

FINAL MITIGATED NEGATIVE DECLARATION/INITIAL STUDY

18320 Bollinger Canyon Road Minor Subdivision and Rezoning County Files MS16-0014, RZ16-3234 December 11, 2019

I. Introduction:

This document constitutes the Final Mitigated Negative Declaration/Initial Study (MND) for the 18320 Bollinger Canyon Road Minor Subdivision and Rezoning that consists of proposed Minor Subdivision MS16-0014 and Rezoning RZ16-3234 for a 102.22-acre agricultural property at 18320 Bollinger Canyon Road in the San Ramon area in unincorporated Contra Costa County. The proposed project would create two agricultural lots, including an 81.38-acre Parcel A and a 20.84-acre Parcel B. There would be no new construction on either Parcel A or Parcel B after the subdivision. The proposed project includes a rezoning from the existing A-4 Agricultural Preserve District to the A-2 General Agricultural District. The A-2 District, which has a minimum lot size of five acres and which would accommodate the 20.84-acre proposed Parcel B.

On October 18, 2019, 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 20-day public review period, the draft MND included a 21-day public review period that ended on November 8, 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 eight 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 staff-initiated text changes, including minor corrections and technical changes. 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 October 18, 2019 to November 8, 2019 public review period on the draft MND, CDD received written comments from the following commenters. The written comments 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.

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Comment Letter	Commenter	Type
1	Contra Costa LAFCO	Email
2	Cultural Resource Department, Wilton Rancheria	Email
3	Kenneth Sheets	Letter
4	Jason and Dana Dombrosky	Letter
5	Duane Dohse	Letter
6	John Reese	Letter
7	Charles and Lorraine Farr	Letter
8	Allan Moore, Wendel Rosen LLP	Letter

A. Project Description, MND Section 8

Comment A.1: Contra Costa LAFCO (Local Agency Formation Commission) submitted a comment that no LAFCO action will be needed as the project site does not require municipal water or sewer services. (Letter 1: Contra Costa LAFCO, Comment 1.1)

Response: The project site is served by onsite water wells and septic systems. There is no municipal water or sewer service to the project site.

Comment A.2: The commenter does not support the conversion of the extra existing single-family residences into agricultural or accessory structures. (Letter 7: Charles and Lorraine Farr, Comment 7.1)

Response: The A-4 Agricultural Preserve District allows one single-family residence with a land use permit. An additional single-family residence can be permitted in the A-4 District with another land use permit, if the project site has 40 acres of land per residence. The project site, as described in MND Section 8 includes four single-family residences. One single-family residence was legally established pursuant to Land Use Permit LP76-2069, which was approved and became effective in July 1976. There is no land use permit that allows a second residence on the project site. The A-2 General Agricultural District allows one single-family residence on a parcel, an additional second single-family residence with a land use permit, and an accessory dwelling unit (ADU) with an ADU permit. In order to conform to the requirements of the A-2 General Agricultural District upon rezoning without obtaining additional planning permits, the applicant has agreed to have one single-family residence on each minor subdivision parcel and to convert the other two residences to agricultural or accessory structures. The applicant has subsequently converted the other two residences into accessory structures.

Comment A.3: The commenter(s) support the proposed project. (Letter 3: Kenneth Sheets, Comment 3.1; Letter 4: Jason and Dana Dombrosky, Comment 4.1; Letter 5: Duane Dohse, Comment 5.1; Letter 6: John Reese, Comment 6.1; Letter 7: Charles and Lorraine Farr, Comment 7.2)

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Response: The support for the proposed project is noted.

Comment A.4: The original zoning of the project site was CM Controlled Manufacturing District. (Letter 8: Allan Moore, Wendel Rosen LLP, Comment 8.1)

Response: The second paragraph of MND Section 8 has been revised to reflect the original CM District on the project site.

B. Land Use and Planning Environmental Checklist Section 11

Comment B.1: The original zoning of the project site was CM Controlled Manufacturing District. (Letter 8: Allan Moore, Wendel Rosen LLP, Comment 8.1)

Response: The discussion in Environmental Checklist Section 11.b has been revised to reflect the original CM District on the project site.

