

**Appendix A:  
NOP and Scoping Comments**

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**A.1 - Notice of Preparation**

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**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

**Amalia Cunningham**  
Assistant Deputy Director

April 28, 2021

**NOTICE OF PREPARATION/  
NOTICE OF SCOPING SESSION  
FOR AN ENVIRONMENTAL IMPACT REPORT ON THE  
PROPOSED OAK ROAD TOWNHOUSE CONDOMINIUM PROJECT  
COUNTY FILE #CDRZ21-03258, CDS21-09559, CDDP21-03001**

**TO: ALL INTERESTED AGENCIES AND PARTIES**

The Contra Costa County Department of Conservation & Development (DCD) has received applications from the SummerHill Homes requesting approval of a rezoning, subdivision, and a development plan for the "Oak Road Townhouse Condominium" Project. DCD is the lead agency for preparation of the environmental impact report (EIR) for this project and is issuing this Notice of Preparation pursuant to Section 15082 of the California Environmental Quality Act (CEQA) Guidelines.

**PROJECT LOCATION**

The project site consists of approximately 5.94 acres encompassing numerous parcels (Assessor's Parcel Numbers: 172-012-001, 172-012-007, 172-012-025, 172-012-026, 172-012-021, 172-012-008, 172-012-023, and 172-012-020) in unincorporated central Contra Costa County, adjacent to the City of Walnut Creek. The site is addressed as 2740 Jones Road, which is located southeast of the intersection of Interstate 680 and Treat Boulevard.

**PROJECT DESCRIPTION**

The project is requesting approval of a rezoning of the project site to a Planned Unit District (P-1), subdivision of the project site into 19 residential lots, and a development plan to allow the following:

- Demolition of the existing improvements (buildings, foundations, asphalt, concrete, fence poles, landscaping);
- Removal of 74 onsite trees, relocation of one valley oak tree, and preservation of six off-site trees;

- Construction of 19 three-story buildings, 45 feet in height, on 129,373 square feet (292,965 total gross square feet);
- Installation of approximately 64,686 square feet of landscaped areas;
- 319 auto parking spaces (278 onsite spaces and 41 street frontage spaces);
- Internal streets, courts, walkways, and drainage improvements;
- Off-site improvements including installation of parking stalls along Oak Road and Jones Road;
- Grading of approximately 9,300 cubic yards of cut and approximately 6,700 cubic yards of fill.

### ANTICIPATED IMPACTS

Pursuant to CEQA Guidelines Section 15060(d), DCD will not prepare an initial study prior to commencing work on the EIR. Based on knowledge of other projects in the vicinity of the project site, we anticipate that the project may result in potentially significant impacts in the following CEQA topic areas:

- Aesthetics: constructing three-story buildings would alter the aesthetics of a site that is currently occupied by mostly single-story buildings and open space such as sports fields.
- Air Quality & Greenhouse Gas Emissions: construction activities and on-going residential-related activities would cause a temporary/permanent increase in emissions of criteria pollutants and greenhouse gases.
- Biological Resources: construction activities may result in impacts to a variety of protected plant and animal species. Of special concern are potential impacts to bats and avian species, and to oak trees. There are no wetlands onsite.
- Cultural Resources: construction activities may disturb previously undiscovered cultural resources.
- Geology & Soils: the existing soil conditions need to be analyzed and prepared in order to ensure soil preparation is sufficient for the project.
- Hazards & Hazardous Materials: demolition and construction activities may increase the potential for impact due to hazardous materials.
- Hydrology & Water Quality: off-site improvements may be needed to increase the capacity of the local drainage system to accommodate this housing development.
- Noise: ambient noise levels may increase temporarily during construction and may increase permanently during residential occupation of the constructed site.
- Transportation: residential operations may cause impacts to various intersections' level of service and increase vehicle miles traveled.

PUBLIC COMMENTS

All responsible and trustee agencies, and interest ed agencies, organizations, and individuals are invited to submit comments which address environmental concerns resulting from the implementation of the proposed project.

Due to the time limits mandated by State Law, your response must be sent at the earliest possible date but no later than 30 days after receipt of this letter. Correspondence must be received at the following address by **4:00 p.m. on Friday, May 28, 2021:**

Contra Costa County  
Department of Conservation & Development  
Community Development Division  
30 Muir Road  
Martinez, CA 94553  
Attention: Jennifer Cruz

The County File Numbers stated above should be included in all correspondence.

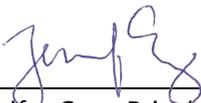
SCOPING MEETING

A scoping meeting will be held on **Monday, May 17, 2021, at 3:30 p.m.** To slow the spread of COVID-19, the Health Officer’s Shelter Order of March 10, 2021, prevents public gatherings (Health Officer Order). In lieu of a public gathering, the County Zoning Administrator will be accessible live online or by telephone to all members of the public as permitted by the Governor’s Executive Order N29-20. Participation instructions can viewed at the following link <https://www.contracosta.ca.gov/4328/Zoning-Administrator> when the agenda becomes available. Follow the link then click the "Most Recent" agenda tab.

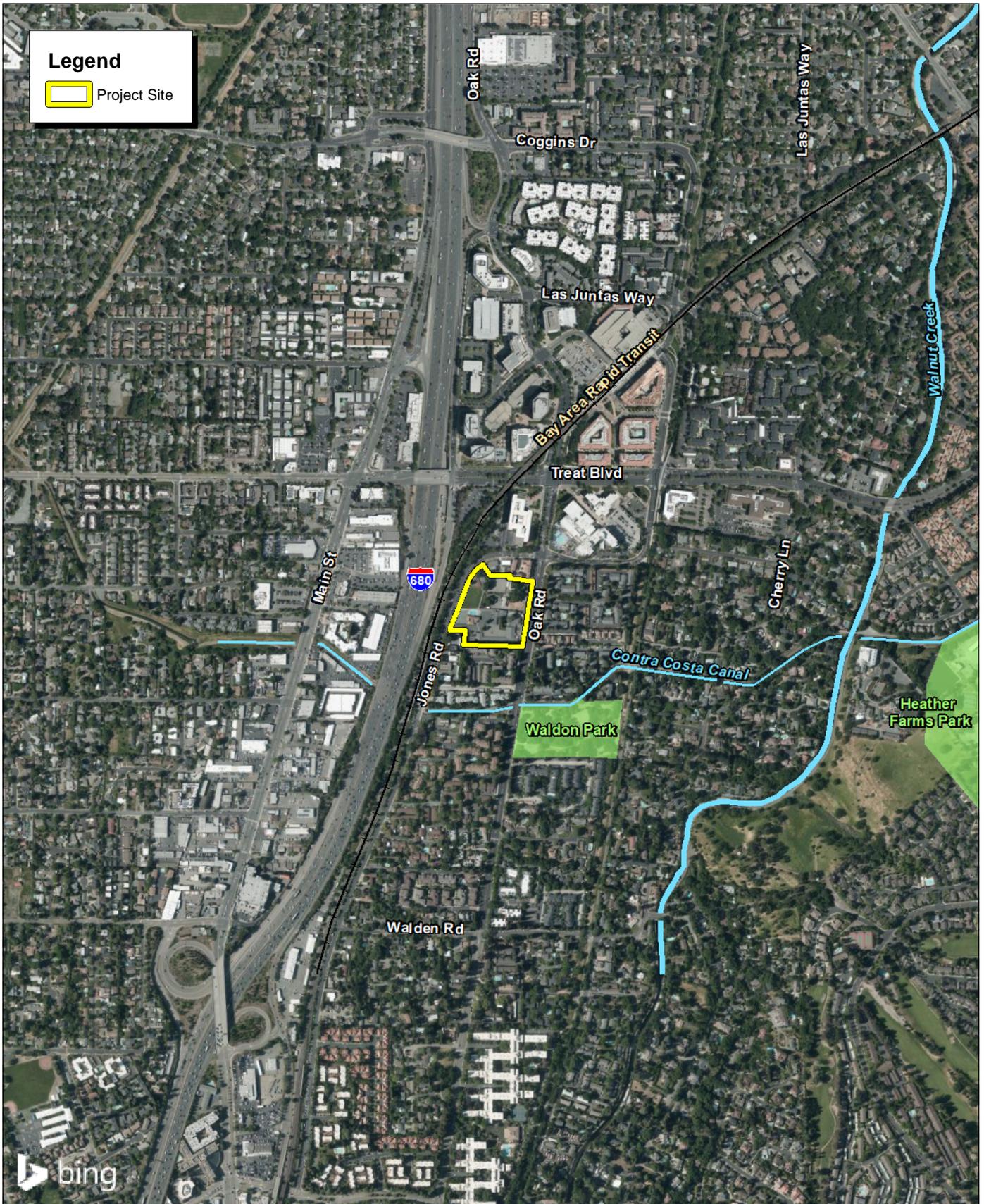
At this meeting, interested agencies, organizations, and individuals may submit oral and written comments pertaining to environmental concerns related to the proposed project.

SUPPORTING DOCUMENTS

The rezoning, subdivision, and development plan applications and supporting documents are available for review at the Department of Conservation & Development, Community Development Division. If you wish to obtain a copy of any documents related to this project, please contact me at (925) 655-2867 or [Jennifer.Cruz@dcd.cccounty.us](mailto:Jennifer.Cruz@dcd.cccounty.us).

Signature:   
\_\_\_\_\_  
Jennifer Cruz, Principal Planner  
Contra Costa County  
Department of Conservation & Development

Att: Local Vicinity Map  
Site Plan



Source: Bing Aerial Imagery.

**FIRSTCARBON**  
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## Exhibit 2-2 Local Vicinity Map



Source: SDG Architects, Inc., March 25, 2021

**FIRSTCARBON**  
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26480017 • 04/2021 | 2-6\_site\_plan.cdr

## Exhibit 2-6 Site Plan

CONTRA COSTA COUNTY  
OAK ROAD TOWNHOUSE CONDOMINIUMS  
ENVIRONMENTAL IMPACT REPORT

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## **A.2 - NOP Public Comments and Scoping Session Transcription**

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**From:** [Phil Abellera](#)  
**To:** [Jennifer Cruz](#)  
**Subject:** Re: Request for documents  
**Date:** Tuesday, May 4, 2021 5:37:48 PM

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Thank you.

Phil

On May 4, 2021, at 4:27 PM, Jennifer Cruz <[Jennifer.Cruz@dcd.cccounty.us](mailto:Jennifer.Cruz@dcd.cccounty.us)> wrote:

Hi Phil,

I am sending you the [<image001.png> link](#) to the plans for the project.

Thank you,  
Jennifer Cruz  
(925) 655-2867 **\*\*New number as of April 1, 2021\*\***

-----Original Message-----

From: Phil Abellera <[phil.abellera@sbcglobal.net](mailto:phil.abellera@sbcglobal.net)>  
Sent: Tuesday, May 4, 2021 3:27 PM  
To: Jennifer Cruz <[Jennifer.Cruz@dcd.cccounty.us](mailto:Jennifer.Cruz@dcd.cccounty.us)>  
Subject: Request for documents

Hi Jennifer: this follows my voicemail to you today. I received your letter of April 28, 2021 regarding Notice of Preparation/Notice of Scoping Session for an EIR on the Proposed Oak Road Townhouse Condominium Project County file #CDRZ21-03258, CDSD21-09559, CDDP21-03001.

I live near the proposed project. Please send me a copy of all documents related to this project.

Thanks,

Phil Abellera

**From:** [bamford.matthew@gmail.com](mailto:bamford.matthew@gmail.com)  
**To:** [Jennifer Cruz](#)  
**Cc:** "[Joyce Bamford](#)"  
**Subject:** Proposed Oak Road Townhouse Condominium Project/ County File #CDRZ21-03258, CDS21-09559, CDDP21-03001  
**Date:** Friday, May 7, 2021 6:06:26 AM

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Re: Proposed Oak Road Townhouse Condominium Project/ County File #CDRZ21-03258, CDS21-09559, CDDP21-03001

Jennifer,

Please forward rezoning, subdivision, and development plan applications and supporting documents for the captioned project.

Secondly, what is the practical difference between mailing in Public Comments and virtually attending the Scoping Meeting? I don't really understand why there are two separate things if they both relate to the EIR.

Lastly, what are next steps after the scoping meeting and public comments? When exactly will neighboring property owners be able to directly address the design of the development and not just the potential environmental impacts?

I look forward to hearing back from you.

Thank you,

Matthew Bamford  
9 Oak Treat Ct.  
Walnut Creek, CA 94597  
c. (510) 682-8486  
[bamford.matthew@gmail.com](mailto:bamford.matthew@gmail.com)

**From:** [bamford.matthew@gmail.com](mailto:bamford.matthew@gmail.com)  
**To:** [DCD PlanningHearing](#)  
**Cc:** [oak-treat-court@googlegroups.com](mailto:oak-treat-court@googlegroups.com)  
**Subject:** Scoping Session: Public Hearing: SummerHill Homes Files # CDRZ21-03258, CDS21-09559, CDDP21-03001  
**Date:** Monday, May 17, 2021 3:23:26 PM  
**Attachments:** [SETBACK SURVEY 05.17.2021 EIR PUBLIC HEARING.pdf](#)

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Re: Scoping Session: Public Hearing: SummerHill Homes Files # CDRZ21-03258, CDS21-09559, CDDP21-03001

Public Comment:

Please find attached "Setback Survey" between existing developments along Oak Road between Parkside Avenue and the Intersection of Jones and Oak Roads.

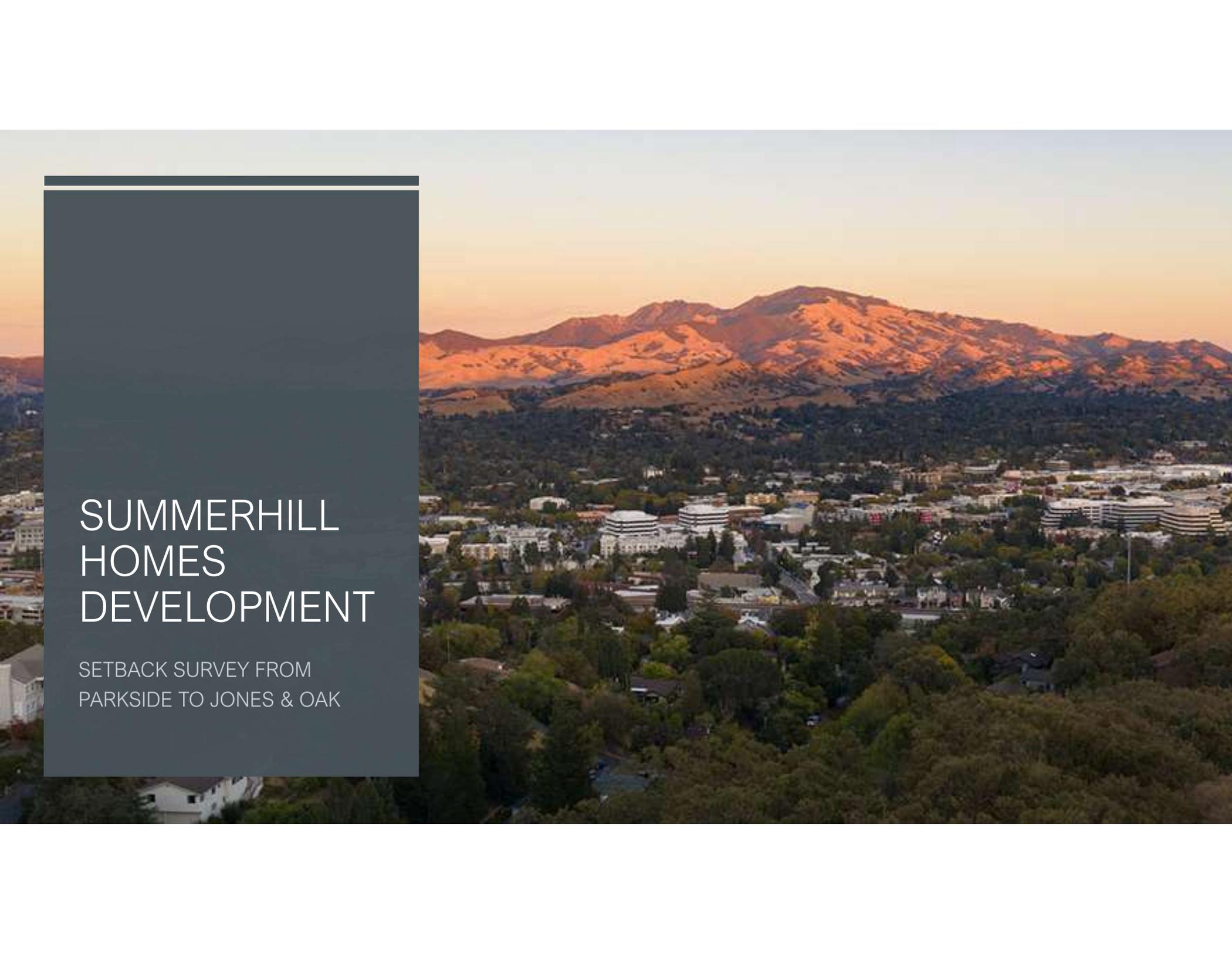
In almost all existing instances along Oak Road, there are buffers at property lines to prevent negative effects of having multistory residential developments in close proximity to one another during construction and afterward.

