

BALMORE COURT SINGLE-FAMILY RESIDENTIAL PROJECT

FINAL MND

**FINAL MITIGATED NEGATIVE DECLARATION/INITIAL STUDY
State Clearinghouse Number (SCH) 2018122029**

**Baltimore Court Single-Family Residential Project
County Files SD17-9478, RZ17-3239, DP17-3054**

March 27, 2019

I. Introduction:

This document constitutes the Final Mitigated Negative Declaration/Initial Study (MND) for the Baltimore Court Single-Family Residential Project that consists of proposed Subdivision SD17-9478, Rezoning RZ17-3239, and Development Plan DP17-3054 for a 6.44-acre property at the northern terminus of Baltimore Court in the El Sobrante area in unincorporated Contra Costa County. The proposed project would create a 33-lot subdivision, including 30 residential parcels, one hillside open space parcel, one storm drainage parcel, and a roadway parcel. Subsequent to the subdivision, 30 single-family residences would be constructed on the project site, accessed by a road extension of Baltimore Court. The proposed project includes a rezoning from the existing R-6 and R-7 Single-Family Residential Districts on the project site to a P-1 Planned Unit District, to allow clustering of the single-family homes while setting aside land for hillside open space, storm drainage, and the restrictive riparian easement that was established pursuant to a grant deed of development rights to the County in 2007.

On December 12, 2018, the Contra Costa County Department of Conservation and Development, Community Development Division (CDD), published a draft MND that analyzed potential significant adverse environmental impacts of the proposed project. Pursuant to Section 15073 of the California Environmental Quality Act (CEQA), which requires a minimum 30-day public review period, the draft MND included a 34-day public review period that ended on January 14, 2019. The purpose of the public review period is for the public to submit comments on the adequacy of the environmental analysis in the MND. CDD received written comments from six commenters in response to the publication of the draft MND.

The Final MND includes all the comments received on the draft MND, responses to the comments received, and two staff-initiated text changes, including two minor changes to correct typographical errors. The text changes are not the result of any new significant adverse environmental impact, do not alter the effectiveness of any mitigation included in the pertinent section, and do not alter any findings in the section. The County Planning Commission and Board of Supervisors will consider the environmental record including the draft MND, the Final MND, and the findings therein prior to taking action on the project as a whole.

II. Comments Received and Responses:

During the December 12, 2018 to January 14, 2019 public review period on the draft MND, CDD received written comments from the following commenters:

Final Mitigated Negative Declaration/Initial Study, SCH 2018122029

Comment Letter	Commenter	Type
1	California Historical Resources Information System	Letter
2	East Bay Municipal Utility District	Letter
3	Contra Costa Local Agency Formation Commission	Email
4	Marjorie Pene	Letter
5	Carole Strauss	Letter
6	El Sobrante MAC	Letter

The written comments received by CDD are included herein as Attachment A. The letters and email from the commenters have been numbered by comment. Following are summaries of the written comments and staff responses to the comments. The comments and responses are organized by topic. The coding in parentheses following each comment summary indicates the commenter and the commenter’s numbered comment, as shown in Attachment A.

A. Project Description, MND Section 8

Comment A.1: The East Bay Municipal Utility District (EBMUD) owns a right of way on a portion of the project site that provides access to a water main that serves existing residences on Balmore Court. Proposed construction within the right of way would be subject to review and approval by EBMUD. (Letter 2: East Bay Municipal Utility District, Comment 2.2)

Response: Section 8 of the MND includes an overall description of the project, as relevant for assessing possible environmental impacts of the project. The proposed project does not affect the EBMUD right of way, and therefore, the right of way is not included in the project description. As discussed in Environmental Checklist Section 18.b (Utilities and Service Systems), the applicant will be required to contact EBMUD regarding the provision of water service to the project. As part of this process, the applicant would review any EBMUD requirements related to its right of way.

Comment A.2: How can the Department of Conservation and Development or any Department/Board make an educated and informed decision on the proposed project wholly on the plot plan? (Letter 4: Marjorie Pene, Comment 4.4)

Response: The proposed project, which is described in the MND Section 8, consists of a Subdivision with a Vesting Tentative Map that will be scheduled for consideration of approval by the County Planning Commission, and a Rezoning to a P-1 Planned Unit District and a Development Plan that will be considered for approval by the Board of Supervisors. Prior to scheduling the project at Planning Commission and Board of Supervisor meetings, CDD and Public Works Department staff must complete evaluations of the project. This includes evaluating the site plan, the lotting plan, street sections, the grading and drainage plan, the preliminary stormwater control plan, and the planned unit development standards for consistency with the General Plan and applicable planning and subdivision

Final Mitigated Negative Declaration/Initial Study, SCH 2018122029

regulations. In addition, the proposed project must complete review under the California Environmental Quality Act (CEQA), for potentially significant adverse environmental impacts. The MND includes the CEQA evaluation of the proposed project. Accordingly, the proposed project that is presented to the Planning Commission and the Board of Supervisors will be presented with the completed evaluations, and thereby, enabling the Planning Commission and Board of Supervisors to make an educated and informed decision on the project.

Comment A.3: The dedication of land for roadway purposes was based on the County accepting the roadway and may be revoked if the County doesn't follow through. The agreement to turn over the private road to the County for a public road should be null and void after the previous approved subdivision of the project site fell through. (Letter 5: Carole Strauss, Comment 5.3; Letter 6: El Sobrante MAC, Comment 6.7)

Response: MND Section 8 refers to the October 2007 action of the Board of Supervisors, accepting offers of dedication from the six property owners for the private street section of Balmore Court. The offers of dedication that were associated with approved subdivision SD04-8920 were executed in August 2007 by the property owners as irrevocable offers of dedication to the County for street, landscaping, and other public purposes. Thus, although subdivision SD04-8920 was abandoned by the developer, the offers of dedication remain valid. Now, as part of the proposed project and as described in MND Section 8, the current applicant proposes to improve the private section of Balmore Court to a public street.