C. Tribal Cultural Resources, MND Section 18

Comment C.1: The commenter requests the inclusion of an additional mitigation measure for tribal cultural resources (Letter 2: Cultural Resource Department, Wilton Rancheria, Comment 2.1)

Response: The commenter does not raise any issues with the adequacy of the MND in evaluating tribal cultural resources, the impact findings, or the recommended mitigation measures. MND Section 18 states that *[a]lthough the tributary locations on the project site would be protected from future construction, there is a possibility that buried archaeological resources and/or human remains could be present on the project site and accidental discovery could occur during grading and other earthwork on the project site, resulting in a potentially significant impact on archaeological resources or human remains. Consequently, the applicant is required to implement mitigation measures Cultural Resources 1 and Cultural Resources 2.* Implementation of the two mitigation measures would reduce the impacts from accidental discovery to less than significant levels.

The additional mitigation measure submitted by the Wilton Rancheria has been evaluated by CDD staff. However, given that no issues were raised regarding the adequacy of the MND, the measure is not included in the MND, but instead, has been included as a Condition of Approval.

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 update the MND to reflect that: two of the existing single-family residences on Parcel A have been converted to accessory structures; an additional single-family residence could be constructed on a minor subdivision parcel with a land use permit, the

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project site had been in the CM Controlled Manufacturing District prior to the rezoning to the A-4 Agricultural Preserve District; and, the southerly asphalt driveway provides access to a property located northeast of Parcel B as well as to the residence on Parcel B. The text changes, are in the following locations.

MND Section 8, Description of Project

The fourth sentence of the first paragraph of the discussion in MND Section 8 is revised as follows:

~~With the recordation of the Parcel Map, Two of the three existing single-family residences on Parcel A have been~~ would be converted to ~~agricultural or~~ accessory structures; however, there would be no new construction on Parcel A.

The second and third sentences of the second paragraph of the discussion in MND Section 8 is revised as follows:

The property, ~~along with adjacent properties,~~ was rezoned in 1975 from the CM Controlled Manufacturing A-2 District to the A-4 District and was included in Williamson Act Contract 17-75; however, a Notice of Non-Renewal for the property was received by the County and recorded on December 27, 1996, and the Williamson Act Contract on the property expired on February 28, 2006. The proposed project includes a Rezoning of the property ~~back~~ to the A-2 District, which has a minimum lot size of five acres.

MND Section 9, Surrounding Land Uses and Setting

The fifth sentence in the first paragraph of the discussion in MND Section 9 is revised as follows:

The southerly asphalt driveway provides direct access to the residence on Parcel B and a property adjacent to the northeast.

Environmental Checklist Section 1, Aesthetics

The first and third sentences in the second paragraph of the discussion in Section 1.b of the MND Initial Study is revised as follows:

Properties in the A-2 District are allowed to have one single-family residence, accessory structures, and agricultural structures without a planning permit, as well as one additional single-family residence with a land use permit and one Accessory Dwelling Unit (ADU) with an ADU permit. The proposed parcels currently include single-family residences and other structures. In the future, construction of a new accessory or agricultural structure and/or an additional single-family residence and/or an ADU on a minor subdivision parcel could occur.

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The first and third sentences of the discussion in Section 1.d of the MND Initial Study is revised as follows:

As discussed in Environmental Checklist Section 1.b above, the proposed project would not result in any new development, but construction of a new accessory or agricultural structure and/or an additional single-family residence and/or an ADU could occur at some point in the future. The new structures would be subject to building code regulations and would be required to be set back at least 25 feet from Bollinger Canyon Road. The additional single-family residence would require a land use permit. A new ADU would require ~~also be subject to~~ an ADU permit.

Environmental Checklist Section 2, Agricultural and Forest Resources

The first and third sentences in the second paragraph of the discussion in Section 2.e of the MND Initial Study is revised as follows:

As discussed in Environmental Checklist Section 2.e (Aesthetics) above, properties in the A-2 District are allowed to have one single-family residence, accessory structures, and agricultural structures without a planning permit, as well as one additional single-family residence with a land use permit and one ADU with an ADU permit. The proposed parcels currently include single-family residences and other structures. In the future, construction of a new accessory or agricultural structure and/or an additional single-family residence and/or an ADU on a minor subdivision parcel could occur.

Environmental Checklist Section 3, Air Quality

The fourth sentence of the discussion in Section 3.a of the MND Initial Study is revised as follows:

In the future, construction of a new accessory or agricultural structure could occur without a planning permit, construction of one additional single-family residence with a land use permit could occur with a land use permit, and construction of an ADU could occur with an ADU permit, on each of the minor subdivision parcels.