In this instance, SummerHill is ignoring these examples to the extreme detriment of existing property owners at Oak Treat Court.

We are asking for a much larger separation or setback between 3-story buildings on neighboring parcels to address serious concerns regarding loss of privacy; access to sun, air and views; casting of shadows, and to mitigate noise during construction.

Thank you,

Matthew Bamford  
9 Oak Treat Ct.  
Walnut Creek, CA 94597  
c. (510) 682-8486  
[bamford.matthew@gmail.com](mailto:bamford.matthew@gmail.com)

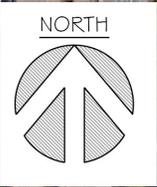
An aerial photograph of a city at sunset. The sky is a mix of orange, yellow, and light blue. In the background, a range of mountains is illuminated by the setting sun, showing a golden glow. The city below is densely packed with buildings, many of which are multi-story and have a modern architectural style. There are many trees, particularly in the foreground and middle ground, which are dark green. The overall scene is a panoramic view of a city and its surrounding landscape.

# SUMMERHILL HOMES DEVELOPMENT

SETBACK SURVEY FROM  
PARKSIDE TO JONES & OAK



Aerial Photo of Existing Site:  
Palmer School for Boys and Girls.



Setback Concerns Here

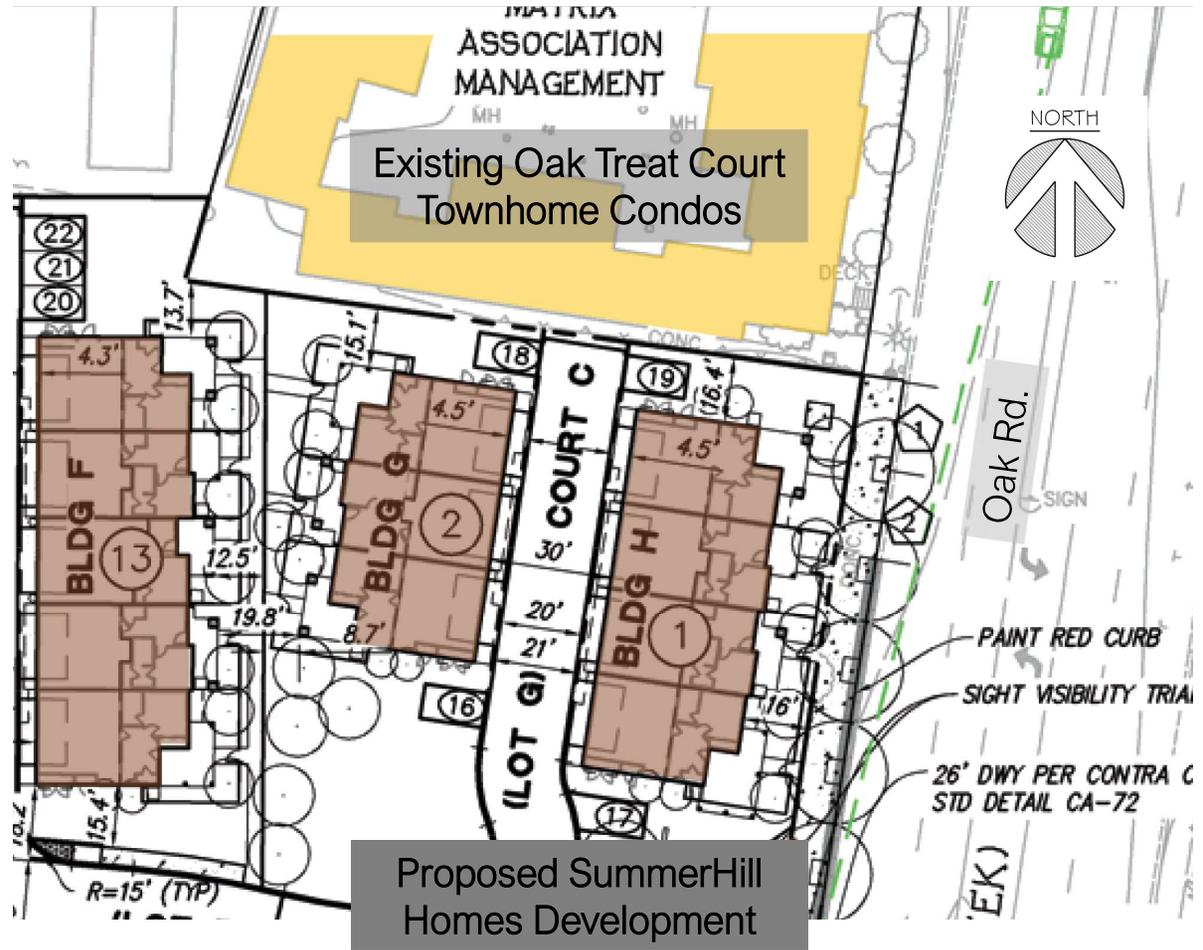
Aerial Photo and  
Project Site:  
SummerHill Homes

Partial Site Plan  
Adjacent to Oak Treat Court  
Townhome Condominiums

Without rezoning to P-1, a Multiple Family Residential District (i.e. M-29) would have the following design standards:

Front Setback = 25 ft.  
Side Setback = 20 ft.  
Max. Height = 30 ft.

Intent for P-1 redistricting requires “cohesive design,” and to “[ensure] substantial compliance with general plan”...

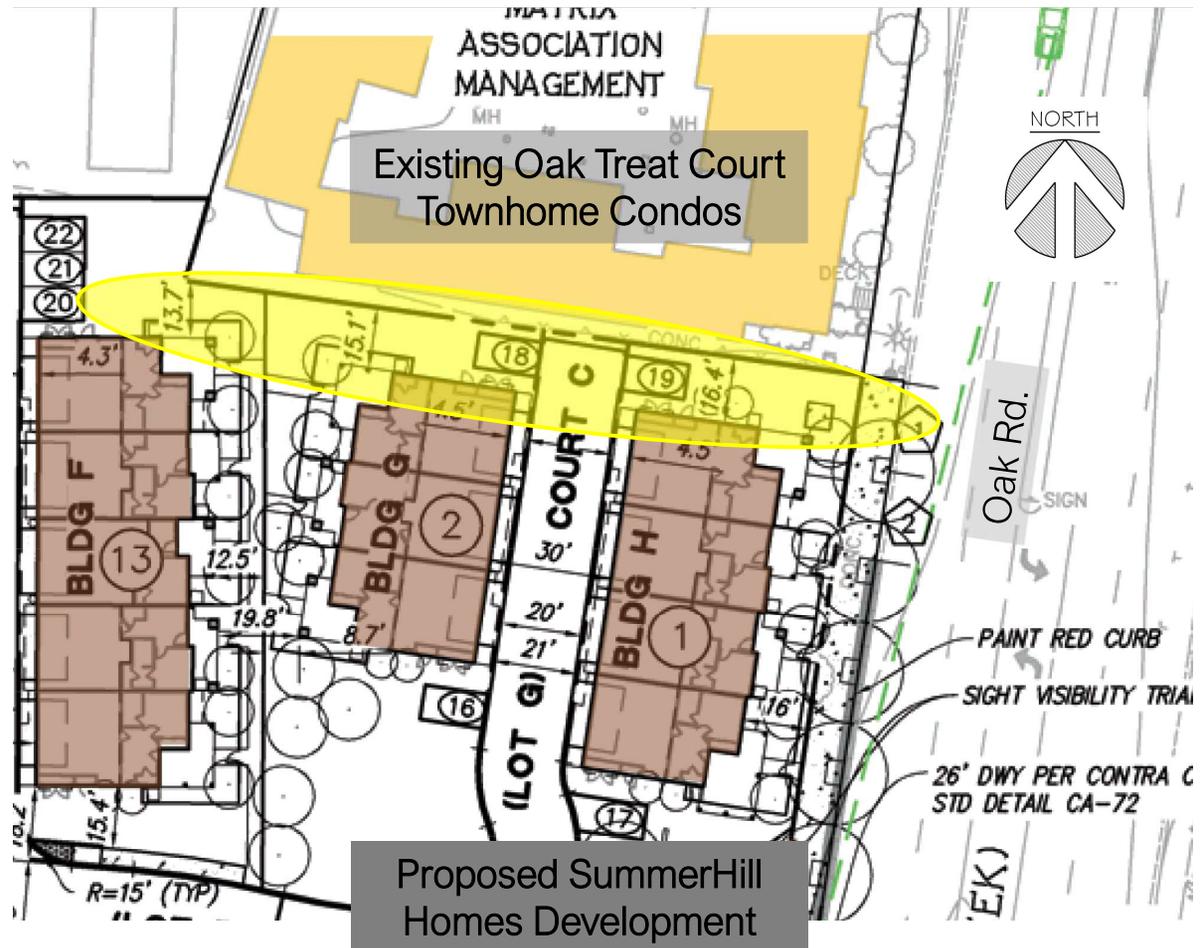


Partial Site Plan  
Adjacent to Oak Treat Court  
Townhome Condominiums

Proposed Setbacks:

- 13.7 feet
- 15.1 feet
- 16.4 feet

- Bldg. F = 38'-9" height
- Bldg. G = 38'-9" height
- Bldg. H = 42'-4" height





6 Oak Treat Ct.



7 Oak Treat Ct.



8 Oak Treat Ct.



9 Oak Treat Ct.



10 Oak Treat Ct.

North Property Line for Proposed Development is the Front Elevations for these Existing Units at Oak Treat Court



Walden Park Commons

How have developers addressed privacy, sunlight and air concerns previously?

What are the existing examples of setbacks and building separation along the frontage of Oak Road?



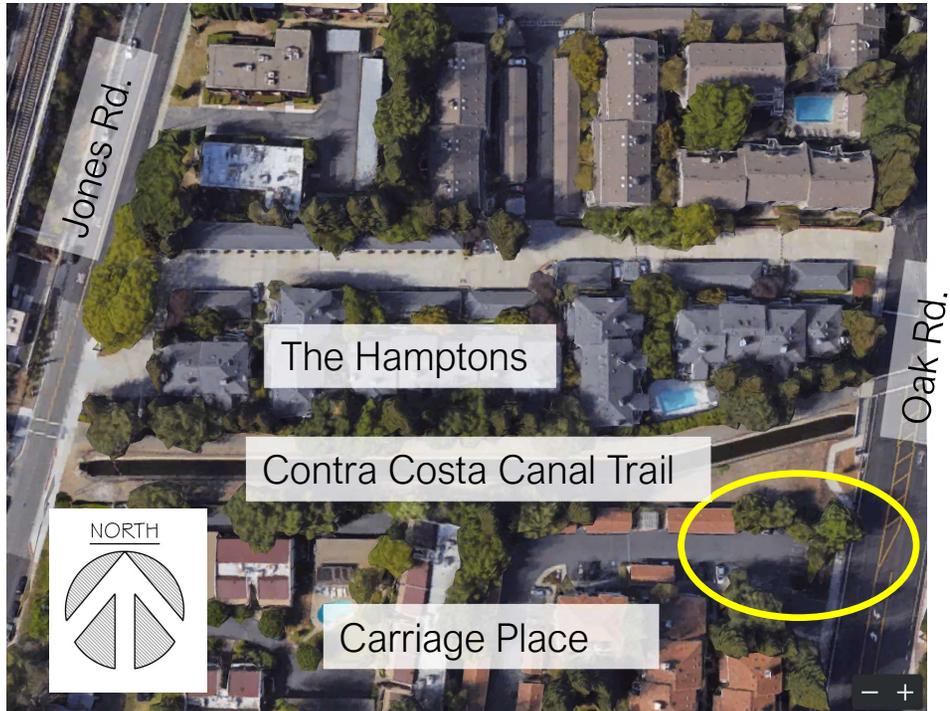
Aerial Photo of Blocks between Jones Rd. and Oak Rd. from Parkside Ave. to Intersection of Jones and Oak.



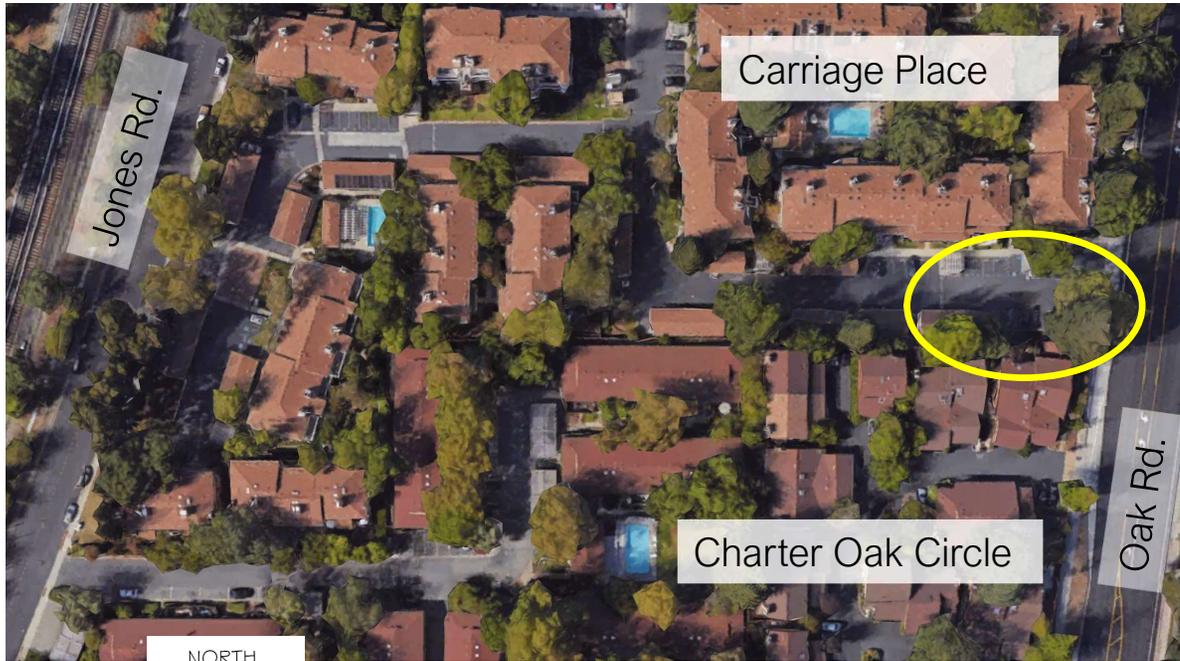
Driveway Buffer and Building Height Gradient  
@ Property Lines Adjacent to Oak Rd.



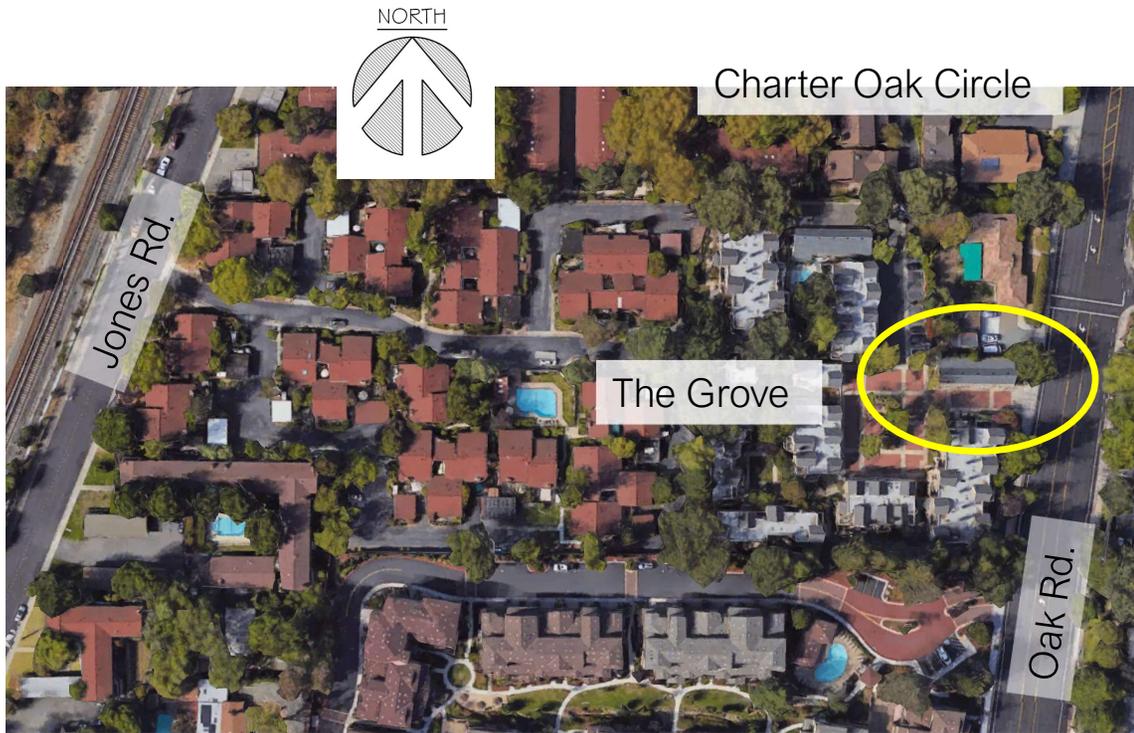
Driveway Buffer and Building Height Gradient @ Property Lines Adjacent to Oak Rd.



