

# Appendix A

## Notice of Preparation and EIR Scoping Comments



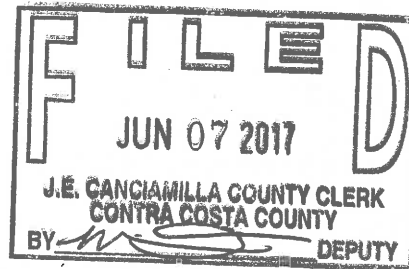


**Department of  
Conservation and  
Development**

30 Muir Road  
Martinez, CA 94553

Phone:1-855-323-2626

**Contra  
Costa  
County**



**John Kopchik**  
Director

**Aruna Bhat**  
Deputy Director

**Jason Crapo**  
Deputy Director

**Maureen Toms**  
Deputy Director

**Kara Douglas**  
Assistant Deputy Director

**Victoria Mejia**  
Business Operations Manager

June 7, 2017

**Notice of Preparation & Notice of Scoping Meeting for a Draft Environmental Impact Report (DEIR) on the proposed Bayview Residential Project in the Vine Hill/ Pacheco area**

To: Responsible and Trustee Agencies, and Otherwise Interested Agencies, Organizations and Individuals

The Contra Costa County Department of Conservation and Development, Community Development Division, is renewing an Environmental Impact Report for the Bayview Residential Project located in the unincorporated Vine Hill / Pacheco area of central Contra Costa County at 850 Central Avenue (See Vicinity Map attached).

We need to know the views of your agency as to the scope and content of the environmental information which are germane to your agency's concerns in connection with the proposed project.

Vine Hill Investment Inc. is requesting approval of a 144 single-family residential lot subdivision that includes a General Plan Amendment, Rezoning, Major Subdivision and Preliminary & Final Development Plan and Tree Removal.

**Brief History of Application**

The original project was for 163 single-family homes and associated internal roadways on a 78-acre project site. During the environmental review process, in conformance with the California Environmental Quality Act (CEQA), the project was revised to retain the existing top elevation of Vine Hill and alleviate potential water pressure issues of the originally proposed project by lowering the maximum residential pad elevation, thereby lower the number of proposed residential lots, from 163 lots to 144 lots. Because of the time that has elapsed since the previous EIR in 2010 and the revised scope of the project, the County is starting a new EIR process.

**Location of Project**

The vacant 78-acre project site is located in the unincorporated community of Vine Hill in Central Contra Costa County, Assessor's Parcel Number (APN) 380-030-046. The western half

of the property contains Vine Hill that has a maximum elevation of 283 feet, while the eastern half includes flat land and wetlands.

### **Proposed Project**

The proposed project would develop 144 single-family residential lots and associated internal roadways on a 30-acre portion of a 78-acre site, with a number of code protected trees removed. The remainder of site would consist of 11-acres of Park Land, and 37-acres of Open Space. The water would be provided by Contra Costa Water District and the sanitary service would be provided by the Mt. View Sanitary District. Access to the site would be gained by Central Avenue and Palm Drive. To implement the project the applicant is requesting approval of the following entitlements:

### **Project Entitlements**

- **General Plan Amendment:** A request to change the General Plan designation from Heavy Industrial (HI) to Single Family Medium (SM), Open Space (OS) and Parks and Recreation (PR).
- **General Plan Text Amendment:** A request to amend the text of the General Plan as it relates to the Vine Hill/ Pacheco Boulevard area.
- **Rezoning:** A request to change the zoning from Heavy Industrial (HI) to Planned Unit Development (P-1).
- **Subdivision:** A request for a vesting tentative map approval to subdivide 78-acres into 144 single-family lots, Open Space and Parks and Recreation.
- **Development Plan:** A request for a Preliminary and Final Development Plan to construct 144 single-family lots, with associated streets and landscaping. Also proposed are a Public Park and Retention Basin.
- **Tree Removal:** A request to remove of a number of code protected trees on the site.

### **Potential Environmental Impacts**

The proposed project may have significant impact on the following resources: Aesthetics, Air Quality, Biology, Geology and Soils, Hazards and Hazardous Materials, Hydrology and Water Quality, Land Use / Planning, Noise, Public Services, Transportation / Traffic, Utilities / Service Systems.

### **Public Comments**

All responsible and trustee agencies, and interested agencies, organizations, and individuals are invited to submit comments which address environmental concerns resulting from the proposed project. Responses to this Notice of Preparation must be received at the following address by **Monday, July 24, 2017.**

Department of Conservation and Development  
Community Development Division  
Attn: John Osborne  
30 Muir Road  
Martinez, CA 94553

Project name "Bayview Residential Project" should be included in all correspondence.

**Scoping Meeting**

A Scoping Meeting will be held on **Monday, July 17, 2017 at 3:30 p.m.** located at 30 Muir Road, Martinez. At this meeting, interested agencies, organizations, and individuals may submit oral and written comments pertaining to environmental concerns related to the proposed project.

Information regarding the project and supporting documents are available for review at the offices of Department of Conservation and Development, Community Development Division. If you wish to obtain a copy of documents related to this project please contact John Osborne at 925-674-7793 or [john.osborne@dcd.cccounty.us](mailto:john.osborne@dcd.cccounty.us).

Sincerely,

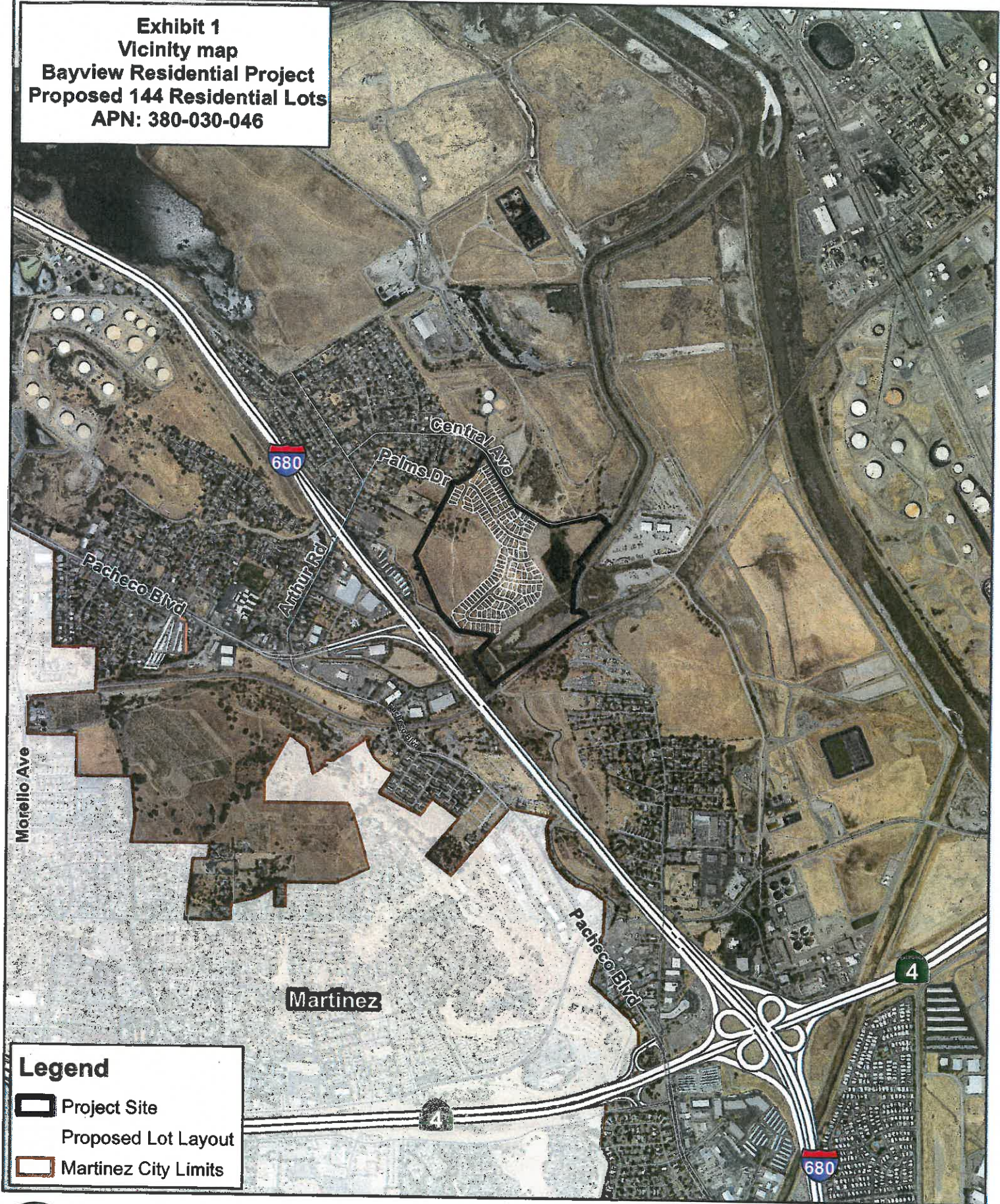


John Osborne, Senior Planner  
Contra Costa County  
Department of Conservation and Development  
Community Development Division




Attachment A – Project Vicinity Map



**Exhibit 1**  
**Vicinity map**  
**Bayview Residential Project**  
**Proposed 144 Residential Lots**  
**APN: 380-030-046**



**Legend**

-  Project Site
-  Proposed Lot Layout
-  Martinez City Limits



Map Created 4/17/2017  
 by Contra Costa County Department of  
 Conservation and Development, GIS Group  
 30 Muir Road, Martinez, CA 94553  
 37:59:41.791N 122:07:03.756W

This map was created by the Contra Costa County Department of Conservation and Development with data from the Contra Costa County GIS Program. Some base data, primarily City Limits, is derived from the CA State Board of Equalization's tax rate areas. While obligated to use this data the County assumes no responsibility for its accuracy. This map contains copyrighted information and may not be altered. It may be reproduced in its current state if the source is cited. Users of this map agree to read and accept the County of Contra Costa disclaimer of liability for geographic information.







180 Grand Avenue  
Suite 1050  
Oakland, CA 94612  
510.839.5066 [phone](#)  
510.839.5825 [fax](#)

[www.esassoc.com](http://www.esassoc.com)

# memorandum

date           October 19, 2017

to             John Osborne, Contra Costa County Department of Conservation and Development

cc             Project File

from          Christy Herron

subject       **Bayview Estates Residential Project EIR Scoping Summary**

Contra Costa County circulated a Notice of Preparation (NOP) for the EIR for the proposed Bayview Estates Residential project on June 7, 2017, opening a 30-day comment period on the scope and content of the EIR and announcing a public scoping meeting. The NOP was sent to the State Clearinghouse (SCH No. 2017062018), and circulated by the County to responsible and trustee agencies, as well as other public stakeholders. The 30-day comment period, originally planned to end on July 24, 2017, was extended at request. All comments on the NOP were received by August 10, 2017.

On July 17, 2017, the County held a public scoping meeting at the County facilities at 30 Muir Road, Martinez. During the meeting, the County discussed the purpose of the meeting, and presented an overview of the proposed project. In addition, the County presented an overview of the CEQA and environmental review process, and described all methods for the public and agencies to provide comments on the NOP. Following the County's presentation, all meeting attendees were given an opportunity to ask questions about the proposed project and provide oral comments.

A brief summary of the written and oral comments received during the NOP comment period is presented in the tables below. The County received a total of eighteen comment letters and emails: eleven comment letters and/or emails from government and local agencies, three comment letters and/or emails from non-government organizations, and four comment letters from individuals. Eight people provided oral comments during the public scoping meeting.

Comments received are being used, as appropriate, in identifying the range of actions, alternatives, mitigation measures, and significant effects to be analyzed in depth in the CEQA document.





### Bayview Estates Residential EIR: Summary of Scoping Period Commenters

COMMENTER	TYPE	DATE
<b>Emails and Letters</b>		
<i>Agencies</i>		
Contra Costa Water District (Christine Schneider)	Letter via Email	07/26/2017
Mountain View Sanitary District (Randolph W. Leptien)	Letter via Email	07/06/2017
Central Contra Costa Sanitary District (Russell B. Leavitt)	Letter	7/11/2017
Contra Costa County Fire Protection District (Todd Schiess)	Letter via Email	07/19/2017
Contra Costa County Airport Land Use Commission (Jamar Stamps)	Interoffice Memo	07/12/2017
LAFCO (Lou Ann Texeira)	Email	06/09/2017
Contra Costa County Department of Conservation & Development Transportation Planning Division (Robert Sarmiento)	Interoffice Memo	07/24/2017
California Department of Fish and Wildlife (Melissa Farinha)	Email	06/13/2017
Darwin Myers Associates (Darwin Myers)	Letter	06/12/2017
Contra Costa County Public Works Department (Jocelyn A.B. LaRocque)	Email	08/10/2017
Contra Costa County Flood Control & Water Conservation District (Jorge Hernandez)	Interoffice Memo	07/28/2017
<i>Organizations</i>		
Wilton Rancheria (Antonio Ruiz, Jr.)	Letter	06/16/2017
Chevron Environmental Management Company (Mike Oliphant)	Letter via Email	06/09/2017
The Conco Companies (John E. Amaral)	Email	07/13/2017
<i>Individuals</i>		
The Home Owners on Palms Drive	Letter	07/18/2017
Johnson, Freeman, Padilla, et al.	Letter (originally submitted July 31, 1986)	07/24/2017
Kallander, Burt	Letter	07/24/2017
Johnson, Alma	Letter (delivered at hearing)	07/17/2017
<b>Total Emails and Letters</b>	<b>18</b>	
<b>Scoping Meeting Oral Comments (07/17/2017)</b>		
Leabig, Norman		
Raya, Edward		
Kallendar, Burt		
Brennan, Jennifer		
Contreras, Steve		
Johnson, Alma		
Brunk, James		
Brennan, Mike		
Kallendar, Burt-2		
Raya, Edward-2		

## Bayview Estates Residential EIR: Summary of Scoping Period Comments by Type (CEQA Document Section)

COMMENT TYPE	NUMBER
Project Description	14
Aesthetics	5
Air Quality	4
Biological Resources	15
Cultural and Tribal Resources	5
Geology and Soils	9
Hazards and Hazardous Materials	21
Hydrology and Water Quality	25
Land Use and Planning	14
Noise	6
Public Services and Recreation	5
Traffic and Transportation	42
Utilities and Service Systems	34
Alternatives	3
Cumulative Impacts	2
Mailing List / Notification	2
General/Non-Specific	18
Not CEQA-related	24
<i>Total Comments:<sup>a</sup></i>	<b>246</b>

a = Note that if a comment addressed more than one EIR topic, it was counted more than once – for example, if one comment addressed Aesthetics and Land Use, it was marked as two comments.

**Bayview Estates Residential Project EIR  
Scoping Comment Summary Matrix**

Commenter	Letter #	Comment #	PD	Aes	AQ	Bio	Cult	Geo	GHG	Haz	Hyd	LU	Noise	PopH	Pub	Traf	Util	Alts	Cumu	Growth	MailList	Gen	Not CEQA	Comment
CCWD	A-1	1																						Project must meet CCWD's Code of Regulations to receive water service. Includes adequate water pressure to meet fire flow requirements and so home elevations can receive standard water pressure.
CCWD	A-1	2																						Must consult with CCWD Engineering on utility plan to agree on water line location.
CCWD	A-1	3																						Waterline Exhibit does not show elevations, so portions of the property may not receive adequate water pressure. Further review by CCWD is needed to establish if additional infrastructure is necessary and all portions of the project can receive water service.
CCWD	A-1	4																						Evaluation of existing water infrastructure is needed and any modifications required would be at the developers expense.
CCWD	A-1	5																						Separate meter for landscape irrigation may be required.
CCWD	A-1	6																						Relocation and/or abandonment of CCWD facilities may be required which would require a quitclaim of existing easements. Easements for proposed facilities may also be required.
CCWD	A-1	7																						The water main in the street or right of way shall be located opposite the proposed meter locations, with sufficient capacity and pressure as determined by CCWD. The project/property may require a main extension or addition of other infrastructure.
CCWD	A-1	8																						Portions of the project may be under jurisdiction of another water purveyor and CCWD may not be able to serve all areas of the project.
CCWD	A-1	9																						Grading and/or utility plans should be developed to comply with separation criteria as mandated in SWRB Section 64572.
CCWD	A-1	10																						Water service would likely require backflow prevention devices which could reduce water pressure and should be properly planned to ensure backflow prevention devices are located appropriately.
CCWD	A-1	11																						Relocation of public facilities must be performed by CCWD.
CCWD	A-1	12																						Appropriate backflow prevention is required for all services where sprinkler systems are installed.
CCWD	A-1	13																						Project water mains must be spaced a minimum of 10-feet horizontal and 1-foot vertical from any and all existing pipelines.
CCWD	A-1	14																						Project sanitary and storm sewer lines also must be spaced a minimum of 10-feet horizontal and 1-foot vertical from any and all existing pipelines.
CCWD	A-1	15																						Project needs to update fire flow capacity to the site. Existing fire hydrant does not meet CCWD or CCCFPD criteria for fire service.

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MVSD	A-2	1															I								Sewer main located southeast was abandoned years ago and must be improved from the point of connection in the marsh to be placed back into service. Replacement of the offsite sewer would require separate plans and permits. A revised scheme may be possible to redirect the in-tract flow to the southwestern corner and manhole in CCWD maintenance road, but would require a revision to the grading scheme. Off-site sewer system routing should be shown with proposed manhole locations and pipe slopes and diameters.
MVSD	A-2	2	I														I								Property must be annexed to the MVSD. Developer's engineer must prepare plans and documents as required by LAFCO and pay all fees of LAFCO and MVSD related to processing the annexation.
MVSD	A-2	3	I																				I		Proposed locations of all manholes should be shown together with proposed pipe diameters, slopes, and inverts to demonstrate MVSD minimum design standards.
MVSD	A-2	4																						I	Sanitary sewer easements should be dedicated to MVSD for any new sewer mains not located in public streets.
MVSD	A-2	5															I								Each building needs to be served with a separate side-sewer connected to the new main. All side-sewers need to be fitted with standard overflow protection devices or backwater prevention devices as appropriate.
MVSD	A-2	6															I								Developer shall design and construct a public sewer system to serve the development in accordance with MVSD Code and Standard Specifications.
MVSD	A-2	7																						I	Developer shall post a deposit for plan review fees prior to the review of Sewer Construction Plans, annexation documents, or easement documents.
MVSD	A-2	8																						I	Developer shall enter into MVSD's Standard Owners Improvement Agreement and Agreement for Sewer Improvement Security Bond, or post equivalent security for sanitary sewer improvements as required prior to receiving a construction permit.
MVSD	A-2	9																						I	Developer shall pay any outstanding fees for plan reviews, mapping, and inspection for sewer construction prior to the issuance of a sewer construction permit.
MVSD	A-2	10																						I	Developer shall provide a cash deposit for corrective or emergency work prior to obtaining a sewer construction permit.
MVSD	A-2	11																						I	Developer shall construct all improvements necessary for the project at no cost to MVSD.
MVSD	A-2	12																						I	Developer shall submit digital files and as-built mylars of plans for all mainline sewer improvements, and pay all outstanding fees prior to MVSD's final acceptance of the sewer system.



**Bayview Estates Residential Project EIR  
Scoping Comment Summary Matrix**

Commenter	Letter #	Comment #	PD	Aes	AQ	Bio	Cult	Geo	GHG	Haz	Hyd	LU	Noise	PopH	Pub	Traf	Util	Alts	Cumu	Growth	MailList	Gen	Not CEQA	Comment	
MVSD	A-2	13																					I	MVSD will not issue individual connection permits until the Sanitary Board has accepted sewer easements and mainline improvements for maintenance. Building foundations need to be constructed prior to a connection of a residence to the MVSD sewer system.	
MVSD	A-2	14																						I	Fees will be charged pursuant to the Ordinance at the time the permit is issued.
CCCSO	A-3	1			I							I	I												Currently zoned Heavy Industrial is compatible with nearby CCCSO treatment plant and Maltby Pumping Station operations. Residential use would be much more sensitive to odors, dust, and noise associated with CCCSO existing and future operations as well as other nearby heavy industrial uses. Project would therefore have significant and unavoidable land use compatibility impacts.
CCCFPD	A-4	1													I	I									Access appears to comply with Fire District requirements.
CCCFPD	A-4	2														I								I	Access roadways of less than 28-foot unobstructed width shall have signs posted or curbs painted red with the words "No Parking - Fire Lane" clearly marked. Access roadways of less than 28-feet or greater, but less than 36-foot unobstructed width shall have signs posted, allowing for parking on one side only or curbs painted red with the words "No Parking - Fire Lane" clearly marked. Parking is permitted only on the side of the road that does not have hydrants.
CCCFPD	A-4	3														I									Turnaround appears to comply with Fire District requirements.
CCCFPD	A-4	4														I									Access gates shall comply with Fire District requirements.
CCCFPD	A-4	5													I		I								Developer needs to provide an adequate and reliable supply of water for fire protection as set in the California Fire Code.
CCCFPD	A-4	6															I								Proposed hydrant locations and fire apparatus access requires review and approval by CCCFPD.
CCCFPD	A-4	7													I		I								Emergency apparatus access roadways and hydrants shall be installed, in service, and inspected by the Fire District prior to construction.
CCCFPD	A-4	8																						I	Homes need to be protected with an approved automatic fire sprinkler system.
CCCFPD	A-4	9								I						I									Where existing access to open land or space is obstructed by new development, the developer needs to provide an alternate means of access into the area that is sufficient to allow access for fire personnel and apparatus. Access roadways shall be a minimum of 16 feet in width to accommodate Fire District equipment.

**Bayview Estates Residential Project EIR  
Scoping Comment Summary Matrix**

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CCCFPD	A-4	10																						Development on any parcel in the subdivision will be subject to review and approval by the Fire District to ensure compliance with minimum requirements related to fire and life safety.
CCC ALUC	A-5	1																						Review and determination of consistency with the Contra Costa Airport Land Use Compatibility Plan would be required.
CCC ALUC	A-5	2																						Concern over potential impacts related to exposure to aircraft noise.
CCC ALUC	A-5	3																						Concern over potential impacts related to land use safety with respect to both people on the ground and the occupants of aircraft.
CCC ALUC	A-5	4																						Concern over potential impacts related to protection of airport airspace.
CCC ALUC	A-5	5																						Concern over potential impacts to general (primarily annoyance-related) concerns associated with aircraft overflights.
CCC ALUC	A-5	6																						Referral to ALUC would be required for a final consistency determination.
LAFCO	A-6	1																						Project would require annexation to the MVSD.
CCC DCD Transportation Planning Division	A-7	1																						Traffic study required. Should follow guidelines of CCC, CCTA (Technical Procedures and the Measure J Implementation Guide), and TRANSPAC Committee.
CCC DCD Transportation Planning Division	A-7	2																						DEIR should include a study of intersections on Pacheco Blvd and Arthur Rd.
CDFW	A-8	1																						Recommends rare plant surveys performed by a qualified botanist according to CDFW protocols.
CDFW	A-8	2																						Recommends habitat type mapping and quantification.
CDFW	A-8	3																						Recommends evaluation of potential for special status fish and wildlife species that may be impacted by the project.
Darwin Myers Associates	A-9	1																						Mitigation measures/Conditions of Approval should require detailed geotechnical design recommendations prior to recordation of the Final Map.
Darwin Myers Associates	A-9	2																						Grading plan represents conservative approach to residential development of the site. Suggests gradient of cutlopes. Slope gradient conforms with standards of the County Grading Ordinance and gradient conforming with construction adjacent to channel of Pacheco Creek conforms with the normal construction standards of the Public Works Department and Flood Control District.