B. California Native American Tribes, MND Section 11

Comment B.1: The County should contact the local Native American Tribes regarding the proposed project. (Letter 1: California Historical Resources Information System, Comment 1.2)

Response: As discussed in Section 11 of the MND, a Notice of Opportunity to Request Consultation was both mailed and sent via email to the Wilton Rancheria, the one California Native American tribe that has requested notification of proposed projects in the County. No response has been received from the Wilton Rancheria. However, the Wilton Rancheria previously requested tribal consultation in response to a consultation notice for a different project that led to a meeting between CDD staff and a representative of the Wilton Rancheria. At that meeting, a tentative agreement was reached between staff and the Wilton Rancheria that the Native American tribe will be notified of any discovery of cultural resources or human remains on the site. Notification of the Native American tribe that has requested consultation is included in Environmental Checklist Section 5 (Cultural Resources).

C. Aesthetics, Environmental Checklist Section 1

Comment C.1: The new development should fit into the neighborhood, which retains a country flavor. (Letter 5: Carole Strauss, Comment 5.4)

Final Mitigated Negative Declaration/Initial Study, SCH 2018122029

Response: As evaluated in Environmental Checklist Section 1.c, the single-family residences to be constructed in the subdivision would be framed by the hillside open space parcel to the west and the riparian habitat in the restricted development area to the east. Thus, the homes would be physically separated from adjacent existing development by open space. Overall views would be comparable to views of existing residences in the neighborhood.

D. Biological Resources, Environmental Checklist Section 4, and Land Use and Planning Environmental Checklist Section 10

Comment D.1: The former developer removed a large number of trees but arranged with the County to leave the six redwood trees at the southern corner of the project site. It would be a shame to remove them. (Letter 5: Carole Strauss, Comment 5.6)

Response: As discussed in Environmental Checklist Section 4.e, a Tree Permit was approved as part of the SD04-8920 subdivision that allowed the removal of 53 trees and required the planting of 16 replacement trees. Although the 53 trees were removed, the 16 trees have not been planted. As discussed in Environmental Checklist Sections 4.e and 10.b, the current proposed project includes a Tree Permit to remove 13 trees, including the seven redwood trees at the southern corner of the site. The removal of the redwood trees would accommodate residential development of two subdivision lots. On January 11, 2019, the applicant submitted a Preliminary Landscape Tree Plan for the planting of 28 trees, including the 16-trees required from the prior subdivision. The Tree Permit and associated Tree Plan will be considered as part of the proposed Subdivision and Development Plan.

E. Cultural Resources, Environmental Checklist Section 5

Comment E.1: Any structure that is 45 years or older may be of historic value. If the project site includes such structures, a qualified professional should conduct a formal CEQA evaluation. (Letter 1: California Historical Resources Information System, Comment 1.3)

Response: As reported in Environmental Checklist Section 5.a, there are no existing structures on the project site.

F. Cultural Resources, Environmental Checklist Section 5, and Tribal Cultural Resources, Environmental Checklist Section 17

Comment F.1: Further study for cultural resources is not recommended; however, if archaeological resources are encountered, work should be halted until a qualified archaeologist has evaluated the situation. (Letter 1: California Historical Resources Information System, Comment 1.1)

Final Mitigated Negative Declaration/Initial Study, SCH 2018122029

Response: Environmental Checklist Section 5.b identifies accidental discovery of archaeological resources as a potentially significant adverse environmental impact, and includes the Cultural Resources 1 mitigation measure that requires (1) a program of onsite education for all construction personnel in the identification of archaeological resources and (2) a requirement to halt work if such materials are encountered until a professional archaeologist and the Native American tribe that has requested consultation and/or demonstrated interest in the project site, have had an opportunity to evaluate the significance of the find and suggest appropriate mitigation(s). The requirement to implement the Cultural Resources 1 mitigation measure is also included in Environmental Checklist Section 17.b.

G. Geology and Soils, Environmental Checklist Section 6

Comment G.1: As discussed in Environmental Checklist Section 6.a.iv, there is a potential for shallow slope failures, soil creep, erosion, and slumping. When the applicant applies for water service, they will need to provide EBMUD with any proposed landslide mitigation measures in order to protect the water main extensions that will serve the project. (Letter 2: East Bay Municipal Utility District, Comment 2.3)

Response: As discussed in Environmental Checklist Sections 6.a.iv and 6.c, mitigation measures Geology 1, Geology 2, and Geology 3 are required in order to address the potential landslide risks. Geology 1 requires a Remedial Grading Plan that addresses the undergrounding of utilities and other items. Geology 2 requires a Grading Completion Report that documents the grading inspections performed and the results of onsite testing. Geology 3 requires certification that the construction is in compliance with the Remedial Grading Plan. A Condition of Approval will be added, if the project is approved, that requires the applicant to provide copies of the Remedial Grading Plan, the Grading Completion Report, and the construction certification to EBMUD when applying for water service.

H. Hazards and Hazardous Materials, Environmental Checklist Section 8, and Transportation and Traffic, Environmental Checklist Section 16

Comment H.1: The commenter expresses a concern about access and egress of emergency vehicles and residents. The commenter states that they have requested a second access road to be included in the project. (Letter 6: El Sobrante MAC, Comment 6.2)

Response: As evaluated in Environmental Checklist Sections 8.g, 16.d, and 16.e, the proposed project includes the construction of a 32-foot wide paved roadway on Balmore Court past Lindell Drive onto the project site that would meet the Fire Code requirement for a 20-foot wide clear travel path with parking on one side of the street. The Contra Costa County Fire Protection District is requiring the restriction of parking on one side of the 32-foot roadway to ensure emergency access, and that fire hydrants be installed to provide an adequate and reliable water supply for fire protection. Thus, the

Final Mitigated Negative Declaration/Initial Study, SCH 2018122029

proposed project would provide adequate emergency access without installation of a secondary access road.