Canal Trail, Driveway Buffer and Building Height Gradient @ Property Lines Adjacent to Oak Rd.



Driveway Buffer and Building Height Gradient @ Property Lines Adjacent to Oak Rd.



Building Height Gradient and Driveway Buffer @ Property Lines Adjacent to Oak Rd.

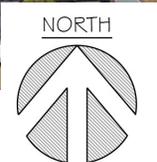




Meandering Driveway, Guest Parking, and Landscape Buffer @ Property Lines Adjacent to Oak Rd.

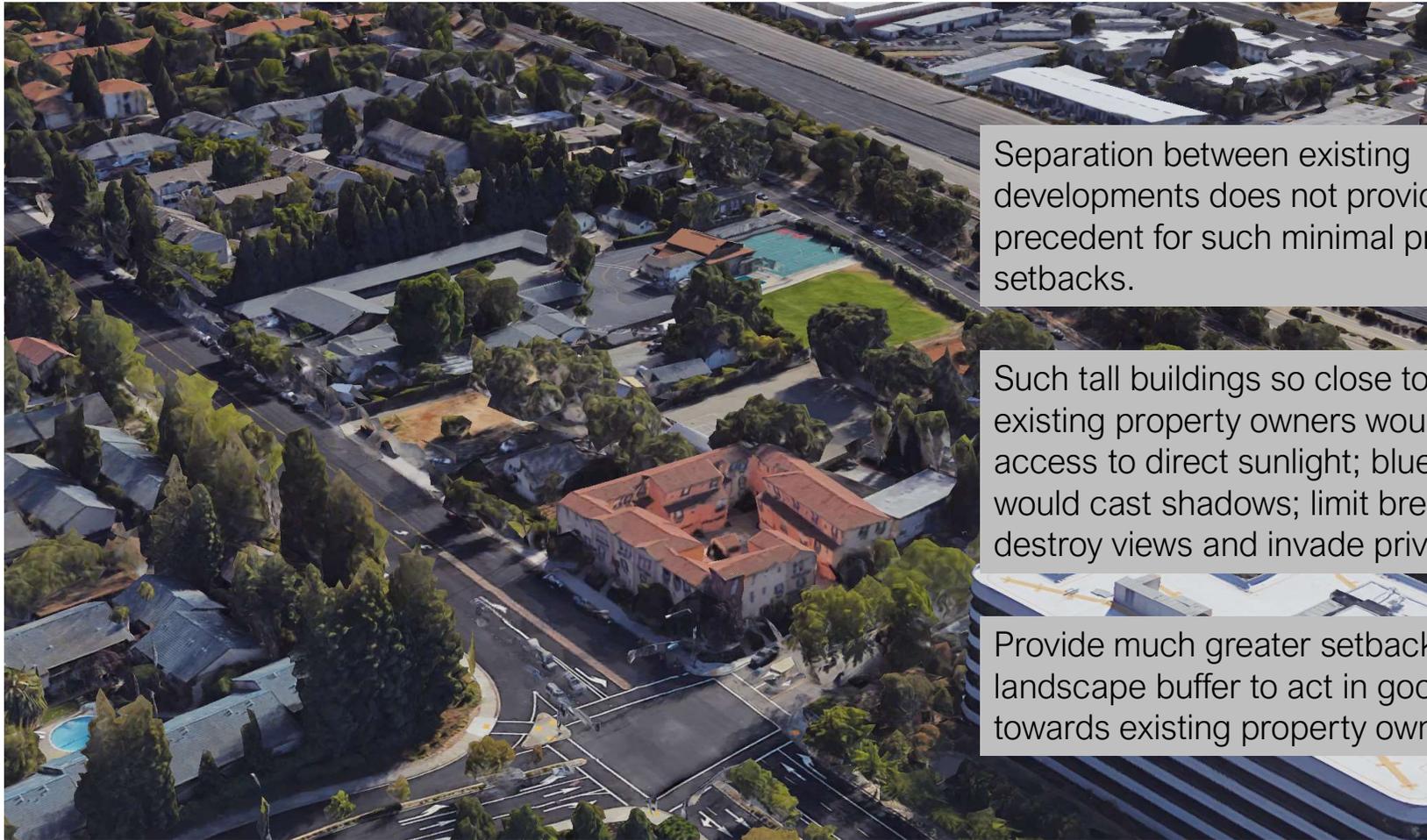


150 ft. plus between Multi-Story Buildings Fronting Oak Rd...



Driveway and Landscape Buffer @ Property Lines Adjacent to Oak Rd.





Separation between existing developments does not provide a precedent for such minimal proposed setbacks.

Such tall buildings so close to existing property owners would block access to direct sunlight; blue sky; would cast shadows; limit breezes; destroy views and invade privacy.

Provide much greater setback and landscape buffer to act in good faith towards existing property owners.

**From:** [Laura Bramble](#)  
**To:** [Jennifer Cruz](#)  
**Subject:** Letter in protest of Oak Road Townhomes Condo Dev  
**Date:** Monday, May 3, 2021 5:47:22 PM  
**Attachments:** [May 3.docx](#)

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Please read the attached letter. My name is Laura Bramble and I live in Building 2723 at Oak Road Villas, the property that directly abuts 2740 Jones Road.

If this construction commences, I will be in the direct "line of fire" of the construction. The value of my home will be decreased because I will lose the view that makes my home so lovely. I will lose my peace of mind and quiet, which is vital to my health and happiness; I am disabled and quiet is important to my well-being. I work from home a great deal; I will not be able to do that with all the construction noise going on.

Please know that my house-bound 83 year old neighbor downstairs will also be directly impacted. She doesn't have internet or a computer so she can't reach out to you like I can. But she's equally impacted and equally unhappy.

This unnecessary and destructive construction will only negatively impact a community that is already packed to the gills with condo's, apartments, townhomes, cars, and bad wifi service.

And my questions are these: What remunerations will you pay me and my affected neighbors for losing our peace of mind while you are building? What will you pay me for the devaluation of my home when you take away my view? What will you pay all of us who might like to sell but can't because of the construction hell you are attempting to put us through?

And WHY do you have to build condo's? What about a park, a community center, a senior center, a day care, a youth center, a YMCA, a church, a day care or leave it as a school? Why on earth do we need somewhere in the neighborhood of 500 more expensive condo's that nobody can afford to buy in the most impacted part of town?

Please read my letter and know that you have a fight on your hands. You can't have my peace and quiet, and you can't devalue you my home. You can buy me out and help me move, but you can't just take it away.

Very truly yours,  
Laura Bramble

May 3, 2021

County File #CDRZ21-03258, CDS21-09559, CDDP21-03001

ATTN Ms. Jennifer Cruz

I write in response to the Notice of Preparation I received as a resident of Oak Road Villas and the owner of unit 2723-F, which directly abuts the property at 2740 Jones Road.

I AM DIRECTLY AND ENERGETICALLY IN OPPOSITION TO THE PLANNED DEVELOPMENT "OAK ROAD TOWNHOUSE CONDOMINIUMS" for the following reasons:

- 1) This area between Ygnacio Valley Road and Treat Blvd is already highly congested with apartments, townhomes, and condominiums. Parking is horrible, wifi bandwidth is sub-par, traffic congestion is bad especially during heavy commute hours, and the Pleasant Hill BART station is overrun with commuters who both walk and drive to the station. **We do not need more people living here.**
- 2) The proposed demolition of trees, buildings, the impact to existing biological resources (including bats, squirrels, birds, soils, and other wildlife) is unacceptable. **I DEMAND an environmental impact report be done in its entirety, so that the impact on animals, trees, air, traffic, noise, and all other environs be fully studied.**
- 3) What are you going to do to accommodate the people who live and work from home, and the seniors who live at home and are home-bound, the people who are sick and need quiet, and the people who are at home taking care of elderly parents or young children? What are you going to do about me? **I LIVE HERE and work from home as a teacher; I am disabled; I need my quiet; what do you want me to do while you all are banging away making noise disrupting my work and my health?**

- 4) What are you going to do about devaluing the Oak Road Villas Condo complex? We have a large number of renters who can move out. The owners of the rented units will NOT be able to rent those units at all while there is construction going on. That's a loss of income for those homeowners. The people who live here who might want or need to sell won't be able to while there's construction going on. And while you are banging away, you're ruining the value of our homes by destroying the views that made Building 2723 so special and desirable. **You are devaluing existing homes with this construction.**
  
- 5) The existing Palmer School site can be turned into a day care, a partial park site, it can be re-sold as a school site and upgraded, turned in to a Senior Center, a youth center – there are many other community sites that are NEEDED in this area. **We do not need more housing; we need community buildings where people can go.**
  
- 6) **If you do construction, you're going to make a mess of an already messy intersection!** Treat Blvd is a mess during commute hours; now you're going to make it a mess all day long with trucks of every kind coming and going, blocking the street, impacting residents, making noise, polluting the air with exhaust, and during the summer too when spare-the-air days are at their highest!?! This is inexcusable and irresponsible of Summerhill; they shouldn't be allowed to pollute our neighborhood just because they can spend big bucks developing land that doesn't need to be developed.
  
- 7) **It was congested with traffic when it was Palmer School and there were maybe 400 cars coming and going. Now you want to have more than 500 cars living there permanently, coming and going?**
  
- 8) **If you go ahead and build, what are the remunerations for people who are stuck at home and have to listen to this all day? You will cost a LOT of people their peace and quiet and the comfort of their homes.**

**9) If you go ahead and build, what will you pay us for the devaluation of our homes, when the views that add value to our homes are lost, in favor of your buildings blocking our vistas?**

Walnut Creek, even this unincorporated area, does not have the ability to sustain this kind of growth. We already are not a part of the Walnut Creek Police Department. We don't have enough Sheriff's deputies to cover our own part of town. BART will be negatively impacted with an increase in ridership, or, traffic will be negatively impacted with more people driving to work and getting on the freeway at a highly densely packed commuter zone. Wifi is bad enough in this "condo row" part of town; now you're going to have 500 more homes vying for signals? What about the impact on parks, with a potential increase in dog owners who don't pick up poop?

This is a bad idea for a perfect piece of land. Make it a senior center, a youth center, a homeless center, a park, a community center, a day care, keep it as a school, let the city have it to turn into arts and crafts center, make it a church—

**BUT YOU DO NOT HAVE MY VOTE OR MY PERMISSION TO BUILD ON THIS LAND.**

**Most energetically yours,**

**Laura Bramble  
2723-F Oak Road  
Walnut Creek, CA  
94597**

**[Laurabramble10@gmail.com](mailto:Laurabramble10@gmail.com)**

**925 286 0753**

**From:** [Laura Bramble](#)  
**To:** [Jennifer Cruz](#)  
**Subject:** Letter  
**Date:** Tuesday, May 4, 2021 5:09:26 PM  
**Attachments:** [May 3.docx](#)

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Attached... I don't think I sent it the first time.

My comments and complaints stand. An unnecessary condo or townhouse development at 2740 Jones Road adds no value to Walnut Creek, and devalues existing homes, contributes to traffic congestion, destroys habitats and trees by your own admission, and your parking study is inconclusive at best because parking in this entire area is grossly under-counted-- there are NOT enough parking spaces for the existing residents and tenants, and now you want to add more homes? It's a nightmare!

My question continues to go unanswered: If you continue to go ahead with this bad idea, how are you going to compensate me for the loss of the value to my own home? You're building a 45 foot tall dwelling that will obliterate my views, create noise and other environmental pollution, you've now made it impossible for me to move without having to declare this monstrosity, and IF I can move once it's built, instead of selling a view and a quiet corner unit, I get to sell a "view of condo wall"--- so how are you going to make this right by me? I'M WAITING FOR YOUR ANSWER !!! And so is my 83 year old home bound neighbor downstairs. What are we supposed to do now? I'm disabled, she's 83-- we have minimal income, and now this ridiculous condo nightmare is going to suck the last bit of pleasure out of the quiet corner we have to live in. What are you going to do to compensate us for the noise, destruction of our quiet home, and the loss of property value?

Answer expected.

THank you.  
Laura Bramble

**DEPARTMENT OF TRANSPORTATION**

DISTRICT 4

OFFICE OF TRANSIT AND COMMUNITY PLANNING

P.O. BOX 23660, MS-10D

OAKLAND, CA 94623-0660

www.dot.ca.gov

*Making Conservation  
a California Way of Life.*

May 25, 2021

SCH #: 2021040684

GTS #: 04-CC-2021-00476

GTS ID: 22955

Co/Rt/Pm: CC/680/16.2

Jennifer Cruz, Principal Planner  
Contra Costa County  
Department of Conservation & Development  
30 Muir Road  
Martinez, CA 94553

**Re: Oak Road Townhouse Condominium Project + Notice of Preparation (NOP)**

Dear Jennifer Cruz:

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the Oak Road Townhouse Project. We are committed to ensuring that impacts to the State's multimodal transportation system and to our natural environment are identified and mitigated to support a safe, sustainable, integrated and efficient transportation system. The following comments are based on our review of the April 2021 NOP.

**Project Understanding**

The project proposes a rezoning of the project site to a Planned Unit District (P-1), subdivision of the project site into 19 residential lots, and a development plan to allow building condominiums on the site.

**Travel Demand Analysis**

With the enactment of Senate Bill (SB) 743, Caltrans is focused on maximizing efficient development patterns, innovative travel demand reduction strategies, and multimodal improvements. For more information on how Caltrans assesses Transportation Impact Studies, please review Caltrans' Transportation Impact Study Guide.

If the project meets the screening criteria established in the City's adopted Vehicle Miles Traveled (VMT) policy to be presumed to have a less-than-significant VMT impact and exempt from detailed VMT analysis, please provide justification to support the exempt status in line with the City's VMT policy.

Projects that do not meet the screening criteria should include a detailed VMT analysis in the Draft Environmental Impact Report (DEIR), which should include the following:

- VMT analysis pursuant to the City's guidelines. Projects that result in automobile VMT per capita above the threshold of significance for existing (i.e. baseline) city-wide or regional values for similar land use types may indicate a significant impact. If necessary, mitigation for increasing VMT should be identified. Mitigation should support the use of transit and active transportation modes. Potential mitigation measures that include the requirements of other agencies such as Caltrans are fully enforceable through permit conditions, agreements, or other legally-binding instruments under the control of the City.
- A schematic illustration of walking, biking and auto conditions at the project site and study area roadways. Potential safety issues for all road users should be identified and fully mitigated.
- The project's primary and secondary effects on pedestrians, bicycles, travelers with disabilities and transit performance should be evaluated, including countermeasures and trade-offs resulting from mitigating VMT increases. Access to pedestrians, bicycles, and transit facilities must be maintained.
- Clarification of the intensity of events/receptions to be held at the location and how the associated travel demand and VMT will be mitigated.

### **Mitigation Strategies**

Location efficiency factors, including community design and regional accessibility, influence a project's impact on the environment. Using Caltrans' *Smart Mobility 2010: A Call to Action for the New Decade*, the proposed project site is identified as a Close-In Compact Community where community design is strong and regional accessibility is fair.

Given the place, type and size of the project, the DEIR should include a robust Transportation Demand Management (TDM) Program to reduce VMT and greenhouse gas emissions from future development in this area. The measures listed below have been quantified by California Air Pollution Control Officers Association (CAPCOA) and shown to have different efficiencies reducing regional VMT

- VMT Banking and/or Exchange program;
- Addition/ Increase in number of affordable housing units in project;
- Orientation of project towards non-auto corridor;

- Location of the project near bicycle network(s);
- Incorporation of bicycle lanes in street design;
- Pedestrian network improvements;
- Traffic calming measures;
- Implementation of a neighborhood electric vehicle (EV) network, including designated parking spaces for electric vehicles (EVs);
- Limiting parking supply;
- Unbundled parking from property costs;
- Market price public parking;
- Ridesharing programs, Commute Trip Reduction programs, bike sharing programs;
- Transit and trip planning resources such as a commute information kiosk;
- Real-time transit information system; and
- Transit access supporting infrastructure (including bus shelter improvements and sidewalk/ crosswalk safety facilities).

Using a combination of strategies appropriate to the project and the site can reduce VMT, along with related impacts on the environment and State facilities. TDM programs should be documented with annual monitoring reports by a TDM coordinator to demonstrate effectiveness. If the project does not achieve the VMT reduction goals, the reports should also include next steps to take in order to achieve those targets.

Please reach out to Caltrans for further information about TDM measures and a toolbox for implementing these measures in land use projects. Additionally, Federal Highway Administration's Integrating Demand Management into the Transportation Planning Process: A Desk Reference (Chapter 8). The reference is available online at:

<http://www.ops.fhwa.dot.gov/publications/fhwahop12035/fhwahop12035.pdf>.