**Bayview Estates Residential Project EIR  
Scoping Comment Summary Matrix**

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Darwin Myers Associates	A-9	3																						Recommends that topsoil be salvaged during grading and stockpiled for use as a dressing on all engineered slopes possessing gradients of 2.5:1 or flatter. Would facilitate revegetation of the disturbed slopes, thereby controlling erosion.
Darwin Myers Associates	A-9	4																						Parcel C should be paved, fenced, and gated to control unauthorized access to Parcel A. Locking device should meet CCCFPD standards. A bend in the road alignment is not desirable. For this segment of the roadway, the width of the easement should be increased to 25 ft.
Darwin Myers Associates	A-9	5																						Recommends an adequately funded Geologic Hazard Abatement District (GHAD) to ensure proper monitoring and maintenance of large open space parcels including maintenance of J-ditches and the debris bench, control of erosion, and possibly corrective grading for a landslide on Parcel A if it threatens improvements within the project, and mowing for the purposes of wildfire control. Recommends GHAD Conditions of Approval.
Darwin Myers Associates	A-9	6																						An updated geotechnical report is warranted since reports issued by Engeo, Inc. are more than 10 years old.
Darwin Myers Associates	A-9	7																						Submit design level geotechnical update report at least 45 days prior to requesting recordation of the Final Map. Provide a corrective grading plan for known slide areas and areas of erosion, and provide special design recommendations for cut/fill pads, differential fill thickness lots, retaining or perimeter walls, design of C.3 bio-swales and basins, and comment on consistency of Grading & Drainage Plans with the geotechnical recommendations.
Darwin Myers Associates	A-9	8																						Prepare as-graded report following grading that provides opinion on consistency of the as-graded project with recommendations in geotechnical report.
Darwin Myers Associates	A-9	9																						All measures identified in the approved geotechnical report that provide for slope stability should be incorporated into the final grading and drainage plans.
CCC Public Works Department	A-10	1																						The County will not accept the proposed road improvements (including the off-site improvements on Palms Drive and all on-site roadways) for public maintenance until continuous roadways within adequate road rights of way meeting County standards and ordinances have been constructed, inspected, and all land rights acquired.
CCC Public Works Department	A-10	2																						The DEIR should address private road improvements.
CCC Public Works Department	A-10	3																						Potential improvements that meet public roadways standards and ordinances should be addressed in the DEIR.

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CCC Public Works Department	A-10	4																							The DEIR should address Palms Drive, the improvements and potential rights of way necessary to improve it.
CCC Public Works Department	A-10	5																							The DEIR should discuss the existing segment of Central Avenue approximately 100 feet east of Darcie Way to the project site, the improvements (public or private), and potential rights of way necessary to improve it.
CCC Public Works Department	A-10	6																							The applicant would be required to underground new and existing utilities, and install signage such as posted speed limit, parking restrictions, and pedestrian and bicycle facilities.
CCC Public Works Department	A-10	7																							The traffic study should include intersections along Pacheco Blvd.
CCC Public Works Department	A-10	8																							The DEIR should discuss the impacts of construction traffic and submit a construction management and traffic control plan.
CCC Public Works Department	A-10	9																							Any damage to the existing roadway system due to construction activities would need to be repaired to standards and structural condition equal to existing conditions.
CCC Public Works Department	A-10	10																							The DEIR should discuss the environmental impacts of the storm drain facilities that will be constructed to meet the County collect and convey requirement.
CCC Public Works Department	A-10	11																							The DEIR should discuss an exception to the County Ordinance Code that could be granted for the proposed watershed diversion from Peyton Slough (DA 40) to Pacheco Creek (DA 57 & 125), provided that the proposed land use of Medium Residential (R8) over the present use of Heavy Industrial will not increase the planned stormwater runoff to Pacheco Creek.
CCC Public Works Department	A-10	12																							The DEIR should discuss impacts to Pacheco Creek related to the bioretention and park areas.
CCC Public Works Department	A-10	13																							The DEIR should indicate that a portion of the development is within an adopted drainage area.
CCC Public Works Department	A-10	14																							See FC District Memo for additional comments addressing drainage.
CCC Public Works Department	A-10	15																							The project would be required to comply with the Stormwater Management and Discharge Control Ordinance and the County's Separate Storm Sewer System (MS4) NPDES Permit.
CCC Public Works Department	A-10	16																							The DEIR should discuss that the property is located within the Special Flood Hazard Area (SFHA) and be aware of related requirements.
CCC Public Works Department	A-10	17																							All landscaping improvements would be privately maintained in perpetuity.



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CCC Public Works Department	A-10	18																						The applicant would be required to annex into the lighting district.	
CCC Public Works Department	A-10	19																						The applicant would need to comply with the requirements of the Bridge/Throughfare Free Ordinance for the Martinez Area of Benefit.	
CCC Flood Control and Water Conservation District	A-11	1																						The DEIR should provide the requirements of the adopted Flood Control Ordinance for the drainage area that the project is in (DA57).	
CCC Flood Control and Water Conservation District	A-11	2																						The FC District is not the approving local agency for the project and will collect drainage fees based on the fee in effect at the time of fee collection.	
CCC Flood Control and Water Conservation District	A-11	3																						The applicant should provide a worksheet to the FC District to establish the drainage fee obligation at the time of final map submittal.	
CCC Flood Control and Water Conservation District	A-11	4																						The project proposes a levee between Pacheco Creek and the project's bioretention area to prevent the creek's drainage overflows from overtaxing the bioretention area. Environmental effects of constructing or not constructing the levee should be discussed in the DEIR. Regulatory permits may be required.	
CCC Flood Control and Water Conservation District	A-11	5																						The FC District requests ability to review and comment on DEIR.	
CCC Flood Control and Water Conservation District	A-11	6																							The DEIR should discuss storm drain facilities to adequately collect and convey stormwater.
CCC Flood Control and Water Conservation District	A-11	7																							The DEIR should discuss an exception to the County Ordinance Code can be granted for the proposed watershed diversion from Peyton Slough (DA 40) to Pacheco Creek (DA 57 & 125), provided that proposed land use of Medium Residential (R8) over the assumed use of Heavy Industrial will not increase the planned stormwater runoff to Pacheco Creek.
CCC Flood Control and Water Conservation District	A-11	8																							The DEIR should discuss that the FC District currently has property rights to Pacheco Creek channel as well as the eastern levee and access road. The applicant should dedicate an access easement and construct a maintenance road along the western side of the channel from the end of the public portion of Central Avenue and conform to FC District requirements for maintenance of the creek and proposed 18-inch diameter outlet pipe to Pacheco Creek.
CCC Flood Control and Water Conservation District	A-11	9																							The DEIR should discuss the need for a Flood Control Encroachment Permit.
CCC Flood Control and Water Conservation District	A-11	10																							The DEIR should discuss that the proposed levee adjacent to Pacheco Creek should be constructed to meet or exceed USACE standards for levees.
CCC Flood Control and Water Conservation District	A-11	11																							The DEIR should discuss that portions of the project lot lie within the 100-year flood boundary and associated requirements.

**Bayview Estates Residential Project EIR  
Scoping Comment Summary Matrix**

Commenter	Letter #	Comment #	PD	Aes	AQ	Bio	Cult	Geo	GHG	Haz	Hyd	LU	Noise	PopH	Pub	Traf	Util	Alts	Cumu	Growth	MailList	Gen	Not CEQA	Comment
CCC Flood Control and Water Conservation District	A-11	12																						The DEIR should discuss the need for a CLOMR and approval from FEMA.
CCC Flood Control and Water Conservation District	A-11	13																						The DEIR should discuss the FC District's Lower Walnut Creek and Pacheco Marsh Restoration Project and how it impacts the project.
Wilton Rancharia	O-1	1																						The tribe requests consultation regarding defining the applicant (Lead Agency), project funding, recommended mitigation measures, significant effects of the project, and a Native American inspector being present during ground disturbance.
Wilton Rancharia	O-1	2																						The tribe also requests consultation regarding the significance of tribal cultural resources, significance of the project's impacts on tribal cultural resources, and project alternatives and/or appropriate measures for preservation or mitigation.
Wilton Rancharia	O-1	3																						The tribe requests copies of any cultural resource assessments or records searches including CHRIS results, archaeological surveys, SFL results, ethnographical studies, or geotechnical reports.
Wilton Rancharia	O-1	4																						Preservation in place is the preferred manner of mitigating impacts to archaeological sites.
Chevron Environmental Management Company	O-2	1																						A portion of the former Old Valley Pipeline, a residual weathered crude oil, abandoned steel pipeline encased in a coating of coal tar and asbestos-containing materials could potentially be encountered during subsurface construction activities.
Chevron Environmental Management Company	O-2	2																						Crude-contaminated soil from historical crude-oil release points along the OVP was determined to be non-hazardous and may be used as backfill. The properly abandoned crude-oil pipeline may be left in the ground.
Conco	O-3	1																						The adjacent Conco corporate yard includes storage and maintenance of heavy equipment, fabrication and storage of concrete forms, and storage of other construction materials. Work performed at the yard can be loud at times and may affect the project.
Conco	O-3	2																						Conco keeps its yard well lit during their hours of operation and may affect the project.
Palms Drive Homeowners	I-1	1																						Concern over Palms Drive being brought up to CCC minimum standards making parking problematic.
Palms Drive Homeowners	I-1	2																						Concern over the amount of traffic that the project would introduce, and collision and safety concerns.

**Bayview Estates Residential Project EIR  
Scoping Comment Summary Matrix**

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Palms Drive Homeowners	I-1	3																						Concern over widening Palms Drive and moving or removing driveways, houses, and utility poles. Insist on underground relocation of utilities to match new development.
Palms Drive Homeowners	I-1	4																						Concern over private roads within the new development not following County ordinances for public roads. Insists that if Palm Drive is extended to allow access from Central, then it would become a public artery for 200 or more vehicles.
Palms Drive Homeowners	I-1	5																						Concern over private roads as described by the project being left in substandard condition after work from utility companies.
Palms Drive Homeowners	I-1	6																						Notes former EIR argued connecting Palms Drive to Central would improve access for emergency vehicles, but Arthur Rd is a city road and not up to County minimum standards. Arthur Road between the 680 underpass and Palms Drive is not wide enough and no improvements are provided in the project. Expresses concern over emergency access to the project site.
Palms Drive Homeowners	I-1	7																						Expresses that traffic impacts to Palms Drive would be mitigated by not connecting the existing Palms Drive to the project.
Palms Drive Homeowners	I-1	8																						Concern regarding storm water drainage from the project and its impact on the existing pond, which is described as a detention area. Discusses impacts to wildlife from toxic runoff, and a detention basin should be constructed separate from the pond and wetland area.
Palms Drive Homeowners	I-1	9																						Concern over traffic impacting the quiet, rural setting of the area.
Palms Drive Homeowners	I-1	10																						Concern over potential increased crime and vandalism.
Palms Drive Homeowners	I-1	11																						Concern over the loss of open space.
Johnson, Freeman, Padilla, et al.	I-2	1																						The project parcels and access roads would be in compliance with all County Codes.
Johnson, Freeman, Padilla, et al.	I-2	2																						Only single family dwellings would occupy the project site.
Johnson, Freeman, Padilla, et al.	I-2	3																						Oppose access road to connect with Palms Drive in Martinez.
Johnson, Freeman, Padilla, et al.	I-2	4																						Concern over increased traffic congestion on Arthur Road, the only access road to the area.

**Bayview Estates Residential Project EIR  
Scoping Comment Summary Matrix**

Commenter	Letter #	Comment #	PD	Aes	AQ	Bio	Cult	Geo	GHG	Haz	Hyd	LU	Noise	PopH	Pub	Traf	Util	Alts	Cumu	Growth	MailList	Gen	Not CEQA	Comment
Kallander	I-3	1																						Concern regarding increased traffic and congestion on neighborhood roads and access on Arthur Road.
Kallander	I-3	2																						Proposes reliance for new traffic on Conco driveway and railroad crossing which is not described.
Kallander	I-3	3																						Expresses concern over the zone change and the County benefiting financially from the project site being designated as Light Industrial, Agricultural, or Parkland. Argues community benefit from being buffered against Heavy Industrial zones.
Kallander	I-3	4																						Expresses concern over road and neighborhood safety as a result of increased traffic.
Kallander	I-3	5																						Concern over diminished views of Mt. Diablo, the pond, marsh, downtown Concord, and other open space.
Kallander	I-3	6																						Concern over loss of property value due to increased traffic and obstructed views.
Kallander	I-3	7																						Concerns over hazards to new housing from pipelines, BNSF railroad, recycled water pipelines, the Buchanan Air Field, and CCWD water supply flows, as well as cumulative hazards from each combined. Also concern over Arthur Road and emergency access.
Kallander	I-3	8																						Proposes Parkland or Argiculture land use to buffer adjacent industrial uses and associated hazards.
Kallander	I-3	9																						Concern over Palms Drive being a private street brought up to CCC minimum standards and houses and driveways requiring relocation.
Kallander	I-3	10																						Addresses developers risk of investment in property not zoned for intended use.
Kallander	I-3	11																						Project would destroy the community and pleasant nature of the existing environment.
Kallander	I-3	12																						Concern over the pond being described as a detention basin for storm water flows.
Kallander	I-3	13																						Concern over oak tree removal.
Kallander	I-3	14																						Concern over sufficient mitigation due to many impacts.
Kallander	I-3	15																						Suggested mitigation (project alternative): reduce unit count to 14, 12 of which would be "off of Central Avenue which could be put through the Conco Driveway" adding access/egress for existing neighborhood
Johnson	I-4	1																						Concern over the expansion of Palms Drive as a private road.



**Bayview Estates Residential Project EIR  
Scoping Comment Summary Matrix**

Commenter	Letter #	Comment #	PD	Aes	AQ	Bio	Cult	Geo	GHG	Haz	Hyd	LU	Noise	PopH	Pub	Traf	Util	Alts	Cumu	Growth	MailList	Gen	Not CEQA	Comment
<b>SCOPING HEARING COMMENTS</b>																								
Norman Leabig		1																						
Edward Raya		1																						
Burt Kallander		1																						
Jennifer Brennan		1																						
Steve Contreras		1																						
Alma Johnson		1																						
James Brunk		1																						
Mike Brennan		1																						
Burt Kallendar-2		1																						
Edward Raya-2		1																						
<b>Total Comments</b>		<b>142</b>	<b>14</b>	<b>5</b>	<b>4</b>	<b>15</b>	<b>5</b>	<b>9</b>	<b>0</b>	<b>19</b>	<b>25</b>	<b>14</b>	<b>6</b>	<b>0</b>	<b>5</b>	<b>42</b>	<b>34</b>	<b>3</b>	<b>2</b>	<b>0</b>	<b>2</b>	<b>18</b>	<b>24</b>	





A-1

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July 26, 2017

*Via Electronic Mail*  
*John.oborne@dcd.cccounty.us*  
*Hard Copy to Follow*

Mr. John Osborne  
Contra Costa County  
Community Development Department  
Planning Division  
651 Pine Street, 4<sup>th</sup> Floor-North Wing  
Martinez, CA 94553-0095

**Subject: Bayview Residential Project Notice of Preparation (NOP) for Draft Environmental Impact Report (DEIR)**

Dear Mr. Osborne:

The Contra Costa Water District (CCWD) appreciates the opportunity to provide input during the scoping process for the Bayview Residential Project Draft EIR. Vine Hill Investment Inc. is requesting approval of a 144-single-family residential lot subdivision on a 78-acre site. Approvals needed include a General Plan Amendment, Rezoning, Major Subdivision and Preliminary and Final Development Plan and Tree Removal (APN 380-030-046).

This site was the subject of a previous EIR for a 163-unit development. A DEIR was prepared in 2010 for that project. During the environmental review process, in conformance with the California Environmental Quality Act (CEQA), the project was revised to retain the existing top elevation of Vine Hill and alleviate potential water pressure issues of the originally proposed project by lowering the maximum residential pad elevation, thereby lowering the number of proposed residential lots from 163 to 144 lots.

This letter contains all of our comments on that 2010 DEIR, which were sent to Ryan Hernandez of your office on January 25, 2010. That letter is attached. A summary of the general comments contained in that 2010 letter is as follows, updated for this NOP response:

1. The project must meet all of the requirements of CCWD's Code of Regulations in order to receive water service. Meeting water service requirements will ensure adequate water pressure to meet fire flow requirements and to ensure that the homes are located at an elevation that can receive standard water pressure.

A-1-1

2. We recommend that the project applicant consult with CCWD Engineering as soon as possible. CCWD will need to review detailed engineering plans for other utilities before agreeing on the location of water pipelines or service to the area. | A-1-2
3. CCWD is in receipt of the "CCWD Waterline Exhibit" prepared by Isakson & Associates, Inc. (5/24/16). The eastern point of connection as shown on the CCWD Waterline Exhibit shows a new pipeline crossing the CCWD Shortcut Pipeline easement on property owned by Conco. | A-1-3
4. The Waterline Exhibit does not show elevations, so it is possible that portions of the property are at an elevation that may not receive standard water pressure. Additional infrastructure may be necessary and portions of the project may not be able to receive water service. Further review by CCWD is recommended.
5. Existing water infrastructure will need to be evaluated and any modifications will need to be designed and constructed at the Developer/ Owner's expense. | A-1-4
6. A separate meter for landscape irrigation may be required. | A-1-5
7. Relocation and/or abandonment of CCWD facilities may be required which will require a quitclaim of the existing easements. Easements for proposed facilities may also be required. | A-1-6
8. The water main in the street or right of way shall be located opposite the proposed meter locations, with sufficient capacity and pressure as determined by CCWD. The Project/Property may require a main extension or addition of other infrastructure. | A-1-7
9. Project/Property shares a boundary with another Water District. Portions of this project may be under the jurisdiction of another water purveyor and Contra Costa Water District may not be able to serve water to all areas of the project. | A-1-8
10. The State Water Resources Control Board (SWRCB) mandates certain separation requirements for water mains that are parallel to and/or crossing sewer and storm drains. Grading and/or utility plans should be developed to comply with all separation criteria as mandated in SWRCB Section 64572. | A-1-9
11. Water service will likely require backflow prevention devices, which could reduce water pressure. Proper planning is necessary to ensure backflow prevention devices are located appropriately. | A-1-10
12. Relocation of public facilities must be performed by District forces. | A-1-11

Mr. John Osborne  
Contra Costa County  
July 27, 2017  
Page 3

13. The California Residential Code requires installation of an approved automatic fire sprinkler system in all new residential structures that are submitted to the Building Department after December 31, 2010. Appropriate backflow prevention is required for all services where sprinkler systems are installed. | A-1-12
  
14. CCWD is aware of several petroleum lines that are in the vicinity of Central Avenue (in particular the Chevron Pipeline Company's KLM to Valero interconnection 12 inch crude oil pipeline) and the environmental document should address this constraint. The project's water mains must be spaced a minimum of 10-feet horizontal and 1-foot vertical from any and all existing petroleum lines. | A-1-13
  
15. The project's sanitary and storm sewer lines need to also meet these 10-foot horizontal and 1-foot vertical spacing requirements from existing pipelines, pursuant to California Code of Regulations Section 64572. | A-1-14
  
16. The project will need to update the fire flow capacity to the site. Fire flows available at the existing fire hydrant at Palm and Central Avenue do not meet CCWD's or Contra Costa County Fire Prevention District's (CCCFPD) criteria for fire service and cannot provide service to this development. | A-1-15

CCWD appreciates the opportunity to provide its comments on the Bayview Estates Residential Project Draft EIR. The District will review the project EIR for conformance with comments on the previous EIR, the District's Code of Regulations and design standards once more detail is available. For more information on the District's review process, please contact Cindy Sweeney in the CCWD Engineering Department at (925) 688-8014. I may also be contacted at (925) 688-8118.

Sincerely,



Christine Schneider, MS, RLA  
Senior Planner

CS/ck



CONTRA COSTA  
WATER DISTRICT

1331 Concord Avenue  
P.O. Box H20  
Concord, CA 94524  
(925) 688-8000 FAX (925) 688-8122  
www.ccwater.com

January 25, 2010

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Contra Costa County  
Community Development Department  
Planning Division  
651 Pine Street, 4<sup>th</sup> Floor-North Wing  
Martinez, CA 94553-0095

**Subject: Bayview Residential Project Environmental Impact Report (EIR)  
December 2009, State Clearinghouse Number 2008032074**

Dear Mr. Hernandez:

The Contra Costa Water District (CCWD) appreciates the opportunity to provide input on the December 2009 Bayview Residential Project Draft EIR. The summary project description on Page 2-1 indicates that the project will include development of 163 single-family homes on 42 acres as well as open space of 11.6 and 15 acres on a single parcel (APN 380-030-046). This correspondence follows-up on CCWD's May 13, 2008 letter to your attention (attached) as well as correspondence provided to ESA the environmental consultant that prepared the EIR as well as numerous letters and discussions with the Project Applicant, Discovery Builders (attached). Unfortunately, the Bayview Residential Draft EIR did not fully consider the water service requirements and CCWD's regulations that are necessary to provide water to the proposed project and is incomplete without addressing all necessary project components.

The project must meet all of the requirements of CCWD's Code of Regulations in order to receive water service. Significant infrastructure must be constructed in order to provide water service to the project as currently no water service is available from existing facilities. A key water service requirement that must be met by the Project Applicant is to ensure adequate water pressure to meet fire flow requirements and to ensure that the homes are located at an elevation that can receive standard water pressure. The Draft EIR is insufficient to support inclusion of the necessary infrastructure required to serve this project, and insufficient information is available to determine whether the planned homes can receive service even once a pipeline to serve the development is installed.

*Attachment A-1*

*Via Electronic Mail  
Ryan.hernandez@dcd.cccounty.us  
Hard Copy to Follow*

Mr. Ryan Hernandez  
Contra Costa County  
January 25, 2010  
Page 2

In 2009 the Project Applicant suspended discussions with CCWD regarding terms of agreement for required infrastructure that would be necessary to provide water service to the Bayview Residential Project. CCWD has contacted the applicant several times to discuss this project since release of the Draft EIR and has received notice that the applicant has no intention of discussing an agreement with CCWD or the details of providing water service to this development at this time.

The EIR must clearly set forth all of the requirements and impacts associated with providing water service to this site. The EIR does not provide adequate information to fully consider the impacts of providing water service to this project site and should not be approved until all of this information is clearly described within a public document.

The EIR deficiencies can be summarized as follows:

1. The EIR project description assumes that 163 single-family units (Page 2-1 and 3-1) can be provided water service but does not include an analysis of the necessary water infrastructure required to provide this service.
2. The EIR project description (Chapter 3, Pages 3-1 to 3-8) does not clearly include any description of the new water main extension. APN 380-030-046 has no existing water infrastructure that can support service to a proposed 163 unit subdivision.
3. The EIR project description (Chapter 3, Pages 3-1 to 3-8) does not include any indication of the property outside of APN 380-030-046 that would be impacted by a new water main extension that must be constructed to provide water service to APN 380-030-046.
4. The EIR project description (Chapter 3, Page 3-4 and 3-5) does not clearly provide necessary information regarding the elevation of the homes within the proposed subdivision. This information is critical so that all homes receive adequate water pressures to meet fire flow requirements and CCWD's Code of Regulations.
5. Water service to this proposed subdivision is constrained by water pressures requirements even with a new water main extension. The Contra Costa County Fire Protection District requires automatic sprinkler systems (see in particular Mitigation Measure K.1 on Page 4.K-16) and this has further implications in terms of limiting the elevation where homes may be located.

6. Mitigation Measure K.1 will limit building pads even with a new pipeline to a 92 foot elevation or lower. Units located above 92 feet in elevation cannot be provided water service.
7. To provide water service above 92 feet will require additional water infrastructure be constructed from CCWD facilities that are located south and west of this development beyond Pacheco Boulevard and Highway 680. None of this infrastructure is considered within the Bayview Draft EIR.
8. The water main extension(s) will likely have significant environmental impacts and those impacts need to be fully addressed within the environmental document for this project.

Specific comments on the Draft EIR follow with Draft EIR page and section numbers referenced:

- The Draft EIR needs to include a full description of the proposed water pipeline(s) and any other required water facilities and each environmental area should fully address impacts and mitigation measures for the required water pipeline(s).
- The Public Utilities (Section K) within the draft EIR does not adequately address water pipeline infrastructure requirements that have been carefully presented to Contra Costa County, ESA and Discovery Builders. See in particular the attached correspondence.
- Insufficient detail is provided to understand the full extent of grading, elevations and layout of proposed homes. The EIR should include sufficient detailed maps to determine placement of fill and elevation of homes (p. 3-4 Project Characteristics and Figure 3-2). Section E. Geology and Soils (Pages 4.E-1 to 4.E-26) does not include even preliminary home elevation levels at the project site.
- The 163 unit Project requires at a minimum a 12-inch water main extension to serve this development (assuming all units are located at an elevation that meets water service requirements). The main extension is not fully described within the Draft EIR and is outside of APN 380-030-046. The new pipeline alignment requires new development on property not owned by project owner and outside APN 380-030-046. The EIR should show the new pipeline alignment, including evaluating various alternative alignments to identify the least environmentally damaging alignment. The Draft EIR should show the location of all facilities that will be outside the development property and notify other land owners whose property may be affected by the project so that they can properly review and comment on this project. The Project Description should illustrate all properties (and property owners) along any proposed pipeline alignment from the Bayview



development to the connection with CCWD's existing system (p. 3-6 **Infrastructure and Section 5. Alternatives**).

