contra Costa County.

## **APPENDIX D**

### **Record Search Results**

A  
HISTORICAL  
RESOURCES  
INFORMATION  
SYSTEM



ALAMEDA  
COLUSA  
CONTRA COSTA  
LAKE

MARIN  
MENDOCINO  
MONTEREY  
NAPA  
SAN BENITO  
SAN FRANCISCO

SAN MATEO  
SANTA CLARA  
SANTA CRUZ  
SOLANO  
SONOMA  
YOLO

**Northwest Information Center**  
Sonoma State University  
1303 Maurice Avenue  
Rohnert Park, California 94928-3609  
Tel: 707.664.0880 • Fax: 707.664.0890  
E-mail: nwic@sonoma.edu

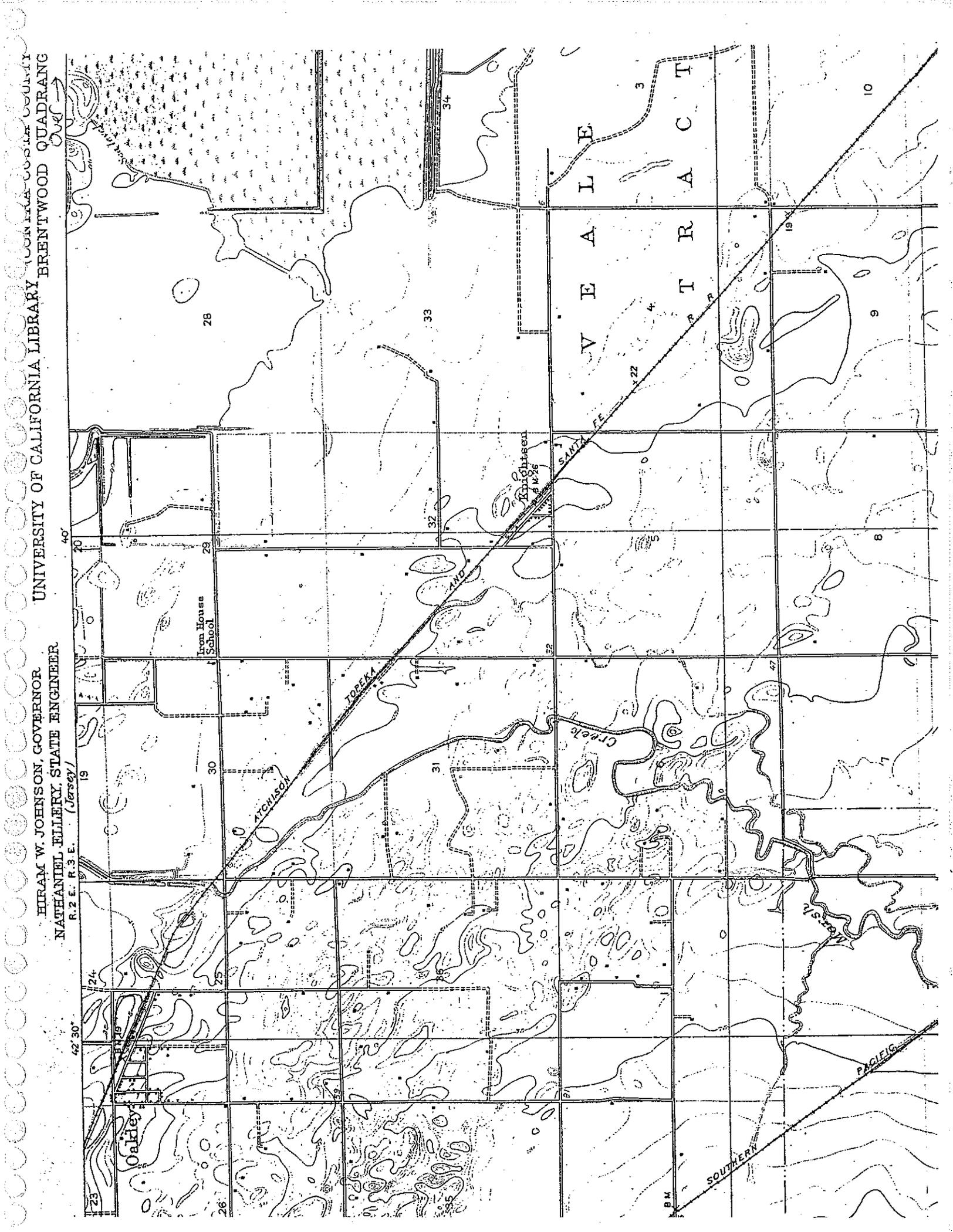
03-642

Comments: P-07-776; S-10508, 12300, 23674, 8724, 18352,  
18440, 7666, 7639, 11148, 16392, & 20808 are  
within the circle shown on your map.

Copied the above referenced site record, per-  
tinent historic inventory listings, and historic  
maps of the area.  
Bibliographic references for the reports are  
highlighted on the enclosed printouts.  
Site and study locations are plotted on your map.







HIRAM W. JOHNSON, GOVERNOR  
NATHANIEL MILLER, STATE ENGINEER  
R. 2 E. R. 3 E. (Jersey)

UNIVERSITY OF CALIFORNIA LIBRARY  
COUNTY OF COLE COUNTY  
BRENTWOOD QUADRANG

BRENTWOOD QUADRANG

40'

42' 30"

Oakley

Iron House School

Benches  
M. 26

B.M.

SOUTHERN

PACIFIC

Creole Creek

TOPEKA

ATCHISON

SANTA FE

**APPENDIX E**

**State of California DPR Forms**

State of California — The Resources Agency  
DEPARTMENT OF PARKS AND RECREATION  
**PRIMARY RECORD**

Primary # \_\_\_\_\_  
HRI # \_\_\_\_\_  
Trinomial \_\_\_\_\_  
NRHP Status Code \_\_\_\_\_

Other Listings  
Review code \_\_\_\_\_ Reviewer \_\_\_\_\_ Date \_\_\_\_\_

Page 1 of 3

\*Resource Name or #: (Assigned by recorder): 6200 Sellers Avenue

P1. Other Identifier:

\*P2. Location:  Not for Publication  Unrestricted  
and (P2b and P2c or P2d. Attach a Location Map as necessary.)