### **Transportation Impact Fees**

Please identify project-generated travel demand and estimate the costs of transit and active transportation improvements necessitated by the proposed project; viable funding sources such as development and/or transportation impact fees should also be identified. We encourage a sufficient allocation of fair share contributions toward multi-modal and regional transit improvements to fully mitigate cumulative impacts to regional transportation. We also strongly support measures to increase sustainable mode shares, thereby reducing VMT.

### **Lead Agency**

As the Lead Agency, the County of Contra Costa is responsible for all project mitigation, including any needed improvements to the State Transportation

Network (STN). The project's fair share contribution, financing, scheduling, implementation responsibilities and lead agency monitoring should be fully discussed for all proposed mitigation measures.

### **Equitable Access**

If any Caltrans facilities are impacted by the project, those facilities must meet American Disabilities Act (ADA) Standards after project completion. As well, the project must maintain bicycle and pedestrian access during construction. These access considerations support Caltrans' equity mission to provide a safe, sustainable, and equitable transportation network for all users.

### **Encroachment Permit**

Please be advised that any permanent work or temporary traffic control that encroaches onto the State Right of Way (ROW) requires a Caltrans-issued encroachment permit. As part of the encroachment permit submittal process, you may be asked by the Office of Encroachment Permits to submit a completed encroachment permit application package, digital set of plans clearly delineating the State ROW, digital copy of signed, dated and stamped (include stamp expiration date) traffic control plans, this comment letter, your response to the comment letter, and where applicable, the following items: new or amended Maintenance Agreement (MA), approved Design Standard Decision Document (DSDD), approved encroachment exception request, and/or airspace lease agreement. Your application package may be emailed to [D4Permits@dot.ca.gov](mailto:D4Permits@dot.ca.gov).

To download the permit application and to obtain more information on all required documentation, visit <https://dot.ca.gov/programs/traffic-operations/ep/applications>.

Jennifer Cruz, Principal

May 25, 2021

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Thank you again for including Caltrans in the environmental review process. Should you have any questions regarding this letter, please contact Laurel Sears at [laurel.sears@dot.ca.gov](mailto:laurel.sears@dot.ca.gov). Additionally, for future notifications and requests for review of new projects, please contact [LDIGR-D4@dot.ca.gov](mailto:LDIGR-D4@dot.ca.gov).

Sincerely,

A handwritten signature in black ink that reads "Mark Leong". The signature is written in a cursive, flowing style with a long horizontal tail stroke extending to the right.

MARK LEONG

District Branch Chief

Local Development - Intergovernmental Review

c: State Clearinghouse

**From:** [Karen Chen](#)  
**To:** [DCD PlanningHearing](#)  
**Cc:** [Karen Chen](#)  
**Subject:** Summerhill Home Development on Oak Road - County Files # CDRZ21-03258, CDS21-09559, CDDP21-03001:  
**Date:** Monday, May 17, 2021 3:19:38 PM  
**Attachments:** [image001.png](#)

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Dear Contra Costa County Zoning Administrator,

Hope all is well. I am writing this letter in regards to the county letter that was sent on Apr 28, 2021 informing the neighborhood about the new home development proposed by Summerhill Homes/Sam Mendes.

I am a resident of Oak Treat Court, which is on the north side of the proposed future development. Upon reviewing the letter as well as the actual site plan provided by county, I would like to submit some comments as below before the public hearing:

Aesthetics/Pollution/Safe to surrounding area Concerns:

- a. According to the proposal, the land is being proposed to be rezone to code "P-1", in which code **84-66.1402 - Design objectives., it has mentioned that**
  - i. **"Building bulk, height, land coverage, visual appearance from adjacent land, and design compatibility with existing adjoining development and land which will remain, shall be considered and controlled"**;
  - ii. A development's design should successfully integrate individual buildings and building groups **with the surrounding development, other physical features in the area, and existing development which will remain**;
  - iii. The design of structures should provide for harmonious composition of mass, scale, color, and textures, with special emphasis on the transition from one building type to another, termination of groups of structures, **relationships to streets, exploitation of views, and integration of spaces and building forms with the topography of the site and the urban or suburban character of the area.**
  - iv. Provisions are to be made for an efficient, direct and convenient system of pedestrian circulation, together with landscaping and appropriate treatment of any public areas or lobbies.
  - v. Off-street parking and loading areas should be integrated into the overall vehicular circulation system.
- **By reviewing the site plan, I have found below concerns conflicting with the P-1 code.**
  - i. The height of the development is proposed to be above 42 feet height, with the developer offering a 4th floor "roof deck" option on all structures facing Oak Road. This will make these buildings significantly taller than our community and other neighborhoods, which does not align with Code 84-66.1402-i. I suggest that the height of the building to be controlled and aligned with the neighborhood to be standard 3-story buildings. The county and developer should eliminate the optional 4th floor "roof deck" on the Oak Road side of the development with potential environmental concerns such as
    1. Activities on roof top can easily cause **pollution/potential fire** to nextdoor neighbors with such small setback (currently planning 15 ~ 16 ft setback in between new development and Oak Treat Ct) - imagine someone is BBQ on the roof deck, a fire could be caused just by a small spark or smoke flying from the roof top to Oak Treat Ct's roof.
    2. **Safety concern** - people can easily reach Oak Treat Ct community from their roof deck.
    3. **Noise concern** - with more than 30 roof deck being created, it will bring more noises to the area and could highly affect the neighbors with such small setback on each side of the new development with their next-door communities
  - ii. The Setback – current planned setback in between the south side of Oak Treat Court and Summerhill Development is 15ft ~ 16ft. And in such a short distance, there's also planned parking space. This is a big concern for the residents of Oak Treat Court as below and the county should urge the developer to update their site plan to create/switch the new plan's open space, driveway or landscaping in between their plan and the southside of Oak Treat Court to create at least 60 feet setback in between the new

plan's actual building structures and Oak Treat Court

1. **Foundation:** The land and soil has been years designated for hundred-year-old plants, school, single story residential and open space. We are worried the foundation of surrounding area including our Oak Treat Court community's foundation would be highly affected or damaged due to the 125 units of 3 to 4-story buildings' weight on such land/soil
2. **Noise:** During and after construction, if the structure is being built within such a small setback, the noise would be highly affecting the daily life of Oak Treat Court residents and other neighborhood
3. **Pollution:** During and after construction, it will cause severe pollution to Oak Treat Court's structure with such a small setback including air pollution, light pollution and noises, which could be irrevocable
4. **Safety concern:** During the construction, it is very easy to cause damage to Oak Treat Court's structure with such a small setback such as the noise cause windows the break, or tools being threw and dropped to our buildings
5. **Privacy/Safety concerns:** With such setback, the potential buyer of the new development's privacy & safety, as well as the Oak Treat Court residents' privacy/safety are not protected. The amounts of windows and decks facing right nextdoor should be limited just like the other communities on the Oak Road. The existing structures on Oak Road have strived to protect the privacy/safety of both parties and this is the basic respect to home owners.
6. **Within the new site plan, it is doable for the Summerhill Developer to shift their Oak Road entrance and landscaping to be right next to the southside of Oak Treat Court and create the requested open space and setback of 60 feet in between Oak Treat Court structures and the new development. (see below drawing)**



Source: SDG Architects, Inc., March 25, 2021

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26480017 • 04/2021 | 2-6\_site\_plan.cdr

Exhibit 2-6  
Site Plan

CONTRA COSTA COUNTY  
OAK ROAD TOWNHOUSE CONDOMINIUMS  
ENVIRONMENTAL IMPACT REPORT

Appreciate your consideration and the residents on Oak Treat Court will actively seeking to attend public hearing, writing proposals and hoping to coordinate with county/developer for the upcoming construction which could really benefit all

parties.

Best regards,

Karen Chen

Resident of Oak Treat Court

**From:** [sindy kirkland](#)  
**To:** [DCD PlanningHearing](#)  
**Subject:** Serious concerns regarding proposed "Oak Road Townhouses condominium" Project  
**Date:** Monday, May 17, 2021 8:16:32 AM

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Dear County DCD,

I am a home owner in current Oak Treat Court which would be the immediate neighbor for the proposed project mentioned above in the email subject line.

Besides echoing County's entire anticipated impacts that definitely will be realized if the Project would be allowed, I want to strongly voice my concerns the project would bring to our 16 units small Court and its profound environmental negative impacts to the area.

I read the over 100 pages Summer Hill builder plan for their Oak Road Townhouse Condominium. Simply put, it is ugly, over crowded and poorly designed. The style would not even close to be comparable to our Court which has been here since 2004. Since it would be on the main road, it would bring down the property values and have a negative impact to the city of Walnut Creek as a whole.

And because the land parcel immediately adjacent to the Court has been used as a farmland for decades, even over a century, it would seriously alter the ecosystem by building such a large project as high as 45 feet and introducing so many new residents of over 100 units. And it would have the adverse implications to our Court, such as Court foundation, quality of life, etc. Yes, we recognize the need of some kind of appropriate project next door. I am urging you, our County, to keep the current zoning for the above said parcel and develop it accordingly.

Thank you very much for your attention on it! This matter is related so closely to our daily life.

Sincerely,  
Sindy Kirkland  
Oak Treat Court owner

Sent from my iPhone

**From:** [Lou Ann Texeira](#)  
**To:** [Jennifer Cruz](#)  
**Subject:** Proposed Oak Road Townhouse Condominium Project - CDRZ21-03258, CDS21-09559, CDDP21-03001  
**Date:** Monday, May 10, 2021 12:16:21 PM

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Hi Jennifer,

Thanks for sending LAFCO the *Notice of Preparation/Notice of Scoping Session for an EIR on the Proposed Oak Road Townhouse Condominium Project*.

In reviewing the project location and description, it appears that the project site is within the services boundaries of Central Contra Costa Sanitary District, Contra Costa County Fire Protection District, and Contra Costa Water District, and that no LAFCO action will be needed for this project.

Let us know if you have any questions or concerns.

Thanks again for notifying LAFCO of this project.

Lou Ann Texeira, Executive Officer  
Contra Costa LAFCO  
40 Muir Road, 1<sup>st</sup> Floor  
Martinez, CA 94553  
925-313-7133  
[LouAnn.Teixeira@lafco.cccounty.us](mailto:LouAnn.Teixeira@lafco.cccounty.us)



## NATIVE AMERICAN HERITAGE COMMISSION

April 29, 2021

Jennifer Cruz  
Contra Costa County – Department of Conservation and Development  
30 Muir Road  
Martinez, CA 94553

**Re: 2021040684, Oak Road Townhouse Condominium Subdivision Project, Contra Costa County**

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**Christina Snider**  
Pomo

**NAHC HEADQUARTERS**  
1550 Harbor Boulevard  
Suite 100  
West Sacramento,  
California 95691  
(916) 373-3710  
[nahc@nahc.ca.gov](mailto:nahc@nahc.ca.gov)  
[NAHC.ca.gov](http://NAHC.ca.gov)

Dear Ms. Cruz:

The Native American Heritage Commission (NAHC) has received the Notice of Preparation (NOP), Draft Environmental Impact Report (DEIR) or Early Consultation for the project referenced above. The California Environmental Quality Act (CEQA) (Pub. Resources Code §21000 et seq.), specifically Public Resources Code §21084.1, states that a project that may cause a substantial adverse change in the significance of a historical resource, is a project that may have a significant effect on the environment. (Pub. Resources Code § 21084.1; Cal. Code Regs., tit.14, §15064.5 (b) (CEQA Guidelines §15064.5 (b)). If there is substantial evidence, in light of the whole record before a lead agency, that a project may have a significant effect on the environment, an Environmental Impact Report (EIR) shall be prepared. (Pub. Resources Code §21080 (d); Cal. Code Regs., tit. 14, § 5064 subd.(a)(1) (CEQA Guidelines §15064 (a)(1)). In order to determine whether a project will cause a substantial adverse change in the significance of a historical resource, a lead agency will need to determine whether there are historical resources within the area of potential effect (APE).

CEQA was amended significantly in 2014. Assembly Bill 52 (Gatto, Chapter 532, Statutes of 2014) (AB 52) amended CEQA to create a separate category of cultural resources, "tribal cultural resources" (Pub. Resources Code §21074) and provides that a project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource is a project that may have a significant effect on the environment. (Pub. Resources Code §21084.2). Public agencies shall, when feasible, avoid damaging effects to any tribal cultural resource. (Pub. Resources Code §21084.3 (a)). **AB 52 applies to any project for which a notice of preparation, a notice of negative declaration, or a mitigated negative declaration is filed on or after July 1, 2015.** If your project involves the adoption of or amendment to a general plan or a specific plan, or the designation or proposed designation of open space, on or after March 1, 2005, it may also be subject to Senate Bill 18 (Burton, Chapter 905, Statutes of 2004) (SB 18). **Both SB 18 and AB 52 have tribal consultation requirements.** If your project is also subject to the federal National Environmental Policy Act (42 U.S.C. § 4321 et seq.) (NEPA), the tribal consultation requirements of Section 106 of the National Historic Preservation Act of 1966 (154 U.S.C. 300101, 36 C.F.R. §800 et seq.) may also apply.

The NAHC recommends consultation with California Native American tribes that are traditionally and culturally affiliated with the geographic area of your proposed project as early as possible in order to avoid inadvertent discoveries of Native American human remains and best protect tribal cultural resources. Below is a brief summary of portions of AB 52 and SB 18 as well as the NAHC's recommendations for conducting cultural resources assessments.

**Consult your legal counsel about compliance with AB 52 and SB 18 as well as compliance with any other applicable laws.**

## AB 52

AB 52 has added to CEQA the additional requirements listed below, along with many other requirements:

- 1. Fourteen Day Period to Provide Notice of Completion of an Application/Decision to Undertake a Project:** Within fourteen (14) days of determining that an application for a project is complete or of a decision by a public agency to undertake a project, a lead agency shall provide formal notification to a designated contact of, or tribal representative of, traditionally and culturally affiliated California Native American tribes that have requested notice, to be accomplished by at least one written notice that includes:

  - a. A brief description of the project.
  - b. The lead agency contact information.
  - c. Notification that the California Native American tribe has 30 days to request consultation. (Pub. Resources Code §21080.3.1 (d)).
  - d. A "California Native American tribe" is defined as a Native American tribe located in California that is on the contact list maintained by the NAHC for the purposes of Chapter 905 of Statutes of 2004 (SB 18). (Pub. Resources Code §21073).
- 2. Begin Consultation Within 30 Days of Receiving a Tribe's Request for Consultation and Before Releasing a Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report:** A lead agency shall begin the consultation process within 30 days of receiving a request for consultation from a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project. (Pub. Resources Code §21080.3.1, subds. (d) and (e)) and prior to the release of a negative declaration, mitigated negative declaration or Environmental Impact Report. (Pub. Resources Code §21080.3.1(b)).

  - a. For purposes of AB 52, "consultation shall have the same meaning as provided in Gov. Code §65352.4 (SB 18). (Pub. Resources Code §21080.3.1 (b)).
- 3. Mandatory Topics of Consultation If Requested by a Tribe:** The following topics of consultation, if a tribe requests to discuss them, are mandatory topics of consultation:

  - a. Alternatives to the project.
  - b. Recommended mitigation measures.
  - c. Significant effects. (Pub. Resources Code §21080.3.2 (a)).
- 4. Discretionary Topics of Consultation:** The following topics are discretionary topics of consultation:

  - a. Type of environmental review necessary.
  - b. Significance of the tribal cultural resources.
  - c. Significance of the project's impacts on tribal cultural resources.
  - d. If necessary, project alternatives or appropriate measures for preservation or mitigation that the tribe may recommend to the lead agency. (Pub. Resources Code §21080.3.2 (a)).
- 5. Confidentiality of Information Submitted by a Tribe During the Environmental Review Process:** With some exceptions, any information, including but not limited to, the location, description, and use of tribal cultural resources submitted by a California Native American tribe during the environmental review process shall not be included in the environmental document or otherwise disclosed by the lead agency or any other public agency to the public, consistent with Government Code §6254 (r) and §6254.10. Any information submitted by a California Native American tribe during the consultation or environmental review process shall be published in a confidential appendix to the environmental document unless the tribe that provided the information consents, in writing, to the disclosure of some or all of the information to the public. (Pub. Resources Code §21082.3 (c)(1)).
- 6. Discussion of Impacts to Tribal Cultural Resources in the Environmental Document:** If a project may have a significant impact on a tribal cultural resource, the lead agency's environmental document shall discuss both of the following:

  - a. Whether the proposed project has a significant impact on an identified tribal cultural resource.
  - b. Whether feasible alternatives or mitigation measures, including those measures that may be agreed to pursuant to Public Resources Code §21082.3, subdivision (a), avoid or substantially lessen the impact on the identified tribal cultural resource. (Pub. Resources Code §21082.3 (b)).