The second sentence in the first paragraph of the discussion in Section 3.b of the MND Initial Study is revised as follows:

As discussed in Environmental Checklist Section 3.a above, construction of a new accessory or agricultural structure could occur without a planning permit, construction of one additional single-family residence could occur with a land use permit, and construction of an ADU could occur with an ADU permit, on each of the minor subdivision parcels at some point in the future.

The first sentence in the second paragraph of the discussion in Section 3.b of the MND Initial Study is revised as follows:

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Future construction of a new accessory or agricultural structure, or an additional single-family residence, or an ADU, would not exceed the operational screening criteria of 325 dwelling units or the construction-related screening criteria of 114 dwelling units of the 2017 Guidelines, and therefore, the proposed project would not cause a violation of any air quality standard and would not contribute substantially to any existing or projected air quality violation.

The first sentence of the discussion in Section 3.c of the MND Initial Study is revised as follows:

As discussed in Environmental Checklist Section 3.b above, the proposed project would not result in significant emissions of criteria air pollutants during the construction period or during project operation (i.e., use of the new accessory or agricultural structure or occupancy of an additional single-family residence or an ~~the new~~ ADU).

The first sentence in the first paragraph of the discussion in Section 3.d of the MND Initial Study is revised as follows:

Use of a new accessory or agricultural structure or occupancy of an additional single-family residence or an ~~a new~~ ADU would not be expected to cause any localized emissions that could expose sensitive receptors (e.g., residences, schools) to unhealthy long-term air pollutant levels.

Environmental Checklist Section 4, Biological Resources

The first sentence in the second paragraph of the discussion in Section 4.a of the MND Initial Study is revised as follows:

In the future, construction of a new accessory or agricultural structure could occur without a planning permit, construction of one additional single-family residence could occur with a land use permit, and construction of an ADU could occur with an ADU permit, on each of the minor subdivision parcels.

The fifth sentence in the second paragraph of the discussion in Section 4.a of the MND Initial Study is revised as follows:

Thus, future construction of a new accessory or agricultural structure, or one additional single-family residence, or a new ADU would have a less than significant impact on any habitat.

The seventh sentence of the discussion in Section 4.b of the MND Initial Study is revised as follows:

Accordingly, future construction of a new accessory or agricultural structure, or one additional single-family residence, or a new ADU, would not be allowed within the creek structure

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setbacks, and therefore, would not have a substantial adverse effect on the tributaries or the riparian woodland habitat.

The third sentence of the discussion in Section 4.c of the MND Initial Study is revised as follows:

Future construction of a new accessory or agricultural structure, or one additional single-family residence, or a new ADU, would not be allowed within the creek structure setbacks, and therefore, would be outside the creek's "ordinary high water marks" which is the limit of state and federal jurisdiction.

The fourth sentence of the discussion in Section 4.d of the MND Initial Study is revised as follows:

Future construction of a new accessory or agricultural structure, or one additional single-family residence, or a new ADU, would be relatively minor in scale and would not have a substantial effect on wildlife corridors or nursery sites.

The third sentence in the first paragraph of the discussion in Section 4.e of the MND Initial Study is revised as follows:

In the future, potential tree alteration or removal would be evaluated pursuant to the Ordinance prior to construction of a new accessory or agricultural structure, or one additional single-family residence, or a new ADU.

The third and fourth sentences in the second paragraph of the discussion in Section 4.e of the MND Initial Study is revised as follows:

Any future new accessory or agricultural structure, or one additional single-family residence, or new ADU would be required to be located outside of the creek setback. A septic system to serve a new single-family residence or ADU, including a leach field, would also be outside of the creek setback.

Environmental Checklist Section 5, Cultural Resources

The first sentence in the second paragraph of the discussion in Section 5.a of the MND Initial Study is revised as follows:

~~With the recordation of the Parcel Map, e~~Each minor subdivision parcel would have one single-family residence, ~~as and~~ two of the existing residences have been ~~would be~~ converted to ~~agricultural or~~ accessory structures; however no structure would be demolished.