\*a. County: Contra Costa

\*b. **USGS 7.5' Quad Brentwood Date** 1978T 2N; R 3E ; SW ¼ of Sec 29; MD B.M.

c. Address 6200 Sellers Avenue City Oakley Zip 94561

d. UTM: (Give more than one for large and/or linear resources) Zone 10, 0616264 mE/ 4204920 mN

e. Other Locational Data (e.g., parcel #, legal description, directions to resource, elevation, etc., as appropriate): Property is located approximately 2000 feet south of the intersection of Sellers Avenue and Cypress Road; APN 032-010-007-6

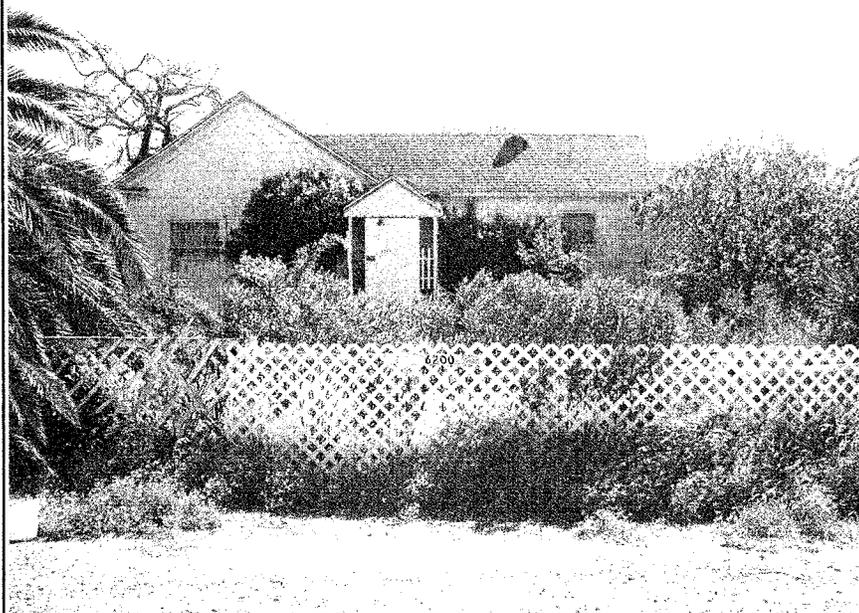
\*P3a. Description: (Describe resource and its major elements. Include design, materials, condition, alterations, size, setting, and boundaries):

This wood frame residential structure sits on the west side of the property adjacent to Sellers Avenue (Photo 1). The rectangular plan, single family residence, built in 1938, measures approximately 50 feet (N-S) by 25 feet (E-W). It has ship-lap siding. The roof has a single gable and is covered with asphalt composition shingles. The entryway is composed of a single door with a small protective roof and an exterior wire-mesh security door. Windows are wood frame with single pane double hung panels. A newer concrete foundation has been added to the house since its construction. The residence is enclosed with a patch-work fence lined with wisteria, lilac bushes, and palm trees. Overall, the condition of the structure is poor. See Continuation Sheet for more information.

\*P3b. Resource Attributes: (List attributes and codes) HP2. Single family property; HP4. Ancillary Building

\*P4. Resources Present:  Building  Structure  Object  Site  District  Element of District  Other (Isolates, etc).

P5. Photo or Drawing (Photo required for buildings, structures, and objects.)



\*P5b. Description of Photo (view, date, accession #)  
Photo 1-View of west elevation, facing east from Sellers Avenue.

\*P6. Date Constructed/Age and Sources:  Historic  
 Prehistoric  Both Contra Costa Assessor estimates construction date of 1938 for the house.

\*P7. Owner and Address: Faye Lesch, 6200 Sellers Avenue

\*P8. Recorded by (Name, affiliation, and address):  
Kyle Brown and Jenni Price of William Self Associates, Inc.

\*P9. Date Recorded: April 1, 2004

\*P10. Survey Type: (Describe) Intensive Pedestrian at 10-15m intervals

\*P11. Report Citation (Cite survey report and other sources, or enter "none."): WSA 2004, Cultural Resource Assessment Report, Westerly Annexation Area, City of Oakley, Contra Costa County, California

\*Attachments:  NONE  Location Map  Sketch Map  Continuation Sheet  Building, Structure, and Object Record  
 Archaeological Record  District Record  Linear Resource Record  Milling Station Record  Rock Art Record  Artifact Record  
 Photograph Record  Other (List):

Page 2 of 3

\*Resource Name or # (Assigned by Recorder): 6200 Sellers Avenue

\*Recorded by: Kyle Brown, and Jenni Price Date: 4/1/2004

Continuation  Update

\*P3a. Description: (Continued): The remnants of a barn and several cinder-block shed and outbuildings are located directly east of the house. The property owner indicated that these utility buildings once housed walnut processing equipment. The buildings are currently filled with older and more recent trash. A small barn is located east of the cinder-block structures (Photo 2). The barn measures 20 feet (N-S) by 30 feet (E-W) and is approximately 20 feet high at the peak of its single center-gabled roof (Photo 3). The barn is wood framed and is sided with vertical, rough-cut, redwood siding which was fastened with wire-cut nails. The floor of the barn consists of 2 x 12 inch redwood planks, many of which are rotten or missing. There is a wood-frame shed on the north side of the barn which measures approximately 15 feet (N-S) by 20 feet (E-W). The barn and other outbuildings are surrounded by historic and modern trash including numerous old appliances, tires, yard equipment, rotten wood, sheet metal, and garbage. The property has been evaluated for the National Register as part of a HUD financial grant study and was found not to be eligible (6Y2 status).



Photo 2- West elevation of the barn at 6200 Sellers Avenue, view southeast.