- The entire project, including the new pipeline, should be addressed in the EIR. The required 12 inch pipeline may be constructed through sensitive wetlands. There is a need for detailed information about how the developer plans to build across Pacheco Creek, tie into CCWD's existing 12 inch water line located on a CCWD easement on property owned by Conco and construct within wetlands, (p. 3-4 **Project Characteristics and Section 4.C Biological Resources**). Mitigation Measure C-2 is not adequate. Additional permits may be necessary to support construction of the new pipeline. This would include California Department of Fish and Game permits, Regional Water Quality Control Board Permit and possibly others. To obtain a United States Army Corps Permit for impacts to jurisdictional wetlands will require consultation with the United States Fish and Wildlife Service and the State Historic Preservation Office for compliance with Section 106 of the National Historical Preservation Act. In addition, compensatory mitigation for impacts from constructing the pipeline across wetlands may be required and those should be clearly indicated with the Draft EIR.
- CCWD Zone 1 service elevations – CCWD can only serve properties within its Zone 1 elevations without additional water distribution facilities such as pump stations and treated water reservoirs. CCWD will not allow a hydro-pneumatic system to serve homes in this area. If reduced pressure backflow prevention devices (RPBPDs) are required (required if homes have sprinklers), homes only up to 92-foot elevation or lower can receive standard service pressure of 40 psi minimum. The backflow prevention devices are needed consistent with CCWD and State of California regulations for homes equipped with sprinkler systems to protect water quality and public health (Title 5 CCWD Regulations).
- Fire flows available at the existing fire hydrant at Palm and Central Avenue do not meet CCWD's or Contra Costa County Fire Prevention District's (CCCFPD) criteria for fire service and cannot provide service to this development.
- The Draft EIR must identify the location of existing petroleum lines in the area and their potential impact to project and other utilities, including the required 12 inch main extension and other proposed water lines. CCWD is aware of several petroleum lines that are in the vicinity of Central Avenue (in particular the Chevron Pipeline Company's KLM to Valero interconnection 12 inch crude oil pipeline) and the environmental document should address this constraint. It is possible that the extensive cut and fill proposed on the site will require relocation of existing petroleum lines on this site. The Draft EIR must identify the new location of the petroleum pipelines if they are to be relocated. CCWD will need to review detailed engineering plans for other utilities before agreeing on the location of water pipelines or service to the area (**Chapter 3 Project Location and Setting and Project Components/Characteristics**). Other utility lines within the project area should be detailed within Section H. Land Use and

Planning and the compatibility of the proposed water line(s) and any conflicts with existing utility lines should be explained and conditioned within Section H. Further it is likely that there could be hazardous soils in the area of the new water line given existing petroleum lines in the area and this will need to be discussed Section F. Hazards and Hazardous Materials.

- The Draft EIR must show details for grading, fill, all utility locations, depths, and compaction requirements for proposed new water facilities (p. 3-4 Project Characteristics and Figure 3-2). This would be appropriately addressed within the project description and Section E Geology and Soils Section H Land Use and Planning and Section K Public Services and Utilities.
- The western project boundary appears to come close to the Contra Costa Canal which is owned by the U.S. Bureau of Reclamation (Reclamation) and maintained by CCWD. CCWD would like the opportunity to review engineered site plans to ensure that storm water runoff from any area of the proposed development does not enter the Contra Costa Canal. During construction there should be no access to Reclamation property. If access to Reclamation property is necessary for the project, permission must first be obtained from CCWD. National Environmental Policy Act (NEPA) review will be required if there are any impacts to Reclamation property (p. 3-4 Project Characteristics and Figure 3-2).
- Mitigation Condition K-7a is not acceptable. In 2009 the Project Applicant withdrew from discussions to enter an agreement with CCWD to support the funding and construction of the water infrastructure that will be necessary to provide service to the site. CCWD recommends that Contra Costa County require that the certified final EIR include a full description of the number of homes that can be constructed given an acceptable grading plan and the specific elevation of the proposed homes. Based on the requirement of the Contra Costa County Fire Protection District to include residential sprinkler systems homes may only be constructed to an elevation of 92 feet or lower if a new adequate water main extension is constructed. Impacts of the new water line must be fully considered within the Final EIR so that any necessary permits and or mitigation for the new water line are fully explained. Alternatively, CCWD would consider the following condition as a requirement of the Bayview Residential Draft EIR:

*New Condition K-7a*

*Before any environmental document associated with the Bayview Residential Project is certified by Contra Costa County the Project Applicant must enter into an agreement with CCWD to fund the design, environmental review, permitting, land acquisition, environmental mitigation and installation of any necessary water main extension(s), offsite pipeline improvements, and other facilities required to serve the project. The CCWD requirements will be based on fire flow requirements as indicated by the Contra Costa County Fire Protection District and those requirements will include residential automatic fire sprinkler systems as well as*

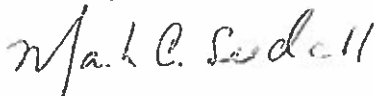
Mr. Ryan Hernandez  
Contra Costa County  
January 25, 2010  
Page 6

*CCWD regulations. Use of residential automatic sprinkler systems, which is a requirement of the Contra Costa County Fire Protection District, will result in the maximum elevation for residential unit floor slab not greater than 92 feet, which could be further reduced dependent upon types of water devises and facilities installed. The environmental document approved by Contra Costa County will fully evaluate the impacts of the water main extension that will be needed to service residential units located at 92 feet in elevation or lower. The environmental document will provide sufficient information on the land area that is needed for the new water line as well as all of the environmental impacts of the new water line and will fully describe all of the necessary permits and mitigation that is required for the new water line.*

- **Alternatives** - Given the importance of the water service to the proposed site the Alternatives Assessment (1-4) should include consideration of the water infrastructure required for each alternative. The highest residential elevation for each alternative should be provided and this can then determine the amount of water infrastructure that is required to provide the required water service. For example the 50 percent density alternative may be the only residential project than can be serviced by a single water main extension assuming that the units are located at or below elevation 92 feet.

CCWD appreciates the opportunity to provide its comments on the Bayview Estates Residential Project Draft EIR. It is recommended that the project applicant consult with CCWD Engineering as soon as possible so that more details can be made available to Contra Costa County regarding the impacts from this project. Please contact Chris Hentz in the CCWD Engineering Department for these services at (925) 688-8311. I may also be contacted at (925) 688-8119.

Sincerely,



Mark A. Seedall  
Principal Planner

MAS/rhr

Attachments:

- May 13, 2008 Bayview Estates Project Review Letter to Ryan Hernandez
- June 27, 2008 Bayview Estates Residential Development by Discovery Builders to Ryan Cox





MT. VIEW SANITARY DISTRICT

3800 ARTHUR ROAD  
P.O. BOX 2757  
MARTINEZ, CA 94553

TEL 925.228.5635  
FAX 925.228.7585  
WWW.MVSD.ORG

A-2

July 6, 2017  
(Revised)

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

Subject: Vesting Tentative Map  
Subdivision 8809, Bayview

Dear Mr. Osborne,

Thank you for providing the Mt. View Sanitary District (MVSD or District) with an opportunity to comment on the Vesting Tentative Map (VTM) dated 5-5-16 for Subdivision 8809, Bayview. The Owner and Applicant (hereafter "Developer") propose to subdivide the existing property into 144 residential lots. MVSD first submitted comments on this application in October of 2004. The proposed grading, drainage and sewer conveyance system have changed, however, and the comments and conditions stated below supersede and replace our previous comments. Applicable sections of the MVSD Code are included in parenthesis.

1. The new VTM proposes to sewer the entire subdivision to the existing sewer main located to southeast in the District's easement (1867 OR 311) located in the existing wetlands. Unfortunately, this sewer was abandoned several years ago due to settlement, adverse grades and leaking joints. All flow on the south side of the BNSF Railway tracks was diverted to mains in Blum Road and Pacheco Boulevard. In order for this line to be placed back into service, it must be improved from the point of connection in the marsh to the existing manhole on the southwest side of highway 680. All weather access to manholes will be required.

Replacement of the offsite sewer will require separate plans and permits. Requirements of other agencies and stake holders for permitting the construction of the sewer in the wetlands will be the Developer's responsibility. Replacement of the line from the maintenance road to the southwest side of the freeway may be performed by pipe bursting or directional drilling, pending verification of slope and approval by Caltrans.

The Developer may wish to consider a revised scheme for sewer service which would redirect the in tract flow to the southwestern corner of the development and the manhole in the Contra Costa Water District maintenance road. This would require a revision to the grading scheme, but would reduce significantly the amount of offsite sewer construction.

The VTM should at a minimum show the routing of the offsite sewer system including proposed manhole locations and pipe slopes and diameters.

A-2-1

2. The owner must annex the property to the Mt. View Sanitary District. The developer's engineer must prepare the plats and legal descriptions, and other documents required by the Local Agency Formation Commission (LAFCO) and pay all fees of LAFCO and the District related to processing the annexation. (7.7) A-2-2
3. In order for the VTM to be considered as complete, the proposed locations of all manholes should be shown with together with proposed pipe diameters, slopes and inverts in order to demonstrate that the proposed method of collection will meet the District's minimum design standards.(4.8.1) A-2-3
4. The property owner shall dedicate sanitary sewer easements to the District for any new sewer mains not located in public streets per District requirements. (4.8, 6.4, 6.5 and 6.6) A-2-4
5. Each building shall be served with a separate side-sewer connected to the new main. (4.6.3) A-2-5
6. All side-sewers shall be fitted with standard overflow protection device or a backwater prevention device (checkvalve) as may be appropriate. (4.6.7)
7. The Developer shall design and construct a public sewer system to serve this development in accordance with the MVSD Code and the District's Standard Specifications. (4.3) A-2-6
8. The Developer shall post a deposit for plan review fees, as required by the District Code. The deposit shall include the cost of this and prior reviews of tentative maps on this site. The deposit shall be collected prior to the review of Sewer Construction Plans, annexation documents or easement documents, whichever occurs first. (7.4) A-2-7
9. The Developer shall enter into the District's standard Owner's Sewer Improvement Agreement and Agreement for Sewer Improvement Security Bond, or post equivalent security for sanitary sewer improvements as required by prior to receiving a construction permit. (7.11) A-2-8
10. The Developer shall pay any outstanding fees for plan reviews, and mapping, inspection, for sewer construction prior to the issuance of a sewer construction permit. (7.4.2) A-2-9
11. The Developer shall provide a cash deposit for corrective or emergency work prior to obtaining a sewer construction permit. (7.12) A-2-10
12. The Developer shall construct all improvements necessary for the development of the project at no cost to the District. (4.7.12) A-2-11
13. The Developer shall submit digital files and as-built mylars of plans for all mainline sewer improvements, and pay all outstanding fess prior to the District's final acceptance of the sewer system. (4.7.5) A-2-12
14. The Developer shall obtain a sewer connection permit and pay capacity fees prior to connecting each building unit to the District's system. The District will not issue individual connection permits until the Sanitary Board has accepted sewer easements and mainline improvements for maintenance. Building foundations shall A-2-13

have been constructed prior to connection of a residence to the District's sewer system. (7.8)

↑ A-2-13  
conf

15. Fees shall be charged pursuant to the Ordinance in effect at the time that the permit is issued. Fees are subject to revision by the District Board without notice.(7.8.12.1)

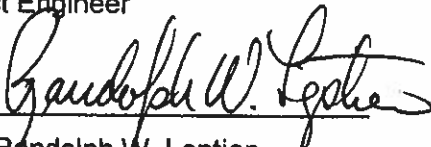
| A-2-14

Other sections of the District Code not indicated above may apply to this application.

Please feel free to contact Peter J. Wolman at [pjwollman@lcc-inc.com](mailto:pjwollman@lcc-inc.com)) or the undersigned at [rwl@lcc-inc.com](mailto:rwl@lcc-inc.com) or either of us by telephone at 925-228-4218 should you have any questions.

Very truly yours,

Randolph W. Leptien  
LCC Engineering & Surveying, Inc.  
District Engineer

By   
Randolph W. Leptien

Copy: Neal Allen, District Manager  
Dave Isakson, Isakson & Associates, Inc.







# Central Contra Costa Sanitary District

Protecting public health and the environment

5019 Imhoff Place, Martinez, CA 94553-4392

2017 JUL 18 P 1:54

FAX: (925) 228-4624

July 11, 2017

DEPARTMENT OF  
CONSERVATION  
AND DEVELOPMENT

ROGER S. BAILEY  
General Manager

KENTON L. ALM  
Counsel for the District  
(925) 938-1430

ELAINE R. BOEHME  
Secretary of the District

Contra Costa County  
Department of Conservation and Development  
Attn: John Osborne  
30 Muir Road  
Martinez, CA 94553

A-3

NOTICE OF PREPARATION; 144-UNIT "BAYVIEW RESIDENTIAL PROJECT", CENTRAL AVENUE AND PALMS DRIVE AREA, UNINCORPORATED MARTINEZ; APN: 380-030-046; MAP 10E2; MVSD SERVICE AREA

Dear Mr. Osborne:

Central Contra Costa Sanitary District (Central San) is an affected property owner within the project area. Central San's wastewater treatment plant property is as close as 1,400 feet east of the project site, and other uses incompatible with residential development are also nearby. The proposed General Plan amendment would change the site's land use designation from "Heavy Industrial" to "Single-Family Medium", "Open Space" and "Parks and Recreation". Central San's specific concerns regarding these issues, explained below, should be addressed in the project's Environmental Impact Report (EIR).

LAND USE CONCERNS: While Central San is sensitive to the County's obligation to meet the housing needs of our community, Central San is seriously concerned about a proposal to take "Heavy Industrial" designated land, which is compatible with our nearby treatment plant and Maltby Pumping Station operations, and convert it to a residential use, which is much less compatible. Residences would be much more sensitive to odors, dust and noise associated with our existing and future operations, as well as other nearby, heavy industrial uses, including the existing refineries, garbage transfer station, railroad, petroleum and natural gas pipelines, and capped toxic wasted ponds, and a construction material manufacturing and trucking yard operation below and east of the project site (see Attachments A and B).

A-3-1

The project, therefore, would have significant, unavoidable land use incompatibility impacts with the existing, well-established land uses in the area. This issue needs to be addressed in the EIR.

Central San has long opposed area developments that would convert a "Heavy Industrial" designated property to a more sensitive land use (e.g. rejected County proposals for a truck stop or a homeless shelter on Imhoff Drive) or that would introduce non-Heavy Industrial traffic into the area (e.g. the rejected Waterbird Way extension to Imhoff Drive as part of the Solano Way closure). Central San believes, therefore, that the subject property is appropriately planned for Heavy Industrial use and should remain so.

If you have any questions regarding these comments, please me at 925-229-7255 or  
rleavitt@centralsan.org.

Sincerely,

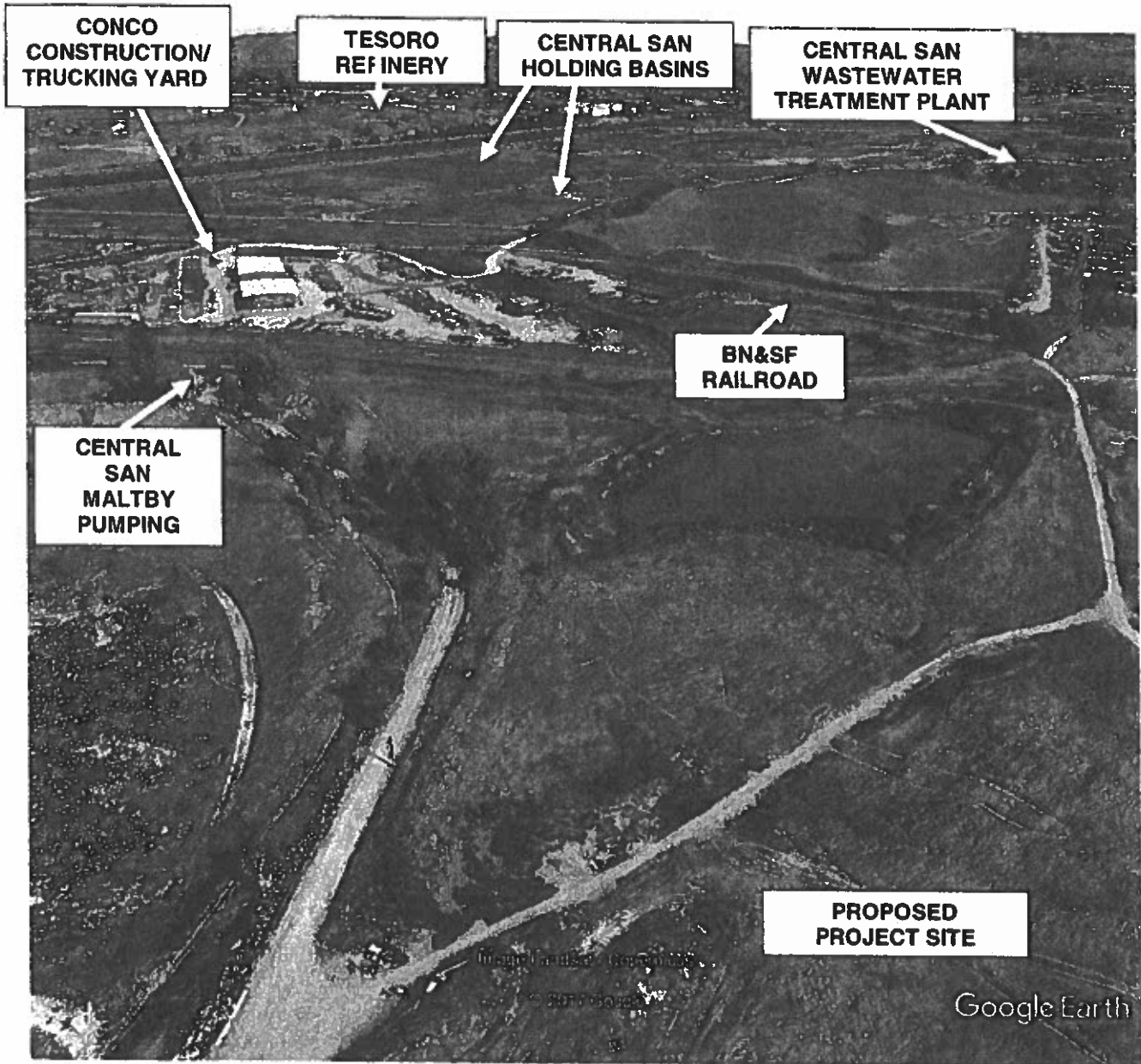
A handwritten signature in black ink, appearing to read "Russell B. Leavitt". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Russell B. Leavitt  
Engineering Assistant III

RBL/sdh

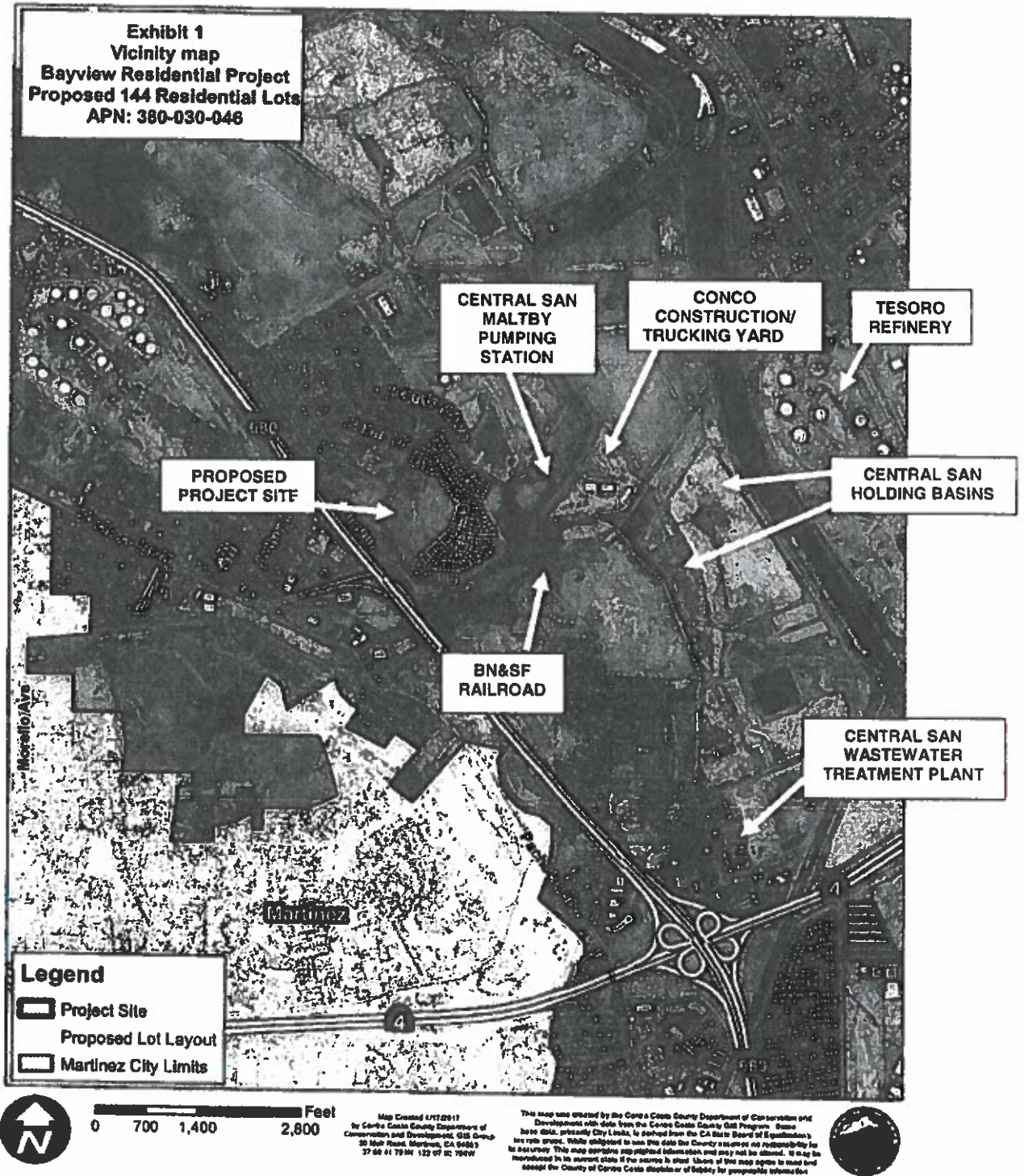
ATTACHMENT A

View from atop the project site looking downhill and to the east. Visible, incompatible uses include several Central San wastewater facilities, the Tesoro refinery, Conco's construction material manufacturing and trucking yard site, and the BN&SF Railroad.



**ATTACHMENT B**

Plan view of the project site and the land uses identified in Attachment A.





Contra Costa County



Fire Protection District

July 19, 2017

A-4

Mr. Osborne  
Contra Costa County  
Community Development Division  
30 Muir Rd  
Martinez, Ca 94553

**Subject:** Bayview Residential Project  
850 Central Av, Martinez, CA  
CCCFPD Project No.: P-2017-03096

Dear Mr. Osborne

We have reviewed the development plan application to establish 144 lot, single family home subdivision at the subject location. The following is required for Fire District approval in accordance with the 2016 California Fire Code (CFC), the 2016 California Building Code (CBC), the 2016 California Residential Code (CRC), and Local and County Ordinances and adopted standards:

- 1. Access as shown appears to comply with Fire District requirements.