Regarding a possible secondary access, the site is bordered by the restricted development area/riparian channel to the east, the Pinole Vista shopping center to the north, and single-family residential lots along Lindell Drive and Balmore Court to the west. Because of the Fire Code requirement for a 20-foot wide clear travel path, the secondary access will require a minimum pavement width of 20 feet across the restricted development area and/or private property. Providing secondary access to the east would require development within the restricted development area and acquisition of a roadway easement across the parking lot of the private property located at 2644-2646 Appian Way in the City of Pinole. Traversing the restricted development area will require Board of Supervisor's approval of an amendment of the restricted development area, as well as substantial grading to meet the County maximum street grade requirement for the roadway. Providing secondary access to the north would require relocation of the project's storm drainage retention basin, substantial grading to meet the County maximum street grade requirement, and acquisition of a roadway easement from the property owner of the Pinole Vista shopping center in the City of Pinole for use of the service road that provides access to the loading docks for retail tenant spaces at the eastern end of the shopping center. Providing secondary access to the west would require substantial grading in the hillside open space to meet the County maximum street grade requirement, and acquisition of a roadway easement across private property and between two single-family homes in order to access Lindell Drive.

I. Land Use and Planning, Environmental Checklist Section 10

Comment 1.1: Concerns are raised that parking is inadequate, and that the visitors will park in front of existing homes. It appears that there would only be adequate parking for one vehicle per residence. (Letter 4: Marjorie Pene, Comment 4.2; Letter 5: Carole Strauss, Comment 5.2; Letter 6: El Sobrante MAC, Comment 6.4)

Response: As evaluated in Environmental Checklist Section 10.b, the proposed project meets the parking regulations for the R-6 Single-Family Residential District and the R-7 Single-Family Residential District, by providing two off-street parking spaces for each residential lot. The required spaces would be in the garages of the single-family residences. Single-family residential districts, including the R-6 and R-7 Districts do not have any requirements for guest parking; i.e., no guest parking is required. However, in multiple-family districts, the guest parking requirement is $\frac{1}{4}$ parking space per dwelling unit. Thus, if the project were to be proposed in a multiple-family residential district, the project would exceed the required guest parking requirement of 8 parking spaces ($\frac{1}{4}$ guest parking space times 30 dwelling units) by providing 35 guest parking spaces, including 15 parking spaces on the west side of the Balmore Court extension between Lots 1 through 20, and 20 spaces on the driveway aprons of Lots 21 through 30.

Final Mitigated Negative Declaration/Initial Study, SCH 2018122029

Comment I.2: Putting 30 homes on the project site is excessive. A site visit is needed to see the effect that developing 30 homes on the site would have on the neighborhood. (Letter 4: Marjorie Pene, Comment 4.3; Letter 5: Carole Strauss, Comment 5.5)

Response: As evaluated in Environmental Checklist Section 10.b, the proposed project is consistent with the density requirement of the SH Single-Family Residential-High Density General Plan Land Use designation, of 5.0 to 7.2 single-family units per net acre. The project proposes 30 single-family units on 5.53 net acres (6.44 gross acres less 0.91 acre for the Balmore Court roadway extension) for a density of 5.42 units per net acre. For comparison, a single-family unit on a 6,000 sq. ft. lot on a public street in the R-6 Single-Family Residential District has a density of 7.26 units per acre and a single-family unit on a 7,000 sq. ft. lot on a public street in the R-7 District has a density of 6.22 units per net acre. Thus, the proposed project yields fewer homes than a comparable size development on a public street in the R-6 or R-7 Districts. In addition to evaluating the consistency of the proposed project with the General Plan, CDD staff visited the site in October and November 2018, as reported in the draft MND.

Comment I.3: The plan for replacing trees is extremely vague if not lacking. (Letter 6: El Sobrante MAC, Comment 6.6)

Response: As evaluated in Environmental Checklist Section 10.b, the proposed project will require a Tree Permit for 13 trees proposed to be removed to accommodate development of the 30-unit residential subdivision, as well as to fulfill the obligation for planting 16 trees as restitution for the trees that have been cut down for the prior subdivision on the project site. As discussed in Section II.D above, the applicant has submitted a Preliminary Landscape Tree Plan for the planting of 28 trees, including the 16-trees required from the prior subdivision. The Tree Permit and associated Tree Plan will be considered as part of the proposed Subdivision and Development Plan. If the project is approved, a condition of approval will require the applicant to submit a final landscaping and irrigation plan that includes the replacement trees for review and approval by the CDD. The plan will also be required to meet the requirements of the State Water Efficient Landscape Ordinance.

Comment I.4: The proposed rezoning of the project site to P-1 Planned Unit District is not acceptable, because the area is residential and the P-1 zoning would potentially allow commercial uses. Retaining the R-6 and R-7 zoning is preferable. (Letter 6: El Sobrante MAC, Comment 6.8)

Response: As described in Environmental Checklist Section 10.b, the proposed project sets aside 1.78 acres of hillside on the western portion of the site with 30% slopes as hillside open space, 0.36 acre of land in the northeastern portion of the site as storm drainage parcel, and 0.91 acre of the site for the Balmore Court roadway extension. In addition, 0.91 acre of land in the eastern portion of the site is in a restrictive riparian easement. As a result, the 30 single-family residences that would be developed on the remaining 2.48 acres of the site would not meet the lot dimensions, or the yard and setback requirements of either the R-6 or R-7 Single-Family Residential District. The proposed project would have a density of 5.42 single-family units per net acre, and therefore, would meet the 5.0 to 7.2 single-

Final Mitigated Negative Declaration/Initial Study, SCH 2018122029

family units per net acre density requirement of the SH Single-Family Residential-High Density General Plan Land Use designation. If the proposed project were redesigned to meet R-6 standards, 18 single-family units could be built; however, this redesigned project could not be approved because it does not meet the density requirement of the SH General Plan Land Use designation.