State of California — The Resources Agency  
DEPARTMENT OF PARKS AND RECREATION  
**LOCATION MAP**

Primary# \_\_\_\_\_  
HRI# \_\_\_\_\_  
Trinomial \_\_\_\_\_

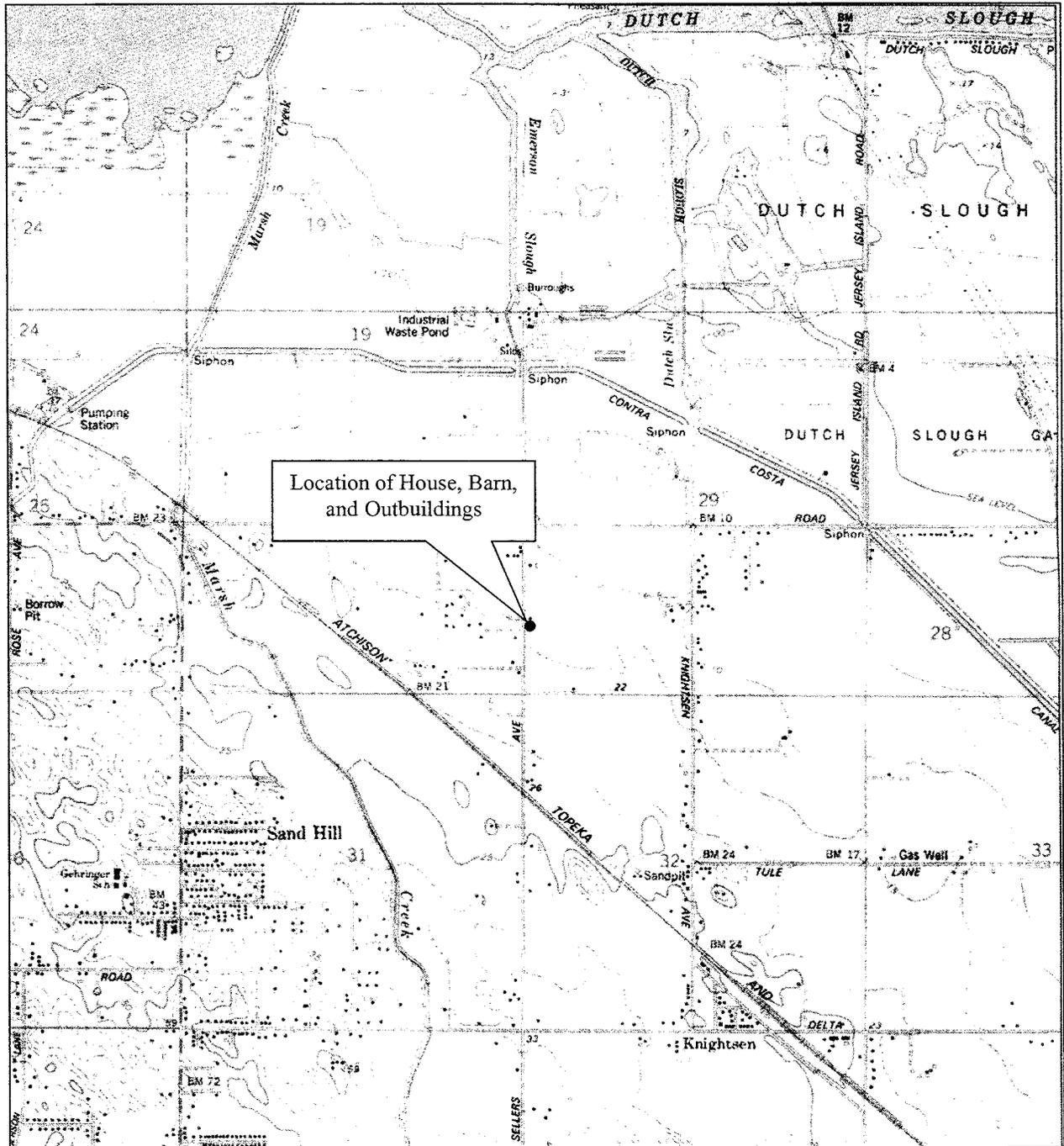
Page 3 of 3

\*Resource Name or # (Assigned by recorder) 6200 Sellers Avenue

\*Map Name: Brentwood, Calif. USGS Quad Map

\*Scale: 1 inch equals 2000 feet

\*Date of Map: 1978



State of California — The Resources Agency  
DEPARTMENT OF PARKS AND RECREATION  
**PRIMARY RECORD**

Primary # \_\_\_\_\_  
HRI # \_\_\_\_\_  
Trinomial \_\_\_\_\_  
NRHP Status Code \_\_\_\_\_

Other Listings  
Review code \_\_\_\_\_ Reviewer \_\_\_\_\_ Date \_\_\_\_\_

Page 1 of 3

\*Resource Name or #: (Assigned by recorder): 6390 Sellers Avenue

P1. Other Identifier:

\*P2. Location:  Not for Publication  Unrestricted

\*a. County: Contra Costa

and (P2b and P2c or P2d. Attach a Location Map as necessary.)

\*b. **USGS 7.5' Quad** Brentwood **Date** 1978 **T** 2N; **R** 3E; **SW** ¼ of Sec 29; **MD** B.M.

c. Address 6390 Sellers Avenue City Oakley Zip 94561

d. UTM: (Give more than one for large and/or linear resources) Zone 10, 0616260 mE/ 4205214 mN

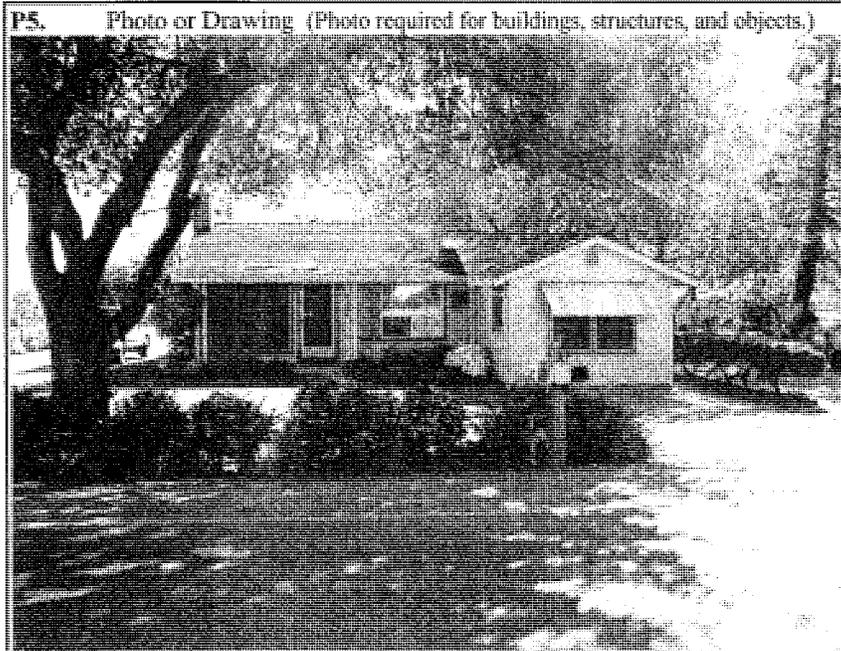
e. Other Locational Data (e.g., parcel #, legal description, directions to resource, elevation, etc., as appropriate): Property is located just south of the intersection of Sellers Avenue and Cypress Road, on the east side of Sellers Avenue. APN 032-010-002-7