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The first, third, fourth, sixth, and seventh sentences in the first paragraph of the discussion in Section 5.b of the MND Initial Study is revised as follows:

As discussed in Environmental Checklist Section 1.a (Aesthetics), properties in the A-2 District are allowed to have one single-family residence, accessory structures, and agricultural structures without a planning permit, as well as one additional single-family residence with a land use permit and one ADU with an ADU permit. Each of the proposed parcels currently include a single-family residence and other structures. In the future, construction of a new accessory or agricultural structure and/or one additional single-family residence and/or an ADU on a minor subdivision parcel could occur. In addition, there could be installation of a septic system to serve a new single-family residence or ADU, including a leach field. Future construction would not occur next to the two tributaries on the project site, which, as discussed in Environmental Checklist Section 4.e (Biological Resources), are protected with minimum setbacks from the top of the bank. Any future new accessory or agricultural structure, or single-family residence, or new ADU would be required to be located outside of the creek setback. A septic system to serve a new single-family residence or ADU, including a leach field, would also be outside of the creek setback.

Environmental Checklist Section 6, Energy

The second sentence of the discussion in Section 6.a of the MND Initial Study is revised as follows:

~~With the recordation of the Parcel Map, (Two of the existing single-family residences on Parcel A have been~~ would be converted to agricultural or accessory structures; however, the conversion effort was ~~would be~~ relatively minor and consisted of interior and exterior alterations of existing structures.

The third sentence of the discussion in Section 6.a of the MND Initial Study is revised as follows:

In the future, construction of a new accessory or agricultural structure could occur without a planning permit, construction of one additional single-family residence could occur with a land use permit, and construction of an ADU could occur with an ADU permit, on each of the minor subdivision parcels.

The seventh sentence of the discussion in Section 6.a of the MND Initial Study is revised as follows:

Operationally, construction of a single-family residence or an ADU would be required to comply with Title 24 of the California Energy Code, which requires new energy efficiency technologies and methods to be incorporated in residential and non-residential projects to conserve energy.

Environmental Checklist Section 8, Greenhouse Gas Emissions

The first sentence in the second paragraph of the discussion in Section 8.a of the MND Initial Study is revised as follows:

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In the future, construction of a new accessory or agricultural structure and/or an additional single-family residence and/or an ADU on a minor subdivision parcel could occur, and as a result, some GHG emissions could be generated; however, the amount generated would not result in a significant adverse environmental impact.

The first sentence in the third paragraph of the discussion in Section 8.b of the MND Initial Study is revised as follows:

The proposed minor subdivision and rezoning project would involve no construction; however, ~~with the recordation of the Parcel Map,~~ each minor subdivision parcel would have one single-family residence, as ~~and~~ two of the existing residences have been ~~would be~~ converted to ~~agricultural or~~ accessory structures.

The second sentence in the third paragraph of the discussion in Section 8.b of the MND Initial Study is revised as follows:

In the future, construction of a new accessory or agricultural structure and/or an additional single-family residence and/or an ADU on a minor subdivision parcel could occur.

Environmental Checklist Section 9, Hazards and Hazardous Materials

The first sentence in the first paragraph of the discussion in Section 9.a of the MND Initial Study is revised as follows:

~~With the recordation of the Parcel Map,~~ Each minor subdivision parcel would have one single-family residence, as ~~and~~ two of the existing residences have been ~~would be~~ converted to ~~agricultural or~~ accessory structures.

The second sentence in the first paragraph of the discussion in Section 9.a of the MND Initial Study is revised as follows:

In the future, construction of a new accessory or agricultural structure and/or an additional single-family residence and/or an ADU on a minor subdivision parcel could occur.

The first sentence in the second paragraph of the discussion in Section 9.a of the MND Initial Study is revised as follows:

Use of new agricultural or accessory structures and use of additional single-family residences or new ADUs on the project site would involve the routine transport, use, and disposal of hazardous materials in very small quantities as they relate to agricultural and/or household use.

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The first sentence of the discussion in Section 9.b of the MND Initial Study is revised as follows:

~~Conversion of two of the existing residences to agricultural or accessory structures, and~~ Future construction of a new accessory or agricultural structure and/or an additional single-family residence and/or an ADU on a minor subdivision parcel, would not result in substantial concentrations of asbestos-containing materials, lead-based paint, or other hazardous materials.

The third sentence in the first paragraph of the discussion in Section 9.f of the MND Initial Study is revised as follows:

The southerly asphalt driveway provides direct access to the residence on Parcel B and a property adjacent to the northeast.

The sixth sentence in the second paragraph of the discussion in Section 9.f of the MND Initial Study is revised as follows:

~~The minor subdivision and rezoning project would result in the conversion of two of the on-site single-family residences to agricultural or accessory structures.~~ In the future, construction of a new accessory or agricultural structure and/or an additional single-family residence and/or an ADU on a minor subdivision parcel could occur.