Provide emergency apparatus access roadways with all-weather (paved) driving surfaces of not less than 20-feet unobstructed width, and not less than 13 feet 6 inches of vertical clearance, to within 150 feet of travel distance to all portions of the exterior walls of every building. Access shall have a minimum outside turning radius of 45 feet, and must be capable of supporting the imposed fire apparatus loading of 37 tons. Access roadways shall not exceed 20% grade. Grades exceeding 16% shall be constructed of grooved concrete per the attached Fire District standard. (503) CFC

A-4-1

- 2. Access roadways of less than 28-feet unobstructed width shall have signs posted or curbs painted red with the words **NO PARKING – FIRE LANE** clearly marked. (22500.1) CVC, (503.3) CFC

Access roadways of 28 feet or greater, but less than 36-feet unobstructed width shall have **NO PARKING – FIRE LANE** signs posted, allowing for parking on one side only or curbs painted red with the words **NO PARKING – FIRE LANE** clearly marked. *Parking is permitted only on the side of the road that does not have hydrants.* (22500.1) CVC, (503.3) CFC.

A-4-2

- 3. Turnaround as shown appear to comply with Fire District requirements.

A-4-3

- 4. Access gates for Fire District apparatus, if installed, shall be a minimum of 20-feet wide. Access gates shall slide horizontally or swing inward and shall be located a minimum of 30 feet from the street. Electrically operated gates shall be equipped with a Knox Company key-operated switch. Manually operated gates shall be equipped with a non-casehardened lock or approved Fire District lock. Contact the Fire District for information on ordering the key-operated switch. (D103.5) CFC.

A-4-4

5. The developer shall provide an adequate and reliable water supply for fire protection as set forth in the California Fire Code. (507.1) CFC
6. The developer shall submit a minimum of two (2) copies of site improvement plans indicating all existing or proposed hydrant locations and fire apparatus access for review and approval prior to obtaining a building permit. **Final placement of hydrants shall be determined by this office.** (501.3) CFC
7. **Emergency apparatus access roadways and hydrants shall be installed, in service, and inspected by the Fire District prior to construction or combustible storage on site.** (501.4) CFC  
  
**Note:** A temporary aggregate base or asphalt grindings roadway is not considered an all-weather surface for emergency apparatus access. The first lift of asphalt concrete paving shall be installed as the minimum roadway material and must be engineered to support the designated gross vehicle weight of 37 tons.
8. The homes as proposed shall be protected with an approved automatic fire sprinkler system complying with the 2016 edition of NFPA 13D or Section R313.3 of the 2016 California Residential Code. Submit a minimum of two (2) sets of plans to this office for review and approval prior to installation. (903.2) CFC, (R313.3) CRC, Contra Costa County Ordinance 2016-23
9. Where existing access to open land or space, or to fire trail systems maintained for public or private use is obstructed by new development of any kind, the developer shall provide an alternate means of access into the area that is sufficient to allow access for fire personnel and apparatus. These access roadways shall be a minimum of 16 feet in width to accommodate Fire District equipment. **Access locations will be determined by this office upon submittal of three (3) copies of complete improvement plans.** Contra Costa County Ordinance 2010-15
10. Development on any parcel in this subdivision shall be subject to review and approval by the Fire District to ensure compliance with minimum requirements related to fire and life safety. Submit three (3) sets of plans to the Fire District prior to obtaining a building permit. (501.3) CFC

A-4-5

A-4-6

A-4-7

A-4-8

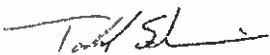
A-4-9

A-4-10

Our preliminary review comments shall not be construed to encompass the complete project. Additional plans and specifications may be required after further review.

If you have any questions regarding this matter, please contact this office at (925) 941-3300.

Sincerely,



Todd Schiess  
Fire Inspector I

File: 850 CENTRAL AV-SUBDIVISION-PLN-P-2017-03096

A-5



CONTRA COSTA COUNTY  
AIRPORT LAND USE COMMISSION  
c/o DEPARTMENT OF CONSERVATION & DEVELOPMENT  
30 Muir Road, 2<sup>nd</sup> Floor  
Martinez, CA 94553  
Telephone: 925-674-7832 Fax: 925-674-7258

TO: John Osborne, Current Planning

FROM: Jamar Stamps, ALUC staff JS

DATE: July 12, 2017

SUBJECT: **Comments on Notice of Preparation for Draft Environmental Impact Report on proposed Bayview Residential Project – Vine Hill/Pacheco area**

Thank you for the opportunity to comment on the subject Notice of Preparation (“NOP”) for a Draft Environmental Impact Report (“DEIR”). The project is within the Airport Influence Area (“AIA”) of Buchanan Field Airport. Therefore, a review and determination of consistency with the *Contra Costa Airport Land Use Compatibility Plan* (“Plan”) would be required for this type of land use action<sup>1</sup>. The Airport Land Use Commission (“ALUC” or “Commission”) relies on the Plan, as well as applicable state and federal regulations to review airport and adjacent land use development proposals.

A-5-1

A-5-2

The Commission is concerned only with the potential impacts related to: (a) Exposure to aircraft noise; (b) Land use safety with respect both to people on the ground and the occupants of aircraft; (c) Protection of airport airspace; and (d) General (primarily annoyance-related) concerns associated with aircraft overflights<sup>2</sup>.

A-5-3

A-5-4

A-5-5

ALUC staff will conduct the initial review of the DEIR to verify Plan consistency of the proposed actions. Based on the type of land use actions (general plan and zoning amendment), referral to the ALUC would be required for a final consistency determination, even in the absence of direct conflicts with the Plan<sup>3</sup>. Timing of the Commission meeting will be determined after ALUC staff reviews the proposed project analysis.

A-5-6

I look forward to reviewing the DEIR when available. Do not hesitate to contact me if you have any questions.

ALUCP: <http://www.contracosta.ca.gov/4307/Airport-Land-Use-Commission-ALUC>

1 Airport Land Use Compatibility Plan, Section 1.5.1. Types of Actions Reviewed  
2 Airport Land Use Compatibility Plan, Section 1.4.1. Principal Compatibility Concerns  
3 Airport Land Use Compatibility Plan, Section 1.5.1.(a)

A-6

**John Osborne**

---

**From:** Lou Ann Texeira  
**Sent:** Friday, June 09, 2017 9:32 AM  
**To:** John Osborne  
**Cc:** Kate Sibley  
**Subject:** Vine Hill Development - Notice of Preparation of DEIR

Good Morning John,

Thanks for sending LAFCO the notice regarding a proposed 144 single-family development (Vine Hill) project on APN 380-030-046.

Just a comment that the parcel appears to be within Contra Costa Water District's service boundary as well as the Central Valley Project area. The parcel is also within the Mt. View Sanitary District's (MVSD) SOI, but not within their service boundary; thus, the project will require annexation to the MVSD. | A-6-

LAFCO would appreciate being placed on the notice list for this project. Thanks!

*Lou Ann*



A-7



**CONTRA COSTA COUNTY  
DEPARTMENT OF CONSERVATION & DEVELOPMENT**

30 Muir Road  
Martinez, CA 94553

Telephone: (925) 674-7209 Fax: (925) 674-7250

---

**TO:** John Osborne, Community Development Division  
**FROM:** Robert Sarmiento, Transportation Planning Division (RS)  
**DATE:** July 24, 2017  
**SUBJECT:** Bayview Residential Project

---

This memo serves as the Department of Conservation and Development – Transportation Planning Section and the Public Works Department – Transportation Engineering Division’s comments on the Notice of Preparation for a Draft Environmental Impact Report for the subject project. Thank you for the opportunity to comment.

1. A traffic study will be required to analyze the transportation impacts of the proposed project. The traffic study should follow the policies, regulations, goals, and guidelines of Contra Costa County, the Contra Costa Transportation Authority—specifically, the Technical Procedures and the Measure J Implementation Guide, and the Transportation Partnership and Cooperation (TRANSPAC) Committee. | A-7-1
2. The Draft Environmental Impact Report (DEIR) should include a study of intersections on Pacheco Boulevard and Arthur Road. | A-7-2

cc: John Cunningham, DCD  
Maureen Toms, DCD  
Mary Halle, PWD  
Jerry Fahy, PWD

A-8

**John Osborne**

---

**From:** Farinha, Melissa@Wildlife <Melissa.Farinha@wildlife.ca.gov>  
**Sent:** Tuesday, June 13, 2017 9:22 AM  
**To:** John Osborne  
**Subject:** Bayview Residential Project NOP

Greetings John,

CDFW recommends the following:

Rare plant surveys performed by a qualified botanist according to CDFW protocols found here:

<https://www.wildlife.ca.gov/Conservation/Survey-Protocols#377281280-plants>

Habitat type mapping and quantification of the project site.

Evaluation of potential for special status fish and wildlife species that may be impacted by the project.

| A-8-1

| A-8-2

| A-8-3

Thank You,

Melissa Farinha  
Senior Environmental Scientist (Supervisory)  
Bay Delta Region, Habitat Conservation Unit  
7329 Silverado Trail  
Napa, CA 95688  
(707) 944-5579



## DARWIN MYERS ASSOCIATES

ENVIRONMENTAL RESEARCH ■ ENGINEERING GEOLOGY

A-9

June 12, 2017

John Osborne, Senior Planner  
Contra Costa County  
Department of Conservation & Development  
Community Development Division  
30 Muir Road  
Martinez, CA 94553

**Subject: Geologic Peer Review – NOP Comments**  
GP040007, RZ043148, SD048809 & DP043080 (Bayview)  
APN 380-030-046/ Vinehill Investments, Inc. (owner)  
Vine Hill-Pacheco Area, Contra Costa County  
DMA Project #3028.17

Dear John,

In response to the June 7, 2017 letter issued by DCD regarding the scoping meeting for preparation of an EIR on the captioned project, we have provided the attached comments for consideration by the County and CEQA consultant. We will not provide an overview on the geologic and seismic setting of the site as that was previously provided.<sup>1</sup> Instead, our comments focus on the Vesting Tentative Map (VTM).<sup>2</sup> No new geotechnical data was submitted with the Revised VTM. However, the geotechnical engineers and geologists of record are Engeo, Inc. Their preliminary geotechnical report for the project was issued more than 14 years ago,<sup>3</sup> and a supplemental geotechnical report approximately 10 years ago.<sup>4</sup> The Revised VTM has reduced the proposed lot yield from the original proposal for 163 to 144 residential lots (a decrease in lot yield of 12 percent). The permanent open space parcels are identified on the Map (Parcels labeled A, B and C). It is our opinion that the reports of Engeo are adequate to serve as the primary basis for evaluation of the range of potential geologic, geotechnical and seismic hazards listed in Appendix G of the State CEQA Guidelines. However, it would not be surprising if the County's CEQA consultant needed to contact the project sponsor's civil engineer or geotechnical consultants during preparation of the Draft EIR to clarify key points. As you know, the CEQA document does not require detailed geotechnical design recommendations (e.g. depth of pier holes for foundations, compaction standards for engineered fill, thickness of base rock for roadways, etc.). However these details are needed later in the planning process should the application be approved. It is our opinion that Mitigation Measures/ Conditions of Approval should require such details prior to recordation of the Final Map.

A-9-1

<sup>1</sup> Darwin Myers Associates, 2010, *Geologic Peer Review - Revised Vesting Tentative Map, GP040007, RZ043148, SD048809 & DP043080 (Bayview), APN 380-030-046/ Vinehill Investments, Inc. (owner), Martinez Area, Contra Costa County, DMA Project #3030.10* (letter dated November 30, 2010).

<sup>2</sup> Isakson & Associates, Inc., 2017. *Vesting Tentative Map, Final Development Plan & Preliminary Grading Plan, "Bayview", Subdivision 8809, Contra Costa County, California.* Isakson Job #200313 (1 Sheet, scale 1 in. = 100 ft., dated May 5, 2017).

<sup>3</sup> Engeo, Inc., 2003, *Geotechnical Exploration, Bayview Subdivision, Martinez, California, Engeo Job #5906.2.003.01* (dated August 15, 2003)

<sup>4</sup> Engeo, Inc., 2006. *Geotechnical Review of Rough Grading Plan and Supplemental Recommendations, Bayview Subdivision 8809, 163 Lots, Contra Costa County, California.* Engeo Job #5906.2.004.0 (dated June 27, 2006).

## ***Approach***

In the past several years my work on this project has been limited to review of Preliminary Grading Plans with John Osborne, and we had a meeting with the applicant's representative on one occasion to discuss grading-related issues. Our scope of work for the review letter presented herein was limited to the following: (a) analysis of a stereo pair of historic vertical-angle aerial photographs, (b) review of the Revised Preliminary Grading Plan (dated May 5, 2017), (c) review of two previous peer review letters on the project that were issued in 2010 and 2013. We did not review the previous EIR prepared for the project. Please note that our 2010 review letter contains background information on the geologic setting of the site, along with our comments on the 2003 geotechnical report issued by Engeo, Inc.

## ***DMA Comments***

### **1. General**

The Grading Plan has evolved during the past 8 years, and in our opinion it now represents a conservative approach to residential development of the site. The proposed cut slopes on Parcel A are to have a gradient of 2½:1 (horizontal to vertical), except for the northernmost area, where the slope must steepen as it transitions to meet the grade of the natural slope on the adjacent offsite property. The grading plan indicates use of concrete lined J-ditches at 30 ft.± vertical intervals on Parcel A, with a 20 ft. wide debris bench at the toe of the Parcel A cut slope. Within the residential project the proposed slope gradient is 2:1 (h:v), which conforms with the standards of the County Grading Ordinance. Adjacent to the channel of Pacheco Creek, slope gradients of 3:1 (h:v) are indicated. This gradient conforms with the normal construction standards of the Public Works Department and Flood Control District adjacent to creek channels.

A-9-2

### **2. Salvage Topsoil**

We recommend that topsoil be salvaged during grading and stockpiled for use as a dressing on all engineered slopes possessing gradients of 2½:1 or flatter. Typically after slopes reach final design grades, approximately 4 to 6 inches of soil are track walked on the scarified, final-graded slope. In our opinion this will facilitate revegetation of the disturbed slopes, thereby controlling erosion.

A-9-3

### **3. Parcel C**

Parcel C provides maintenance access to Parcel A. This access is located between Lots #31 and 32, and is behind Lots #23 and 24. Parcel C is 20 ft. wide. It should be (a) paved, (b) fenced, and (c) gated. The purpose of the gate is to control unauthorized access to Parcel A. The locking device shall meet the standards of the Contra Costa County Fire Protection District. A bend in the road alignment is not desirable. For this segment of the roadway, the width of the easement should be increased to 25 ft.

A-9-4

### **4. Geologic Hazard Abatement District**

The project site includes large open space parcels that will require provision for long-term monitoring and maintenance. On Parcel A, maintenance duties would include maintenance of J-ditches and debris bench, control of erosion, and possibly corrective grading a landslide on Parcel A if it threatens improvements within the Bayview Project, and mowing for purposes of wildfire control. In our experience an adequately funded Geologic Hazard Abatement District (GHAD) is an ideal means of ensuring proper monitoring and maintenance. Options existing include joining an established GHAD or forming a stand-alone GHAD. For your consideration, Table 1 provides recommended GHAD Conditions of Approval.

A-9-5

**Table 1**  
**GHAD Conditions of Approval**

- |   |
|---|
| <ol style="list-style-type: none"> <li>1. Prior to the filing of the Final Map, the project proponent shall join with the existing Geological Hazard Abatement District (GHAD) or create a new independent GHAD formed pursuant to Public Resources Code section 26500. The GHAD documents are subject to review and approval of the Board of Supervisors. The GHAD formation requires a Plan of Control and an Engineer's Report. These documents must be prepared by licensed professionals (engineering geologists and geotechnical engineers) and are subject to technical review by the Department of Conservation &amp; Development. The project proponent is responsible for funding the technical review.</li> <li>2. If the GHAD is to own the open space parcels, it will assume responsibilities that relate to their position as a GHAD and also the duties as a responsible property owner. The GHAD is charged with responsibilities that relate to the prevention, mitigation, abatement, or control of geologic hazards, which includes (a) maintenance of facilities that enhance geologic as well as hydrogeologic stability, such as drainage facilities and associated improvements. The drainage facilities to be maintained by the GHAD shall include any retaining walls on open space parcels, BMP water quality treatment facilities, concrete lined drainage ditches and open space storm drainage facilities, and other peripherally-related open space responsibilities (e.g. erosion control, mowing).</li> <li>3. The Plan of Control shall include (a) background information on the project and the open space, (b) characterize the geologic and seismic setting of the site, (c) provide a detailed evaluation of potential geologic hazards, (d) provide criteria for GHAD responsibility, (e) address activation of assessments and outline the process for transferring responsibility to the GHAD, (f) describe general landslide mitigation, (g) establish priorities for GHAD expenditures, and (h) outline the monitoring and maintenance schedule, including provision for monitoring performance of GHAD maintained facilities in the aftermath of an earthquake that yields strong to violent earthquake shaking in the site vicinity. The engineers report shall provide the financial details needed to implement the Plan of Control.</li> <li>4. A recorded deed disclosure shall provide notice to all the owners of Lots 1-12 of the existence of the Geologic Hazard Abatement District (GHAD) and its responsibilities, in addition to any easements and improvements granted to the GHAD. This notice may include provision for removal of landscaping or structures within the easements granted to the District without compensation.</li> </ol> |
|---|

A-9-5  
Cont.

5. Geotechnical Update Report

With the passage of time, geotechnical reports require updating. This is due to possible changes in site conditions, evolution in the design of the project, modification to regulatory framework (e.g. changes to the seismic design parameters in the most recent California Building Code) and changes in the standard of care. Normally, geotechnical reports require updating after 3 years. In this case the reports issued by Engeo, Inc. were issued more than 10 years ago. Therefore, an update geotechnical report is warranted. For your consideration, Table 2 provides our recommendations for the Update Geotechnical Report.

A-9-6

**Table 2**  
**DMA Recommendations for**  
**Update Geotechnical Report**

- |  |
|--|
| <ol style="list-style-type: none"> <li>1. At least 45 day prior to requesting recordation of the Final Map or installation of improvements, submit a design level geotechnical update report meeting the requirements of Subdivision Ordinance 94-4.420, for review by the County Peer Review Geologist, and the review/ approval of the Zoning Administrator. The project geotechnical engineers shall provide a corrective grading plan for known slide areas and areas of erosion, along with final design recommendations for the project. The report</li> </ol> |
|--|

A-9-7

shall provide special design recommendation for cut/fill pads, differential fill thickness lots, retaining or perimeter walls, design of C.3 (storm water control) bio-swaes and basins, and comment on the consistency of the Grading & Drainage Plans with the geotechnical recommendations for the project. It shall also outline in detail the geotechnical and geologic monitoring and testing recommended during construction, including (a) clearing, (b) grading, (c) foundations and (d) drainage. The recommended monitoring shall include geologic mapping of all cut slopes and keyway excavations by the project engineering geologist, and preparation of a map showing the location, approximate depth and outfall points for all subdrains.

2. Following grading the project geotechnical engineer shall prepare an as-graded report that documents the observation and testing services provided during grading, including the geologic mapping and drainage map. It shall also provide the geotechnical engineer's opinion on consistency of the as-graded project with the recommendations in the approved geotechnical report(s).
3. All measures identified in the approved geotechnical report(s) that provide for slope stability shall be incorporated into the final grading and drainage plans. Within open space parcels, engineered slopes shall be designed with gradients of 2½:1 (horizontal to vertical). The only exception to this standard shall be at the transition to natural topography at the north boundary of Parcel A, where slope gradient must locally steepen. Within open space parcels, concrete-lined J-ditches to carry runoff shall be spaced at 30 ft.± vertical intervals on 2½:1 engineered slopes. (If these ditches are designed with a gradient of 5 percent or greater the ditches can be expected to be self-cleaning.) Prior to issuance of the grading permit, the County Peer Review Geologist shall review the geotechnical reports and grading/ drainage plans to verify compliance this of grading and drainage plans with the provisions of the COAs.

A-9-7  
cont

A-9-8

A-9-9

### **Limitations**

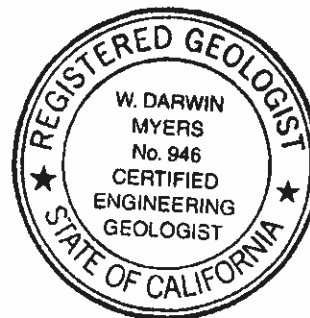
The purpose of our review was to provide a professional opinion on the geologic issues for the proposed CEQA document.. Specifically, we provide advice to assist the Community Development Division with discretionary permit decisions. Our scope our review was limited to the documents that are referenced herein. Our evaluation is made in accordance with generally accepted principles and practices of the Engineering Geology Profession.

We trust this letter provides the evaluation and comments that you requested. Please call if you have any questions.

Sincerely,  
DARWIN MYERS ASSOCIATES



Darwin Myers, CEG 946  
Principal



cc. Vinehill Investments, Inc., 4080 Pike Lane, Suite A, Concord, CA 94520  
Dave Isakson, Isakson & Associates, Inc., 2255 Ygnacio Valley Rd., Suite C, Walnut Creek, CA 94598  
Phil Stuecheli, Engeo Inc., 2010 Crow Canyon Place, Suite 250, San Ramon, CA 94583





Contra Costa County  
Public Works  
Department

*A-10*

Julia R. Bueren, Director  
Deputy Directors  
Brian M. Balbas, Chief  
Mike Carlson  
Stephen Kowalewski  
Carrie Ricci  
Joe Yee

**Memo**

August 10, 2017

**TO:** John Osborne, Senior Planner, Department of Conservation and Development  
**FROM:** Jocelyn A.B. LaRocque, Senior Civil Engineer, Engineering Services *Jocelyn*  
**SUBJECT:** **SUBDIVISION SD04-8809 / DP04-3080 / RZ04-3148 / GP04-0007**  
**Notice to Preparation for Draft Environment Impact Report (DEIR)**  
(Vinehill Investments Inc./Central Avenue & Palms Drive/APN380-030-049)  
**FILE:** SD04-8809

**MESSAGE:**

We have received the Notice of Preparation for a Draft Environmental Impact Report (DEIR) for subdivision SD04-8809, Bayview Residential Project, located at the terminus of Central Avenue/Palms Drive in the Martinez (Vinehill) area. We had previously submitted memos on the staff report and recommended conditions of approval for this project in 2012. Our main concerns on the project remain the same. The DEIR should address the environmental impacts of, and mitigation measures for the following:

**Traffic and Circulation**

Roadway Improvements (On-Site, Private)

1. As stated in our previous memos (dated April 2, 2012), the proposed road improvements (including the off-site improvements on Palms Drive and all on-site roadways) will need to be privately-owned and -maintained as the County will not accept these roadways for public maintenance (including on-site roadways) until continuous roadways within adequate road rights of way meeting County standards and ordinances have been constructed, inspected, and all land rights acquired. *A-10-1*

Standard private road is a roadway with a minimum traveled width of 16 feet, with 2 feet shoulders, within a 25-foot access easement. Given that project site is located within one mile of an existing school and will have a high density, concrete sidewalks will need to be constructed. The DEIR should address these private road improvements. *A-10-2*

If the developer is able to obtain the land rights and improve the existing off-site segments of Palms Drive and Central Avenue, and should the developer propose to have the on-site road system be publicly owned and maintained, then the applicant will need construct these on-site road system to meet County public road standards; roadway improvements and rights of way will need to meet current roadway sections for subdivision and road acceptance standards and ordinances. The roadways will need to have concrete curb, gutter, minimum 4.5-foot sidewalk (on both sides, with the *A-10-3*

exception of Central Avenue), and necessary longitudinal and traverse drainage. A standard cul-de-sac turnaround will need to be constructed at the end of any roadways. The knuckles shown at various intersections will need to be removed. Also, the proposed "C" Drive/"D" Drive intersection is at an acute angle, as shown on the Vesting Tentative Map dated May 5, 2016. This abrupt change in direction does not appear to provide adequate truck turning geometry or sight distance. These roadways shall be redesigned to reduce the acute angle of the intersection, as approved by the Public Works Department. Roadway intersections shall optimally intersect at perpendicular angles. These potential improvements that meet public roadways standards and ordinances should be addressed in the DEIR.

A-10-3  
cont.