\*P3a. Description: (Describe resource and its major elements. Include design, materials, condition, alterations, size, setting, and boundaries):

This resource consists of a house and associated outbuildings. According to the Baldocchi's, the current owners, the house on the property was built in 1953. They moved into the house a year later. This single family wood frame house, measuring 50 feet (E-W) by 40 feet (N-S), is a single story structure with a cross gabled roof with asphalt shingles (Photo 1). The house is sided with horizontal tongue-and-groove boards. The garage on the southwest corner of the house has been converted into living space. The house has both a front and rear entrance and the majority of the windows are either vinyl or aluminum framed. A brick chimney is centered on the north elevation of the house. Three outbuildings are associated with the main house. The first of the three outbuildings is a well pump shed located directly south east of the house adjacent to a cement patio that serves as the east entrance to the home. This small shed measures approximately 6 feet by 6 feet in plan, has a single center gabled roof, and tongue-and-groove siding that matches the house. See Continuation Sheet.

\*P3b. Resource Attributes: (List attributes and codes) HP2. Single family property

\*P4. Resources Present:  Building  Structure  Object  Site  District  Element of District  Other (Isolates, etc).



\*P5b. Description of Photo (view, date, accession #)  
Photo 1-West elevation of house at 6390 Sellers Avenue

\*P6. Date Constructed/Age and Sources:  Historic  
 Prehistoric  Both: 1953

\*P7. Owner and Address: Evo and Helen Baldacci.

\*P8. Recorded by (Name, affiliation, and address): Kyle Brown and Jenni Price of William Self Associates, Inc.

\*P9. Date Recorded: April 1, 2004

\*P10. Survey Type: (Describe) Intensive Pedestrian at 10-15m intervals

\*P11. Report Citation (Cite survey report and other sources, or enter "none."): WSA 2004, Cultural Resource Assessment Report, Westerly Annexation Area, City of Oakley, Contra Costa County, California

\*Attachments:  NONE  Location Map  Sketch Map  Continuation Sheet  Building, Structure, and Object Record  
 Archaeological Record  District Record  Linear Resource Record  Milling Station Record  Rock Art Record  
 Artifact Record  Photograph Record  Other (List):

Page 2 of 3

\*Resource Name or # (Assigned by Recorder): 6390 Sellers Avenue

\*Recorded by: Kyle Brown, and Jenni Price Date: 4/1/2004

Continuation  Update

\*P3a. Description: (Continued): The second outbuilding is a large barn that measures approximately 50 feet (N-S) by 45 feet (E-W) by 25 feet tall at the top of the center gabled roof (Photo 2). The barn has a slab foundation, wooden frame, and is covered with corrugated metal siding and roofing. The barn still contains equipment for processing walnuts, along with a boat and an RV. The final outbuilding is a long garage and workshop that's attached perpendicular to the south side of the barn. The garage measures 20 feet (N-S) by 70 feet (E-W) and is approximately 12 feet high. It is of similar design and construction as the barn (Photo 3). Mr. Baldacci indicated that he had built the barn and workshop in the mid-1960's. According to Mr. Baldacci, the majority of the property at 6390 Sellers Avenue was planted in walnuts until the trees succumbed to Blackline disease within the last 20 years. This former orchard is now an open field that was recently disked.

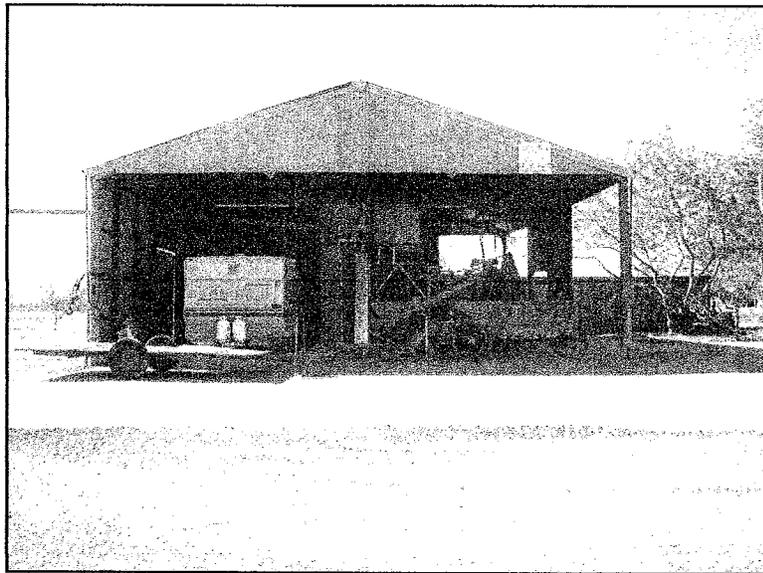


Photo 2- Barn at 6390 Sellers Avenue, view south.