Regarding allowable uses in the P-1 Planned Unit District, only the uses included in the proposed project would be allowed in the P-1 District. Since the proposed project includes only residential and open space uses, no commercial uses would be allowed in the proposed P-1 District.

J. Land Use and Planning, Environmental Checklist Section 10, and Recreation, Environmental Checklist Section 15

Comment J.1: Plans for a park are not included in the proposed project. Allowing a “buy out” is not acceptable. A portion of the site could be dedicated as a public park. (Letter 6: El Sobrante MAC, Comment 6.5)

Response: As discussed in Environmental Checklist Sections 10.b and 15.b, the General Plan Land Use Element includes a policy for the El Sobrante Area that cites the relative lack of sufficient recreation space in the area, and requires new development to collaborate on increasing recreational opportunities for area residents. The complete policy, which is Policy 3-175 of the Land Use Element, is as follows:

The El Sobrante community values healthy living and places great value on local opportunities for outdoor recreation. According to the 2001 El Sobrante Valley Parks Study, the community lacks sufficient park and recreation space to adequately serve area residents. The County shall seek to identify acquirable parcels of land that can be developed into parks and open spaces, including public spaces in commercial corridors. New development projects will be evaluated in terms of the contribution to public recreation and their support of parks and open space. Developers will be encouraged to collaborate on the development of parks and open spaces in order to optimize recreational opportunities for area residents. Mechanisms to support park and open space maintenance funding through development fees and other sources shall be pursued.

As evaluated in the MND, the lack of a park or recreation facility in the proposed project is identified as a potentially significant impact on General Plan policies for recreational facilities in the El Sobrante area. Thus, the applicant is required to implement mitigation measure Recreation 1, which requires the applicant to provide an area on the project site for recreational facilities or contribute a fair share to nearby recreational facilities. In addition to this mitigation requirement, if the project is approved, the applicant will be required to pay park dedication and park impact fees for each residential unit. Thus, the project would support development of parks and open space in El Sobrante.

Regarding using a portion of the project site for a public park, the December 2001 *Downtown El Sobrante Transportation and Land Use Plan*, which is an El Sobrante planning document that preceded

Final Mitigated Negative Declaration/Initial Study, SCH 2018122029

the July 2013 *Downtown El Sobrante Planned Unit Development P-1 Zoning and Design Guidelines*, identifies future downtown parks and open spaces in its Open Space Framework, including the Village Center Park, three creekside parks along San Pablo Creek, the Library Park, and a park at the intersection of Hillcrest Road and San Pablo Dam Road. There has not been a community planning process for parks and open spaces in the Allview Avenue area of El Sobrante. Also, there is no current County capital improvement program for a new public park in this area, and no allocation of County funds for operation and maintenance of such a park.

K. Public Services, Environmental Checklist Section 14, and Utilities and Service Systems, Environmental Checklist Section 18

Comment K.1: It appears that the project is within the service boundaries of the Contra Costa County Fire Protection District, the East Bay Municipal Utility District, and the West County Wastewater District, and will not need Contra Costa Local Agency Formation Commission (LAFCO) approval. (Letter 3: Contra Costa LAFCO, Comment 3.1)

Response: Fire protection services to the vicinity, including the project site, would be provided by the Contra Costa County Fire Protection District, as discussed in Environmental Checklist Section 14.a. Similarly, the project site will be served by the West County Wastewater District and EBMUD, as discussed in Environmental Checklist Section 18. There will be no service area boundary changes, and therefore, LAFCO approval of service area boundary changes is not needed.

L. Transportation and Traffic, Environmental Checklist Section 16

Comment L.1: Balmore Court is the only access to Allview Avenue for 40 residences. Traffic on Balmore Court is a concern, with the addition of 30 residences. The traffic impact on Allview Avenue and Appian Way are of concern. (Letter 4: Marjorie Pene, Comment 4.1; Letter 5: Carole Strauss, Comment 5.1; Letter 6: El Sobrante MAC, Comment 6.3)

Response: As discussed in Environmental Checklist Section 16.a. TJKM Transportation Consultants (TJKM) completed a focused traffic study of the proposed project, including collecting traffic counts in November 2018, and assessing possible project impacts at the intersections of Balmore Court and Allview Avenue and Balmore Court and Lindell Drive. TJKM found that intersection level of service (LOS) under existing conditions at the Balmore Court/Allview Avenue intersection was LOS B in the morning peak hour with an average delay of 11.2 seconds per vehicle, and LOS A in the evening peak hour with an average delay of 9.7 seconds per vehicle. The LOS under existing conditions at the Balmore Court/Lindell Drive intersection was LOS A in both the morning and evening peak hours with an average delay of 8.4 seconds per vehicle. LOS A indicates “free flow” with average delays for vehicles of between 0 and 10 seconds. LOS B indicates slight delays with average delays for vehicles of more than 10 seconds up to 15 seconds. Using Institute of Transportation Engineers’ trip generation rates, TJKM calculated that the project would add 22 vehicle trips during the morning peak hour and

Final Mitigated Negative Declaration/Initial Study, SCH 2018122029

30 vehicle trips during the evening peak hour. With the project traffic, the LOS at the Baltimore Court/Allview Avenue intersection would be LOS B in the morning peak hour with an average delay of 11.7 seconds per vehicle, and LOS B in the evening peak hour with an average delay of 10 seconds per vehicle. The LOS with project traffic at the Baltimore Court/Lindell Drive intersection would be LOS A in the morning peak hour with an average delay of 8.5 seconds per vehicle, and LOS A in the evening peak hour with an average delay of 8.6 seconds per vehicle. Thus, the traffic impact of the proposed project would be less than significant.