- 7. Conclusion of Consultation:** Consultation with a tribe shall be considered concluded when either of the following occurs:
- a. The parties agree to measures to mitigate or avoid a significant effect, if a significant effect exists, on a tribal cultural resource; or
  - b. A party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached. (Pub. Resources Code §21080.3.2 (b)).
- 8. Recommending Mitigation Measures Agreed Upon in Consultation in the Environmental Document:** Any mitigation measures agreed upon in the consultation conducted pursuant to Public Resources Code §21080.3.2 shall be recommended for inclusion in the environmental document and in an adopted mitigation monitoring and reporting program, if determined to avoid or lessen the impact pursuant to Public Resources Code §21082.3, subdivision (b), paragraph 2, and shall be fully enforceable. (Pub. Resources Code §21082.3 (a)).
- 9. Required Consideration of Feasible Mitigation:** If mitigation measures recommended by the staff of the lead agency as a result of the consultation process are not included in the environmental document or if there are no agreed upon mitigation measures at the conclusion of consultation, or if consultation does not occur, and if substantial evidence demonstrates that a project will cause a significant effect to a tribal cultural resource, the lead agency shall consider feasible mitigation pursuant to Public Resources Code §21084.3 (b). (Pub. Resources Code §21082.3 (e)).
- 10. Examples of Mitigation Measures That, If Feasible, May Be Considered to Avoid or Minimize Significant Adverse Impacts to Tribal Cultural Resources:**
- a. Avoidance and preservation of the resources in place, including, but not limited to:
    - i. Planning and construction to avoid the resources and protect the cultural and natural context.
    - ii. Planning greenspace, parks, or other open space, to incorporate the resources with culturally appropriate protection and management criteria.
  - b. Treating the resource with culturally appropriate dignity, taking into account the tribal cultural values and meaning of the resource, including, but not limited to, the following:
    - i. Protecting the cultural character and integrity of the resource.
    - ii. Protecting the traditional use of the resource.
    - iii. Protecting the confidentiality of the resource.
  - c. 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.
  - d. Protecting the resource. (Pub. Resource Code §21084.3 (b)).
  - e. Please note that a federally recognized California Native American tribe or a non-federally recognized California Native American tribe that is on the contact list maintained by the NAHC to protect a California prehistoric, archaeological, cultural, spiritual, or ceremonial place may acquire and hold conservation easements if the conservation easement is voluntarily conveyed. (Civ. Code §815.3 (c)).
  - f. Please note that it is the policy of the state that Native American remains and associated grave artifacts shall be repatriated. (Pub. Resources Code §5097.991).
- 11. Prerequisites for Certifying an Environmental Impact Report or Adopting a Mitigated Negative Declaration or Negative Declaration with a Significant Impact on an Identified Tribal Cultural Resource:** An Environmental Impact Report may not be certified, nor may a mitigated negative declaration or a negative declaration be adopted unless one of the following occurs:
- a. The consultation process between the tribes and the lead agency has occurred as provided in Public Resources Code §21080.3.1 and §21080.3.2 and concluded pursuant to Public Resources Code §21080.3.2.
  - b. The tribe that requested consultation failed to provide comments to the lead agency or otherwise failed to engage in the consultation process.
  - c. The lead agency provided notice of the project to the tribe in compliance with Public Resources Code §21080.3.1 (d) and the tribe failed to request consultation within 30 days. (Pub. Resources Code §21082.3 (d)).

The NAHC's PowerPoint presentation titled, "Tribal Consultation Under AB 52: Requirements and Best Practices" may be found online at: [http://nahc.ca.gov/wp-content/uploads/2015/10/AB52TribalConsultation\\_CalEPAPDF.pdf](http://nahc.ca.gov/wp-content/uploads/2015/10/AB52TribalConsultation_CalEPAPDF.pdf)

## SB 18

SB 18 applies to local governments and requires local governments to contact, provide notice to, refer plans to, and consult with tribes prior to the adoption or amendment of a general plan or a specific plan, or the designation of open space. (Gov. Code §65352.3). Local governments should consult the Governor's Office of Planning and Research's "Tribal Consultation Guidelines," which can be found online at: [https://www.opr.ca.gov/docs/09\\_14\\_05\\_Updated\\_Guidelines\\_922.pdf](https://www.opr.ca.gov/docs/09_14_05_Updated_Guidelines_922.pdf).

Some of SB 18's provisions include:

1. **Tribal Consultation:** If a local government considers a proposal to adopt or amend a general plan or a specific plan, or to designate open space it is required to contact the appropriate tribes identified by the NAHC by requesting a "Tribal Consultation List." If a tribe, once contacted, requests consultation the local government must consult with the tribe on the plan proposal. **A tribe has 90 days from the date of receipt of notification to request consultation unless a shorter timeframe has been agreed to by the tribe.** (Gov. Code §65352.3 (a)(2)).
2. **No Statutory Time Limit on SB 18 Tribal Consultation.** There is no statutory time limit on SB 18 tribal consultation.
3. **Confidentiality:** Consistent with the guidelines developed and adopted by the Office of Planning and Research pursuant to Gov. Code §65040.2, the city or county shall protect the confidentiality of the information concerning the specific identity, location, character, and use of places, features and objects described in Public Resources Code §5097.9 and §5097.993 that are within the city's or county's jurisdiction. (Gov. Code §65352.3 (b)).
4. **Conclusion of SB 18 Tribal Consultation:** Consultation should be concluded at the point in which:
  - a. The parties to the consultation come to a mutual agreement concerning the appropriate measures for preservation or mitigation; or
  - b. Either the local government or the tribe, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached concerning the appropriate measures of preservation or mitigation. (Tribal Consultation Guidelines, Governor's Office of Planning and Research (2005) at p. 18).

Agencies should be aware that neither AB 52 nor SB 18 precludes agencies from initiating tribal consultation with tribes that are traditionally and culturally affiliated with their jurisdictions before the timeframes provided in AB 52 and SB 18. For that reason, we urge you to continue to request Native American Tribal Contact Lists and "Sacred Lands File" searches from the NAHC. The request forms can be found online at: <http://nahc.ca.gov/resources/forms/>.

### NAHC Recommendations for Cultural Resources Assessments

To adequately assess the existence and significance of tribal cultural resources and plan for avoidance, preservation in place, or barring both, mitigation of project-related impacts to tribal cultural resources, the NAHC recommends the following actions:

1. Contact the appropriate regional California Historical Research Information System (CHRIS) Center ([http://ohp.parks.ca.gov/?page\\_id=1068](http://ohp.parks.ca.gov/?page_id=1068)) for an archaeological records search. The records search will determine:
  - a. If part or all of the APE has been previously surveyed for cultural resources.
  - b. If any known cultural resources have already been recorded on or adjacent to the APE.
  - c. If the probability is low, moderate, or high that cultural resources are located in the APE.
  - d. If a survey is required to determine whether previously unrecorded cultural resources are present.
2. If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
  - a. The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. 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.
  - b. The final written report should be submitted within 3 months after work has been completed to the appropriate regional CHRIS center.

3. Contact the NAHC for:
  - a. A Sacred Lands File search. Remember that tribes do not always record their sacred sites in the Sacred Lands File, nor are they required to do so. A Sacred Lands File search is not a substitute for consultation with tribes that are traditionally and culturally affiliated with the geographic area of the project's APE.
  - b. A Native American Tribal Consultation List of appropriate tribes for consultation concerning the project site and to assist in planning for avoidance, preservation in place, or, failing both, mitigation measures.
  
4. Remember that the lack of surface evidence of archaeological resources (including tribal cultural resources) does not preclude their subsurface existence.
  - a. Lead agencies should include in their mitigation and monitoring reporting program plan provisions for the identification and evaluation of inadvertently discovered archaeological resources per Cal. Code Regs., tit. 14, §15064.5(f) (CEQA Guidelines §15064.5(f)). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American with knowledge of cultural resources should monitor all ground-disturbing activities.
  - b. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the disposition of recovered cultural items that are not burial associated in consultation with culturally affiliated Native Americans.
  - c. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the treatment and disposition of inadvertently discovered Native American human remains. Health and Safety Code §7050.5, Public Resources Code §5097.98, and Cal. Code Regs., tit. 14, §15064.5, subdivisions (d) and (e) (CEQA Guidelines §15064.5, subds. (d) and (e)) address the processes to be followed in the event of an inadvertent discovery of any Native American human remains and associated grave goods in a location other than a dedicated cemetery.

If you have any questions or need additional information, please contact me at my email address: [Nancy.Gonzalez-Lopez@nahc.ca.gov](mailto:Nancy.Gonzalez-Lopez@nahc.ca.gov).

Sincerely,



Nancy Gonzalez-Lopez  
Cultural Resources Analyst

cc: State Clearinghouse



To: Contra Costa County,  
Department of Conservation and Development  
Community Development Division  
May 25, 2021  
Attention: Jennifer Cruz

Dear Jennifer:

Please find a petition from the Oak Road Homeowners, located at 2700-2728 Oak Road, Walnut Creek, CA 94597. You will see that approximately 30 homeowners signed this petition regarding the:

PROPOSED OAK ROAD TOWHOUSE CONDOMINIUM PROJECT  
COUNTY FILE #CDRZ21-03258, CSD21-09559, CDDP21-03001

There were a number of reasons we were not able to gather more signatures, even though the spoken consensus was disapproval of the rezoning proposal as presented. Some of those are:

- Only two of those who signed received your TO ALL INTERESTED AGENCIES AND PARTIES letter.

- We were limited in time because we received your letter two weeks before the deadline to submit responses.

- COVID prevented us from going door to door.

Also, on the day the petition was displayed outside of our clubhouse door, you will see that some children crossed out one signature on Page 3 and marked up page 4, with scribbles and wrote POOPOO and Caca on it. There are three valid signatures on that page.

I read most of the petition at the zoom scoping meeting on Mon, May 17, 2021.

Please submit our response attached here, outlining why we request that the OAK ROAD TOWNHOUSE proposal as presented be denied or sent back to the drawing board so they can propose a development which would not be so environmentally catastrophic to Walnut Creek and the surrounding residents.

Thank you,

Becky Klemm (925) 360-1833  
2708 Oak Road, #39, Walnut Creek, CA 94597

Becky  
925.360-1833

We the Undersigned Oak Road Station homeowners, at 2700-2728 Oak Road, CA. 94597, located in part, across the street from the Proposed Oak Road Townhouse Condominium (ORTC) (County File #CDRZ21-03258, CDS21-09559, CDDP21-03001), vigorously oppose their application for rezoning and their current development plan.

This project as presented will have a negative and permanent environmental impact on our community for the following reasons:

1. Aesthetics- Palmer School consists of one-story buildings, with multiple open spaces such as sports fields, parking lots and numerous meeting areas. The ORTC plan calls for 19 three story buildings in a crowded, cluttered concrete jungle. The artistic style of the site would be destroyed.
2. Air Quality and Greenhouse Gas Emissions- Construction activities and eventual occupation of site would permanently affect our community's air quality with the constant release of critical pollutants and greenhouse gases.
3. Natural and biological- The plan calls for permanent removal of 74 long established onsite trees with relocation for only one oak tree. This proposal alone, should raise enough red flags to halt the approval of the rezoning plan due to environmental concerns. Also at risk are plant and animal species in their natural habitat.
4. Hazardous materials- Palmer School was built over 80 years ago, when asbestos was the preferred construction material. Our community could not possibly be spared the permanent impact of these airborne demolition hazards.
5. Noise- Oak Road Station residents will be negatively and permanently affected by unacceptable noise pollution due to demolition, construction and occupation of this housing development. Many of us could hear the day-to-day noises at Palmer School, including playground noises and school bells.
6. Traffic- The ORTC plan as presented, will cause a negative, permanent impact on area traffic patterns, already cluttered with vehicles. Perhaps they might consider keeping the current entry on Jones Road only.
7. Parking- Currently, finding available parking on Oak Road is extremely difficult. Their plan would further and permanently affect accessible parking. How many residential units are in this original plan? With 278 parking places planned for inside the development, would this provide each homeowner at least two on-site? Even if so, street parking would be negatively and permanently affected by their need for street parking.
8. Neighborhood- Our walking trails are regularly congested with walkers and bikers. Also, our small neighborhood park is overcrowded already and this new concrete jungle with condos cramped together would further negatively affect these areas.

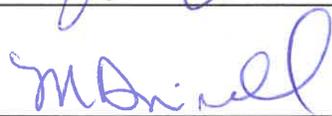
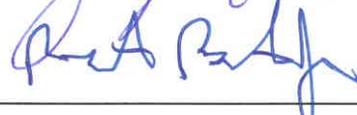
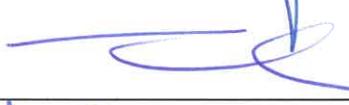
We implore the Contra Costa County Department of Conservation and Development to seriously consider the negative and permanent impact the ORTC will have, not only to our Oak Road Station neighborhood, but to the whole surrounding community.

We the Undersigned Oak Road Station homeowners, at 2700-2728 Oak Road, CA. 94597, located in part, across the street from the Proposed Oak Road Townhouse Condominium (ORTC) (County File #CDRZ21-03258, CDS21-09559, CDDP21-03001), vigorously oppose their application for rezoning and their current development plan.

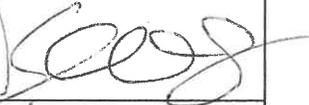
*One line per condo please.*

Name	Address	Signature
Becky (Rebecca) Klemm	2708 Oak Rd #39 Walnut Creek, CA 94597	Becky Klemm
Evdokia Gesheva (Eva)	2700 Oak Rd #21 Walnut Creek, CA 94597	Evdokia Gesheva
Valeria Peterina	2716 Oak Rd #111 Walnut Creek, CA 94597	<i>[Signature]</i>
Selicia Thorbrogger	2712 Oak Rd #51 Walnut Creek, CA 94597	Selicia Thorbrogger
Willard Thorbrogger	2712 Oak Rd #51 Walnut Creek, CA 94597	Willard Thorbrogger
Lena Lee	2724 Oak Rd #120 Walnut Creek 94597	Lena Lee
Joseph Gomez	2728 Oak Road #148 Walnut Creek, CA 94597	Joe Gomez
Jeremy Fanucchi	2716 OAK ROAD 106 Walnut Creek, CA 94597	Jeremy Fanucchi
JANETTE WINGARD	2708 OAK Rd #7 Walnut Creek Ca 94597	Janette Wingard
Afsaneh Rahmani	2716 OAK Rd #103 Walnut Creek, CA, 94597	A.P.
<del>Danya Seneva</del>	<del>2708 Oak Rd #13 Walnut Creek Ca 94597</del>	<del>05/22/21</del> <del>signature</del>
Julie Brewster	2708 Oak Rd #34 Walnut Creek Ca 94597	Julie Brewster

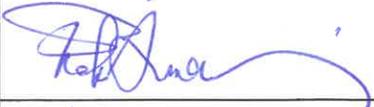
We the Undersigned Oak Road Station homeowners, at 2700-2728 Oak Road, CA. 94597, located in part, across the street from the Proposed Oak Road Townhouse Condominium (ORTC) (County File #CDRZ21-03258, CDSD21-09559, CDDP21-03001), vigorously oppose their application for rezoning and their current development plan.

Name	Address	Signature
Zhibin Cui	2704 Oak Rd Apt 78 Walnut Creek.	
Michelle Dainell	2708 Oak Rd #37 Walnut Creek	
Peter Warden	2708 Oak Rd. #36 Walnut Creek	
Sunshu Senhaji	2700 Oak Rd #13 Walnut Creek	
Robert Barton	2708 oak Rd #10 WC, CA 94597	
Taoming Gan	2704 Oak Rd #69, WC, CA 94597	
Anne Holmgren	2712 Oak Rd. #58 WC, CA 94597	
Charlotte Murphy	2708 oak rd. 4 Walnut Creek CA 94597	
Cristina Jones	2708 OAK Rd #38 Walnut Creek	
MAUREEN FISCHL	2700 OAK RD #27 WALNUT CREEK	
Paola META	2716 OAK RD #106 WC, CA	
<del>Michelle Dainell</del>	<del>2708 Oak Rd #37</del> <del>Walnut Creek</del>	<del></del>

We the Undersigned Oak Road Station homeowners, at 2700-2728 Oak Road, CA. 94597, located in part, across the street from the Proposed Oak Road Townhouse Condominium (ORTC) (County File #CDRZ21-03258, CDS21-09559, CDDP21-03001), vigorously oppose their application for rezoning and their current development plan.

Name	Address	Signature
Xiaowen Yang	2724 Oak Rd 87 Walnut Creek CA 94597	
Caca	<del>P O O P</del>	<del>Signature</del>
Seong chi	2708 Oak Rd #44 Walnut Creek CA 94597	
Caca	P O O P	
P O O P O O O O O O P		
Ling Chen	2712 Oak Rd #st Walnut Creek	

We the Undersigned Oak Road Station homeowners, at 2700-2728 Oak Road, CA. 94597, located in part, across the street from the Proposed Oak Road Townhouse Condominium (ORTC) (County File #CDRZ21-03258, CDS21-09559, CDDP21-03001), vigorously oppose their application for rezoning and their current development plan.