Environmental Checklist Section 10, Hydrology and Water Quality

The first sentence in the first paragraph of the discussion in Section 10.a of the MND Initial Study is revised as follows:

Future construction of a new accessory or agricultural structure and/or an additional single-family residence and/or an ADU on a minor subdivision parcel could involve surface grading and excavation; however because the construction activity would disturb less than one acre of land, the applicant does not have to request coverage under the State Water Resources Control Board (SWRCB) General Construction Permit.

The second sentence in the fourth paragraph of the discussion in Section 10.a of the MND Initial Study is revised as follows:

Future construction of a new accessory or agricultural structure and/or an additional single-family residence and/or an ADU would implement storm water controls as required by the Contra Costa Clean Water Program.

The second sentence of the discussion in Section 10.b of the MND Initial Study is revised as follows:

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At the time of application for a building permit for a future single-family residence or ADU, the applicant will be required to submit water supply plans to the Environmental Health Division. The Division would review the plans with respect to applicable well standards, including setbacks, sustained yield, water quality, and construction.

The first sentence of the discussion in Section 10.c.i of the MND Initial Study is revised as follows:

Future construction of a new accessory or agricultural structure and/or an additional single-family residence and/or an ADU on a minor subdivision parcel could involve surface grading and excavation.

The first sentence of the discussion in Section 10.e of the MND Initial Study is revised as follows:

As discussed in Environmental Checklist Section 10.a above, future construction of a new accessory or agricultural structure and/or an additional single-family residence and/or an ADU on a minor subdivision parcel could involve surface grading and excavation.

Environmental Checklist Section 11, Land Use and Planning

The third sentence in the first paragraph of the discussion in Section 11.a of the MND Initial Study is revised as follows:

Two of the existing single-family residences ~~have been~~ would be converted to ~~agricultural or~~ accessory structures.

The third sentence in the first paragraph of the discussion in Section 11.a of the MND Initial Study is revised as follows:

In the future, there could be construction of a new accessory or agricultural structure and/or an additional single-family residence and/or an ADU on a minor subdivision parcel.

The first sentence of the discussion in Section 11.b of the MND Initial Study is revised as follows:

As discussed in Section 8 (Description of Project), the project site, ~~along with adjacent properties,~~ was rezoned in 1975 from the CM Controlled Manufacturing A-2 General Agricultural District to the A-4 District and was included in Williamson Act Contract 17-75.

The fifth sentence of the discussion in Section 11.b of the MND Initial Study is revised as follows.

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Accordingly, the proposed project includes a Rezoning of the property ~~back~~ to the A-2 District, which has a minimum lot size of five acres and which would accommodate the 20.84-acre proposed Parcel B.

Environmental Checklist Section 13, Noise

The fourth and sixth sentences in the first paragraph of the discussion in Section 13.a of the MND Initial Study is revised as follows:

The proposed project would not alter the use of the project site for the raising and keeping of horses, but could accommodate future construction of a new accessory or agricultural structure and/or an additional single-family residence and/or an ADU on a minor subdivision parcel. Types and levels of noise generated at future accessory and agricultural structures would be similar to noise levels from the existing agricultural use. Types and levels of noise generated at future single-family residences and ADUs would be similar to existing residential development in the area such as at the existing single-family residences on the project site, which typically have less noise than from farm equipment.

The first sentence in the second paragraph of the discussion in Section 13.a of the MND Initial Study is revised as follows:

A temporary increase in ambient noise levels would occur during future construction of a new accessory or agricultural structure and/or an additional single-family residence and/or an ADU on a minor subdivision parcel.

The first sentence of the discussion in Section 13.b of the MND Initial Study is revised as follows:

Future construction of a new accessory or agricultural structure and/or an additional single-family residence and/or an ADU on a minor subdivision parcel, the installation of wells and septic systems, and the paving of the first 50 feet of the on-site driveways as required by the PWD, would not include any components (e.g., pile-driving) that would generate excessive ground-borne vibration levels.