Roadway Improvements (Off-Site)

2. Palms Drive is a private roadway that does not meet current public road standards for road acceptance. It has narrower pavement widths, deteriorated pavement, limited frontage improvements including pedestrian access, inadequate drainage, and varying right of way widths. Palms Drive will need to be improved, and thus as a recommended condition of approval, the applicant will improve Palms Drive, from Arthur Road through to the northwestern boundary of the project, with a minimum pavement width of 28 feet (consisting of four-foot wide paved shoulders and 12-foot wide travel lanes) and two feet of shoulder (or curb, as required). The centerline alignment of Palms Drive will need to be modified to provide improved curve radii where angle points currently exist. The County will not accept the roadway for public maintenance; Palms Drive is to remain a private road. The DEIR should address Palms Drive, the improvements and potential rights of way necessary to improve it.
3. The private segment of Central Avenue approximately 100 feet east of Darcie Way to the project site is unpaved and within a generally 20-foot wide travel way. The applicant will need to improve this segment to meet county standards for private road should it remain private. The improvements should include sidewalk since the project location is within one mile of an existing school. If the on-site road system is to be publicly owned and maintained, this section of the Central Avenue will need to be improved to public road standards and code and within the necessary rights of way. The DEIR should discuss this existing segment of Central Avenue, the improvements and potential rights of way necessary to improve it.
4. The applicant will also be required to underground new and existing utilities, and install signage such as on posted speed limit, parking restrictions, and pedestrian and bicycle facilities as reviewed and approved by Public Works. The DEIR should include these improvements as well.
5. Any traffic study performed as part of this DEIR should include intersections along Pacheco Boulevard. The DEIR should discuss potential impacts and mitigation measures at these intersections. When the Administrative DEIR is prepared or should there be an updated study, our Transportation Engineering can provided comments at that time.

A-10-4

A-10-5

A-10-6

A-10-7



### Construction Traffic

6. The DEIR should address the impacts of construction traffic. It should address should items as construction duration, estimated truck trips, impacts of construction workers on roadways, haul routes, and potential impacts to existing roadways and its mitigation measures. A construction management and traffic control plan should be submitted to and for review and approval of Public Works prior to initiation of construction activities. The plan should include comprehensive traffic measures (major truck trips schedule, types of vehicles and its maximum speed limit, expected daily truck trips, staging area, emergency access routes, detours, lane closures, street sweeping, etc.). A-10-8
7. Any damage to the existing roadway system due to the construction related activities of this project will need to be repaired to standards and to a structural condition equal to that which existed prior to the construction activity. A-10-9

### Drainage

8. Division 914 of the County Ordinance Code requires that all storm water entering and/or originating on this property to be collected and conveyed, without diversion and within an adequate storm drainage system, to an adequate natural watercourse having a definable bed and banks or to an existing adequate public storm drainage system which conveys the storm water to an adequate natural watercourse. The DEIR should discuss the environmental impacts of the storm drain facilities that will be constructed to meet the County collect and convey requirement. A-10-10
9. The DEIR should discuss that any exception to the County Ordinance Code that may be granted by the advisory agency for the proposed watershed diversion from Peyton Slough (DA 40) to Pacheco Creek (DA 57 and 125), provided that the proposed land use of Medium Residential (R-8) over the assumed use of Heavy Industrial (HI), will not increase the planned stormwater runoff to Pacheco Creek. A-10-11
10. The bioretention and park areas are proposed adjacent to Pacheco Creek. The DEIR should address impacts to Pacheco Creek. A-10-12
11. The DEIR should indicate that a portion of the development is within an adopted drainage area. Please see the interoffice memo from the Flood Control and Water Conservation District, dated July 28, 2017, for the recommended wording. A-10-13
12. Please see the interoffice memo from the Flood Control and Water Conservation District, dated July 28, 2017, for additional comments. A-10-14

### Stormwater Management and Discharge Control Ordinance

13. More than 10,000 square feet of new and/or redeveloped impervious surface area will be created with this project. This project will be required to comply with the Stormwater Management and Discharge Control Ordinance (§1014), and the County's Municipal A-10-15

Separate Storm Sewer System (MS4) National Pollutant Discharge Elimination System (NPDES) Permit. The DEIR should address the stormwater treatment facility.

↑ A-10-15  
cont

**Floodplain Management**

14. The DEIR should discuss that the property is located within the Special Flood Hazard Area (SFHA), as designated on the Federal Emergency Flood Rate Maps. The applicant shall be aware of the requirements of the National Flood Insurance Program and the County Floodplain Management Ordinance (Ordinance No. 2000-33) as they pertain to future construction of any structures on this property.

| A-10-16

**Landscaping, Park Area**

15. All landscaping improvements (street lights, common landscape areas, park, bioretention area, retaining walls on-site, perimeter fence, etc.) will be privately maintained in perpetuity as previously stated.

| A-10-17

**Annexation to a Lighting District**

16. The subject parcel is not annexed into the lighting district. The applicant will be required to annex into the Community Facilities District (CFD) 2010-1 formed for the Countywide Street Light Financing.

| A-10-18

**Area of Benefit Fee**

17. The applicant will need to comply with the requirements of the Bridge/Thoroughfare Fee Ordinance for the Martinez Area of Benefit, as adopted by the Board of Supervisors. These fees shall be paid prior to issuance of building permits.

| A-10-19

**Please note that if the applicant seeks any exceptions from Title 9 Subdivision Ordinance in conjunction with the vesting tentative map approval, they should submit that in writing and it should be requested in accordance with Section 92-6.002 of the County Ordinance Code.**

JL:mb  
\\PW-DATA\grpdata\engsvc\Land Dev\SD\SD 8809 Bayview Estates\Application\NOP DEIR.docx

c: Warren Lai, Engineering Services  
Jorge Hernandez, Flood Control



Contra Costa County  
**Flood Control**  
& Water Conservation District

A-11  
Julia R. Bueren,  
ex officio Chief Engineer  
Mike Carlson,  
Deputy Chief Engineer

**Interoffice  
Memo**

DATE: July 28, 2017

**TO:** John Osborne, Senior Planner, Department of Conservation and Development  
**FROM:** Jorge Hernandez, Staff Engineer, Flood Control District  
**SUBJECT:** Subdivision 8809, Bayview – Notice of Preparation for a Draft Environmental Impact Report  
**FILE:** 1002-8809

We have reviewed the Notice of Preparation for a Draft Environmental Impact Report (DEIR) for the Bayview Residential Project (Subdivision 8809), which we received on June 7, 2017. We previously commented on earlier versions of this development and provided conditions of approval along with recommended language for the DEIR (see attached letters dated: July 21, 2008, June 27, 2006, February 28, 2005, October 25, 2004, and December 21, 2011). While the project's impacts on Flood Control facilities remain essentially the same and our previous comments and recommendations are still applicable, we submit the following updated comments:

**COMMENTS FOR THE DEIR:**

1. The DEIR should indicate that a portion of the development is within an adopted drainage area. We recommend that the DEIR provide the requirements of the adopted Flood Control Ordinance for the drainage area the project is located in. We recommend including the following wording: This project is located within Drainage Area 57 (DA 57), for which a drainage fee is due in accordance with Flood Control Ordinance Number 88-86. By ordinance, all building permits or subdivision maps filed in this area are subject to the provisions of the drainage fee ordinance. Effective January 7, 1989, the current fee in this drainage area is \$0.35 per square foot of newly created impervious surface. The drainage area fee for this lot should be collected prior to filing the final map. A-11-1
2. The Contra Costa County Flood Control & Water Conservation District (FC District) is not the approving local agency for this project as defined by the Subdivision Map Act. As a special district, the FC District has an independent authority to collect drainage fees that is not restricted by the Subdivision Map Act. The FC District regularly adjusts its drainage fees to reflect increasing construction costs. The drainage fee rate does not vest at the time of tentative map approval. The drainage fees due and payable will be based on the fee in effect at the time of fee collection. A-11-2

3. At the time of the final map submittal for this subdivision, the applicant's engineer shall submit a worksheet containing the lot sizes, fee per lot subtotal and total fee required, along with the lot closure calculations for review by the FC District. The worksheet submitted will be the basis for establishing the drainage fee obligation for this project. A-11-3
4. This development is proposing to construct a levee between Pacheco Creek and the project's bio retention area to prevent the creek's drainage overflows from overtaxing the bio retention area. The DEIR should address the environmental impacts and mitigation measures of constructing or not constructing the levee. A-11-4
5. The DEIR should indicate that appropriate regulatory permits will be required from such agencies as the State Regional Water Quality Control Board, the Contra Costa County Flood Control & Water Conservation District, the U.S. Army Corps of Engineers and State Department of Fish and Game.
6. We request that the Flood Control District be given the opportunity to review and comment on the Administrative Draft Environmental Impact Report. A-11-5
7. The DEIR should discuss storm drain facilities to adequately collect and convey stormwater entering or originating within the development to the nearest adequate man-made drainage facility or natural watercourse, without diversion of the watershed, per Title 9 of the County Ordinance Code. A-11-6
8. The DEIR should discuss an exception to the County Ordinance Code can be granted for the proposed watershed diversion from Peyton Slough (DA 40) to Pacheco Creek (DA 57 & 125), provided that proposed land use of Medium Residential (R8) over the assumed use of Heavy Industrial, will not increase the planned stormwater runoff to Pacheco Creek. A-11-7
9. The DEIR should discuss that the FC District currently has property rights to the Pacheco Creek channel as well as the eastern levee and access road. In order to properly maintain the creek and the proposed 18-inch diameter outlet pipe into Pacheco Creek, the applicant shall dedicate an access easement, by separate instrument to the FC District, and construct a maintenance road along the western side of the channel from the end of the public portion of Central Avenue. The maintenance road shall connect to the FC District's existing access road along the western edge of the creek that starts in the vicinity of the Central Contra Costa Sanitary District pump station. The Maintenance road shall conform to the following requirements: A-11-8
  - ◆ Pavement should be designed to support FC District maintenance vehicles.
  - ◆ 14-foot wide (12-foot paved).
  - ◆ Cross-slope should drain away from the creek channel.
  - ◆ Minimum centerline radius of 47-feet at curves.
  - ◆ Removable bollards or gates should be installed to prevent unauthorized vehicle access to new FC District access easement.
  - ◆ Gates (design to be approved by the FC District) shall prevent all access to existing FC District easements.
  - ◆ The maintenance road elevation shall be equal or greater than the 100-year water surface for Pacheco Creek or the existing access road elevation on the east side of the channel.
  - ◆ Trees shall not be planted between the maintenance road and the channel.

10. The DEIR should discuss that prior to issuance of grading permits, applicant shall obtain a Flood Control Encroachment Permit for all work done within FC District right-of-way. As part of the permit, hydraulic calculations verifying adequacy of the channel and a geotechnical report substantiating the stability of all proposed earth work adjacent to Pacheco Creek, regardless of whether it occurs within FC District right-of-way or not, shall be required. | A-11-9
11. The DEIR should discuss that Pacheco Creek was designed and constructed by the United States Army Corp of Engineers (USACE) and was under their operations and maintenance agreement. Prior to issuance of grading permit, grading plans shall be reviewed and approved by the FC District. As such, the applicant shall construct the proposed levee adjacent to the creek to meet or exceed the United States Army Corp of Engineers' standards for levees. | A-11-10
12. The DEIR should discuss that portions of the project lot lies within the 100-year flood boundary as designated on the Federal Emergency Flood Rate Maps. The applicant shall be aware of the requirements of the Federal Flood Insurance Program and the County Flood Plain Management Ordinance as they pertain to future construction of any structures on this property. | A-11-11
13. The DEIR should discuss that prior to issuance of grading permits, applicant shall submit a Conditional Letter of Map Revision (CLOMR) for review and approval from the Federal Emergency Management Agency (FEMA). CLOMR shall be submitted through the County Floodplain Manager. | A-11-12
14. The DEIR should discuss the FC District's Lower Walnut Creek and Pacheco Marsh Restoration Project and how it impacts this development. | A-11-13

We appreciate the opportunity to review projects involving drainage matters and welcome continued coordination. If you should have any questions, or would like to set up a meeting to discuss our NOP comments please call me at (925) 313-2346 or e-mail me at [jhern@pw.cccounty.us](mailto:jhern@pw.cccounty.us).

JH:

G:\fldct\CurDev\CITIES\Martinez\Sub 8809 Bayview\NOP Comments -July 2017.doc

Attachment: FCD October 25, 2004, Comment Letter  
FCD February 28, 2005, Comment Letter  
FCD June 27, 2006, Comment Letter  
FCD July 21, 2008, Comment Letter  
FCD December 21, 2011 Comment Letter

c: Tim Jensen, Flood Control  
Paul Detjens, Flood Control  
Teri E. Rie, Flood Control  
Jocelyn LaRocque, Engineering Services

c/enc: Marsha Brown, Finance



# Wilton Rancheria



CONTRA COSTA  
COUNTY

9728 Kent Street, Elk Grove, CA 95624

2017 JUN 26 P 4:19

0-1

Friday, June 16, 2017

DEPARTMENT OF  
CONSERVATION  
AND DEVELOPMENT

John Osborne  
30 Muir Road  
Martinez Ca 94553

RE: Tribal Cultural Resources under the California Environmental Quality Act, AB52 (Gatto, 2014). Tribal Consultation for Bayview Residential Project Vine Hill

Dear: John Osborne,

This letter constitutes a formal request for tribal consultation under the provisions of the California Environmental Quality Act (CEQA) (Public Resources Code section 21080.3.1 subdivisions (b), (d) and (e)) for the mitigation of potential project impacts to tribal cultural resource for the above referenced project. Wilton Rancheria (Tribe) requested formal notice and information for all projects within your agency's geographical jurisdiction on July 1, 2015 and received notification on 6/7/2017 regarding the above referenced project.

The Tribe requests consultation on the following topics checked below, which shall be included in consultation if requested (Public Resources Code section 21080.3.2, subd. (a):

- Alternatives to the project
- Define the Applicant (Lead Agency)
- Project funding
- Recommended mitigation measures
- Significant effects of the project
- Native American Inspector present during ground disturbance

0-1-1

The Tribe also requests consultation on the following discretionary topics checked below (Public Resources Code section 21080.3.2, subd. (a):

- Type of environmental review necessary
- Significance of tribal cultural resources, including any regulations, policies or standards used by your agency to determine significance of tribal cultural resources
- Significance of the project's impacts on tribal cultural resources
- Project alternatives and/or appropriate measures for preservation or mitigation that we may recommend, including, but not limited to:

0-1-2

- (1) Avoidance and preservation of the resources in place, pursuant to Public Resources Code section 21084.3, including, but not limited to, planning and construction to avoid the resources and protect the cultural and natural



context, or planning greenspace, parks or other open space, to incorporate the resources with culturally appropriate protection and management criteria;

(2) Treating the resources with culturally appropriate dignity taking into account the tribal cultural values and meaning of the resources, including but not limited to the following:

- a. Protecting the cultural character and integrity of the resource;
- b. Protection the traditional use of the resource; and
- c. Protecting the confidentiality of the resource.

(3) Permanent conservation easements or other interests in real property, with culturally appropriate management criteria for the purposes of preserving or utilizing the resources or places.

(4) Protecting the resource.

0-1-2  
Cont.

Additionally, the Tribe would like to receive any cultural resources assessments or other assessments that have been completed on all or part of the project's area of potential effect (APE), and area surrounding the APE including, but not limited to:

1. The results of any record search that may have been conducted at an Information Center of the California Historical Resources Information System (CHRIS), including, but not limited to:
  - A listing of any and all known cultural resources have already been recorded on or adjacent to the APE;
  - Copies of any and all cultural resource records and study reports that may have been provided by the Information Center as part of the records search response;
  - If the probability is low, moderate, or high that cultural resources are located in the APE or surrounding the APE.
  - Whether the records search indicates a low, moderate or high probability that unrecorded cultural resources are located in the potential APE or surrounding the APE; and
  - If a survey is recommended by the Information Center to determine whether previously unrecorded cultural resources are present.
    - ✦ The Tribe requests to be present at any survey conducted on the Applicants behalf.
2. The results of any archaeological inventory survey that was conducted, including:
  - Any reports that may contain site forms, site significance, and suggested mitigation measures.
  - Any reports or inventories found under the Native American Graves Protection and Repatriation Act.
    - ✦ All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum, and not be made available for public disclosure in accordance with Government Code Section 6254.10. All Wilton Rancheria correspondences shall be kept under this confidential section and only shared between the Tribe and lead agency.
3. The results of any Sacred Lands File (SFL) check conducted through Native American Heritage Commission. The request form can be found at

0-1-3



[http://www.nahc.ca.gov/slf\\_request.html](http://www.nahc.ca.gov/slf_request.html). USGS 7.5-minute quadrangle name, township, range, and section required for the search.

4. Any ethnographic studies conducted for any area including all or part of the potential APE or areas surrounding the APE; and
5. Any geotechnical reports regarding all or part of the potential APE or areas surrounding the APE.
  - The Tribe shall be notified before any geotechnical testing is planned. Geotechnical testing has potential to impact Tribal Cultural Resources and should be part of this consultation.

0-1-3  
cont.

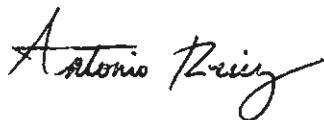
The information gathered will provide us with a better understanding of the project and will allow the Tribe to compare your records with our database.

We would like to remind your agency that CEQA Guidelines section 15126.4, subdivision (b)(3) states that preservation in place is the preferred manner of mitigating impacts to archaeological sites. Section 15126.4, subd. (b)(3) of the CEQA Guidelines has been interpreted by the California Court of Appeal to mean that "feasible preservation in place must be adopted to mitigate impacts to historical resources of an archaeological nature unless the lead agency determines that another form of mitigation is available and provides superior mitigation of impacts." *Madera Oversight Coalition v. County of Madera* (2011) 199 Cal.App.4<sup>th</sup> 48, disapproved on other grounds, *Neighbors for Smart Rail v. Exposition Metro Line Construction Authority* (2013) 57 Cal.4<sup>th</sup> 439.

0-1-4

Please contact Ed Silva, Tribal Resources Coordinator via email at [esilva@wiltonrancheria-nsn.gov](mailto:esilva@wiltonrancheria-nsn.gov) or call (916) 683-6000 ext. 2013, if you have any questions or would like to set up a meeting for further discussion of this proposed project.

Sincerely,



Antonio Ruiz, Jr.  
Cultural Resources Officer  
Wilton Rancheria



0-2

**Mike N. Oliphant**  
Project Manager  
Mining and Specialty  
Portfolio

**Chevron Environmental  
Management Company**  
P.O. Box 6012  
San Ramon, CA 94583  
Tel (925) 842 9922  
mike.oliphant@chevron.com

June 9, 2017

Stakeholder Communication – County of Contra Costa

Mr. John Osborne  
Senior Planner  
Department of Conservation and Development  
Community Development Division  
Contra Costa County  
30 Muir Road  
Martinez, California 94553

**Subject: Comments on the Notice of Preparation for a Draft Environmental Impact Report (DEIR) on the Proposed Bayview Residential Project**  
Chevron Environmental Management Company  
Historical Pipeline Portfolio–Bakersfield to Richmond

Dear Mr. Osborne:

On behalf of Chevron Environmental Management Company (CEMC), Leidos, Inc. (Leidos; CEMC contract consultant) recently became aware of the Notice of Preparation for a DEIR on the proposed Bayview Residential Project. The information contained in this letter may help you in planning this project and to understand something about Chevron's former pipeline operations in the Vine Hill/Pacheco area of Contra Costa County, as residual weathered crude oil, abandoned pipeline, and asbestos-containing materials (ACM) could potentially be encountered during subsurface construction activities in the vicinity of this former pipeline location within the existing former pipeline right of way (ROW).

A portion of the former Old Valley Pipeline (OVP) existed in the vicinity of the proposed project area. This formerly active pipeline was constructed in the early 1900s and carried crude oil from the southern San Joaquin Valley to the San Francisco Bay Area. Pipeline operations for the OVP ceased in the 1940s, at which point the pipeline was taken out of commission. The degree and method of decommissioning varied: in some instances the pipeline was removed, while in others it remains in place. Because this pipeline has been decommissioned, with the majority of pipeline having been removed, it is not readily identified as underground utilities through the Underground Service Alert North System or utility surveys. Figure 1 illustrates the location of the former OVP ROW with respect to proposed project area. The location of the pipeline shown on Figure 1 is based on historical as-built drawings and the approximated positional accuracy of the alignments is generally +/- 50 feet. The OVP pipeline was installed at depths of up to 10 feet below ground surface. The steel pipeline was typically encased in a protective coating composed of coal tar and ACM.

Working under the direction of State regulatory agencies, CEMC conducted risk assessments at numerous locations with known historical crude-oil release points along the former OVP pipeline. Analytical results from these risk assessments indicated that the crude-contaminated soil was non-hazardous. Accordingly, it is likely that if soil

0-2-1

0-2-1

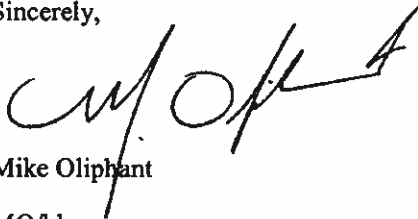
Mr. John Osborne – County of Contra Costa  
June 9, 2017  
Page 2 of 2

affected by the historical release of crude oil from this former pipeline is encountered during construction activities it may be reused as backfill on site. Properly abandoned crude-oil pipeline may be left in the ground. Parties conducting construction activities in the vicinity of this former pipeline ROW may wish to use the information provided in this letter to help prepare for the possibility of encountering abandoned pipeline and pipeline-related ACM during the course of their work.

↑  
0-2-2  
cont.

For more information regarding this historic pipeline, please visit <http://www.hppinfo.com/>. If you would like additional information, or would like to request more detailed maps, please contact Leidos consultants Mike Hurd ([michael.t.hurd@leidos.com](mailto:michael.t.hurd@leidos.com)) at (510) 466-7161 or Tan Hoang ([tan.t.hoang@leidos.com](mailto:tan.t.hoang@leidos.com)) at (916) 979-3742.

Sincerely,



Mike Oliphant

MO/klg

Enclosure:

Figure 1. Historical Pipeline Right of Way – Bayview Residential Project

cc: Mr. Mike Hurd – Leidos  
475 14th Street, Suite 610, Oakland, California 94612





FILE: C:\HUMBOLDT\MANAGEMENT\HUMBOLDT\PROJECTS\CONTRA COSTA\BAYVIEW\BAYVIEW\PROJECT\FIGURE 1.PSPR FILE: BAYVIEW\BAYVIEW\_2017\_06\_0600



Map is compiled from data sources that vary in accuracy; features may not be displayed in exact relationship to one another.

- Proposed Project Area
- Historical Old Valley Pipeline (OVP)

<b>HISTORICAL PIPELINE RIGHT OF WAY</b>		
BAYVIEW RESIDENTIAL PROJECT Contra Costa County, California		
DATE: 6/7/2017	ANALYST: HOANGTA	FIGURE:
		<b>1</b>

0-3

**John Osborne**

---

**From:** John Amaral <jamaral@conconow.com>  
**Sent:** Thursday, July 13, 2017 1:58 PM  
**To:** John Osborne  
**Cc:** Joe Sostaric  
**Subject:** Bayview Residential Project

Mr. Osborne:

We are writing in response to your letter dated June 7, 2017 regarding the Bayview Residential Project. This email represents our input, as we are unable to attend the scoping meeting set for Monday, July 17, 2017. This project is adjacent to Conco's corporate yard located at the end of Waterbird Way. Our corporate yard is approximately 28 acres, zoned Heavy Industrial. This yard serves many purposes to us including storage and maintenance of heavy equipment, fabrication of concrete forms, storage of forms and other construction materials. Many aspects of the work performed at this location can be loud at times. We also keep our yard well lit during our hours of operation. While we are not opposed to the Bayview Residential Project, we want to be sure that our yard and it's uses are considered when evaluating the project impacts. We know that noise and light can be a sensitive issue in and around residential neighborhoods.

0-3-1

0-3-2

Thank You for the Consideration,

John E. Amaral  
Director of Real Estate Development  
The Conco Companies  
5141 Commercial Circle  
Concord, CA 94520  
925-685-6799



[www.conconow.com](http://www.conconow.com)



I-1

Dept. of Conservation and Development  
Community Development Division  
30 Muir  
Martinez, CA 94553  
Attn: Ryan Hernandez

CONTRA COSTA  
COUNTY, 2012

2017 JUL 18 P 1:26

DEPARTMENT OF  
CONSERVATION  
AND DEVELOPMENT

Re: SD04-8809

Dear Mr. Hernandez

We wish to express our concerns regarding the proposed subdivisions on Palms Drive in Martinez, SD04-8809. We think these plans for making Palms Drive a through street are misguided and would be destructive to our community.