Name	Address	Signature
Dorothea Rivera	2716 OAK RD #113 WALNUT CREEK	
Shahram Ameri	2716 OakRd #103	
Tahiane Menzies	2716 Oak Rd #101	
ROSS DAUTEL	2712 OAK RD #67	
Melanie Edonia	2704 OAK RD #92 WALNUT CREEK CA	

May 26, 2021

Regular mail and email

[jennifer.cruz@dcdccccounty.us](mailto:jennifer.cruz@dcdccccounty.us)

Contra Costa County  
Department of Conservation & Development  
Community Development Division  
30 Muir Road  
Martinez, CA 94553  
Attention: Jennifer Cruz, Principal Planner

Re: Proposed Oak Road Townhouse Condominium Project  
County File #CDRZ21-03258, CDS21-09559, CDDP21-03001

Dear Ms. Cruz:

The Oak Treat Court Association [“the OTC Association”] acknowledges receipt of your April 28, 2021, letter providing Notice of Preparation/Notice of Scoping Session For An Environmental Impact Report regarding the Proposed Oak Road Townhouse Condominium Project [“the Project”]. The purpose of this letter is to submit comments which address the OTC Association’s serious concerns with the Project.

The OTC Association’s members include all owners of individual townhomes located at 1 through 16 Oak Treat Court, Walnut Creek, CA 94597, comprising 50 – 60 residents in total. Oak Treat Court is directly north and adjacent to the Project.

On Monday, May 17, 2021, several members of the OTC Association attended the Scoping Meeting via Zoom and expressed their concerns. Some members also provided written comments and materials for the meeting; this letter incorporates these by reference. In addition, other concerns are expressed here that were not presented at the Scoping Meeting due to time constraints.

Following are OTC Association concerns:

**Proximity of the Project to Front Side of OTC Residences**

Project Buildings F, G, and H are simply too close to the front doors and windows of Oak Treat Court units 6, 7, 8, 9, and 10. The setbacks are as close as 13.7’ (Bldg. F), 15.1’ (Bldg. G), and 16.4’ (Bldg. H). See attached Revised Setback Survey 05.26.2021, a survey of multi-family residences in the neighborhood provided by a unit owner at Oak Treat Court. As depicted in the exhibit, setbacks on Oak Road range from 50 feet at a minimum up to 200 feet. We propose setbacks be changed so that Project Buildings F, G, and H are at least 50 feet from the Oak Treat Court property line.

### **Height of Buildings**

The negative impact of the setbacks for Project Buildings F, G, and H is compounded by the building heights: 38'-9" (Bldg. F), 38'-9" (Bldg. G), and 42'-4" (Bldg. H). These proposed heights will reduce privacy, block sunlight, cast shadows, destroy views, and restrict air flow to the Oak Treat Court units.

### **Density of Project**

The proposed Project is massive – in addition to its height, it is dense: 19 three-story buildings comprising 125 units, all on 5.94 acres. With rezoning comes a loss of "breathing space" in a busy corridor of residences.

### **Removal of 74 Onsite Trees, Including Oak Trees**

The OTC Association objects to the destruction of trees as outlined in the Tree Report dated January 11, 2021, which is part of the Formal Planning Application dated March 25, 2021. Many of the trees including the Valley Oak Trees are indigenous to Contra Costa County and have been there for many decades. Several of those trees are close to the Oak Treat Court property line and have offered a natural habitat for animal and avian species while preserving beautiful views and enriching the landscape for all. In fact, the OTC Association has worked with the Palmer School over the years to pay for the care and maintenance of Valley Oak Tree number 80. While that tree is to be preserved, the Tree Report calls for the removal of Valley Oak trees 77, 78, and 79 which are directly south of the Oak Treat Court border. We respectfully request that those Valley Oak Trees also be preserved.

### **Noise and Light Pollution**

There are concerns about a significant increase in noise and light pollution from the Project. Lights emanating from the numerous residences, streetlamps, and vehicles at night create light pollution. Additionally, some of the residences have balconies or decks which directly face Oak Treat Court.

### **Transportation: Traffic and Air Pollution**

Parking for 319 autos (278 onsite and 41 street frontage spaces) will create traffic congestion, increase emissions and greenhouse gases. Oak Road is a major artery, with plenty of traffic, and street parking in the neighborhood is already difficult. The Project will only make traffic and parking in the area worse.

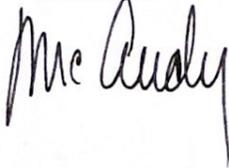
### **Construction Pollutants and Disruption**

The OTC Association has concerns about demolition and construction activities that will cause the release of pollutants on to or under the subject site as well as any pollutants which migrate off-site and on to or under Oak Treat Court property. We are also concerned about potential subsidence, runoff, and property damage to the Oak Treat Court foundations, individual units, and common spaces.

Thank you for the opportunity to express our concerns. We look forward to continued dialogue with the county and Project developer.

Sincerely,  
Oak Treat Court Association, Board of Directors:

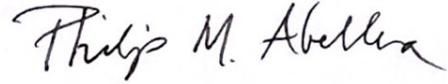
Jessica McCurdy  
President



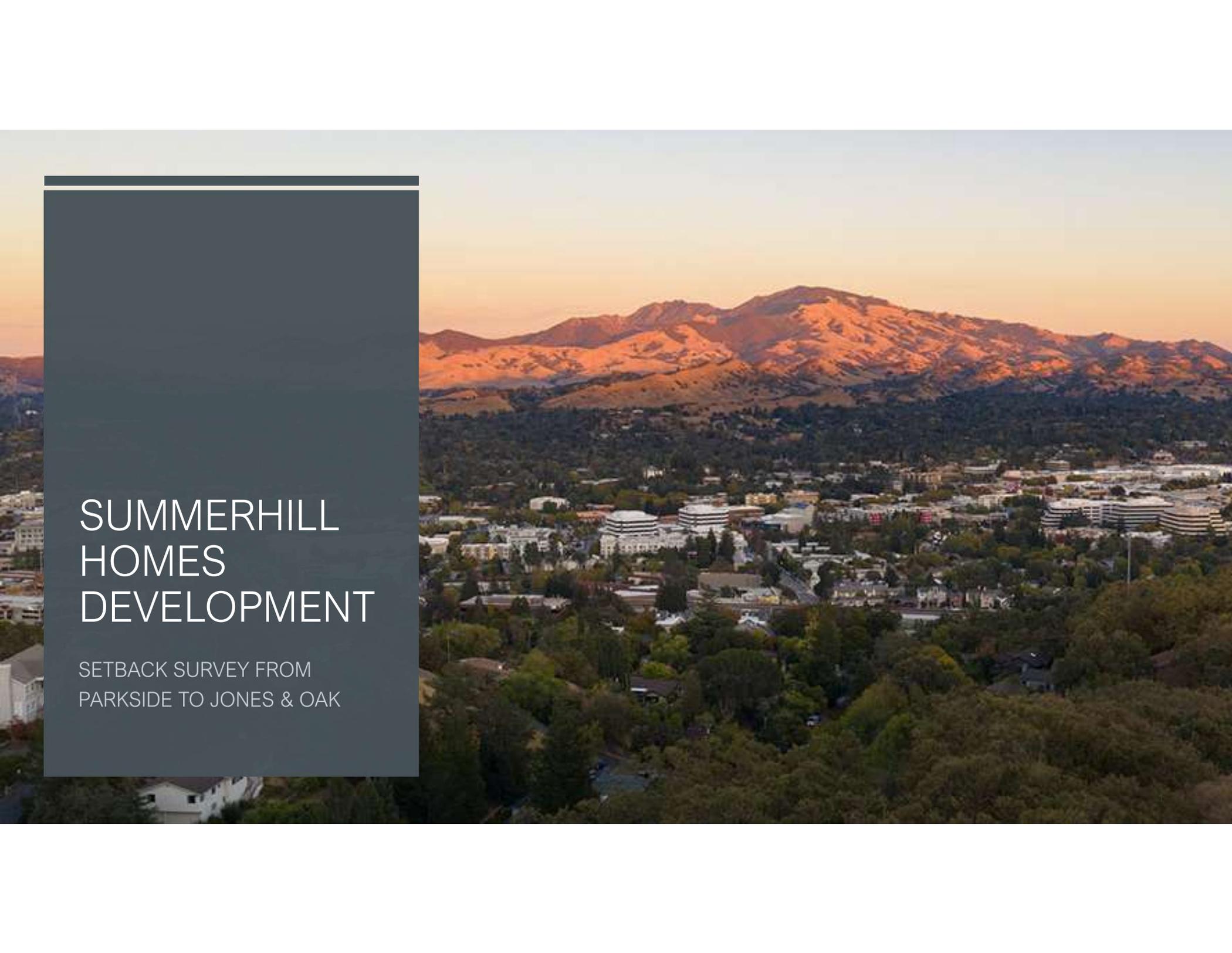
Romi McIntire-Mann  
Secretary



Philip Abellera  
Treasurer



cc: **Oak Treat Court Residents** Shelly Abellera; Zaid Aseel; Matthew and Joyce Bamford; Paul Charron; Karen Chen; Ying and Sarah Chen; George and Volha Fedchenko; Sindy Kirkland; Mike Lee; Bernadine Lui; Andy McCurdy; Craig McIntire-Mann; Meena Monawar; Rocio Salazar; Salman Suharwardy.

An aerial photograph of a city at sunset. The sky is a mix of orange, yellow, and light blue. In the background, a range of mountains is illuminated by the setting sun, showing a golden glow. The city below is densely packed with buildings, many of which are multi-story and have a modern architectural style. There are many trees, particularly in the foreground and middle ground, which are dark green. The overall scene is a panoramic view of a city and its surrounding landscape.

# SUMMERHILL HOMES DEVELOPMENT

SETBACK SURVEY FROM  
PARKSIDE TO JONES & OAK



Aerial Photo of Existing Site:  
Palmer School for Boys and Girls.



Setback Concerns Here

Aerial Photo and  
Project Site:  
SummerHill Homes

Partial Site Plan  
Adjacent to Oak Treat Court  
Townhome Condominiums

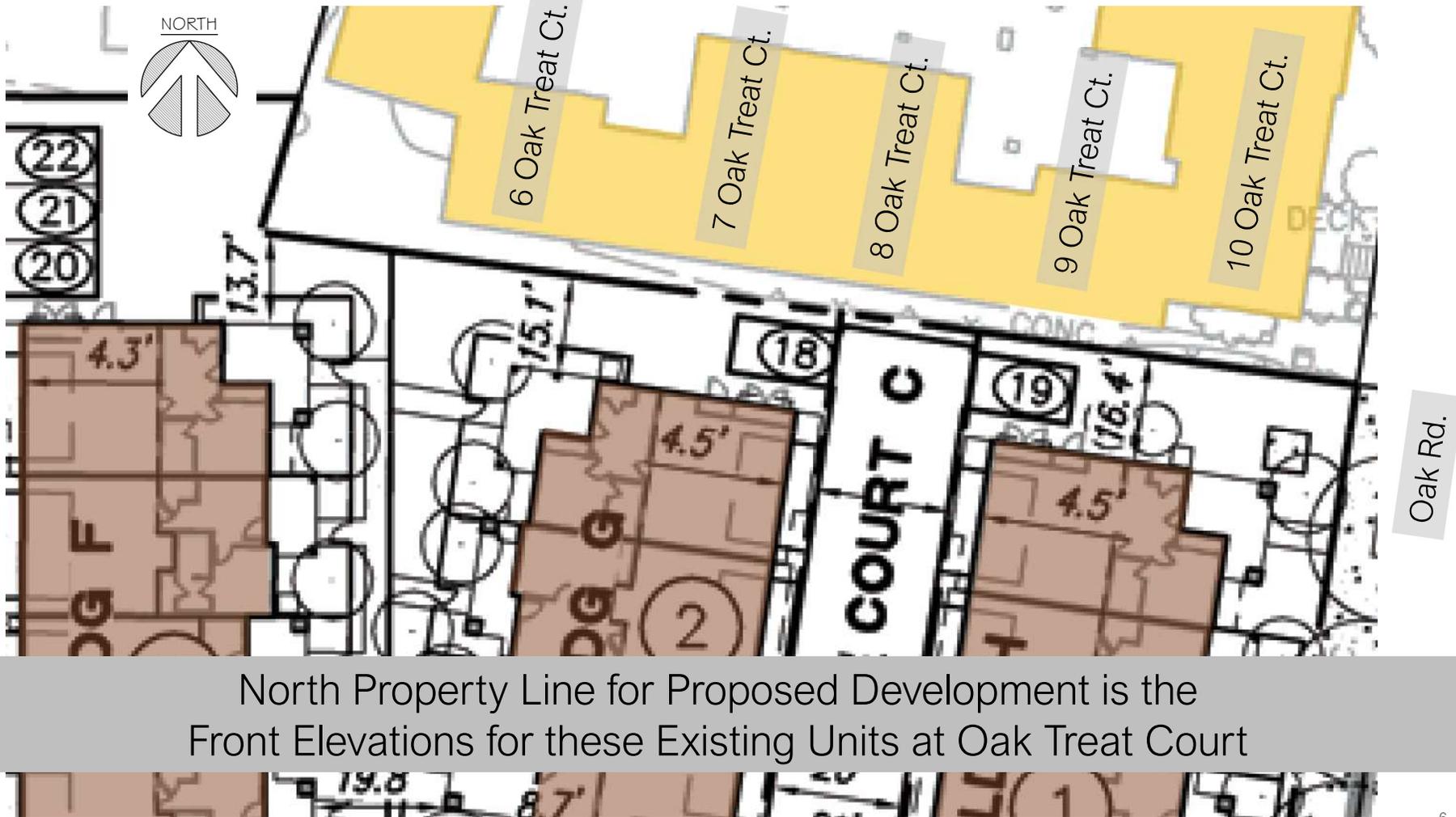
Without rezoning to P-1, a Multiple Family Residential District (i.e. M-29) would have the following design standards:

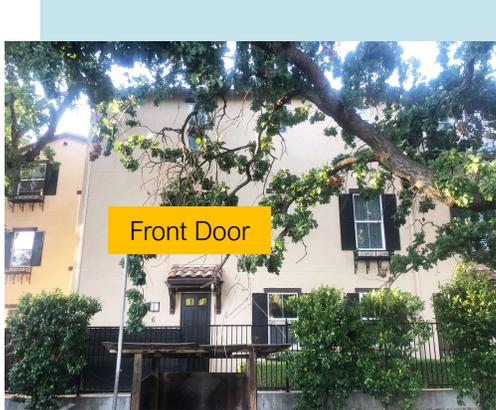
Front Setback = 25 ft.  
Side Setback = 20 ft.  
Max. Height = 30 ft.

Intent for P-1 redistricting requires “cohesive design,” and to “[ensure] substantial compliance with general plan”...









6 Oak Treat Ct.



7 Oak Treat Ct.



8 Oak Treat Ct.



9 Oak Treat Ct.



10 Oak Treat Ct.

North Property Line for Proposed Development is the Front Elevations for these Existing Units at Oak Treat Court



Walden Park Commons

How have developers addressed privacy, sunlight and air concerns previously?

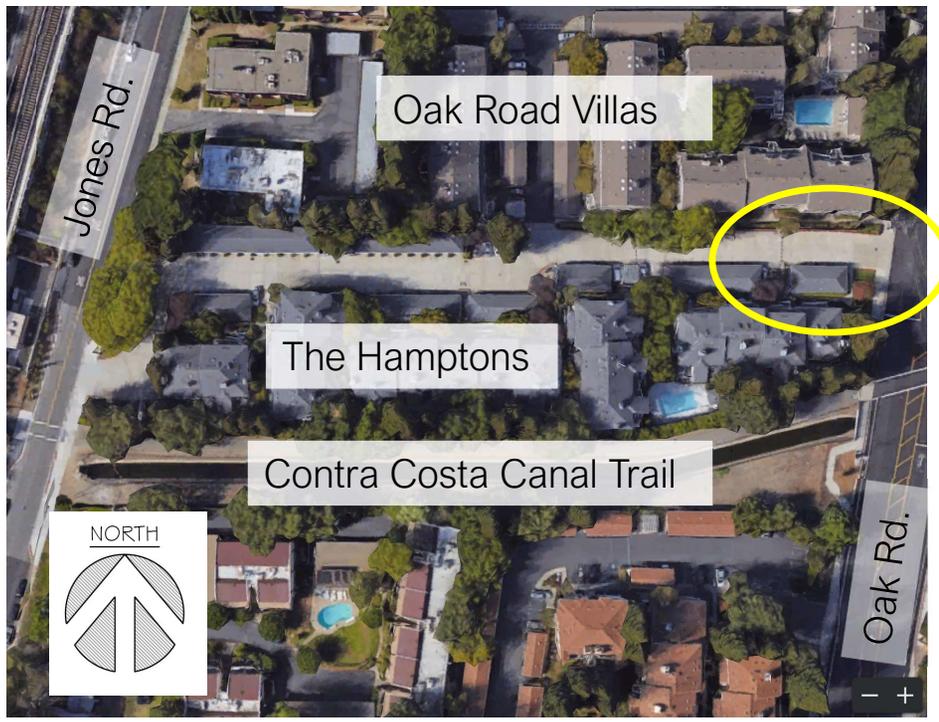
What are the existing examples of setbacks and building separation along the frontage of Oak Road?