M. Utilities and Service Systems, Environmental Checklist Section 18

Comment M.1: The project site will be served by EBMUD's Argyle Pressure Zone. Once the property is subdivided, separate water meters will be required for each lot, along with a water main extension to serve the proposed development. Offsite improvements may also be required to serve the development. The applicant should contact the New Business Office regarding new water service. (Letter 2: East Bay Municipal Utility District, Comment 2.1)

Response: As discussed in Environmental Checklist Section 18.d, the project would receive EBMUD water service and project application documents would be reviewed by EBMUD staff regarding the provision of new water service pursuant to the District's regulations. As described in Environmental Checklist Section 18.b, the applicant will be required to contact EBMUD's New Business Office about the new water service.

Comment M.2: The proposed project should incorporate water conservation measures. The County should include compliance with the State Water Efficient Landscape Ordinance. Pursuant to Section 31 of EBMUD's Water Service Regulations, new service will not be provided unless applicable water efficiency measures are installed. (Letter 2: East Bay Municipal Utility District, Comment 2.4)

Response: As discussed in Section II.D above, the applicant has submitted a Preliminary Landscape Tree Plan for the planting of 28 trees, including the 16-trees required from the prior subdivision. As described in Section II.H above, if the project is approved, a condition of approval will require the applicant to submit a final landscaping and irrigation plan that meets the requirements of the State Water Efficient Landscape Ordinance.

N. Other Comments

Comment N.1: A site visit should be completed before making a decision on the project. A site visit is needed to see the effect that developing 30 homes on the site would have on the neighborhood. (Letter 4: Marjorie Pene, Comment 4.5; Letter 5: Carole Strauss, Comment 5.5)

Final Mitigated Negative Declaration/Initial Study, SCH 2018122029

Response: As discussed in Section II.H above, CDD staff visited the site in October and November 2018, as reported in the draft MND. These site visits were integral to assessing the project site, its surroundings, and possible environmental impacts for inclusion in the draft MND.

Comment N.2: The commenter requested a copy of the draft MND. (Letter 5: Carole Strauss, Comment 5.7)

Response: CDD staff received a request from the commenter for a copy of the draft MND on January 10, 2019 and sent an email with a pdf copy on January 16, 2019. Staff also mailed a printed copy to the commenter on January 16, 2019. The commenter acknowledged receipt of the draft MND in an email on January 25, 2019.

Comment N.3: It was only by request that we received a copy of the draft MND (Letter 6: El Sobrante MAC, Comment 6.10)

Response: CDD staff mailed and emailed copies of the Notice of Public Review and Intent to Adopt a Proposed Mitigated Negative Declaration on December 12, 2018 to state and local agencies, adjacent property owners pursuant to CEQA Guidelines Section 15072(b)(3), the eight persons who submitted comments prior to publication of the draft MND (see Response to Comment M.4 below), and to two other persons who requested notification. Consistent with CEQA Guidelines Section 15072(g)(4), the Notice states that “the Mitigated Negative Declaration/initial study and all documents referenced therein may be reviewed in the offices of the Department of Conservation & Development”. The commenter acknowledged email receipt of the Notice on December 12, 2018 and requested a pdf copy of the MND. Staff send the commenter an email with a pdf copy on December 12, 2018.

Comment N.4: The El Sobrante MAC unanimously voted to oppose the MND, which is incomplete and does not respond to concerns presented to County staff in December 2017. (Letter 6: El Sobrante MAC, Comment 6.1)

Response: The El Sobrante MAC, as a community advisory body appointed by the Board of Supervisors, provides recommendations on a proposed project to the County. The MAC recommendations will be forwarded to the County hearing bodies that will consider the adequacy and completeness of the MND prior to making a decision on the proposed project.

CDD staff received seven emails and one voice mail prior to the publication of the draft MND, including an email from the El Sobrante Valley Planning & Zoning Advisory Committee on December 14, 2017, an email from the El Sobrante MAC on January 14, 2018, and five other emails and one voicemail in January and February 2018. The December 2017 email from the El Sobrante Valley Planning & Zoning Advisory Committee include the following concerns: (1) a playground; (2) emergency access; (3) the private road section of Balmore Court; (4) a geology evaluation; (5) tree replacement; (6) sidewalks; (7) guest parking; and, (8) the bio-retention area. The MND discusses: (1)

Final Mitigated Negative Declaration/Initial Study, SCH 2018122029

the playground in Environmental Checklist Sections 10 (Land Use and Planning) and 15 (Recreation); (2) emergency access in Environmental Checklist Sections 8 (Hazards and Hazardous Materials) and 16 (Transportation and Traffic); (3) the private road section of Balmore Court in MND Section 8 (Project Description); (4) the geology evaluation in Environmental Checklist Section 6 (Geology and Soils); (5) tree replacement in Environmental Checklist Sections 4 (Biological Resources) and 10 (Land Use and Planning); (6) sidewalks in MND Section 8 (Project Description); (7) guest parking in Environmental Checklist Section 10 (Land Use and Planning); and, (8) the bio-retention area in Environmental Checklist Section 9 (Hydrology and Water Quality). The evaluations in the draft MND were based on background documents, which are listed in each Environmental Checklist Section and compiled on the References page at the end of the draft MND. As stated in this page, the references “are available for review at the Contra Costa County Department of Conservation”; however, to date staff has not receive any request for a reference document.

Comment N.5: The draft MND had a short, less than four week response window. (Letter 6: El Sobrante MAC, Comment 6.9)

Response: The draft MND was published on December 12, 2018 and had a 34-day public comment period that extended to January 14, 2019. The public comment period exceeded the 30 day minimum comment period required by CEQA Guidelines Section 15073(a).