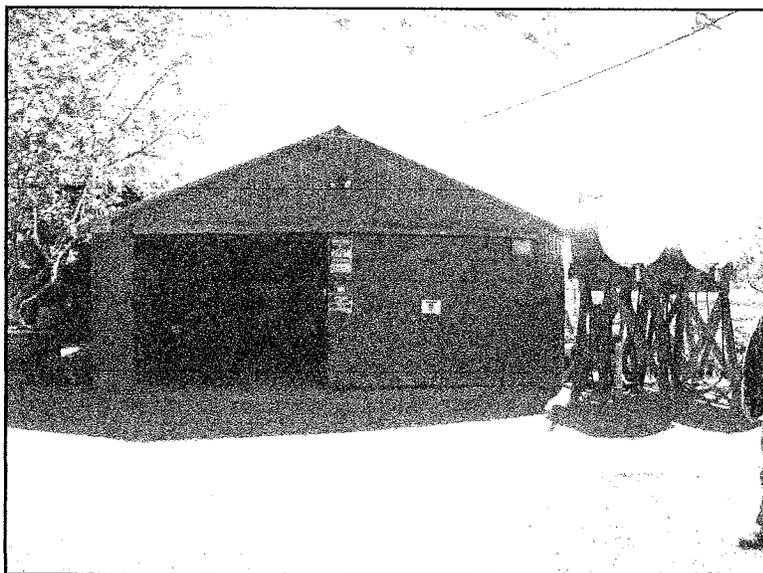
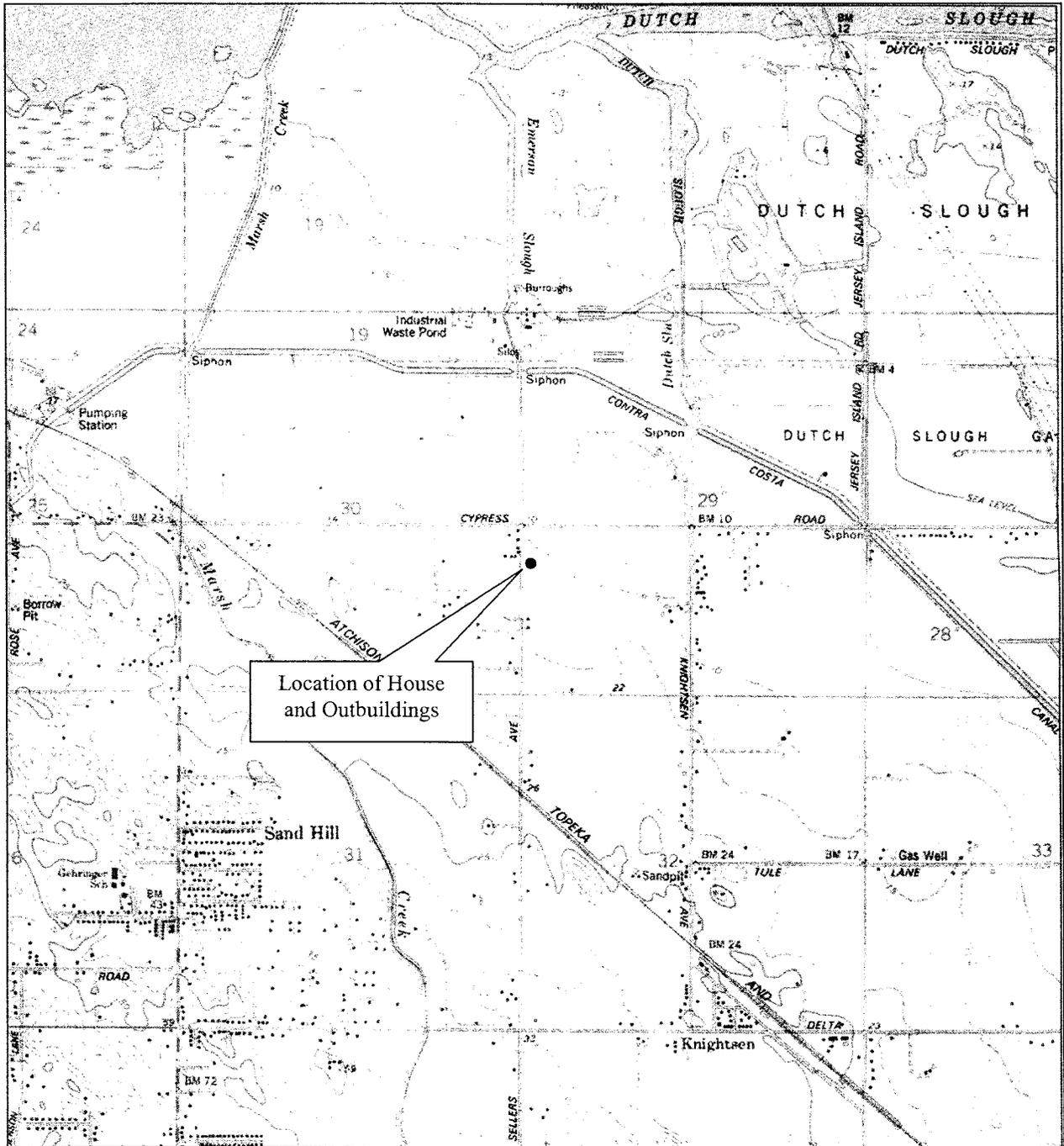
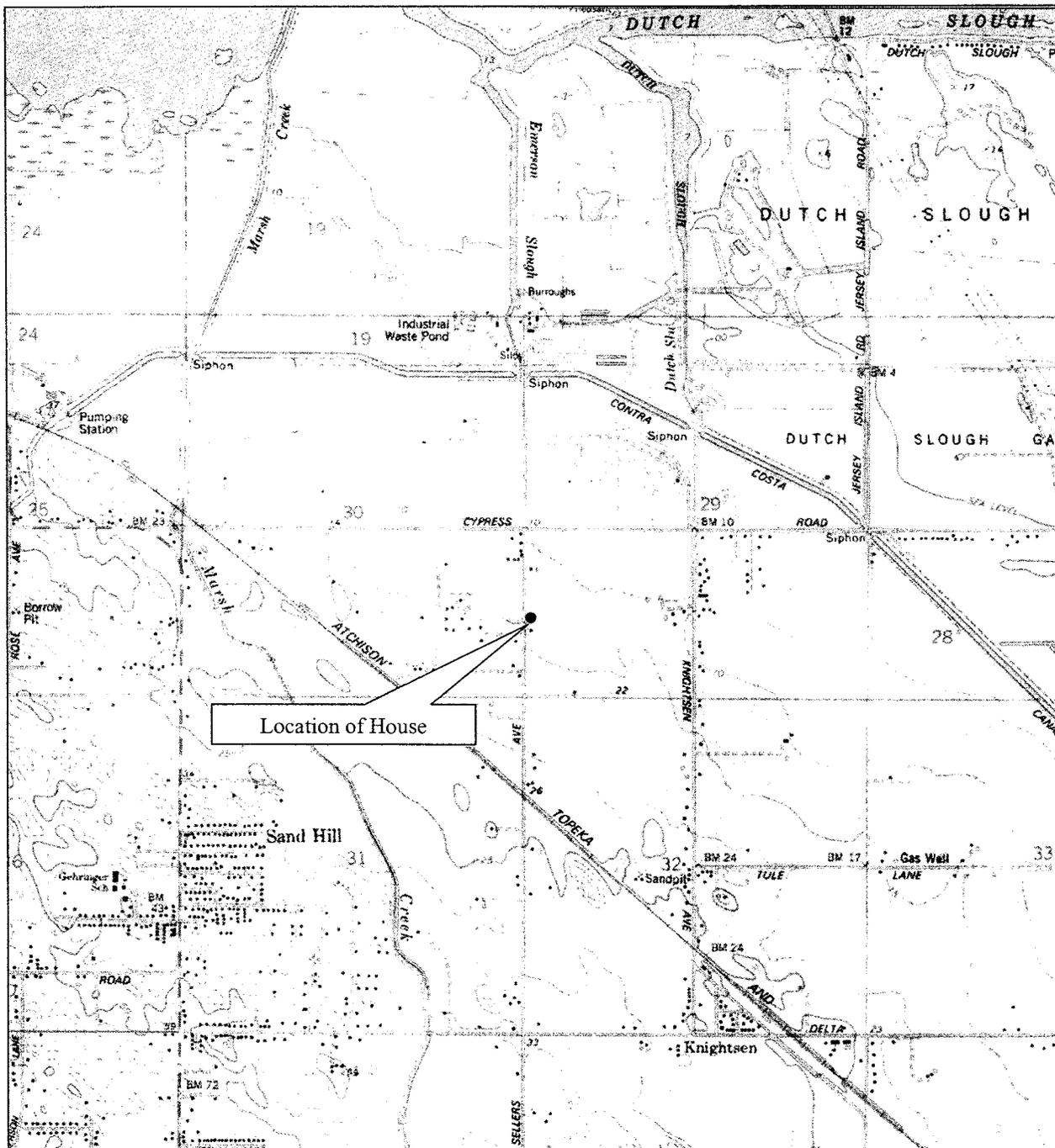