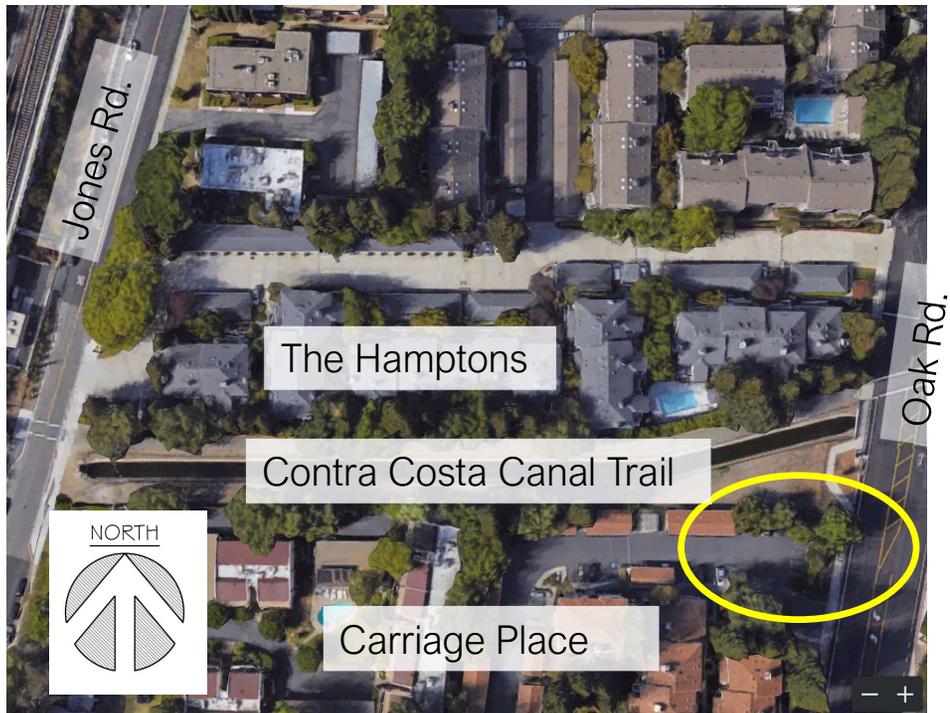
Aerial Photo of Blocks between Jones Rd. and Oak Rd. from Parkside Ave. to Intersection of Jones and Oak.



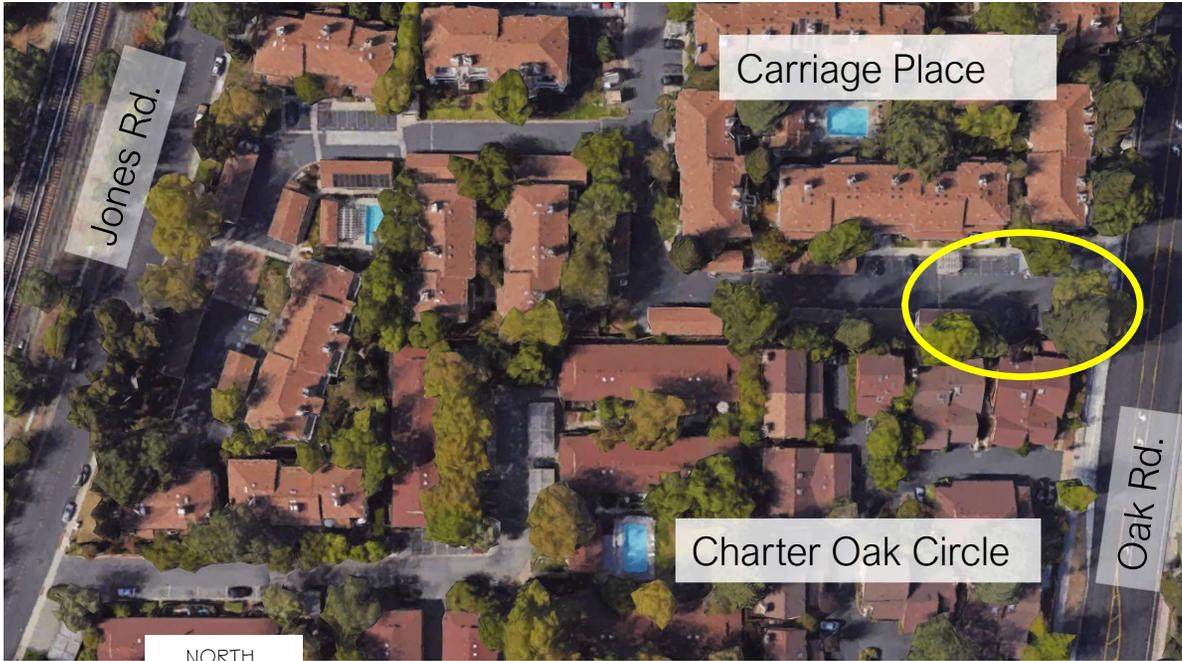
Driveway Buffer and Building Height Gradient @ Property Lines Adjacent to Oak Rd.



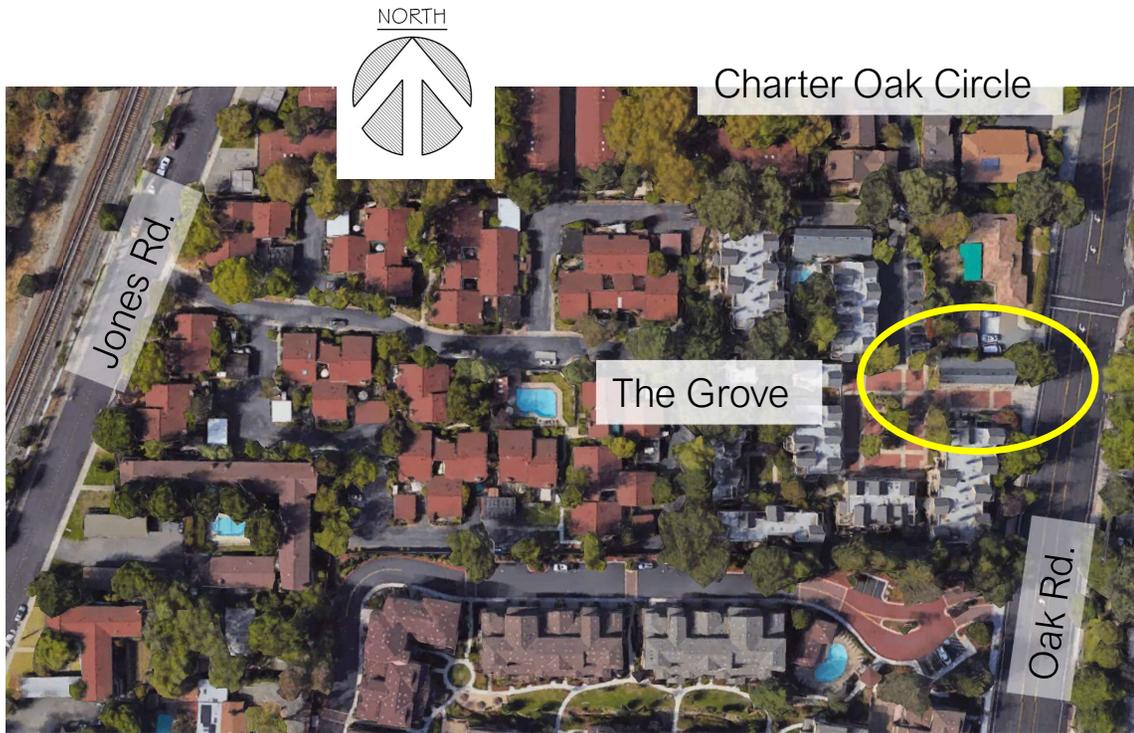
Driveway Buffer and Building Height Gradient @ Property Lines Adjacent to Oak Rd.



Canal Trail, Driveway Buffer and Building Height Gradient @ Property Lines Adjacent to Oak Rd.



Driveway Buffer and Building Height Gradient @ Property Lines Adjacent to Oak Rd.



Building Height Gradient and Driveway Buffer @ Property Lines Adjacent to Oak Rd.





Meandering Driveway, Guest Parking, and Landscape Buffer @ Property Lines Adjacent to Oak Rd.





Driveway and Landscape Buffer @ Property Lines Adjacent to Oak Rd.





Separation between existing developments does not provide a precedent for such minimal proposed setbacks.

Such tall buildings so close to existing property owners would block access to direct sunlight; blue sky; would cast shadows; limit breezes; destroy views and invade privacy.

Provide much greater setback and landscape buffer to act in good faith towards existing property owners.



Jennifer Cruz

Planner, Department of Conservation & Development, Contra Cost County

Re: 2740 Jones Road Redevelopment of the Palmer School site

Jennifer: Thank you for the opportunity to comment on the Arborist Plan for the development at 2740 Jones Road known as the Oak Road Townhouse Condominiums.

First, we would like to repeat that we are delighted that this project is for-sale units, a very refreshing change from the previous large-scale projects in the area. However, as you are no doubt aware, we have major objections to what amounts to effectively the clear cutting of 75 of the 81 trees on the site. Of particular concern to us, naturally, is the planned destruction of the seven Heritage Valley Oaks with diameters ranging up to 73 inches. We find it disingenuous that a development capturing the Oak name and depicting full grown examples of Heritage Oaks in its plot description will only preserve one Oak which is off-site and another with a 13-inch diameter which will be relocated.

We note that the City of Walnut Creek, when faced with an ultimatum from the developer of the Tiffany site to remove a Heritage Oak, held fast and insisted that the developer instead build around the tree. In fact, the final plan for the site highlighted this beautiful tree. We would argue that, in like manner, the County resist the developer's initial plan and, instead, insist that the developer make a conscious effort to incorporate these irreplaceable trees into its final plan. Should economics dictate the necessity of maintaining the planned 125 units on this six-acre site, then the developer should consider adding a fourth floor to some of the buildings.

We furthermore question the necessity of destroying 24 healthy mature Coast Redwoods on the southern border of the property only to replace them at a later date. Can they not be preserved given the setback requirements for the buildings? They provide a wonderful green break from the adjoining properties.

Thank you again for keeping us informed of the developments of this project, and we look forward to following the County's actions in response to our objections.

Sincerely,

Jeffrey Peckham, President

Walden District Improvement Association

Cc: Supervisor Karen Mitchoff, District IV, Contra Costa County

Lia Bristol

Peter Duncan

Lesley Hunt

**From:** [Jeffrey Peckham](#)  
**To:** [Anne Nounou](#)  
**Cc:** [Jennifer Cruz](#); [Larry McEwen](#)  
**Subject:** Re: Notice of Scoping Session  
**Date:** Tuesday, May 4, 2021 2:47:17 PM

---

We sent in comments already. I assume you will count those as our comments for this as well. Let me know if we need to resend – I did not see any difference between the original proposal and the materials attached to this thread. We remain concerned only about the preservation of some heritage trees on the Oak Blvd side of the project.

---

**From:** Anne Nounou <Anne.Nounou@dcd.cccounty.us>  
**Date:** Wednesday, April 28, 2021 at 10:59 AM  
**To:** Fire <fire@cccfd.org>, "jshannon@contracostamosquito.com" <jshannon@contracostamosquito.com>, "cpd@wiltonrancheria-nsn.gov" <cpd@wiltonrancheria-nsn.gov>, Jeffrey Peckham <jpeckham@astound.net>  
**Cc:** Jennifer Cruz <Jennifer.Cruz@dcd.cccounty.us>  
**Subject:** Notice of Scoping Session

File No CDS21-09559, CDR21-03258, CDDP21-03001

Please see attached Notice.

Thank you

*Anne Nounou*

Department of Conservation and Development  
Contra Costa County  
925-655-2861

**From:** [Jennifer Cruz](#)  
**To:** [bamford.matthew@gmail.com](mailto:bamford.matthew@gmail.com)  
**Cc:** ["Joyce Bamford"](#)  
**Subject:** RE: Proposed Oak Road Townhouse Condominium Project/ County File #CDRZ21-03258, CDS21-09559, CDDP21-03001  
**Date:** Friday, May 7, 2021 11:05:00 AM  
**Attachments:** [Application.pdf](#)  
[image001.png](#)

---

Hello,

Per our conversation, I am providing the  [link](#) to the plans for the above-mentioned project. I am also attaching the application per your request.

Thank you,  
Jennifer Cruz  
(925) 655-2867 **\*\*New number as of April 1, 2021\*\***

---

**From:** bamford.matthew@gmail.com <bamford.matthew@gmail.com>  
**Sent:** Friday, May 7, 2021 6:06 AM  
**To:** Jennifer Cruz <Jennifer.Cruz@dcd.cccounty.us>  
**Cc:** 'Joyce Bamford' <joyce.bamford@jencapgroup.com>  
**Subject:** Proposed Oak Road Townhouse Condominium Project/ County File #CDRZ21-03258, CDS21-09559, CDDP21-03001

Re: Proposed Oak Road Townhouse Condominium Project/ County File #CDRZ21-03258, CDS21-09559, CDDP21-03001

Jennifer,

Please forward rezoning, subdivision, and development plan applications and supporting documents for the captioned project.

Secondly, what is the practical difference between mailing in Public Comments and virtually attending the Scoping Meeting? I don't really understand why there are two separate things if they both relate to the EIR.

Lastly, what are next steps after the scoping meeting and public comments? When exactly will neighboring property owners be able to directly address the design of the development and not just the potential environmental impacts?

I look forward to hearing back from you.

Thank you,

Matthew Bamford

9 Oak Treat Ct.  
Walnut Creek, CA 94597  
c. (510) 682-8486  
[bamford.matthew@gmail.com](mailto:bamford.matthew@gmail.com)

**From:** [Laura Bramble](#)  
**To:** [Jennifer Cruz](#)  
**Subject:** Fwd: Electric Planned Power Outage  
**Date:** Wednesday, May 12, 2021 6:51:11 PM

---

Hello,

I am writing to ask you to please reschedule the hearing about the proposed property ... conversion? sale? construction... at 2740 Jones Road because as you can see below, PG&E has conveniently decided to shut the power off at Oak Road Villas that night. None of the residents who might have an opinion or want to sit in on the meeting will have power, including Internet, to join the meeting and participate effectively. Please note, I said participate effectively, because although some residents may be able to join in using a phone, those phones do not necessarily lend themselves to typing in comments, seeing faces in a multi-participant meeting clearly, or fully hearing, seeing understanding what's going on.

I ask you as a person who is DIRECTLY affected, please reschedule this meeting, OR, please make some kind of plea to PG&E to reschedule their planned maintenance. I am nearly certain that failure for residents to be heard on the matter is probably some kind of actionable event; and even if it isn't a legal thing, it's the right and fair thing to do in a matter that affect so many residents, so much land, and so much of the landscape, agriculture, the environment, the infrastructure--- it would be wrong to go ahead without letting people be heard because of PG&E's singularly bad planning.

Thank you.

Laura Bramble, acting for myself and for resident Theresa Canlas at 2723-A Oak Road (my downstairs neighbor who is 83 and would be attending with me if we could get on Zoom or whatever the video call is...)

----- Forwarded message -----

**From:** **PG&E Customer Service** <[CustomerService@email-pge.com](mailto:CustomerService@email-pge.com)>  
**Date:** Wed, May 5, 2021 at 4:22 PM  
**Subject:** Electric Planned Power Outage  
**To:** [laurabramble10@gmail.com](mailto:laurabramble10@gmail.com) <[laurabramble10@gmail.com](mailto:laurabramble10@gmail.com)>

PG&E



This is PG&E contacting you to inform you that scheduled maintenance is being planned that will affect your electric service at 2723 OAK RD APT F WALNUT CREEK, CA, 94597-2897. In order for PG&E personnel to safely perform this work, your electric power will be turned off on:

Monday, May 17, 2021 from 9:00 AM to 10:00 AM and

Monday, May 17, 2021 from 3:00 PM to 5:00 PM

We apologize for any inconvenience this may cause.

If you have any questions, please contact PG&E's customer service line at 1-800-743-5000.

Thank you for being a PG&E customer.

## PG&E Customer Service

[pge.com](#) : [privacy](#) : [disclosure](#)

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**From:** [Becky Klemm](#)  
**To:** [Jennifer Cruz](#)  
**Subject:** Re: Oak Road Townhouse Condo Project Scoping meeting  
**Date:** Monday, May 17, 2021 10:15:47 AM

---

Thank you for the link. I was able to access it but it says the meeting starts at 1:30 and the notice of scoping session paperwork sent to me says the meeting starts at 3:30. Should I try to get on at 1:30 or wait until 3:30? Thank you for your help.