Environmental Checklist Section 14, Population and Housing

The first and second sentences of the discussion in Section 14.a of the MND Initial Study is revised as follows:

There would be no new construction on Parcel A or Parcel B with the proposed minor subdivision and rezoning; however, there could be future construction of a new accessory or agricultural structure and/or an additional single-family residence and/or an ADU on a minor subdivision parcel. Construction of an additional single-family residence and an ADU on Parcel A and an additional single-family residence and an ADU on Parcel B would directly increase the population in the 94583 zip code

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area, which is the zip code area for the project site, by an estimated 11 ~~six~~ persons, based on the Census 2010 estimate of 2.73 persons per household for the 94583 zip code area.

The fourth and fifth sentences of the discussion in Section 14.a of the MND Initial Study is revised as follows:

Using data from the U.S. Census Bureau American Fact Finder, the 11 ~~six~~ person population increase in the zip code area which would be less than one percent of the estimated 35,244 persons living in the zip code area in 2017. Thus, the impact of adding 11 ~~six~~ persons to the 94583 zip code area would be less than significant.

The second and third sentences of the discussion in Section 14.b of the MND Initial Study is revised as follows:

~~With the recordation of the Parcel Map, two of the three existing single-family residences on Parcel A have been~~ would be converted to agricultural or accessory structures. According to the applicant, ~~no one lives~~ in the two existing residences that have been ~~would be~~ converted.

Environmental Checklist Section 15, Public Services

The seventh sentence of the discussion in Section 15.a of the MND Initial Study is revised as follows:

In addition, the construction drawings for a new accessory or agricultural structure, or an additional single-family residence, or ADU would be reviewed and approved by the Fire Protection District.

The third sentence of the discussion in Section 15.b of the MND Initial Study is revised as follows:

The addition of an additional single-family residence and/or an ADU on Parcel A and an additional single-family residence and/or an ADU on Parcel B to the project vicinity would not significantly affect the provision of police services to the Bollinger Canyon area.

The second, third, and fourth sentences of the discussion in Section 15.c of the MND Initial Study is revised as follows:

Based on Census 2010 data, three ~~one~~ persons (21.9 percent) living in the future single-family residences and ADUs on Parcel A and Parcel B would be between the ages of five and 19. The school-age children would have a direct impact on schools. The students from the project site would attend Twin Creeks Elementary School located at 2785 Marsh Drive (3.14 miles to the southeast of the site), Iron Horse Middle School located at 12601 Alcosta Boulevard (4.33 miles to the southeast of the site), and California High School located at 9870 Broadmoor Drive (5.76 miles to the southeast of the site).

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The second sentence of the discussion in Section 15.d of the MND Initial Study is revised as follows:

Future construction of an additional single-family residence and an ADU on each minor subdivision parcel could increase population in the Bollinger Canyon area by the 11 ~~six~~ persons.

The fifth sentence of the *Health Facilities* discussion in Section 15.e of the MND Initial Study is revised as follows:

Thus, the impact of the use of public health facilities by residents of future single-family residences and ADUs on Parcel A and Parcel B would be less than significant.

Environmental Checklist Section 16, Recreation

The first sentence of the discussion in Section 16.a of the MND Initial Study is revised as follows:

As discussed in Section Environmental Checklist Section 15.d (Public Services – Parks), the 11 ~~six~~ persons who may reside in the future single-family residences and ADUs on Parcel A and Parcel B could increase use of parks in the City of San Ramon.

The fifth sentence of the discussion in Section 16.a of the MND Initial Study is revised as follows:

The residents of the future single-family residences and ADUs on Parcel A and Parcel B may incrementally increase use of the Regional Wilderness.

The second sentence of the discussion in Section 16.b of the MND Initial Study is revised as follows:

Given the location of the nearby parks in San Ramon, as well as the Las Trampas Wilderness Regional Preserve, the residents of the future single-family residences and ADUs on Parcel A and Parcel B would likely use these facilities.

Environmental Checklist Section 17, Transportation

The second and third sentences in the first paragraph of the discussion in Section 17.a of the MND Initial Study is revised as follows:

The proposed project does not involve any construction, and therefore, would not generate any new peak-hour trips; however, there could be future construction of a new accessory or agricultural structure and/or an additional single-family residence and/or an ADU on a minor subdivision parcel. Based on the Institute of Transportation Engineers peak period trip generation rate of 0.99 trips per dwelling unit for single-family residences, the future single-family residence and ADU on Parcel A and the future single-family residence and ADU on Parcel B would generate 42 AM and 42 PM peak period trip.