Photo 3- Garage at 6390 Sellers Avenue, view east.





State of California — The Resources Agency  
DEPARTMENT OF PARKS AND RECREATION  
**PRIMARY RECORD**

Primary # \_\_\_\_\_  
HRI # \_\_\_\_\_  
Trinomial \_\_\_\_\_  
NRHP Status Code \_\_\_\_\_

Other Listings  
Review code \_\_\_\_\_ Reviewer \_\_\_\_\_ Date \_\_\_\_\_

Page 1 of 2

\*Resource Name or #: (Assigned by recorder): 6250 Sellers Avenue

P1. Other Identifier:

\*P2. Location:  Not for Publication  Unrestricted

\*a. County: Contra Costa

and (P2b and P2c or P2d. Attach a Location Map as necessary.)

\*b. **USGS 7.5' Quad Brentwood Date 1978 T 2N, R 3E; SW 1/4 of Sec 29; MD B.M.**

c. Address 6250 Sellers Avenue City Oakley Zip 94561

d. UTM: (Give more than one for large and/or linear resources) Zone 10, 0616264 mE/ 4204920 mN

e. Other Locational Data (e.g., parcel #, legal description, directions to resource, elevation, etc., as appropriate): Property is located approximately 1800 feet south of the intersection of Sellers Avenue and Cypress Road. APN 032-020-006-6.

\*P3a. Description: (Describe resource and its major elements. Include design, materials, condition, alterations, size, setting, and boundaries):

This resource is a stucco and wood, single story structure that measures approximately 30 feet (N-S) by 30 feet (E-W). It has a single gabled roof with asphalt shingles. A recessed porch is located centrally on the façade and serves as the main entrance. The façade windows are wooden framed with double hung-panels. Vinyl double hung windows have replaced the wooden windows on the other elevations. Off of the east side of the structure is a detached garage measuring 20 feet (E-W) by 10 feet (N-S) with a sliding wood door and a driveway leading west to Sellers Avenue. A metal-clad structure of similar size is located just east of the garage and may function as a workshop. An additional entryway and porch are located on the east side of the house. The house is bordered by lawn, oleander and fruit trees. The Contra Costa County Assessor's Office estimates that the house was built in 1942. Recently constructed horse stables, and cattle and horse corrals are located to the north and east of the house.

\*P3b. Resource Attributes: (List attributes and codes) HP2. Single family property

\*P4. Resources Present:  Building  Structure  Object  Site  District  Element of District  Other (Isolates, etc).

P5. Photo or Drawing (Photo required for buildings, structures, and objects.)



\*P5b. Description of Photo (view, date, accession #)  
Façade of house, view

\*P6. Date Constructed/Age and Sources:  Historic  
 Prehistoric  Both Contra Costa Assessor estimates construction date of 1942.

\*P7. Owner and Address: Grady Mykrantz

\*P8. Recorded by (Name, affiliation, and address):  
Kyle Brown and Jenni Price of William Self Associates, Inc.