On Mon, May 17, 2021 at 10:00 AM Jennifer Cruz <[Jennifer.Cruz@dcd.cccounty.us](mailto:Jennifer.Cruz@dcd.cccounty.us)> wrote:

Good morning,

Here is the [link](#) to the agenda, where you will find instruction in participating in today's 3:30 meeting. The agenda identifies the 3:30 meeting on the bottom of page 2 of the agenda.

As indicated in the notice sent out, the deadline to receive comments is by 4 pm on Friday, May 28<sup>th</sup>.

Thank you,

Jennifer Cruz

(925) 655-2867 **\*\*New number as of April 1, 2021\*\***

---

**From:** Becky Klemm <[klemmguam@gmail.com](mailto:klemmguam@gmail.com)>  
**Sent:** Monday, May 17, 2021 9:54 AM  
**To:** Jennifer Cruz <[Jennifer.Cruz@dcd.cccounty.us](mailto:Jennifer.Cruz@dcd.cccounty.us)>; [eva\\_gesheva@yahoo.com](mailto:eva_gesheva@yahoo.com)  
**Subject:** Oak Road Townhouse Condo Project Scoping meeting

Good morning-

My name is Becky Klemm and I am a homeowner at Oak Road Station across the street from the proposed Oak Road Townhouse Condominium Proposed Project. I would like to participate in the Scoping Meeting to be held today, 5/17/21 at 3:30 p.m. I am having trouble accessing the participation instructions because I can only find a scheduled meeting at 1 p.m. today.

I just left a message on your voicemail.

Our development has prepared a petition outlining our objections to this project and we are

currently gathering homeowner's signatures. I can email the petition to you or read it at the meeting if time permits Please let me know what I can do to attend this meeting or where I can send our petition.

Thank you for your help.

Becky Klemm

2708 Oak Rd, Walnut Creek, CA 94597

925.360-1833

**From:** [Larry/Kathy](#)  
**To:** [Jennifer Cruz](#)  
**Cc:** [Jeffrey Peckham](#); [Dominguez, Leo](#); [Fred Nelson](#); [Christiane Wilson](#); [Duncan, Peter & Judith](#); [Lesley Hunt](#)  
**Subject:** RE: RE: 2740 Jones Road  
**Date:** Friday, May 14, 2021 12:41:50 PM

---

Thanx.  
Larry

On 05/13/2021 5:17 PM Jennifer Cruz <[jennifer.cruz@dcd.cccounty.us](mailto:jennifer.cruz@dcd.cccounty.us)> wrote:

Hello,

The Notice of Preparation comment period ends on Friday, May 28 at 4 pm.

Jennifer Cruz

(925) 655-2867 **\*\*New number as of April 1, 2021\*\***

---

**From:** Larry/Kathy <[elmwoode@comcast.net](mailto:elmwoode@comcast.net)>  
**Sent:** Thursday, May 13, 2021 3:47 PM  
**To:** Jennifer Cruz <[Jennifer.Cruz@dcd.cccounty.us](mailto:Jennifer.Cruz@dcd.cccounty.us)>  
**Cc:** Jeffrey Peckham <[jpeckham@astound.net](mailto:jpeckham@astound.net)>; Dominguez, Leo <[leordominguez@gmail.com](mailto:leordominguez@gmail.com)>; Fred Nelson <[bigkahuna47@yahoo.com](mailto:bigkahuna47@yahoo.com)>; Christiane Wilson <[paralegal1@comcast.net](mailto:paralegal1@comcast.net)>; Duncan, Peter & Judith <[peter.duncan@juno.com](mailto:peter.duncan@juno.com)>; Lesley Hunt <[LDHunt@astound.net](mailto:LDHunt@astound.net)>  
**Subject:** Fwd: RE: 2740 Jones Road

Thanx for the plan, Jennifer. As presented, it does not bode well for all the large Oaks on the property. How long is the comment period on this plan? We will likely weigh in.

Larry

----- Original Message -----

From: Jennifer Cruz <[Jennifer.Cruz@dcd.cccounty.us](mailto:Jennifer.Cruz@dcd.cccounty.us)>

To: Larry/Kathy <[elmwoode@comcast.net](mailto:elmwoode@comcast.net)>

Date: 05/12/2021 12:33 PM

Subject: RE: 2740 Jones Road

Hello,

I wanted to follow-up on this email.

Please see the attached arborist report per your request.

Thank you,

Jennifer Cruz

(925) 655-2867 **\*\*New number as of April 1, 2021\*\***

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**From:** Larry/Kathy <[elmwoode@comcast.net](mailto:elmwoode@comcast.net)>  
**Sent:** Monday, February 1, 2021 5:19 PM  
**To:** Jennifer Cruz <[Jennifer.Cruz@dcd.cccounty.us](mailto:Jennifer.Cruz@dcd.cccounty.us)>  
**Subject:** RE: 2740 Jones Road

OK, Thanx. Would you please put me on distribution when these reports are issued? If you have a chance to visually inspect the site you'll see why I question that there are no heritage trees involved.

Larry McEwen

On 02/01/2021 4:41 PM Jennifer Cruz  
<[jennifer.cruz@dcd.cccounty.us](mailto:jennifer.cruz@dcd.cccounty.us)> wrote:

Good afternoon,

I am attaching the plans submitted. Please note that the application submitted is incomplete and does not have the arborist report and tree survey map at this time.

Sincerely,

Jennifer Cruz

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**From:** Larry/Kathy <[elmwoode@comcast.net](mailto:elmwoode@comcast.net)>  
**Sent:** Monday, February 1, 2021 4:38 PM  
**To:** Jennifer Cruz <[Jennifer.Cruz@dcd.cccounty.us](mailto:Jennifer.Cruz@dcd.cccounty.us)>  
**Cc:** Jeffrey Peckham <[jpeckham@astound.net](mailto:jpeckham@astound.net)>; Dominguez, Leo <[leordominguez@gmail.com](mailto:leordominguez@gmail.com)>; Fred Nelson <[bigkahuna47@yahoo.com](mailto:bigkahuna47@yahoo.com)>; Christiane Wilson <[paralegal1@comcast.net](mailto:paralegal1@comcast.net)>; Duncan, Peter & Judith <[peter.duncan@juno.com](mailto:peter.duncan@juno.com)>; Lesley Hunt <[LDHunt@astound.net](mailto:LDHunt@astound.net)>  
**Subject:** RE: 2740 Jones Road

Thanx, Jennifer. I see one page indicating the need to remove 75 trees and that there are no heritage trees involved. What I didn't see is a map delineating the trees affected. Can you forward the developer's map describing the location of the trees affected. A view of the site would indicate that there are probably 3 trees that should be defined as "Heritage". Absent a map, it's hard to see whether or not these trees are impacted.

Larry McEwen

On 02/01/2021 1:07 PM Jennifer Cruz  
<[jennifer.cruz@dcd.cccounty.us](mailto:jennifer.cruz@dcd.cccounty.us)> wrote:

Good afternoon,

The project includes the removal of 75 trees. Attached is a copy of the application with their request.

Sincerely,

Jennifer Cruz

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**From:** Larry/Kathy  
<[elmwoode@comcast.net](mailto:elmwoode@comcast.net)>  
**Sent:** Friday, January 29, 2021 10:53 AM  
**To:** Jennifer Cruz  
<[Jennifer.Cruz@dcd.cccounty.us](mailto:Jennifer.Cruz@dcd.cccounty.us)>  
**Subject:** 2740 Jones Road

Jennifer: Has the developer requested a permit to remove trees on the property? If so, can you forward me a copy of the request? Naturally, we are concerned about the fate of the Heritage Oaks on the property.

Thanx,

Larry McEwen, Secretary

Walden District Improvement  
Association

(925) 9329-3216

## May 21, 2021 Zoning Administrator's meeting

### 3:30 p.m. Scoping Session:

#### Item 2a.

**Becky:** We the undersigned Oak Road Station homeowners at 2700 -2728 Oak Road, located across the street of the proposed Oak Rd. Townhouse condominiums the numbers that Margaret just read, vigorously oppose their application for rezoning and the current development plan. The project that's presented will have a negative and permanent negative impact on our community for the following reasons:

1. Ascetics: Palmer School consists of one-story building with multipole open space, such as sports field, parking lot and numerous meeting areas. Their plan calls for nineteen 3 story buildings, and a crowded cluttered concrete jungle. The artistic style of the site would be destroyed. I have eight points.
2. Air quality and greenhouses gas emissions, construction activities and eventual occupation of site with permanently effect our community's air quality and constant release of critical pollutant and greenhouse gases.
3. Natural and biological: the plan calls for removal of 74 long, established trees with location of one oak tree, and I know which one that is. This proposal alone should raise enough red flags to halt the approval of the zoning plan, due to environmental concerns. Also at risk are plant and animal species and their natural habitat.
4. Hazardous materials: Palmer school was built over 80 years ago when asbestos was the preferred construction material. Our community could now possibly be spared the permanent impact of these airborne demolition hazard.
5. Noise: Oak Grove station resident will be negatively, permanently affected by unacceptable noise pollution due to demolition destruction and occupation of the housing development. Any of us can hear the day to day noises at Palmer school, including playground noises and school bells.
6. Traffic: their plan as presented will cause a negative and permanent impact on area traffic patterns already cluttered with vehicles. Perhaps they might consider keeping the current entry on Jones Road only.
7. Parking: Currently, finding available parking is extremely difficult. Their plan would further permanently affect accessible parking. How many residential, we already determined that. 125 plus 10, that is 278 parking places is not enough. Street parking would be negative and permanently affected.
8. Neighborhood: Our walking trails are regularly ingested with walkers and bikers. Also, our small neighborhoods parks are over crowded already and this new concrete jungle with condos cramped together would further negatively effect these areas. I'm going to submit this with these signatures of our home owners. We implore the Contra Costa City department of Conservation and development seriously consider the negative and permanent impacts of the Oak Grove station neighborhood but to the whole surrounding community. And on a final note, Mr. Sam if your listening, I'm part of your Palmer family, I know you grew up on that site. I know which building was your house on that site. I know you went to school there. Became the principal. You grew up with those trees. You told me that

your grandparents named Oak Grove because it was just an orchard back then. You grew up with those 74 trees Mr. Sam. So thank you for hearing me everybody. And somebody needs to give your person, Jennifer a raise. She is right on the reply on everything. So thank you again.

**Phil Abelara:** Thanks for having us here today. I also received the letter from Jennifer Cruz. I live at 15 Oak Tree Ct. We are also a condominium association just north of the proposed project. While we do have some very serious concerns with the project going up, we are mostly concerned with the manner of which the development has been proposed. I only have 3 minutes, but we also are writing a letter, putting down our concerns. But essentially what we wanted to do is have a discussion to respect of the way the buildings are designed. Our biggest concern now is with the proximity and the setbacks and the size and scope of some of these buildings. We understand that Walnut Creek and the bay area needs housing, we live in a more dense area up here in northern Walnut Creek unincorporated. So me personally, I'm not going against the project wholeheartedly, but I am against the manner of which it's being proposed. And the manner of which the setbacks and concerns that we have. With respect to the anticipated impacts, I echo Becky's comments with respect to aesthetics air quality, etc., you know the aesthetics are open to debate, however what is not open for debate is the approximate of the buildings, they are too close and the setbacks need to be changed. With respect to air quality and greenhouse gas emissions, we are all also concerned about air quality and air pollution, odor and smells. With respect to geology and soils. We are concerned with potential substance foundation exterior cracks that may affect our property, as well as the surrounding properties around the proposed project. Also, what is not on the impact list is light. Lighting is very, very key. And what hasn't been mentioned is the lack of some of our residents are going to have if these buildings are built 13 feet away from our existing buildings as well. Not only that, but night light or light pollution from the new buildings, how is that going to be addressed. In closing, I have a couple of seconds here. As we all know owners in a right to privacy and quiet enjoyment of their premises and anything unreasonably interferes with that is considered a nuisance and trespass. What we'd like to do is be able to have a discussion with the County, as well as the developer, to come up with a proposed plan with respect with the setbacks, perhaps the heights and the size of some of these buildings. Thank you very much.

**Karen Chen:** I am also a resident of the Oak Tree Ct. besides Phil. He's a great Board of Director of the community, he expressed most of our points. I just want to emphasize on the setback and the height limit on the proposed plan that \*\*\* which really concerns us because there's pollution and concern with the 15 setback even under the proposed P-1, there are required to be consistent with the other existing structures and the road and also created a more harmony design of the building height and length coverage, which I just sent letter right before this meeting to your email as well. I think that's really important according to the P-1 collaborating from the County code. So the height what really concerns me is optional roof that they are offering the potential buyers, which is a 3 ½ floor building on the Oak Road side, which the roof that is open space to their potential buyers but also there is the risk to our existing structure because it's so close to our building, for example people are doing some bbq on their roof deck and a fire spark and can cause some fire in the surrounding neighborhood or smoke or noises, which is irrevocable and existing for years. Because you can't control who is moving and who is going to do what activities on those roof decks. Which those are optional on their proposed \*\*\*\*\*. So I think the County should urge them to actually eliminate those optional roof deck that's building the higher building on the Oak Road side and right next to us. Also, for years those soils have been designed for the

100 year old \*\*\*\* and single story building or open space. So we are worried about those foundation, if the set back is only 15 feet. There are still close to us, removing those 100 year old trees also those 125 units have such a big weight for those foundations and other foundations of other neighborhoods and that is a big concerns. Also, during construction, it's so close to us and what if someone drop a tool or they can the construction workers can easy access our community so we are very concerned about safety and pollution as well as is pretty much very possible to cause damage to our structure. Also with small set back, the privacy is for both side because I believe those facing us have windows facing them too so we are basically seeing each other or living tougher to be honest. Just looking at each others daily life. We respect the land needs to be built since the school is gone right now. So the new development needs to be there we would appreciate if they can respect the surrounding area and respect the code the P-1 code proposed to rezone to P-1 then they have to consider the compatibility with the existing, adjoined development and that's existing and will remain in the future. We will keep sending some proposal as in the home association will write and other letters as well. But we appreciate that and the most important is the set back, the 15 or 16 set back is too close and could potentially cost damages to our foundation, pollution, noises, safety concerns and the site plan it is very possible and doable for them if they shift the entry of Oak Grove and their landscaping to our side. Then that would create an open space in between us and their new development. Just because even in-between their own building they have open space. Thank you.

**Craig McIntire Mann-** I too am an owner and neighbor at Oak Tree Court, along with Phil and Karen. I echo everything they shared and also echo some of the things Becky shared. We do need housing here in Walnut Creek, although I'd like to emphasize we really need is not million dollar homes, but we need affordable housing. The people that are threat of being homeless. So, I wanted to just get that in there but I want to share, as Phil shared that not opposed to the development going in there, but would like to dialogue with everyone at play. I think I echo those statements by Karen & Phil. One of my issues is removing 100+ year old Oak trees, it's a historical landmark and I would think that they Sommerhill very easily alter their plans to some degree to allow for that Oak Tree to stay and what a selling point that would be for future residents to have this huge Oak tree focal point. So it's kind of a win-win. And as Karen said, so that will hopefully by changing their plans a bit will help the close proximity to my neighborhood that are immediately butt up to the property. So I think that's basically some much has already been said to put in that more nature specific note. Thanks so much.

**Matthew Banford-** I also live at the Oak Tree complex. I would like to echo with Phil and the others, I think everybody is making great points. I also sent in some kind of a document, documenting kind of set backs and separation all along Oak Road. I don't know if you can confirm if that was received for public comment? But, essentially I walk down the road, Oak Road and I kind of just witnessed separations between to the two building and just to the point that again especially what Karen was saying, these proposed set back are very close to our homes in particular and one thing I really wanted to point out and I don't know perhaps if the developer or architects understand is that north property line along this proposed development really that is our front yard. Our doors or on that side. Those are the windows we look out of everyday, that is where we get our sunlight. So the prospect of having this 40 foot tall buildings directly next to my front door casting shadows blocking my views is just really, really

disheartening and it's a fairly traumatic to be honest. So again, I sent in a document sort of showing pictures and aerial view of what we see as sort of an existing buffer as examples going down Oak Road and me in particular I'm a little perplexed why the developer wouldn't have considered these examples and possibly using a driveway as sort of a natural buffer between different parcels. Again, I just wanted to point out in particular that property line is our front yard. So it's very disheartening that they decided to put these 40 foot almost 4 story buildings 15 feet away from my front door. So again we are not opposed to development. I expected that, the fact that its so close is very disheartening, Thank you for my time.

**Salman S.** – I'm another neighbor in Walnut Creek. We have concerns about construction noise and debris. We have an infant son. We know there are other infants on Oak Tree Ct as well, who those families are going to be greatly affected by the noise, debris what have you from constructions. So, I wanted to make sure all the concerns were also heard.

**Paul:** I am also an owner at Oak Tree Court. In addition to echoing what everybody else has said, I would like to voice my concerns to the set back and preserve one of the oak trees that faces, to be honest, it faces my unit and my living room window. It's much nicer to look out on a oak tree than a 45 foot wall. If there is a way in preserving the oak tree that would be very beneficial.