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The third sentence in the second paragraph of the discussion in Section 17.b of the MND Initial Study is revised as follows:

Given the estimated ~~42~~ peak hour vehicle trips associated with the new single-family residences and ADUs on Parcel A and Parcel B in Environmental Checklist Section 17.a above, which is generally 10 percent of the daily vehicle trips, the project's anticipated daily trip count would be ~~4020~~ trips.

The second sentence in the first paragraph of the discussion in Section 17.c of the MND Initial Study is revised as follows:

There are currently three driveway connections on Bollinger Canyon Road that provide access to and from both Parcel A and Parcel B, as well as from parcels located east and northeast of the project site.

The first sentence in the second paragraph of the discussion in Section 17.c of the MND Initial Study is revised as follows:

The proposed project does not involve any construction; however, in the future, construction of a new accessory or agricultural structure and/or an additional single-family residence and/or an ADU on a minor subdivision parcel could occur.

Environmental Checklist Section 18, Tribal Cultural Resources

The second sentence of the discussion in Section 18.a of the MND Initial Study is revised as follows:

~~With the recordation of the Parcel Map, e~~Each minor subdivision parcel would have one single-family residence, ~~as and~~ two of the existing residences have been ~~would be~~ converted to ~~agricultural or~~ accessory structures; however, no structure would be demolished.

The third and fourth sentences in the first paragraph of the discussion in Section 18.b of the MND Initial Study is revised as follows:

Any future new accessory or agricultural structure or new single-family residence or new ADU would be required to be located outside of the creek setback. A septic system to serve a new single-family residence or new ADU, including a leach field, would also be outside of the creek setback.

Environmental Checklist Section 19, Utilities and Service Systems

The second and third sentences in the second paragraph of the discussion in Section 19.a of the MND Initial Study is revised as follows:

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The proposed project does not involve any construction; however, in the future, construction of a new accessory or agricultural structure and/or an additional single-family residence and/or an ADU on a minor subdivision parcel could occur. The new structures, single-family residence, and ADUs would connect to existing improvements, and therefore, construction of new or relocated facilities would not be necessary.

The third, fourth, and sixth sentences of the discussion in Section 19.b of the MND Initial Study is revised as follows:

Nevertheless, construction of a new accessory or agricultural structure and/or an additional single-family residence and/or an ADU on a minor subdivision parcel could occur in the future. At the time of application for a building permit for a future single-family residence or ADU, the applicant will be required to submit water supply plans to the Environmental Health Division. The Division would review the plans with respect to applicable well standards, including setbacks, sustained yield, water quality, and construction. Due to the size of the proposed minor subdivision parcels and the ongoing horse raising and keeping on the project site, use of water at the new single-family residences and ADUs on Parcel A and Parcel B would not significantly deplete groundwater supplies.

The second sentence in the first paragraph of the discussion in Section 19.d of the MND Initial Study is revised as follows:

Future construction of a new accessory or agricultural structure and/or an additional single-family residence and/or an ADU on a minor subdivision parcel would generate construction solid waste and the single-family residence and ADU would generate post-construction residential solid waste.

The third sentence in the second paragraph of the discussion in Section 19.d of the MND Initial Study is revised as follows:

Residential waste from the future single-family residences and ADUs on Parcel A and Parcel B would incrementally add to the operational waste headed to the landfill; however, the impact of the project-related residential waste is considered to be less than significant.

Environmental Checklist Section 20, Wildfire

The fourth and fifth sentences of the discussion in Section 20.b of the MND Initial Study is revised as follows:

In the future, construction of a new accessory or agricultural structure and/or an additional single-family residence and/or an ADU on a minor subdivision parcel could occur. As discussed in Environmental Checklist Section 20.a above, construction plans for new development on the project site will be reviewed and approved by the SRVFPD, and compliance with all Fire Protection District requirements

Final Mitigated Negative Declaration/Initial Study

would ensure that wildfire risk to the occupants of the future single-family residences and ADUs would be less than significant.

Environmental Checklist Section 21, Mandatory Findings of Significance

The second and fourth sentences of the discussion in Section 21.b of the MND Initial Study is revised as follows:

In the future, construction of a new accessory or agricultural structure could occur without a planning permit, construction of an additional single-family residence could occur with a land use permit, and construction of an ADU could occur with an ADU permit, on each of the minor subdivision parcels. However, such construction would be relatively minor in scale, and therefore, would not create substantial cumulative impacts. The future construction of single-family residences and ADUs on Parcel A and Parcel B would increase the number of housing units in the Bollinger Canyon area by ~~four~~^{two} dwelling units.