III. Staff-Initiated Text Changes

This section includes edits to the text of the draft MND. Deleted text is shown with ~~strikethrough text~~ and new text is indicated by double underlined text. The text changes, which correct typographical errors, are in the following two locations.

Environmental Checklist Section 6. Geology and Soils

The first sentence of mitigation measure Geology 2 in Section 8.a.iv of the MND Initial Study is revised, as follows:

Following rough grading, and at least 30 days prior to the issuance of the first building permit, the applicant shall submit a Grading Completion ~~report~~ Report from the project geotechnical engineer, to be submitted to the County and kept on file.

Environmental Checklist Section 18. Utilities and Service Systems

The third sentence in the second paragraph of the discussion in Section 18.b of the MND Initial Study is revised, as follows:

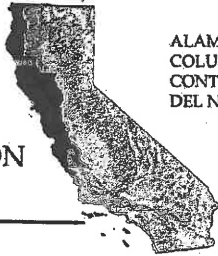
Final Mitigated Negative Declaration/Initial Study, SCH 2018122029

The applicant will be required to contact ~~EMBUD's~~ EBMUD's New Business Office regarding new water service.

ATTACHMENT A

1

CALIFORNIA
HISTORICAL
RESOURCES
INFORMATION
SYSTEM



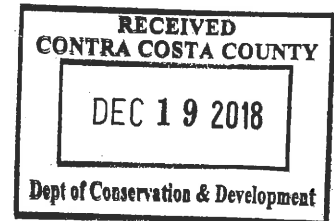
ALAMEDA	HUMBOLDT	SAN FRANCISCO
COLUSA	LAKE	SAN MATEO
CONTRA COSTA	MARIN	SANTA CLARA
DEL NORTE	MENDOCINO	SANTA CRUZ
	MONTEREY	SOLANO
	NAPA	SONOMA
	SAN BENITO	YOLO

Northwest Information Center
Sonoma State University
150 Professional Center Drive, Suite E
Rohnert Park, California 94928-3609
Tel: 707.588.8455
nwic@sonoma.edu
http://www.sonoma.edu/nwic

December 19, 2018

File No.: 18-1130

Stan Muraoka, Project Planner
Contra Costa County
Department of Conservation and Development
Community Development Division
30 Muir Road
Martinez, CA 94553-4601



re: SD17-9478, RZ17-3239, DP17-3054 / APNs 426-030-070, -071 / 1486 Investors, LLC

5017-9478

Dear Stan Muraoka,

Records at this office were reviewed to determine if this project could adversely affect cultural resources. **Please note that use of the term cultural resources includes both archaeological sites and historical buildings and/or structures. The review for possible historic-era building/structures, however, was limited to references currently in our office and should not be considered comprehensive.**

Project Description: Proposed subdivision, rezoning, and development plan for a 6.44-acre property at the northern terminus of Balmore Court

Previous Studies:

XX Study #31556 (Holman 2004), covering approximately 100% of the proposed project area, identified no cultural resources. Further study for cultural resources is not recommended.

Archaeological and Native American Resources Recommendations:

XX We recommend the lead agency contact the local Native American tribe(s) regarding traditional, cultural, and religious heritage values. For a complete listing of tribes in the vicinity of the project, please contact the Native American Heritage Commission at 916/373-3710.

XX Due to the negative findings of S-031556 (Holman 2004), no further study for archaeological resources is recommended at this time. If archaeological resources are encountered during the project, work in the immediate vicinity of the finds should be halted until a qualified archaeologist has evaluated the situation. Project personnel should not collect cultural resources. Native American resources include chert or obsidian flakes, projectile points, mortars, and pestles; and dark friable soil containing shell and bone dietary debris, heat-affected rock, or human burials. Historic-period resources include stone or adobe foundations or walls; structures and remains with square nails; and refuse deposits or bottle dumps, often located in old wells or privies.

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Built Environment Recommendations:

XX Since the Office of Historic Preservation has determined that any building or structure 45 years or older may be of historical value, if the project area contains such properties, it is recommended that prior to commencement of project activities, a qualified professional familiar with the architecture and history of Contra Costa County conduct a formal CEQA evaluation.

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Due to processing delays and other factors, not all of the historical resource reports and resource records that have been submitted to the Office of Historic Preservation are available via this records search. Additional information may be available through the federal, state, and local agencies that produced or paid for historical resource management work in the search area. Additionally, Native American tribes have historical resource information not in the California Historical Resources Information System (CHRIS) Inventory, and you should contact the California Native American Heritage Commission for information on local/regional tribal contacts.

The California Office of Historic Preservation (OHP) contracts with the California Historical Resources Information System's (CHRIS) regional Information Centers (ICs) to maintain information in the CHRIS inventory and make it available to local, state, and federal agencies, cultural resource professionals, Native American tribes, researchers, and the public. Recommendations made by IC coordinators or their staff regarding the interpretation and application of this information are advisory only. Such recommendations do not necessarily represent the evaluation or opinion of the State Historic Preservation Officer in carrying out the OHP's regulatory authority under federal and state law.

For your reference, a list of qualified professionals in California that meet the Secretary of the Interior's Standards can be found at <http://www.chrisinfo.org>. If you have any questions please give us a call (707) 588-8455.