Our first concern is for the street itself. As it is, Palms Drive is adequate for existing traffic. Although it is not up to C.C. County minimum standards, there is sufficient room for parking on both sides with access for emergency vehicles. If the road is brought up to the minimum standard of twenty-eight feet with curbs, this will effectively cut off parking on one side. Twenty-eight feet is not enough to allow parking on both sides and also allow two-way traffic in the middle. This will make parking more problematic for both residents and their guests.

I-1-1

This leads to a second problem: safety. The EIR grossly underestimates the amount of traffic that one hundred forty-four homes will bring onto Palms Drive. Under the current plan, over one hundred owners of the proposed homes will egress and ingress via Palms Drive as the shortest route to and from the freeway. With at least one, and more likely both adults working outside the home, and with mothers taking children to and from school as well as after school activities, a realistic figure for vehicles in and out would be over two hundred per day. With restricted parking, and the fact that too many people drive too fast on such narrow roads, children and pets will be put at hazard every time they leave their front door. The unintended consequences would likely be lethal.

I-1-2



Within the development, plans call for street widths of fifty feet. To achieve that width along Palms Drive would require extensive restructuring of many driveways, moving most, if not all utility poles, and the moving or removal of at least one house. Even expanding the street to twenty-eight will require moving some utility poles. And if utility poles are to be moved, we do not think it unreasonable to insist that all utilities be moved underground to fit in with the new development.

I-1-3

The plans call for all proposed new roads in the developed areas to be designated "private." This sounds suspiciously like the developers are attempting to slide around county ordinances regarding public roads. If Palms Drive is extended to allow access from Central, and the proposed one hundred forty-four new houses, it could no longer possibly be considered private. It will be a main artery for two hundred or more vehicles, in and out, on a daily basis. To maintain that it would still be "Private" is disingenuous.

I-1-4

Furthermore, as we have experienced directly, utility companies seem to treat private roads as second class. To them, it is perfectly acceptable to dig up the street wherever they like and then patch it in any hap-hazard manner convenient at the time. We are left with a lumpy, pot holed road in worse condition than it was before. It is likely the new "private" roads would be treated the same.

I-1-5

One of the points in the EIR was that running Palms Drive through to Central would improve access for emergency vehicles. As of right now, Arthur Road, a city road, is not up to county minimum standards. The section between the 680 overpass and Palms is barely wide enough for two vehicles to pass, even with no vehicles parked on the sides. No upgrading is provided for in this plan and that makes that spot an accident waiting to happen. Further, there have been at least three instances where Arthur has been blocked by accidents effectively cutting off the entire housing area east of the I-680 overpass (see addendum). No emergency vehicles could get through at all. If emergency access is truly important, extending Central south across the marsh to Blum Road would be the logical way to do that. Having two access points to this area is certainly more viable than one bottleneck along Arthur Road or at the overpass.

I-1-6



Palms Drive currently serves twenty-eight parcels, and the ten houses being proposed as Palms Court would contribute little to the traffic load. With this new development, that number would quintuple. One small change could mitigate all impact to Palms Drive: do not connect the existing Palms Drive to the proposed subdivision. Ending the new street as a cul-de-sac has the added benefit to the developer of adding at least one more lot, possibly two, to his inventory.

I-1-7

Another concern is the storm drainage from the new development. Just recently the county was very vocal regarding toxic run off in storm drains and the hazard to marine life. In the proposed plans, one pond to the east was labeled a detention area. Merely labeling an area as a detention pond does not tell us anything. Fifty years ago people were still catching fish in the ponds south and east of the proposed development. Obviously that is no longer the case but there is a viable wildlife population, including foxes, turkeys, and many other species. Merely taking a thriving natural wetlands habitat and re-labeling it is not environmentally responsible. The pond should be left alone and a detention basin constructed to modern standards, able to accommodate the polluted storm water runoff so it can filter through the soil properly.

I-1-8

The building of this development would have a dramatic effect on our neighborhood, which currently is quiet, almost rural in setting. The amount of increased traffic alone would destroy that setting. Added to that, increased access to the proposed development would bring more petty crime and vandalism to what is almost a crime free street. This would adversely affect our quality of life, and the loss of open space would certainly be detrimental to the existing environment.

I-1-9

I-1-10

I-1-11

Sincerely,

The Home Owners on Palms Drive.

We, the Homeowners on Palms Drive, Martinez, Contra Costa County, California, agree with the attached statement.

Name

Address

Burt A. Kallander

BURT A. KALLANDER  
576 PALMS DR.  
MARTINEZ, CA 94553

Rebecca Padilla

Rebecca Padilla  
568 Palms Dr.  
Mtz, CA 94553

Rafael Martinez

Rafael Martinez  
560 PALMS DR.  
MARTINEZ CA 94553

JIM CARRILLO

JIM CARRILLO  
558 PALMS DR.  
MARTINEZ CA. 94553

GREG GARWOOD

GREG GARWOOD  
548 PALMS DR  
MARTINEZ CA 94553

James Brunk

James Brunk  
514 PALMS DR  
MARTINEZ CA 94553

Linda Bravos

SOSPAGAS DR  
MTZ CA. 94553  
LINDA BRAVOS

Andres Lopez

515  
Andres Lopez

Vicky Akin

Terry Kiriwahi

564 Palms DR.

M. Jean Brunk

M Jean Brunk  
514 Palms Dr.  
Martinez, CA 94553

We, the Homeowners on Palms Drive, Martinez, Contra Costa County, California, agree with the attached statement.

Name	Address
<del>Carl T. Stephens</del> CARL T STEPHENS	<del>LANDLORD</del> 540 PALMS DR
<del>Michael Carriker</del> Michael Carriker	537 Palms Dr.
Gilma Johnson Alma Johnson	(Mailing: P.O. Box 6131, Concord CA 94024) 528 Palms Dr.
Sherry Ross SHERRY ROSS	51 Briones View Ct.
Harold & Shannon Arnaudon Shannon Arnaudon	59 Briones View Ct.
Shannon Arnaudon Shannon Arnaudon	59 BRIONES VIEW CT.
Brian Courtney Brian Courtney	67 Briones View Ct.
Linda McCloy Linda McCloy	537 Palms Drive
<del>Linda McCloy</del> Linda McCloy	552 Palms Dr.
Cyelle +	552 Palms Drive

**Addendum**

I-680

**Incidents of blocked access to Arthur Road east of I-680**

**Caltrans vs. motorcycle.**

Within the last five years, there was an accident involving a Caltrans truck and a motorcycle that completely blocked access to the residential area east of I-680. During the early evening, a collision occurred under the freeway overcrossing at Arthur Road. During the rescue operations, which lasted several hours, no traffic was permitted into or out of the subdivision. If there had been a need for fire or Sheriff for other reasons, they would have had a difficult time responding because of the traffic back up and the rescue operations. If there was a second way in, these concerns would not even exist.

**Overtaken chemical tanker.**

Within the last 2 years, there was a hazardous material incident on the northbound onramp to I-680. A chemical tanker took the turn too fast and overturned. This accident closed both I-680 and Arthur Road at that intersection. No access was available to the subdivision.

**Wildland fire 10 Jun 2008.**

A grass fire started in the East Bay parks area off Waterbird Way. County fire engines responded along with EB Parks fire. For eleven and a half hours, they were busy suppressing and mopping up the area. Since Arthur Road is so narrow, the fire apparatus took up all available road space. This congestion prevented many folks from accessing their homes. An additional medical response would have been problematic due to the congestion.

**Potential for overcrossing collapse due to earthquake.**

If the I-680 overpass at Arthur Road came down, there would be no access to the whole subdivision area. The only way in would be by helicopter.

Source: California Highway Patrol

I-2

To: Mr. E. Bragdon, Director  
Mr. Karl Wandry, Zoning Administrator  
Mr. Cromartie  
And others concerned;

CONTRA COSTA COUNTY  
July 31, 1986

2011 JUL 24 P 1:22

Dear Sirs;

Regarding County File #MS 32-86:

DEPARTMENT OF  
CONSERVATION  
AND DEVELOPMENT

As resident owners of homes on Palms Drive in Martinez we wish to respond to the proposal to sub divide 1.15 acres fronting Central Avenue, Martinez, and owned by Dan Tambellini.

1. We understand that said sub division parcels are in compliance with all the codes of Contra Costa County as is the access road, regarding size, percentage of possible building to lot, etc.

I-2-1

2. We understand that only single family dwellings, if any, will be placed on each parcel, since our area is only zoned R6.

I-2-2

3. We totally oppose any access road ever being in any way connected to, or even being brought close to, any connection with Palms Drive in Martinez.

I-2-3

4. We oppose any development of any kind which will deprive us of our peaceful way of life on Palms Drive or which might detract in any way from the value of our properties there. Increased traffic congestion on Arthur Road, which is the only access road to this area, is a serious concern.

I-2-4

5. We all wish to be informed, in writing, of any form of development taking place on land which either fronts or backs onto Palms Drive or any of our properties. Our names and proper mailing addresses are attached here.

Thank you for your consideration.

Name

Address

~~Mr. & Mrs. Louise Johnson 528 PALMS DR. MARTINEZ, CA 94551~~

~~Betty Freeman 516 Palms Dr~~

~~F. R. Pachella 565 PALMS DR MARTINEZ~~

~~Alma Bowers 576 Palms Dr Martinez~~

~~W. J. ... 3107 Palms Dr~~

~~Mr. & Mrs. Jack ... 515 Palms Dr~~

~~Mr. & Mrs. Jack ... 576 Palms Dr~~



I-3

CENTRAL COSTA

2017 JUL 24 PM 1:12

APPLICATION & PERMIT CENTER

July 24<sup>th</sup>, 2017

Department of Conservation and Development  
Community Development Division  
Attn: John Osborne  
30 Muir Road  
Martinez, CA 94553

Dear John,

Following are my comments on the environmental concerns resulting from the proposed Bay View Estates project in my neighborhood.

**Heavy Traffic:**

I remember as a kid growing up that Arthur Road was the road to the dump. I remember all the front yards all along Arthur were strewn with garbage and a heavy layer of dust, ashen grey. Even as a youngster I wondered who in the world could stand to live along this route?

Fortunately, the area was delivered from that curse and has been rebounding ever since. This is happening regardless of any big, new development. Why slap another curse of heavy traffic onto it?

New homes mean multiple commuters per home, because how else will they pay for the house? 144 homes times 2.5 commuters per home equals a minimum of 360 more cars zipping down Central Ave. and Palms Drive, bottle-necking on Arthur Rd., jamming up the intersection with Pacheco Blvd and the freeway onramp. Not to mention increasing the jam in front of Las Juntas Elementary and interfering with commute traffic along Pacheco Blvd, which the city of Martinez, not long ago, was referring to as "the front door to Martinez." More of a back door perhaps, but a busy one because of the Refinery and many County employees. They all travel through the intersection with Arthur Road.

There is no other access to our community except Arthur Road, via this same intersection.

With the amount of land now owned by the Seenos, (AKA Vine Hill Investments, Discovery Builders) including Seal Island Estates, one has to assume that hundreds more homes would follow these, if allowed, doubling the size of our community with several hundred more commuters in addition to these 360, for a number approaching ONE THOUSAND NEW commuters. Yet with doubling the number of residences already here East of 680, we'd still all be relying on Arthur Road.



I-3-1



Everyone I have spoken with feels we have enough traffic right now, already.

If these homes were to be approved, it had better be with a very heavy reliance on the third easement that has gone untapped for this project, by which I mean the Conco driveway and RR crossing. That's how Seeno brings in his tractors for disking and bulldozing already. There is very light traffic on it.

I-3-2

#### **Re-Zoning and the Approval Process:**

At the end of the approval process for Palms 10, my neighbors inform me they were told by County Officials two things, that they shouldn't complain because their property values would go up and also that the County needs the additional revenue from taxing the new home owners.

So let's skip to the end of the current process for Bay View Estates, and assume the same two misguided viewpoints are going to come into play: No one I talked to lives on Palms Drive or Central because of a concern over property values. We live here because we chose the rural feel of the area. It's a great eclectic neighborhood, unfettered by HOAs telling you what color to paint your house. On our road the speed limit is spelled S L O W.

I-3-3

As far as the revenue from building new residences, I would like to submit a report called The Fiscal Impacts of Land Uses on Local Government by Jeffrey Dorfman of the University of Georgia in 2006. He did a review of 90 Cost of Community Services from around the Nation and found that residential areas always cost a county more than they bring in. "In not a single instance did residential development generate sufficient revenue to cover its associated expenditures."

Commercial/Industrial and Farm/Forest actually did create sufficient revenue.

If this parcel on which the Bay View Estates subdivision is proposed were instead designated either Light Industrial, Agricultural or all Parkland, the County would be better off financially.

And our neighborhood would benefit greatly from the buffer zone between ourselves and an accumulation of existing Heavy Industrial concerns all in this one area.

#### **Impact on Property Values:**

Uncontrolled speeding by unthinking new neighbors with a different mindset about the neighborhood, flying down our narrow roads and past our front yards, where at any time there may be small children and animals, does nothing to increase our property values.

I-3-4

Neither are my own property values going to increase by having my great views blocked by the walls of houses built 35 feet high. In fact it would substantially reduce my property value the instant those houses are erected. I am including a photograph to illustrate this effect, taken of my view of Mt. Diablo from within my Sunroom, well up on my property. I tied balloons so that the top of them mark 35 feet and tethered them on the "Bay View Estates" property, allowing for a setback. The depth of my view,

I-3-5

the terrain, the way it all stacks up toward the horizon is what gives my spot a sense of place. I can see the pond, (really a creek,) the marsh around it, the RR tracks for BNSF, (which I enjoy,) the horses and cattle at the end of Blum Rd., the glimpses of HWY 4, the planes landing and taking off from Buchanan Field, downtown Concord, the Limeridge Open Space at Ignacio Valley Rd, and the lower part of Mt. Diablo would all be lost to me. All I would see is the tippy top of the Summit, and North Summit, over someone's rooftop. If I walk outside, toward the edge of my property, I won't get even that.

I-3-5  
cont.

When the trees are cut down, that's my view from the front porch. Nature will be replaced by devastation and "houses made of ticky tacky, ticky tacky on the hillside."

We could argue over how much a view is worth, but a good view does augment the value of a property, and that would be taken away.

Increased traffic, obstructed views and poor planning would damage both our experience living here and our property values as well.

I-3-6

#### Hazards to Housing:

The Heavy Industrial concerns that surround the proposed building site include a Natural Gas Pipeline from the Landfill to Central Sanitation, old Hazardous Waste pits next to Conco, Petroleum Pipelines including a Jet Fuel pipeline, the BNSF Railroad with its tanker cars coming out of the Tesoro Refinery, and Recycled Water pipelines from Central San to benefit the Shell Refinery. Additionally, the site lays directly beneath a flight path out of Buchanan Field, and our C.C. Water District water supply flows past all this in an open canal. With all of this in one place there is a potential domino effect should something big happen.

I-3-7

Remember the pipeline fire in Walnut Creek that was started accidentally by workers servicing the pipeline? It burned so hot that it caught houses on fire some distance away.

It has been suggested that this review process look at concerns or dangers one at a time, addressing each one with a mitigation. That would be a grave mistake with this project where there is so many ways a disaster can be compounded by other inherent hazards, all with 144 families like sitting like a stack of firewood immediately up the slope from whatever happens.

For example, if tanker cars de-rail and crush a pipeline, with toxic fumes, black smoke and fire, so that we're all asked to evacuate; is Arthur Road, our one exit going to be clear and stay clear? The situation could easily become like someone yelling "fire" in a crowded theatre. The more people we have getting out, the increased likelihood of an accident on Arthur Road jamming things up. Then how will the emergency vehicles get in? This site is not good for homes, and in such an emergency Bay View Estates would raise the death toll.

Another danger is that some of the new residents will be Jr High age kids, who will play on the RR tracks and cross the RR bridge over 680 the way the homeless and hobos do now, either as a kind of shortcut,

or a thrill. Remember it can take a train a mile to come to a stop. People always underestimate their speed.

~~I-3-7~~

This housing project is a problem that should be mitigated by not building it, but preserving the existing natural buffer zone between the current housing and all the industrial hazards. It should be changed to Parkland or Agriculture on the General Plan.

I-3-8  
cont.

**Palms Drive:**

If I am correct, Palms Drive is a clearly defined private road that travels across the land of those who own it. Seeno's easement does not expressly give him permission to change the point of origin, nor connect it to other roads, giving access to other parcels. It is our road which he can use for ingress and egress, but he can't just elaborate on it, or redefine what the road is. Further the County would seem to perpetuate a fraud by seeming to give permission for the Applicant to violate the scope of his Palms Drive easement either by extending the road or making it a thoroughfare. This can't be legal.

I-3-10

We owners of Palms Drive actively control the right to pass, and what happens on the road, under the authority of the State, CA Civil Code section 1008. With this authority no one can tell us we can't park on it, as long as a fire engine can slip through. So Seeno's plan in the 2009 draft EIR is not workable.

Were these obstacles overcome, then a study needs to be conducted to ascertain exactly whose houses will need to be moved and whose driveways will be clipped, then rebuilt with raised foundations for their homes to attain the correct grade of their driveway, and etc. all to the satisfaction of the owners, the work to be done by responsible contractors ( therefore not Seeno) and how these costs will be covered by the County. This could be practically a whole nother building project in itself.

**Fair Return:**

Now a developer who goes out on a limb investing in land that is not zoned for what he has in mind is taking an enormous, perhaps foolish, risk. No one should feel that such a developer has any right or entitlement to any return on his investment. Big risks are exactly that, and no one at the County needs to feel they must insure the kind of return such a developer hopes for.

I-3-10

**Destruction of our Community:**

The 2009 Draft EIR did not contain any mitigation for the problem of the destruction of our community and the obliteration of the pleasant nature of our environment. And I don't think there is any.

I-3-11

**The Pond:**

How is dumping storm drain water into a pond (really a creek) and calling it a detention basin going to help nature? We could similarly call the Delta a detention basin and solve our pollution problems overnight!

I-3-12

**Protected Trees:**

On the 2009 Draft EIR, the mitigation for cutting down 350 yr (?) old Valley Oaks by planting trees in some other part of the world is just silly and sad. That would do nothing to mitigate loss of trees in our neighborhood which is exactly why these rules against cutting them make sense and were written just for this kind of situation. Why circumvent them now?

I-3-13

Next time you get pulled over for speeding, try telling the officer that you are making up for it by driving extra slow somewhere else. See how that goes over.

**My Conclusion:**

There are too many serious problems ( without sufficient mitigations) all in one place, making this a dangerously poor site to build 144 homes.

I-3-14

Sincerely,



Burt A. Kallander  
576 Palms Drive  
Martinez, CA 94553

Enclosed: Color copy of photo with balloons, showing height of obstruction, letter from 1986 showing neighborhood's consistency of viewpoints over time, copy of neighborhood letter to Ryan Hernandez dated June 25, 2012 with concerns regarding proposed project.

**Post Script:**

I will not catalogue the problems here, but it should be noted that the developer in question has a track record of discrepancies, poor craftsmanship, and other things that may require an increase in scrutiny, supervision and documentation to insure follow-through and a correct build. This is more work, therefore more costs for the County. Unless the County prefers lawsuits afterwards.

A mitigation for this would be to build far fewer houses so there is less to be inspected as it goes along. Say 14 single story houses rather than 144. 12 of them off of Central Ave which could be put through to the Conco Driveway, doing the neighborhood a favor by adding an exit, and maybe only two more with driveways coming off of the end of Palms Drive, keeping the Applicant within the bounds of his easement there. He could avoid the worst air over near the freeway and keep the houses farther from the Railroad.

I-3-15

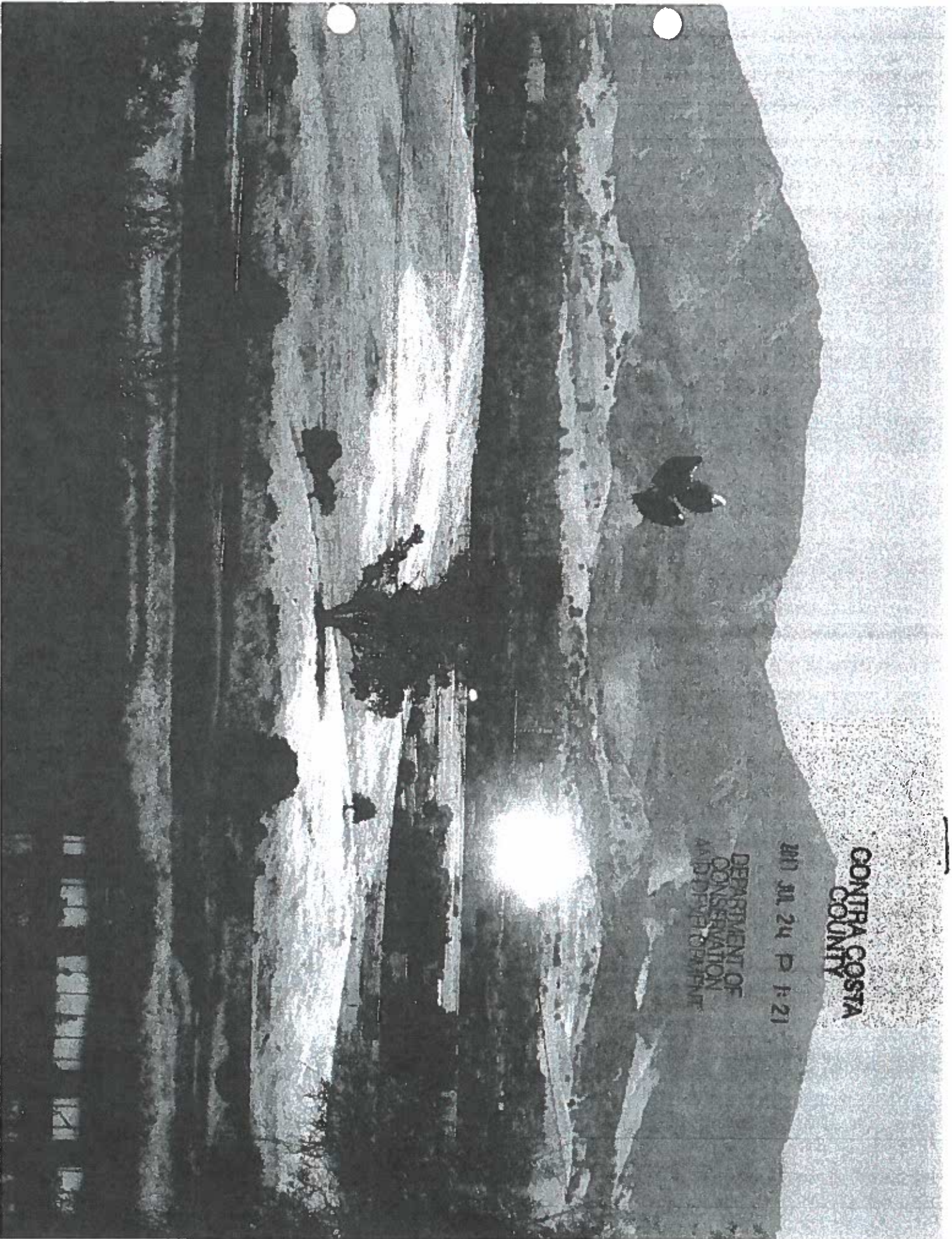
Some of the houses below my place could be positioned to maximize their views of Mt. Diablo, arranged like stadium seats, with no one blocking the others view. I'd rather share my view as part of this format than have it blocked.