\*P9. Date Recorded: April 1, 2004

\*P10. Survey Type: (Describe) Intensive Pedestrian at 10-15m intervals

\*P11. Report Citation (Cite survey report and other sources, or enter "none."): WSA 2004, Cultural Resource Assessment Report, Westerly Annexation Area, City of Oakley, Contra Costa County, California

\*Attachments:  NONE  Location Map  Sketch Map  Continuation Sheet  Building, Structure, and Object Record  
 Archaeological Record  District Record  Linear Resource Record  Milling Station Record  Rock Art Record  
 Artifact Record  Photograph Record  Other (List):

State of California — The Resources Agency  
DEPARTMENT OF PARKS AND RECREATION  
**PRIMARY RECORD**

Primary # \_\_\_\_\_  
HRI # \_\_\_\_\_  
Trinomial \_\_\_\_\_  
NRHP Status Code \_\_\_\_\_

Other Listings  
Review code \_\_\_\_\_ Reviewer \_\_\_\_\_ Date \_\_\_\_\_

Page 1 of 2

\*Resource Name or #: (Assigned by recorder): 4277 Knightsen Avenue

P1. Other Identifier:

\*P2. Location:  Not for Publication  Unrestricted  
and (P2b and P2c or P2d. Attach a Location Map as necessary.)

\* a. County: Contra Costa

\*b. **USGS 7.5' Quad Brentwood Date 1978 T 2N; R 3E; SW ¼ of Sec 29; MD B.M.**

c. Address 4277 Knightsen Avenue City Oakley Zip 94561

d. UTM: (Give more than one for large and/or linear resources) Zone 10, 0616900 mE/ 4204994 mN

e. Other Locational Data (e.g., parcel #, legal description, directions to resource, elevation, etc., as appropriate): Property is located approximately 1500 feet south of the intersection of Knightsen Avenue and Cypress Road. APN 032-020-014

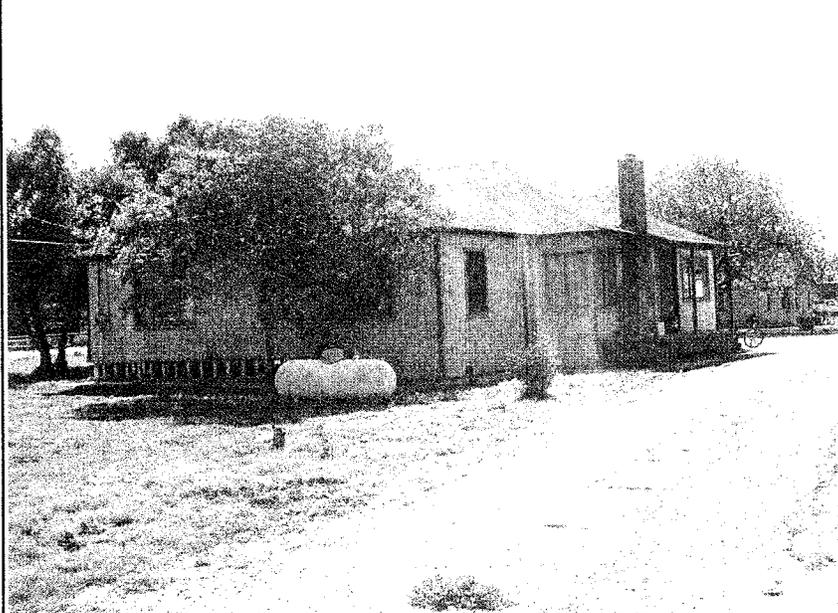
\*P3a. Description: (Describe resource and its major elements. Include design, materials, condition, alterations, size, setting, and boundaries):

Two residential structures are located on the southern end of parcel number 032-020-014. The larger of the two houses is located closest to Knightsen Avenue near the southeast corner of the property. Information from the Contra Costa County Assessor's Office indicated that this house (the oldest of the two) was constructed prior to 1950. The rectangular plan home has a wood frame with plywood siding. The roof is hipped and is covered with asphalt composition shingles. The house is estimated to measure approximately 75 feet (E-W) by 45 feet (N-S). The original windows have been replaced with vinyl framed sliding windows. The north elevation façade has a protruding porch and covered roof with a single door entryway. There is a brick chimney adjacent to the door. The owner is currently constructing a perimeter foundation for the house. The house is surrounded by lawn and several fruit trees.

\*P3b. Resource Attributes: (List attributes and codes) HP2. Single family property

\*P4. Resources Present:  Building  Structure  Object  Site  District  Element of District  Other (Isolates, etc).

P5. Photo or Drawing (Photo required for buildings, structures, and objects.)



\*P5b. Description of Photo (view, date, accession #)  
View of 4277 Knightsen Avenue facing southwest.

\*P6. Date Constructed/Age and Sources:  Historic  
 Prehistoric  Both: Contra Costa Assessor estimates construction date prior to 1950.