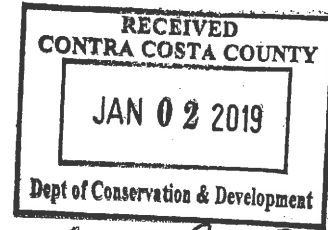
Sincerely,



Cameron Felt
Researcher

cc: 1486 Investors, LLC
15700 Winchester Blvd
Los Gatos, CA 95030

December 27, 2018



SD17-9478

Stan Muraoka, AICP, Senior Planner
Contra Costa County
Department of Conservation and Development
30 Muir Road
Martinez, CA 94553

Re: Notice of Public Review and Intent to Adopt a Proposed Mitigated Negative Declaration for the Balmore Court Single-Family Residential Project (County File Number SD17-9478), El Sobrante Area of Unincorporated Contra Costa County

Dear Mr. Muraoka:

East Bay Municipal Utility District (EBMUD) appreciates the opportunity to comment on the Mitigated Negative Declaration (MND) for the Balmore Court Single-Family Residential Project, a planned 33-lot subdivision, located at the northern terminus of Balmore Court in the El Sobrante area of unincorporated Contra Costa County (County). EBMUD has the following comments.

WATER SERVICE

EBMUD's Argyle Pressure Zone, with a service elevation range between 200 and 375 feet, will serve the proposed development. Once the property is subdivided, separate meters for each lot will be required. A water main extension, at the project sponsor's expense, will be required to serve the proposed development. A minimum 20-foot-wide right-of-way is required for installation of new water mains. Off-site pipeline improvements, also at the project sponsor's expense, may be required to serve the proposed development. Off-site improvements include, but are not limited to, replacement of existing pipelines to the project site. When the development plans are finalized, the project sponsor should contact EBMUD's New Business Office and request a water service estimate to determine costs and conditions for providing water service to the proposed development. Engineering and installation of water mains and services require substantial lead time, which should be provided for in the project sponsor's development schedule.

RIGHT-OF-WAY

EBMUD owns a right-of-way (R/W) that traverses a segment of the southeastern border of the proposed development, R/W 1233. R/W 1233 is a 50-foot-wide easement that provides access to the six-inch main (6CM61) that serves the existing residences on Balmore Lane. Any proposed construction activity in EBMUD rights-of-way would be subject to the terms and conditions

determined by EBMUD including relocation of the water mains and/or rights-of-way at the project sponsor's expense.

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GEOLOGY

On page 24, under Geology and Soils, the MND states that there is a potential for shallow slope failures, soil creep, erosion, and slumping. When the project sponsor applies for water service, they will need to provide EBMUD with any proposed landslide mitigation measures for the development so that no landslide impact hazard is posed to proposed water main extensions that will serve the development.

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WATER CONSERVATION

The proposed project presents an opportunity to incorporate water conservation measures. EBMUD requests that the County include in its conditions of approval a requirement that the project sponsor comply with Assembly Bill 325, "Model Water Efficient Landscape Ordinance," (Division 2, Title 23, California Code of Regulations, Chapter 2.7, Sections 490 through 495). The project sponsor should be aware that Section 31 of EBMUD's Water Service Regulations requires that water service shall not be furnished for new or expanded service unless all the applicable water-efficiency measures described in the regulation are installed at the project sponsor's expense.

4

If you have any questions concerning this response, please contact Timothy R. McGowan, Senior Civil Engineer, Major Facilities Planning Section at (510) 287-1981.

Sincerely,



David J. Rehnstrom
Manager of Water Distribution Planning

DJR:CC:dks
sb18_231.doc

cc: 1486 Investors, LLC
15700 Winchester Boulevard
Los Gatos, CA 95030

3

SD17-9478, RZ17-3239, DP17-3054 - Proposed Mitigated Negative Declaration

Tuesday, January 08, 2019 11:10 AM

Subject	SD17-9478, RZ17-3239, DP17-3054 - Proposed Mitigated Negative Declaration
From	Lou Ann Texeira
To	Stanley Muraoka
Cc	Kate Sibley
Sent	Wednesday, January 02, 2019 1:58 PM

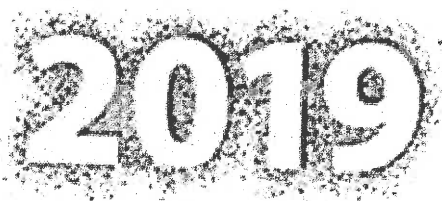
Hi Stan,

Hope you enjoyed a wonderful holiday season.

Thanks for sending Contra Costa LAFCO the notice of public review of the above-referenced document.

It appears that the project is within the boundaries of the Contra Costa Fire Protection District, East Bay Municipal Utility District and West County Wastewater District, and will not need LAFCO approval. If this is not the case, please let us know.

Thanks!



Happy New Year!

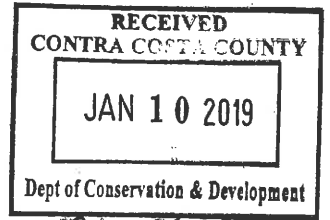
1-7-19

4

RE: BALMORE CT. RESIDENTIAL PROJECT

COUNTY FILE #s SD17-9478, R217-3239, DP17-3054

Attn: Stan Muraoka, AICP



I have lived on Balmore Court since 1973 and have many concerns regarding the proposed project at the end of the court.

Traffic is a concern since there is only one way in or out since it is a land locked roadway. 30 more homes will add approximately 60 more cars to an already over used road and what and where will "visitors" to these new homes park? In front of our homes so our "visitors" won't have a place to park? Plus, Balmore Court already shares a part of it with kindell Dr. that empties onto the court to get to the main street, Allevio. kindell Dr. is also one way in or out and land locked.

I am well aware that the 6+ acres, when improved, are going to bring much needed money to the county but 30 homes is excessive.

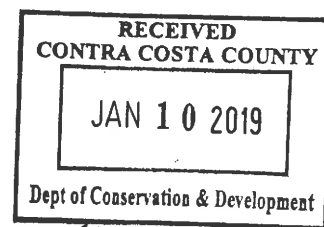
My main concern is this: How can the Department of Conservation/Development or any Department/Board involved in this development make an educated/informed decision wholly on what is shown on the plot plan?