**CONTRA COSTA  
COUNTY**

1910 JUL 24 P 1-21

DEPARTMENT OF  
CONSERVATION  
AND DEVELOPMENT



SUBMITTED BY  
BERT KAUBER  
@ 7/17/17 ZA SCOPING  
MEETING

CONTRA COSTA  
COUNTY

2017 JUL 18 P 1:25

DEPARTMENT OF  
CONSERVATION  
AND DEVELOPMENT

## **The Fiscal Impacts of Land Uses on Local Government**

Jeffrey H. Dorfman  
Land Use Studies Initiative and  
Department of Agricultural & Applied Economics  
The University of Georgia

April 2006

## **The Fiscal Impacts of Land Uses on Local Government**

Around the country, about one million acres of farmland per year are being developed for other uses. Local governments, especially in rural areas, often have difficulty financing the services that come with this development and are constantly looking for ways to improve their financial health. Local government officials often believe that one solution to their government's financial difficulties lies through development, by increasing the property tax base; however, a growing body of empirical evidence shows that while commercial and industrial development can indeed improve the financial well being of a local government, residential development worsens it. While residential development brings with it new tax (and fee) revenue, it also brings demand for local government services. The cost of providing these services exceeds the revenue generated by the new houses in every case studied (American Farmland Trust).

Growth and development policies are in the spotlight in many areas of the country. Newspapers eagerly print lists of the fastest growing counties in the U.S. State governments compete against each other for new business investments from large employers. Redevelopment and revitalization efforts in downtown urban areas continue to be pushed, and often succeed. Everybody wants growth in their city, town, county or state, but only specific types of growth. To make things more confusing, different people want different types of growth. Some want new residential development, thinking more people and houses represent new taxable property and new vitality for a community. Others want industrial development to provide manufacturing jobs (and new taxable property). A different group would like new shopping and commercial development, but not any industrial development. Smart growth and mixed use projects are pushed by some, while other people want nothing other than houses anywhere near their (existing) homes, and the new houses should preferably be exactly like theirs or slightly more expensive. There is no right or wrong answer on what "good" or smart growth is, they are subjective ideas; there is, however, plenty of evidence connecting different land uses with fiscal impacts on local governments (cities, towns, counties).

This report examines some of that evidence, documenting likely fiscal impacts of residential developments, commercial/industrial developments, and farm/forest (undeveloped) lands. I will discuss the results of many specific fiscal studies of counties around the country and some other evidence on fiscal impacts of land use types and patterns. This evidence and these empirical findings will hopefully be useful for both citizens and politicians in making local land use decisions.

Because most of my studies have been done in Georgia, some of the terms used will be Georgia-specific. I will try to define terms and provide alternatives where possible, but I apologize if there are spots where the local term is unclear to those in other parts of the country. The report will begin by discussing cost of community service studies, present results of such studies, and then discuss planning tools that can be derived from those results. Following that, other types of fiscal impact studies are discussed along with other economic rules or findings related to land use decisions. Finally, a brief summary of the report wraps up the main body of fiscal impact analysis as it relates to local land use decisions today.



## **Cost of Community Service Studies**

Cost of Community Service (COCS) studies involve a reorganization of a local government's (usually a county's) records in order to assign the government revenues and costs of public services to different classes of land use or development such as residential, commercial, industrial, farm, forest and open lands. COCS studies look at average revenues and expenditures, not changes at the margin, and are thus not capable of precisely predicting the impact of future decisions. Still, they provide the benefit of hindsight, a budgetary baseline from which to make decisions about the future. They can also allow for informed decision-making on such policy topics as tax abatements for farm or forestland (or even for commercial/industrial development). Further, educated guesses can often be made from these averages as to the likely marginal cost of development and the impact on a local government's financial situation as a result of land use transition. That is, the COCS results are a good starting point from which marginal impacts can be estimated.

Three land use categories are commonly defined for COCS studies: residential, commercial/industrial, and farm/forest/open space. The residential category is sometimes subdivided to allow a separate depiction of the fiscal impacts of manufactured housing. Financial information is obtained from the county, town or city and the local school system (if it is a separate entity). The revenues and expenditures in the budgets are allocated to the land use categories based on the review of available records and interviews with local officials and service providers (farmhouses are included in the residential category.) For example, a county's expenditures on family and welfare programs would be classified as all benefiting residential development; the costs of roads would be allocated across all types of development (although not equally); and expenditures on a Forestry Commission would likely be allocated to farm and forestland. The resulting totals for revenues generated and expenditures incurred can be presented as a ratio of expenditures-to-revenues for different land use types. Where expenses are difficult to allocate across land use categories, emphasis is placed on the expert knowledge of county staff to estimate service expenditures by land use category. Data on the acreage, population, and property value in each land use category is also used in determining some expenditure allocations. Also, it is important to note that, in my studies, the vast majority of sales tax revenue is allocated to the residential land use category. This implies that when estimating the impact of future residential growth, the numbers account for the resulting increase in sales tax collections from the new residents. New business formation that may occur is not captured (that is, new business property taxes are missed), but increased sales to existing (or new) business built into the model.

Following the allocation of all money flows to one of the land use categories, revenues and expenditures are totaled for each land use category and revenues-to-expenditures ratios are then calculated. In calculating the ratios in my studies, an adjustment is performed to account for revenue generated from sources outside the county (which amounted to 6.0% of the total revenues); this adjustment recognizes that all expenditures are partially funded from these outside sources. The figures can be presented as dollars of revenue per dollar of expenditure or expenditures per dollar of revenue, and they can be shown with or without schools included. The figures can also be converted into fiscal surplus or shortfall per acre for each category of land use.

While the above described results are averages across categories, not all developments within a category have the same fiscal impact. For example, the cost of providing services to a house varies somewhat by location but very little by value. Thus, conditional on other factors, as a house becomes more expensive and pays more in property taxes (the main source of revenues in most local jurisdictions), a break-even home value can be calculated. This calculation, which accounts for all non-property tax revenue, provides a useful decision tool for local government planners and decision makers. Simply put, non-property tax revenue per house is subtracted from service costs to find the amount of property tax revenue needed to just break-even on a house. Then, the county, town, or city property taxation rules and rates are used to compute the home value that provides that amount of revenue. For schools, the average per pupil cost from local tax money is computed (state and federal money is excluded) and then the similar calculations are made to allow the computation of a break-even home value needed to generate sufficient local revenue to cover the locally-generated expenditures for whatever number of children per household is expected or is being modeled. In states and jurisdictions schools and local government are combined, but in others they are separate. Thus, there is not a single break-even home value in these locations, but two (or more—in the extreme there could be one for a county, one for a township, one for a town, and one for the schools).

### *COST OF COMMUNITY SERVICES*

#### **Review of COCS Studies from Around the Nation**

About 90 COCS studies have been completed by a variety of researchers around the country for cities and rural communities. The maximum, median, and minimum ratios of local government revenues-to-expenditures collected from these studies are shown in Table 1. The “Minimum” row states that for every dollar the county generates from the residential category, it spends \$2.11 in services. The commercial/industrial and farm/forestland categories show that, on average, the government receives more than it spends and therefore, these land uses create a surplus. The numbers show the fallacy of depending on residential development as a sound growth policy. In not a single instance did residential development generate sufficient revenue to cover its associated expenditures.

**Table 1. A National Summary of COCS Study Results**

<u>County</u>	<u>Revenue: Expenditures</u>		
	<u>Residential</u>	<u>Comm./Ind.</u>	<u>Farm/Forest</u>
Minimum	1 : 2.11	1 : 1.04	1 : 0.99
Median	1 : 1.15	1 : 0.27	1 : 0.36
Maximum	1 : 1.02	1 : 0.05	1 : 0.02

Footnote: these figures are for 83 COCS studies compiled by the American Farmland Trust ([http://www.farmlandinfo.org/fic/tas/COCS\\_9-01.pdf](http://www.farmlandinfo.org/fic/tas/COCS_9-01.pdf)).

Results of seventeen studies by this author, fifteen in Georgia, one in North Carolina, and one in Florida are displayed in Tables 2 and 3. These results show the revenue to expenditure ratios for the counties without schools (Table 2) and with schools (Table 3). The ratios vary considerably. Residential ratios are consistent in that all seventeen local governments lose money on their residential development. Surprisingly, without schools included, five counties lose money on farm/forest land. With schools included, farm/forest land provides a fiscal surplus in all but one case, but in the counties with separate school and county governments that does not help the county pay the bills.

The obvious conclusion from Tables 2 and 3 is that bedroom communities are not economically sustainable at tax rates that are likely to be levied. In fact, when a rural community with a large base of farm and forestland begins to convert that land into residential development, either as a planned growth strategy or due to market forces and a lack of growth control measures, the local government is virtually guaranteed to head down a path of deteriorating financial stability and increasing local property tax rates.

In counties where manufactured housing is separated out as a fourth category, it is also included in the general residential category. That is, residential includes all types of residential development, single family and multifamily, attached and detached, site built and manufactured housing. The manufactured housing category separates out this category of housing from the rest of residential development as a planning and zoning aid for some rural counties where this is a significant share of the new residential housing in the county. This type of residential development clearly places a significant financial burden on the county, schools, and, therefore, on other county taxpayers.

### **How Much House is Enough?**

The revenue and expenditure allocations that lead to the ratios in Tables 2 and 3 can also be used to estimate the value of a house (or residential unit) that provide an amount of revenue to the local government exactly equal to the cost of services received. The cost of providing services to a residential unit varies by location, lot size, and the specific usage of local government services (especially schools). However, for the moment, we will ignore the variation in service costs. If we assume a constant average service cost per household and a constant amount of non-property tax revenue per household (sales tax, user fees, parking tickets, etc.), the calculation of a break-even home value becomes straightforward. The county, town, or city property taxation rules and rates are used to compute the home value that provides that amount of revenue needed to close the gap between total service costs and non-property tax revenue. This is what I refer to as the county (city, town) break-even home value.

For schools, the average per pupil cost from local tax money is computed (state and federal money is excluded) and then the similar calculations are made to allow the computation of a break-even home value needed to generate sufficient local revenue to cover the locally-generated expenditures for whatever number of children per household is expected or is being modeled. While there are some states and jurisdictions where schools and local government are combined, here we report breakeven values as if they are separate budgetarily. Break-even home values for counties and schools are shown in Table 4.

**Table 2. Cost of Community Service Study Results without Schools**

<u>County</u>	<u>Revenue to Expenditures</u>			
	<u>Residential</u>	<u>Commercial/Industrial</u>	<u>Farm/Forest</u>	<u>Manuf. Housing</u>
<b><u>GEORGIA</u></b>				
Appling	0.57	2.98	1.42	
Athens-Clarke	0.86	1.46	0.42	
Brooks	0.86	1.48	1.13	0.53
Carroll	0.83	1.93	1.01	
Cherokee	0.64	3.19	1.92	
Colquitt	0.89	1.51	0.79	0.47
Dooly	0.57	1.42	2.66	
Grady	0.71	5.19	1.07	0.41
Habersham	0.81	1.04	1.42	
Hall	0.95	0.95	1.87	0.33
Jones	0.87	1.17	2.86	
Miller	0.84	1.16	0.96	0.43
Mitchell	0.82	1.52	1.02	0.40
Oconee	0.90	1.25	1.18	
Thomas	0.53	1.43	0.60	0.28
Union	0.95	1.31	0.69	0.39
<b><u>FLORIDA</u></b>				
Leon	0.85	1.57	1.47	
<b><u>NORTH CAROLINA</u></b>				
Union	0.80	1.31	1.45	

<u>County</u>	<u>Expenditures to Revenues</u>			
	<u>Residential</u>	<u>Commercial/Industrial</u>	<u>Farm/Forest</u>	<u>Manuf. Housing</u>
<b><u>GEORGIA</u></b>				
Appling	1.75	0.34	0.70	
Athens-Clarke	1.16	0.68	2.38	
Brooks	1.16	0.68	0.88	1.89
Carroll	1.21	0.52	0.99	
Cherokee	1.56	0.31	0.52	
Colquitt	1.12	0.66	1.27	2.13
Dooly	1.75	0.70	0.38	
Grady	1.41	0.19	0.93	2.44
Habersham	1.23	0.96	0.70	
Hall	1.05	1.05	0.53	3.03
Jones	1.15	0.85	0.35	
Miller	1.19	0.86	1.04	2.33
Mitchell	1.22	0.66	0.98	2.50
Oconee	1.11	0.80	0.85	
Thomas	1.89	0.70	1.67	3.57
Union	1.05	0.76	1.44	2.56
<b><u>FLORIDA</u></b>				
Leon	1.18	0.64	0.68	
<b><u>NORTH CAROLINA</u></b>				
Union	1.25	0.76	0.69	

**Table 3. Cost of Community Service Study Results with Schools**

<u>County</u>	<u>Revenue to Expenditures</u>			
	<u>Residential</u>	<u>Comm/Industrial</u>	<u>Farm/Forest</u>	<u>Manuf. Housing</u>
<b><u>GEORGIA</u></b>				
Appling	0.44	5.94	2.82	
Athens-Clarke	0.72	2.46	0.49	
Brooks	0.64	2.39	2.56	0.29
Carroll	0.79	3.32	1.75	
Cherokee	0.63	8.50	5.10	
Colquitt	0.78	2.24	1.25	0.43
Dooly	0.49	2.02	3.76	
Grady	0.58	9.77	2.61	0.26
Hall	0.80	1.52	4.47	0.25
Jones	0.81	1.54	2.82	
Miller	0.65	1.92	1.90	0.26
Mitchell	0.72	2.17	1.66	0.27
Thomas	0.61	2.60	1.50	0.27
Union	0.88	2.31	1.38	0.30
<b><u>FLORIDA</u></b>				
Leon	0.72	2.76	2.37	
<b><u>NORTH CAROLINA</u></b>				
Union	0.77	2.44	4.13	

<u>County</u>	<u>Expenditures to Revenues</u>			
	<u>Residential</u>	<u>Comm/Industrial</u>	<u>Farm/Forest</u>	<u>Manuf. Housing</u>
<b><u>GEORGIA</u></b>				
Appling	2.27	0.17	0.35	
Athens-Clarke	1.39	0.41	2.04	
Brooks	1.56	0.42	0.39	3.45
Carroll	1.27	0.30	0.57	
Cherokee	1.59	0.12	0.20	
Colquitt	1.28	0.45	0.80	2.33
Dooly	2.04	0.50	0.27	
Grady	1.72	0.10	0.38	3.85
Hall	1.25	0.66	0.22	4.00
Jones	1.23	0.65	0.35	
Miller	1.54	0.52	0.53	3.85
Mitchell	1.39	0.46	0.60	3.70
Thomas	1.64	0.38	0.67	3.70
Union	1.13	0.43	0.72	3.39
<b><u>FLORIDA</u></b>				
Leon	1.39	0.36	0.42	
<b><u>NORTH CAROLINA</u></b>				
Union	1.30	0.41	0.24	

Break-even values for schools are shown for different values of public school children per household (1, 2, and 0.75). In many cases 0.75 school kids per household is a good estimate for new suburban or rural residential development, but this number can vary widely within a single school system on a neighborhood-to-neighborhood basis. I have seen numbers from 0.14 to 1.5 within the same town.

**Table 4. Break-even Home Values for Counties and Schools**

<u>County</u>	<u>County</u>	<u>School - 1 kid</u>	<u>School - 2 kids</u>	<u>School - 0.75 kid</u>
<b>GEORGIA</b>				
Appling	\$192,900	\$465,300	\$925,600	\$350,200
Athens-Clarke	\$173,000	\$572,800	\$1,140,600	\$430,900
Brooks	\$65,100	\$345,600	\$686,100	\$260,400
Carroll	\$122,200	\$309,900	\$614,900	\$233,700
Cherokee	\$184,200	\$517,300	\$1,029,500	\$389,200
Colquitt	\$57,000	\$388,100	\$771,100	\$292,300
Dooly	\$42,700	\$478,100	\$951,200	\$359,800
Grady	\$103,000	\$282,400	\$559,900	\$213,100
Hall	\$162,200	\$368,400	\$731,800	\$277,600
Jones	\$81,300	\$239,300	\$473,600	\$180,700
Miller	\$71,700	\$333,500	\$662,100	\$251,400
Mitchell	\$113,400	\$445,800	\$886,500	\$335,600
Thomas	\$121,900	\$333,000	\$661,000	\$251,000
Union	\$121,400	\$649,900	\$1,294,900	\$488,700
<b>NORTH CAROLINA</b>				
Union	\$203,700	\$350,700	\$667,100	\$271,600

### How Much Does Farm Preservation Cost?

There has been an ongoing debate over the equity of state and local government programs that provide tax relief for farm and forestland. These programs provide tax relief by assessing the land at its "current use" in place of its "highest and best use." In return, landowners must agree to keep the land in its current use for 10 years or be subject to financial penalties (at least in most state programs). These programs help to slow development and preserve farm/forestland and green space. In Georgia, agricultural lands are eligible for enrollment in the Conservation Use Valuation Assessment (CUVA) or the Agricultural Preferential (AG PREF) program to receive these tax incentives. Most other states have similar programs.

A major underlying question, however, is: How much of a tax burden is shifted to homeowners to make up for this loss in revenue? This question can be answered in Georgia counties by empirical investigation of the tax digest and the results of the COCS studies. To compute the impact of these tax incentive programs, the reduction in the tax digest (the sum total of property value in the county) due to these programs is added back into the tax digest. This yields a hypothetical tax digest as if these programs did not exist. Then a tax rate is computed to produce the same revenue as collected currently by the local government and school combined.

This produces a slightly lower tax rate that property owners would pay if these tax incentive programs did not exist. The difference between this lower, hypothetical rate and the actual tax rate allows computation of the fiscal impact of these tax programs for any specified property value.

Table 5 takes the different tax rates (the real one and the one that would be revenue neutral in the absence of preferential agricultural assessment) and converts them into the amount of additional property tax (both county and school) a representative homeowner pays because of the existence of these programs. The numbers are computed for various home prices and a standard homestead exemption. For example, the owner of a \$75,000 house in Union County (GA) pays an additional \$29.10 per year. These numbers let residents decide for themselves if the tradeoff of higher taxes in exchange for preserving farmland (perhaps only temporarily) is worth it.

The numbers in Table 5 show quite a wide range in the impact of agricultural assessment programs on homeowner tax burdens. In counties with more residential and commercial property and/or less farmland, the burden of these programs is light. In the more suburban to urban counties of Athens-Clarke (GA) and Union (NC), homeowners pay very small additional amounts and would almost certainly vote in favor of such a program in order to help preserve farmland. In more rural, agriculturally-dependent counties without much non-agricultural tax base, the tax burden falls much more heavily on homeowners.

**Table 5. Homeowner Tax Increases as a Result of Farmland Assessment Programs**

<u>County\ House Value</u>	<u>\$75,000</u>	<u>\$100,000</u>	<u>\$150,000</u>	<u>\$200,000</u>
<u>Georgia</u>				
Athens-Clarke	\$ 4.84	\$ 6.57	\$ 10.03	\$ 13.49
Carroll	10.01	15.02	25.03	35.05
Colquitt	12.32	16.72	25.52	34.32
Grady	24.08	32.68	49.88	67.08
Hall	25.17	34.16	52.14	70.11
Miller	49.02	66.52	101.54	136.55
Mitchell	95.54	129.67	197.91	266.16
Thomas	9.02	12.24	18.69	25.13
Union	29.10	39.49	60.28	81.06
<u>North Carolina</u>				
Union	9.66	12.88	19.31	25.75

### **Looking at Fiscal Impacts by Acre: Can a Balance be Maintained?**

The revenue and service cost numbers used in Tables 2 and 3 can be recast into the fiscal surplus or shortfall on a per acre basis for each type of land use development. This can be an especially useful way to examine the data for planning purposes because it provides an insight into the



ratio of residential to commercial/industrial development that will be needed to avoid future tax increases. If residential development creates a fiscal shortfall and commercial/industrial development creates a fiscal surplus, the ratio of acres of new residential to acres of new commercial/industrial development necessary to balance each other out can be computed. This ratio could serve as a planning guide for future land use maps, long-range plans, etc. Also, this ratio can serve as a warning. If the ratio is unrealistic (in terms of acres of business development needed), that implies that allowing residential growth will lead to tax increases for existing residents. An obvious caveat to these numbers is that they are based on the county's current average type of residential and commercial/industrial development. New development in each category could be better or worse than the average from a fiscal impact standpoint; thus development must be analyzed on case-by-case basis. However, these ratios give a starting point from which adjustments can be made. A collection of these per acre numbers is displayed in Table 6 below.

**Table 6. Fiscal Surplus or Shortfall per Acre by Land Use Type**

<u>County</u>	<u>Residential</u>	<u>Comm/Ind</u>	<u>Farm/Forest</u>	<u>Manuf Hous</u>	<u>Comm : Resid</u> <u>Ratio</u>
<b>GEORGIA</b>					
Athens-Clarke	\$ -400.03	\$ 898.37	\$ -72.00		0.45
Brooks	-43.71	219.76	0.17		0.20
Colquitt	-42.53	537.14	-0.20		0.079
Grady	-4.76	869.24	0.30	\$ -37.95	0.005
Hall	-148.99	-261.07	14.80	-1,503.22	N/A
Miller	-86.22	64.13	-0.50	-230.67	1.34
Mitchell	-5.56	206.21	-0.82	-107.25	0.027
Thomas	-65.32	533.23	-1.51	-180.65	0.12
Union	-16.38	157.35	-2.95	-241.61	0.10
<b>FLORIDA</b>					
Leon	-210.51	104.66	9.20		2.01
<b>NORTH CAROLINA</b>					
Union	-318.14	644.64	12.89		0.49

To make the figures in the commercial to residential ratio column make sense, we refer to a specific example. For Brooks County (GA), the ratio is 0.20 which means that 0.20 acres of commercial/industrial development would be needed to offset the fiscal impact of each acre of average residential development. Looked at another way, this means one new acre of business development for every five acres of residential development. This is a fairly high ratio, but not necessarily impossible. In another example, Grady County (GA) has a ratio of 0.005, implying that one new acre of commercial/industrial development would be needed to offset the fiscal impact of each 200 acres of average residential development. This can be easily accomplished. In contrast, Leon County (FL) has a ratio of 2.01 meaning it needs two acres of commercial/industrial development to offset each acre of average residential development. This is impossible to achieve unless there is a large increase in office or industrial development because retail businesses will not be added at a ratio even approaching one to one.

National statistics on retail square footage per consumer suggest that the retail component of commercial/industrial development will account for between 0.01 to 0.03 acres for each new acre of residential development at suburban densities (single family, detached homes). Thus, any ratio above this can be accomplished only through one of two occurrences: catch up retail development or office/industrial development. In some rural or recently suburbanized areas, retail development is low compared to the population; these areas can get more retail than the ratio of 0.01 to 0.03 as developers play catch up to the underserved local residents. Given that many national chain stores will not open in areas below threshold incomes, such catch up development is quite plausible in many locations. The second option is non-retail development. Industrial land uses are the most likely path here, but building office developments aimed at professional service firms and small companies that wish to avoid the commute into a nearby urban area is also a possible strategy.

Again, differential fiscal impacts are important here. For example, industrial development provides a much higher per acre fiscal surplus than retail or office development, so fewer acres of industrial development are needed to balance residential development. Also, higher value, denser, or better located residential development would not need as much offsetting (if any) commercial development since its fiscal impact would be more favorable than average. While, the numbers suggest Union County (NC), Leon County (FL), Athens-Clarke County (GA), and Miller County (GA) will have great difficulty in keeping their tax rates from rising over time; they could avoid this outcome by attracting new residential development near or above the county break-even home price. Referring back to Table 4 and comparing the break-even values to local average new home sales prices (not shown) suggests that, for example, Union (NC) and Miller (GA) Counties are likely to escape tax increases due to this path.

### **Implications for Governments and Farm/Forest Land Preservation Efforts**

The main implication of COCS studies is that a local government that approves the conversion of farm or forestland to residential development is likely to face a worsening in its financial condition. While the lure of an increased property tax base is often attractive to a local government when it is considering a request to approve a new subdivision, local government officials must realize that their expenditures will likely rise more than their revenues, resulting in a budget shortfall unless millage rates are increased. The conversion of farmland to houses will worsen the financial condition of the county government if the new homes have an average value below the break-even value, and in many cases will have an especially large and negative impact on the local school system's finances. Schools are impacted more heavily because they are very expensive and only very high-priced homes can come close to generating enough school-collected revenue to support even one child per household; i.e., the school systems have a higher break-even value. In counties where new homes have an average selling price that clearly exceeds the county's break-even value, the county will not be harmed fiscally by that new growth, but very few locations will have high enough average new home values to cover the accompanying educational costs. In cases where new homes fall below the break-even value (for towns, cities, counties, or schools), the shortfall must be covered by either by new commercial/industrial development that generates an offsetting surplus or by raising taxes on all existing taxpayers.