\*P7. Owner and Address: Douglas Pagano

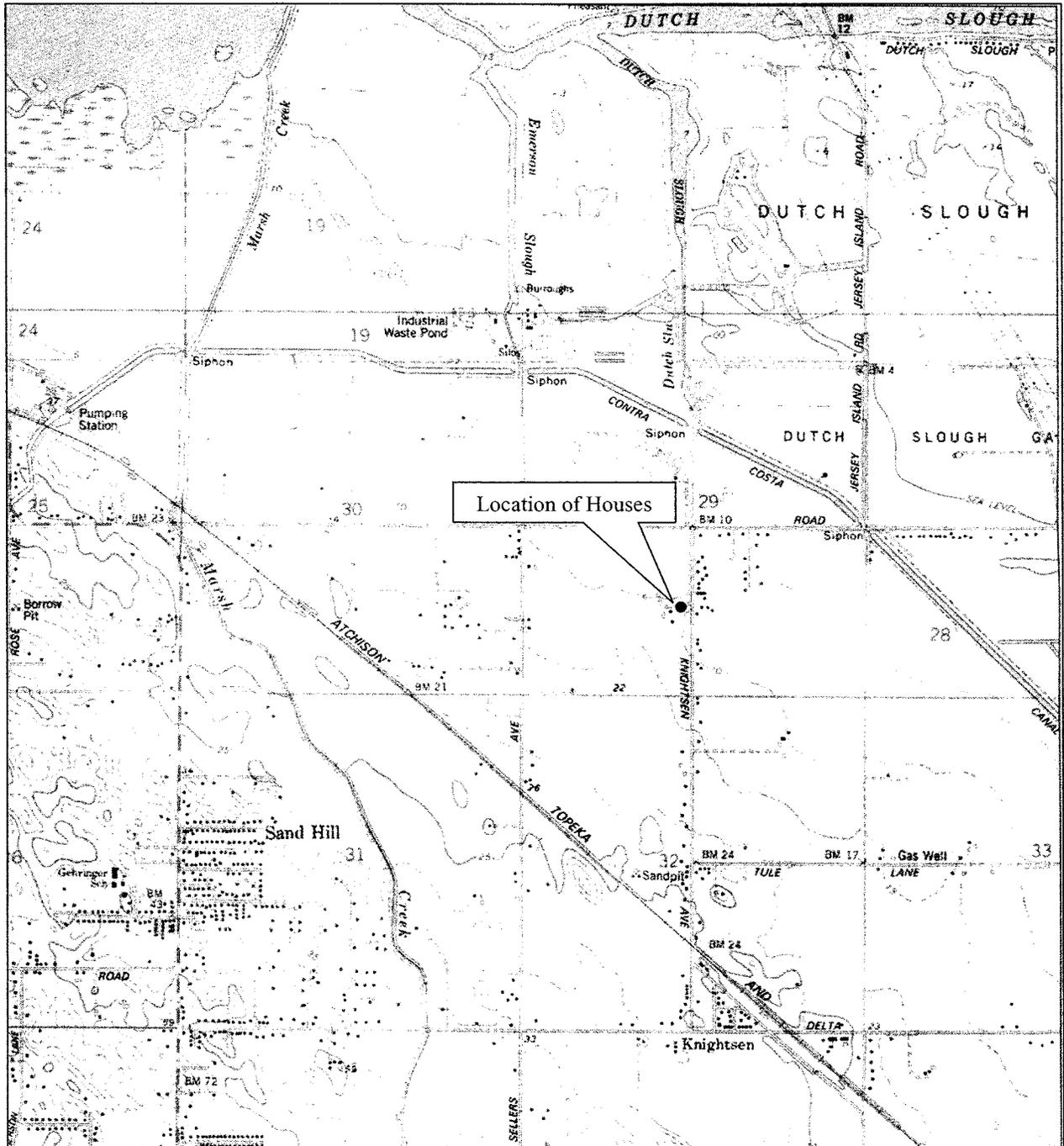
\*P8. Recorded by (Name, affiliation, and address): Kyle Brown and Jenni Price of William Self Associates, Inc.

\*P9. Date Recorded: April 1, 2004

\*P10. Survey Type: (Describe) Intensive Pedestrian at 10-15m intervals

\*P11. Report Citation (Cite survey report and other sources, or enter "none."): WSA 2004, Cultural Resource Assessment Report, Westerly Annexation Area, City of Oakley, Contra Costa County, California

\*Attachments:  NONE  Location Map  Sketch Map  Continuation Sheet  Building, Structure, and Object Record  
 Archaeological Record  District Record  Linear Resource Record  Milling Station Record  Rock Art Record  Artifact Record  
 Photograph Record  Other (List):



State of California — The Resources Agency  
DEPARTMENT OF PARKS AND RECREATION  
**PRIMARY RECORD**

Primary # \_\_\_\_\_  
HRI # \_\_\_\_\_  
Trinomial \_\_\_\_\_  
NRHP Status Code \_\_\_\_\_

Other Listings  
Review code \_\_\_\_\_ Reviewer \_\_\_\_\_ Date \_\_\_\_\_

Page 1 of 2

\*Resource Name or #: (Assigned by recorder): 4201 Knightsen Avenue

P1. Other Identifier:

\*P2. Location:  Not for Publication  Unrestricted  
and (P2b and P2c or P2d. Attach a Location Map as necessary.)

\*a. County: Contra Costa

\*b. USGS 7.5' Quad Brentwood Date 1978 T 2N; R 3E; SW 1/4 of Sec 29; MD B.M.

c. Address 4201 Knightsen Avenue City Oakley Zip 94561

d. UTM: (Give more than one for large and/or linear resources) Zone 10, 0616900 mE/ 4204994 mN

e. Other Locational Data (e.g., parcel #, legal description, directions to resource, elevation, etc., as appropriate):

APN 032-020-010. Property is located approximately 2000 feet south of the intersection of Knightsen Avenue and Cypress Road at the end of a long asphalt driveway.

\*P3a. Description: (Describe resource and its major elements. Include design, materials, condition, alterations, size, setting, and boundaries):

This historic barn measures approximately 100 feet (E-W) by 50 feet (N-S). It is a wood frame structure with a single gabled roof. An addition has been added to the south side. The barn has a concrete slab floor. Helen Jesse indicated that her husband, who worked for a steel company, added corrugated metal siding and roofing over the original wood siding of the barn. There are now four entrance bays on the east elevation of the barn, and two on the south elevation. All entrances have either sliding or rolling (garage) style doors. Aluminum windows have been added to the east elevation. The barn currently serves as a workshop, though Mrs. Jesse indicated that the barn originally housed a walnut processing facility. Mrs. Jesse also believes that the barn was originally associated with the historic house on the neighboring property directly to the north at 4277 Knightsen Avenue, prior to subdivision.

\*P3b. Resource Attributes: (List attributes and codes) HP4. Ancillary Building

\*P4. Resources Present:  Building  Structure  Object  Site  District  Element of District  Other (Isolates, etc).

P5. Photo or Drawing (Photo required for buildings, structures, and objects.)



\*P5b. Description of Photo (view, date, accession #) East elevation of the barn.

\*P6. Date Constructed/Age and Sources:  Historic  Prehistoric  Both: Owner believes barn is associated with pre-1950's home on property to the north.

\*P7. Owner and Address: Helen Jesse

\*P8. Recorded by (Name, affiliation, and address): Kyle Brown and Jenni Price of William Self Associates, Inc.

\*P9. Date Recorded: April 1, 2004

\*P10. Survey Type: (Describe) Intensive Pedestrian at 10-15m intervals

\*P11. Report Citation (Cite survey report and other sources, or enter "none."): WSA 2004, Cultural Resource Assessment Report, Westerly Annexation Area, City of Oakley, Contra Costa County, California

\*Attachments:  NONE  Location Map  Sketch Map  Continuation Sheet  Building, Structure, and Object Record  Archaeological Record  District Record  Linear Resource Record  Milling Station Record  Rock Art Record  Artifact Record  Photograph Record  Other (List):