I would like to request that anyone that

will be deciding on the project come to
Baltimore Court and actually SEE the area
involved. It's much different than
the printed plan.

Thank you. Respectfully
May Gene

Carole M. Strauss
1023 Balmore Court
El Sobrante, CA 94803
510 223-5871 (home)
510 260-5349 (mobile)



5

Contra Costa County
Department of Conservation & Development
Attn: Stan Muraoka, AICP
30 Muir Road
Martinez, CA 94553

Dear Mr. Muraoka,

I am a resident of Balmore Court and am sending you my comments and concerns regarding the development of the 6.44 acre parcel at the termination of the current court. There are 15 residences on Balmore Court, which includes four located on a private driveway just off the main section of the court. There is another street, Lindell Drive, consisting of 25 residences that uses Balmore Court as the passage to Allview Avenue. Balmore Court is the only access for these 40 residences to Allview Avenue. It is a land-locked area except for the court. My first concern is for the amount of traffic that 30 more residences will produce, considering that almost every residence these days has more than one vehicle. It is a dangerous situation when all of these vehicles must rely on Balmore Court as their only way in and out.

Another concern is the parking situation for the proposed development. It does not seem that there will be adequate parking for more than one vehicle per residence and not enough parking for guests.

Third, while I am in favor of Balmore Court becoming a public road, the proposal that I saw from the developer widens the road considerably and it looks as though the easement would come right up to my kitchen window, taking away much of the landscaping of my front yard. I read in the notice I received from you that you mention the fact that the owners of the property affected by the original development proposal several years ago had agreed to turn over the current private, unpaved road to the county in order to become a public road when project was developed. When this project fell through, we who had signed the document were assured that the agreement had died along with the development. There are several new owners of the properties involved who have never made such an agreement. Accordingly, the original agreement should be null and void.

I have lived on Balmore Court since 1962. It still retains its country flavor even after all these years and the changes which have occurred over the years. I would like to be assured that a new development will fit into this unique neighborhood. It would be very helpful if you or someone in your department could come and actually take a look at the neighborhood to see what effect a development of 30 houses would have on the current residents of both Balmore Court and Lindell Drive.

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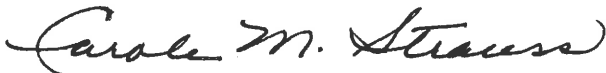
Lastly, I am heartsick at the prospect that the six beautiful redwood trees at the edge of my property would be taken down. The former developers took out a large number of trees but were able to make an arrangement with the county to leave those trees. My deceased husband and I planted the trees and put in a watering system with the permission of the owners of the property at that time which was around 35 or more years ago. The trees are large and beautiful and it would be a shame to cut them down.

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Thank you for your consideration of my comments and concerns as you proceed to consider the proposed development. Unfortunately, I will be out of the country when the February 13 hearing is scheduled. If possible, I would like to see a copy of the Mitigated Negative Declaration prior to that meeting. Please let me know how to procure a copy. My email address is Strauswalz@aol.com. I look forward to hearing from you.

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Sincerely,

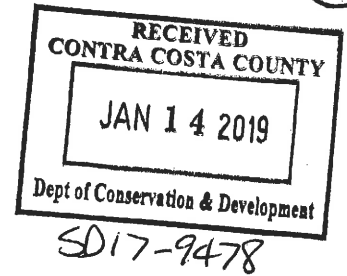


Carole M. Strauss

cc: Supervisor John Gioia

6

Mr. Muraoka
Contra Costa County
Department of Conservation and Development
Community Development Division 30 Muir Road
Martinez, CA 94553-4601
RE: SD17-9478 MND



Tom Owens
Chair
El Sobrante Valley Planning and Zoning Advisory Committee (ESV PZ AC)
PO Box 20136
El Sobrante, CA 94820

January 14, 2019

Mr. Muraoka,

On January 9th, 2019 meeting of the El Sobrante Municipal Advisory Council (ESMAC) meeting, the council unanimously voted to oppose the acceptance of the intent to adopt a proposed mitigated negative declaration. The proposal is, in our opinion, incomplete and doesn't respond to concerns presented to the county by residents, ESMAC and El Sobrante Valley Planning and Zoning Advisory Council back in December of 2017.

Our concerns are:

- 1) Access and egress of emergency vehicles and residents in case of a disaster such as earth quake or fire. We've all request that a second access road (street or emergency road) be included as part of the proposal as a condition for acceptance. | 2
- 2) Traffic impact on the current residents, middle school access on Allview and impingement on traffic on Appian Way. Many residents on Allview express concerns that during school rush hours entering and leaving their property is already problematic and adding that many additional houses with associated traffic would only acerbate the problem (This impacts Allview, Manor, Saint Andrews, Kelvin, Juanita streets). | 3
- 3) Parking is inadequate. | 4
- 4) Lack of plans for a park by allowing a "buy out" is not acceptable. El Sobrante currently has just one park (adjacent to El Sobrante Library) and this site has space that could be dedicated to our 2nd park. | 5
- 5) Plan for replacing tress cut down both prior and proposed is extremely vague if not entirely lacking. | 6
- 6) The dedication of the land for roadway (Resolution 2007/588) was predicated on the fact that the roadway would be accepted by the county and the 6 current residents would be relieved of the financial burden of maintaining the road way and may be revoked if the county doesn't follow through. | 7
- 7) The proposed rezoning of the property to P1 would not be acceptable as this is entirely a residential area and a P1 zoning would potentially allow commercial. Retaining an R6/R7 zoning with variances would be a preferable solution. | 8

- 8) We question the relatively short response window (less than 4 weeks) when it took the county a little over a year to produce this proposal and then allows an additional 4 weeks to respond to the response comments.
- 9) We question the lack of a specific document that we would be commenting on as it was only by our request that we got the initial study.

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