Further, COCS studies generally confirm that programs which reduce property tax burdens on farm and forestland as a mechanism to encourage farm and forestland preservation are equitable and serve only to bring the tax burden more in line with the cost of servicing that property. Farm and forestland may not generate an impressive looking tax base, but neither do they create a large demand for government services.

The findings of COCS studies should be carefully evaluated in light of the changing character of these rural counties. COCS studies should not be used to promote one land use type over another without a careful and full understanding of their limitations. They do, however, make clear that residential development alone is not a rational economic development strategy. Rural communities must ensure that their development is balanced with enough commercial and industrial development to "support" residential development that does not generate enough local government revenues to cover the expenditures it requires.

Finally, the variety of ways to display and analyze the findings of these studies shown in this report show how carefully such numbers must be used. Because the basic numbers use average revenues and expenditures and may not reflect the costs and revenue of a particular development project, factors such as density, value, location this must be taken into account when analyzing the outcomes of any specific new development. Further, the setting has an impact. In urban areas, residential and commercial growth tend to occur together in fairly fixed proportions, so that some offsetting of the negative impact of residential development occurs automatically. In suburban and especially in rural areas, such linkages are less likely to exist so that residential growth is not necessarily followed by commercial development. However, keeping these warnings in mind and with appropriate care, the ratios, break-even values, tax-neutral land use ratios and other numbers shown in this paper can be valuable planning tools for local governments facing residential growth pressures.

## **References**

- American Farmland Trust (1992). *Does Farmland Protection Pay? The Cost of Community Services in Three Massachusetts Towns*. The Massachusetts Department of Food and Agriculture.
- American Farmland Trust, (1993). *Is Farmland Protection A Community Investment? How to Do a Cost of Community Services Study*. (Washington, DC: American Farmland Trust).

I-4

ZA HEARINGS  
7/17/17

Regarding Proposed Bayview Residential Project

- 37 year homeowner on Palms Drive
- Retired teacher
- Worked to maintain and improve property at 528 Palms Drive while educating California children
- Cared for safety and well-being of my neighbors (as do others) including defending an apparently abandoned property at 535 Palms Drive from drug-selling squatters for several years
- Maintained road in front of property, both using clay cat litter to fill potholes and hiring and paying a man to spread base rock (also paid for by me) over the entire section of road on my property
- Recently the neighborhood supplied the funds to repave the road and add traffic slowing bumps
- Others helped maintain the road over the years, especially a group under the direction of Mr. Padilla of 565 Palms Drive
- The county did NOTHING for us, and has even recently stopped providing weed abatement
- Palms Drive is our property, included in our deeds. In 1986 we wrote, signed, and submitted the accompanying letter (which refers to County File #MS 32-86) which states clearly our continuing position re: Palms Drive. Please note that #5 of said letter requests notification of any plans for development in the area, but few of us were notified.

I-4-1

Ilma Johnson  
528 Palms Dr.  
Martinez CA  
July 17, 2017

July 17, 2017 3:30 p.m. – Zoning Administrator Meeting- Bayview Scoping Session

John Osborne, project planner read the project description.

Applicant: Discovery Builders

**Speakers:**

**Norman Leabig:** I don't disagree with what develops behind us but I disagree is where are all those people going to come down to Arthur Road and then where are they going to go? Now they come off of Palms Drive like a jet and on to Arthur Road. There is no stop sign there, the neighbor down there put a bumper on the road, slows them down a little bit, coming down from Arthur Road the other way, it's a race track. So you put that many cars on that hill, where are they going to go? They get down to the stop sign and there is only one way in and one way out. So I don't understand it. With that many cars down that road, which is bumper to bumper now. Where are they going to go? When we get them all down there do we stop them or do we let them go? That's it.

**ZA:** Just to clarify that you can testify on any concerns that you have, but I'm not here to answer your questions, I'm just listening. We are going to take in the concerns and we are going to analyze them and provide the response in all the concerns you have raised today.

**Edward Raya:** Ryan Hernandez, the Senior Planner of the past, in 2008 I have the hardback as well as you guys have, and Discovery Bay has, Albert Seeno III, they have also. I just want to know is this going on the draft from 2008? Because there was many agencies overlooking and on Bayview project. We know that this is going to impact very severely the traffic and noise. The reduction of the trees that cannot be done because in the book as you read it, there has been no studies of the Indians and the artifacts and the burial site that is underneath the trees and we all know that the code protected from the State of California alongside the hill, we have the Pacheco Creek going into a marsh. We have, first of all in the trees, we have birds, a lot of birds. We have the egrets we have hawks and the different skype. We have vultures and we have snakes, we have coyotes, we have foxes, we have rabbits, we have beavers in the water, we have fish, we have lizards, we have geckos and we have every type of animal that goes there. Raccoons, possums, skunks and every type of animal because of open fields. We know it's industrial now. We do not want anything to do with this project because it's going to put a very big impact on traffic. I live on Central Avenue, I'm the 3<sup>rd</sup> house from Arthur Road. Okay, one thing I was supposed to be contact when and if there was another develop or anything further than 2008, I was not contacted. I'm upset with that. I'm a represented of Vine Hill. Okay, and I see that the way they projected this site here it's very bad in traffic. The traffic is going to be bad on Palms Drive, Arthur Road, my street, Central Avenue and then I've been notices as I walk every morning, I'm a disabled union carpenter and I walk every morning and I saw the County or somebody has put a spots on Arthur road private side and noticing that someone is going to develop that road to maybe open it up again, who knows. We are wondering why isn't Waterbird way opened up for the back side of this project, okay? Why as I spoke in 2008, why can't this development company build a new road, by using Marlin's Trailer Park and using the eminent domain and buying their trailer park and buying the house in front and using the street, I mean the road that CC water district have right alongside, you go through Marlin's trailer park, go into CC water park, water canal. That cuts right on the righthand side of the freeway, the on ramp to Pacheco Blvd and Arthur road. That can be used for a brand new road for them that would cut the traffic into us and it would be a beautiful thing and not do any impact towards the hill because that

side there is nothing growing there. This is what I suggest if it ever happened, they build a brand new road and use waterbird way as an access and entry because the impact is going to be so great. And I'm proud that they are going to build a park that we have been paying for a park since 1964 and we still have the park in our name but there is nothing there. I'm proud they are going to do that – yes. But they have to find the means of another way to come in and out and not only use our streets. Arthur Road going into my street, Central Avenue is not wide enough whatsoever. It was projected in 1954 to be widened. It was never done. I imagine if this ever passes, that they are going to widen the road because living in front of my house, I see day to day, night to day, that if one truck passes the other truck has to stop. We have a lot of deliveries with Madden Door Company. Kitty corner to Arthur Road and Central Avenue. They have their garage company, they have their deliveries done on Central avenue and Arthur Road. That is going to impact them a lot also. And I spoke to Madden Door company, Kevin and his son Scott about this. Now they asked me to speak also and tell them about that. So I see that is going to impact the environment, the traffic with the environment and us as a community and complete. Thank you.

**Burt Kallendar:** hi and I think the merits of the case versus things that need to be considered for the EIR sometimes it's hard to distinguish. I remember in the early 70's as a kid taking a load to the dump a few times and Arthur Road was as a young teenager I didn't care where people leaved but I saw the amount of garbage and dust and I wondered about anyone can live there. The area is so great I live there now myself on Palms Drive. It is so, I mean it's night and day the difference and it's a thriving community and I think the addition of much more traffic is going to have a more depressing effect I think that property have been increasing and they don't really need the help of a new development to do that. It's there are things happening, good things happening in the community all by itself. I figured 2 and ½ commuters per households as a starting point, that's another 360 more cars zipping down Central Avenue and Palms Drive according to the plan that I saw. Bottlenecking on Arthur Road. Arthur Road is the main and only place in and out of the hole area is, could already be considered a problem and in an emergency situation but this would aggravate it. We know that Seeno has more lands Seal Island Estates, if I understand correctly so far there is only a plan to develop 5 acres but they own a lot more land. I think we are talking about a lot more commuters eventually. So this development is seen as a stepping stone to even worse problems and in term of traffic. Bigger traffic burden. And no suggestions by them on how the alleviate that. I know that Palms Drive and Central are not the only easements that they use because I've seen there tractors come in off the Conco driveway as I call it where it crosses the railroad tracks and they use their tractors and bulldozers for moving dirt around and fire breaks. So if the development were to go forward, which is not what we want but it definitely should be using other routes as their main routes in and out. At the end of the approval process for Palms Ten, my neighbors informed me they were told by the County officials two things, that they shouldn't complain that their property values will go up and the County needs the revenue. And if we skipped to the end of the process on this one, and assume the same two misguided view points come into play, no one I talk to lives on Palms Drive or Central lives there because of the concerns over property values, we live here because we enjoy the rural flavor, it's an eclectic neighborhood, unfettered by HOA telling you what color to paint your house, and on our road on Palms Drive, the speed limit is spelled SLOW. As far as revenue from building new residences, I'd like to submit a report called the fiscal impacts of land uses on local government by Jeffrey Dorfman by the University of Georgia 2006. He did a review of 90 cost of

community services from around the nation and found that the residential areas always cost the County more than they bring in. He said and I quote "a not a single instance did residential development generate sufficient revenue to cover its associates expenditures". He did find that commercial industrial and farm forest actually did create sufficient revenue. And in this parcel in which the Bay View estates subdivision is proposed where instead designated light industrial agricultural or all park land. The County would be better off financially. And our neighborhood would benefit from the buffer zone between ourselves and the accumulation of existing heavy industrial concerns all in this one area. Those include natural gas pipeline from the landfill from Central Sanitation, old hazardous waste pits from Conco, petroleum pipeline, including a jet fueled pipeline. The B&SF Railroad with its tanker car coming out of the Tesoro refinery and recycle pipelines. It's been a suggested, I've heard it suggested that this review process look at concerns or dangers one at a time. And address each one with the mitigation. This would be a grave mistake in this instance I think where there are so many ways a disaster can be compounded by other hazards. And with the presence of a 144 homes sitting immediately above whatever happens. Tanker car derails and crushes and pipeline, toxic fumes and fire, black smoke we are all asked to evacuate. It's like people yelling fire in a theatre are we have is Arthur Road. If something goes wrong, that type of thing can be a problem. Some of the residence who move it to these houses, will have Junior High kids who will want to play on the railroad tracks. Across the railroad bridge over 680 the way homeless and the hobos do now. There are things and aspects of this site that make it not wise to develop residentially. Neither should it be felt that a developer goes out on a limb and investing in land that is not zoned for what he has in mind has any right to return on his investment. Big risks are exactly that and no one in the County needs to feel they must insure a return on such an investment. But suppose it goes forward in the last EIR did not contain any mitigation for the problem of destruction of our community and the obliteration of our easy going environment. Another problem for the developer, owners of Palms drive have actively control the right to pass and what goes on with the road under the authority of the state and further the County would seem in my mind perpetuate a fraud by giving permission to the applicant to go way beyond the scope of his Palms Drive easement, either by extending the road or putting it through, making it a through road. His easement doesn't cover those things. Just on the original EIR, some of the mitigation were so lame like with the trees, to cut down 350 year old oak tree in our neighborhood and somewhere on the other part of the world, push some acorns into the ground strikes me as sort of hippie karma situation. It doesn't really, it really does nothing to mitigate the problem of taking out the oak trees. There are other mitigations that seem to diminish each other like.... these homes are only going to be sold to the average people who spend 90% of their lives indoors and so the air quality will be alleviated by having filtering systems in the house. At the same time there going to be an outdoor park area to lure them outside. You know it's sort of those things are at odds with each other. There should really not be building homes quite so close to the freeway where the air quality is the worst. I think that's about all I wanted to say.

**Jennifer Brennan:** My name is Jennifer Brennan I'm hear representing my husband and myself as well as many neighbors that couldn't make it here today because they had to work and you held the meeting at 3:30. I live at 550 Central Avenue, where I have lived over 20 years. And my main concern about this development is the wildlife. I moved to this area because I liked the open space and I liked the unincorporated area that we have \*\*\*\*\*. We like our neighborhood the way that it is. And this is going to directly effect for one the oak trees. I think its criminal that you are going to or this will allow for 300-



year-old oak trees to cut down when California has just lost over 90% of their oak trees to the sudden oak death. The next thing too is the Nesting Birds. We have several different kind of owls that live in those oak trees, we have a lot of hawks that live in those oak trees. Back there in that open space we have coyotes and that open spaces links up with other open space so it's one of the only places that have coyotes around here. There's turkeys, rabbits, raccoons, possums, squirrels, there's frogs, there's salmon that still run in the creek that feeds that pond and there has even been sightings of beavers in that pond. So if that development goes through I feel like that's going to have a huge impact on the wildlife. Since I've lived in Vine Hill, I've already seen many developments happen there and I've seen the lessening of the wildlife that comes around. My next concern environmentally is the water usage. Putting more houses in the area after this drought, I feel is going to make that much more that many more houses that need to have water use. So I don't think we need that plus there is going to be an overload on the sewage treatment. I don't know if either one of our treatment facilities can handle that. The other concern I have is my property directly. Living on Central Avenue, as some people have already said, and living on Palms Drive. They are already like race tracks. When I leave for work some days it take me 10 minutes to back out of my drive way because of the traffic going by. People speed down my street, going 90 miles an hour. I've tried to get speed bumps put in the past and I was told that because there is only one way in and one way out, you cannot put speed bumps in there in case of an emergency or firetrucks. I've seen houses taken out, all the cars on the right hand side of my street taken out by all the traffic and bringing that many more cars to the area. I feel it's going to congest Palms avenue and Central Avenue even more. And also up in Arthur Road and the intersection there. The lighting just got changed at that intersection and sometimes you can wait a good 7 minutes there. I can imagine what it's going to be like when there are more cars coming that way. I'm also concerned about putting an easement on my street, because that is going to directly impact my driveway and my driveway is already at a very steep pitch. If you cut another 10 feet off of that, I'm not even going to be able to use my own driveway. The other thing is we just like our neighborhood the way it is and we don't want anymore development there. Thank you for allowing me to speak today.

**Steve Contreras:** hi my name is Steve Contreras. I lived in Vine Hill my whole life 57 years. I've seen this land which was ranch land at one time it's all been developed now. By you guys who are by this development putting on 144 more houses there, it's outrageous. As one person said, he said "2.5 or 2 cars per house, it's more like a 3 cars per house, which would be 432 cars per day going up Central and Palms Drive. And if you guys had taken the time to look at Palms Drive, you're going to be taking people's yards away and I don't know the dimensions of the road's going to be. Nothing is said about that. On Central Avenue as \*\*\* you're going to be taking others people's yards away from them. As it is right now you got some people parking next to the sidewalks and just got one, it's like a clogged vein. It's just you have to wait for other people to go by. And if you guys are going to increase this, like I said for 432 cars going in and out of that development, it's going to be crazy. The other thing is that an emergency, if there was ever a catastrophe there, say an earthquake and that, the freeway runs there, 680. I don't know how we are going to get out if you, we got one other way that goes right freeway and it's going ....I don't know how many people that would add to from 144 homes, the ones that are living now it's going to be a jeopardy. And I hope, if they do develop, they can go through another means, like they said through Conco, there is another road out there that way. Let's just not let Vine Hill, Vine Hill as always been used as a sort of speak, \*\* like we don't count and it's always been treated that way as for

as the dumps concerned and what not and I want to speak on the people that live there. I have lived there my whole life. We are not going to take anymore. And the other thing is the animal, my neighbor spoke, I've been there when the ranches, there was cows, horses all across the street. We knew the owners that own that hillside his name was Godchalk, he had his own farm down there. And to see it be all taking away for development, is crazy. Like she said there's foxes, coyotes, you name it, it's out there. It's like everything else, we are strangling our wildlife, there is no where else to go. And that's there's been buffalo out there at one time. Like I said we are strangling our wildlife I don't know where else they would go as it is right now we have turkey's walking up and down our street, which I don't mind them I like it. But if we develop all that is going to be gone and who knows where they are going to go now. But like I said I'm opposed to this, my other concerns are the environmental. I think it was 2010 when they did it last and revised scope for the project, well that's been 7 years ago and things have changed since then. And I hope they keep make it up to date to check out everything the environmental. Now there is a tree service that use to be out the Henry's Tree Service and at one point there was stuff being dumped out there as far as oil is concerned and you name it and it was thrown out there so I don't know when the last time that was consideration. Now, I don't know if it was said or mentioned I think some person had bought that property from the County and what is going to go on with that. I don't think it's been mentioned it being developed, they are going to use the same roads too? As far as residential to get down to that property? We don't know. And um...that's basically it for me. I'm just opposed to all the traffic and all the cars. Like I said everybody think about it it's going to be 432 cars additionally to what we go right now. The with the nightmare right now just think what it's going to be if they develop. Thank you.

**Alma Johnson:** First of all I really want to say that I totally back everything else that my other neighbors said. I totally support everything and I'm just impressed how researched. Mine is kind of simple. I'm a 30 year homeowner on Palms Drive, 37 years homeowner on Palms Drive. I'm a retired teacher. And I worked to maintain and improved my property on 528 Palms Drive, while educating the children of California. I cared for the safety and well being of my neighbors as do others. We have a very nice neighborhood in many ways including I defended an apparently an abandoned property at 535 Palms Drive from drug selling squatters so several years. The Sheriffs were helpful, but one Sheriff said to me "well you know squatters rights". I'm like you are kidding. So anyway, I maintain that we own the property to the middle of the road, each of us. And I maintained as much as I could the property in front of mine and then actually the guy across from me at that point. In the winter I would use Clay cat litter at night I would poor clay cat litter in the pot holes and finally I hired a man to spread base rock and take care of the piece of property out there on the road. Recently the neighborhood supplied funds to repave the road and add traffic slowing bumps. Others maintain the road over the years, especially a group of men under Mr. Padilla and \*\*\*\*\*. The County did nothing for us. Nothing. And as even recently stop providing weed abatement. Palms Drive is our property, included in our deeds. In 1986, we wrote, signed and submitted, and I can give you the paper, the accompanying letter which I have her. Which refers to the County file #MS32-86. It had to do with the cold fact that if comes off of Central. And in this letter we specifically said that there is to be no connection between Palms Drive and any other road. Please note that number 5 of this letter, which I will share with you, requests notification of any plans for development in the area. What few of us were notified about the presently proposed Bayview residential project. And again thank everyone else. Oh I want to say the abandoned property has been

since majorly improved by this gentleman over here, Mr. \*\*\* and he has built a beautiful new home there. So thank you. And would you like the paper now or later.

**James Brunk:** Thank you very much. My name is James Brunk. I've lived on Palms Drive since 1977. I have lived there long enough to have lived through the time when the easement to the dump was there and there were 150 garbage trucks trips per day on Palms Drive. Excuse me on Arthur Road. I want to address several items that I think need to be going in the scoping of the environmental impact. The first one is traffic. I think you've heard abundantly about the traffic on Arthur road and Palms Drive. I would just like to point out Arthur Road is the only form of egress in the that subdivision area. And it is extremely impacted road, people are required to park on the sidewalk in order to allow enough space in Arthur Rd for two-way traffic. If they had in fact parked legally off the side walk it would have reduced the ability of Arthur Road to carry two-way traffic. As it is now, Arthur Road is inadequate now to serve this subdivision as it is now. Couple that with several years ago there was a motorcycle accident underneath the 680 overpassing, which eventually closed Arthur Road to all traffic. At that point, had there been some sort of emergency in that subdivision, those people would not been able to receive timely help/assistance. To add to the existing traffic is only going to make that matter worse. Once again many people here had expressed similar observations about it. I think that's an important think to put into the scope of the EIR is the traffic analysis on Arthur Road. The impact to the people who live there now will only be greater in the negative sense, with addition of any more vehicle trips per day. So that was item 1 that needs to go into the scope of the EIR, which is really take a strong look on the traffic flow and egress situation. There was once an easement to the dump, which has now been blocked off. It's got rocks and iron gate that could easily be opened and to allow a 2<sup>nd</sup> egress to the subdivision off of the end of Arthur Road as it turns up and no longer County maintained. Speaking of the folks who are concerned about the speed there. I personally since 1977 have witnessed cars going underneath the house that is right at the corner of Palms Drive and Arthur Road because they have failed to negotiate the turn. And in fact after the second time the car had to be pulled out from underneath that house, the operators of the dump very kindly put large boulders at that section of the house, I mean the street. That hasn't stopped cars making the corner and go up the guidewires of the power poles. So once again, traffic is a big environmental concern is this neighborhood. My second thing that I think needs to go in to the EIR scope is to address hazardous materials and the transportation corridor of the Santa Fe Railroad was mentioned they do transport all sorts of hazardous material there and if god forbid there was some sort of an accident, what kind of impact would the subdivision much less the people who are already there have from the pollutants coming off of whatever it is spilled. Historically, to the east of the location is the baker oxidation ponds, which were formally used to treat hazardous materials. That needs to be address as to how those materials are being contained and what kind of environmental impact that would have on this new development much less the existing development. The last thing I'd like to address the wildlife corridor aspect of the situation. We are on the edge of the urban wildlife interface there. We have the subdivision that exists now. We have the former dump, but further we have the Pacheco Marsh and stream complex there. This is a wildlife corridor that would be in my mind negatively impact by more development there. Along that sort of situation, several years ago there was a fire in the regional park there, which has similar type hills constraints. What would happen to the folks living on the hill if there was a fire started on the bottom of the hill? Fire goes up. And that one would think that the hazards mitigation there is going to be a difficult just because the physics of fire behavior.

So those are my three major concerns. But I'd also like to also put on notice, I was actually requested to be notified of any other developments in this thing and I was not. Also, along with my neighbors not noticed at all. I am concerned about his development. I don't think it's in the best interest for the community and I really would have appreciated being noticed of further motion on this. Thank you very much.

**Mike Brennan:** Hello, my name is Mike Brennan and I live at 550 Central Avenue with my wife and I'm not a really long winded person and I haven't really done any research on this. My research is what I see when I walk down the street from my house. I walk in those areas and I see animals and I see coyotes, I see rabbits and I see this is their last place to live. I see all these other develops in Martinez and all the other animals are getting pushed out. Traffic is no big deal to me, I drive from South San Francisco every day. I spend 3 hours in my car. So you know the environment impact is on animals, less than with people. And I think if you plan on building this, then maybe you should walk out there and see what we have, the last little batch where wildlife could live. I see these owls in the trees and I don't see that anywhere else. That's why I live in Martinez. And that's why I live where I live and I'm sorry if you bought that land out there, but it's not zoned residential right now as far as I know. And the things with the roads that Palms Drive is not a thorough fare it's a small skinny road. Central Avenue where I live and everyone been saying this that one car has to stop right in front of my house for another one to go by. And that the traffic is going to be really bad. Mainly, it's all the wildlife that lives back there. If you guys want to okay them to build back there, I think you should walk back there yourselves and see what's going on there. I'd love for you to see that little area. That's the only reason I live there. I want you to go back there and look at that before you decide to build there. It should be like agricultural, I mean it's not zoned for residential like that. It's going to wreck the whole area. There is no room for anymore building there. Thanks.

**Burt Kallander:** Just a couple of things in the earlier EIR it looked like the plan was to rebuild the road and paint a line down the middle and not let us park on it. That idea wouldn't go over very well. And I think that a better mitigation. This is more a personal I don't think it affects everybody but I'm fortunate enough to live in a place that has some great views. And if this projects went forward, there is some potential to share this view, however, R-6 your allowed to build 5 feet high. From my house, sitting in my house, I can see the pond, I can see the hills and the railroad tracks. I can see where planes land and take off and I can see parts of highway 4. I can see Lime Ridge Walnut Creek open space, and Mt. Diablo. And in this photo I put some red balloons on a string and raised them up out there some distance from my property line. Went in the house and sat down and it's not even the best place to view. And what happens is that's all that is left. The balloons are here. So when it comes to raising property values, I think this project would lower the property value probably by 150 right off the top. And that's sort of damage and I think that could be mitigated by building fewer homes in a stadium seat arrangement where they can all have a view and that's if the project has to go through. There is a better way to do it if it does go through, I'd prefer it didn't.

Unknown person: I don't know if these agencies were contacted in 2008 when this was drafted and you guys have copies of this of 2008? You have a hardback and discs. Have all these agencies been contact again to do newly researches for the date of now? Have they been contacted?