Final Mitigated Negative Declaration/Initial Study

ATTACHMENT A

RE: MS16-0014 and RZ16-3234



Monday, October 21, 2019 4:17 PM

Subject	RE: MS16-0014 and RZ16-3234
From	<u>Lou Ann Texeira</u>
To	Stanley Muraoka
Sent	Monday, October 21, 2019 2:31 PM

Hi Stan,

Hope all is well.

Thank for sending Contra Costa LAFCO the *Notice of Public Review and Intent to Adopt a Proposed Mitigated Negative Declaration* on the above-referenced project.

As you previously explained, this project will rely on septic and well and will not require municipal water or sewer services. Thus, it appears that no LAFCO action will be needed.

Please let us know if anything has changed. Thanks!


THE CONTRA COSTA LAFCO OFFICE HAS MOVED!

**Contra Costa LAFCO
40 Muir Road, 1st Floor
Martinez, CA 94553
Texeira phone: 925-313-7133
Talbot phone: 925-313-7131**

18320 Bollinger Canyon Road Minor Subdivision

2

Tuesday, October 29, 2019 5:29 PM

Subject	18320 Bollinger Canyon Road Minor Subdivision
From	<u>Cultural Resource Department Inbox</u>
To	Stanley Muraoka
Cc	Cultural Resource Department Inbox
Sent	Tuesday, October 29, 2019 11:01 AM
Attachments	 3_Mitigation_Measur...

Good morning,

We received the proposed Neg Dec for this project and would like to thank you for keeping us updated.

Attached is a Mitigation Measure for Post Con Site inspection we would like to include.

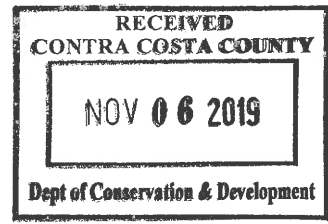
Thank you

|

Post-Ground Disturbance Site Visit Mitigation Measure

A minimum of seven days prior to beginning earthwork or other soil disturbance activities, the applicant shall notify the CEQA lead agency representative of the proposed earthwork start-date, in order to provide the CEQA lead agency representative with time to contact the Wilton Rancheria tribal representative shall be invited to inspect the project site, including any soil piles, trenches, or other disturbed areas, within the first five days of ground-breaking activity. During this inspection, a site meeting of construction personnel shall also be held in order to afford the tribal representative the opportunity to provide tribal cultural resources awareness information. If any tribal cultural resources, such as structural features, unusual amounts of bone or shell, artifacts, human remains, or architectural remains are encountered during this initial inspection or during any subsequent construction activities, work shall be suspended within 100 feet of the find, and the project applicant shall immediately notify the CEQA lead agency representative. The project applicant shall coordinate any necessary investigation of the site with a Wilton Rancheria tribal representative, a qualified archaeologist approved by the City, and as part of the site investigation and resource assessment the archeologist shall consult with the Wilton Rancheria and provide proper management recommendations should potential impacts to the resources be found by the CEQA lead agency representative to be significant. A written report detailing the site assessment, coordination activities, and management recommendations shall be provided to the CEQA lead agency representative by the qualified archaeologist. Possible management recommendations for tribal cultural resources, historical, or unique archaeological resources could include resource avoidance or, where avoidance is infeasible in light of project design or layout or is unnecessary to avoid significant effects, preservation in place or other measures. The contractor shall implement any measures deemed by CEQA lead agency representative staff to be necessary and feasible to avoid or minimize significant effects to the cultural resources, including the use of a Native American Monitor whenever work is occurring within 100 feet of the find.

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MS16-0014

Date : 05 Nov. 2019

From: Kenneth W. Sheets Jr.

1850 Bear Tree Road

San Ramon, CA 94583

kwsheets@hotmail.com

925-389-6718

To : Contra Costa County - Dept. of Conservation and Development

30 Muir Road

Martinez, CA 94553

1-855-323-2626

Subject: Owner comment to CCC-CD letter dated 18 Oct. 2019, "Notice of Public Review and Intent to Adopt Proposed Mitigated Negative Declaration." Locey MS16-0014,RZ16-3234.

Dear Mr. Muraoka;

I have received your letter of 18 Oct. 2019 and endorse the Minor Subdivision and Rezoning application for the Locey and Farr parcels A & B at 18308 Bollinger Canyon Road, San Ramon, CA 94583.

The completion of this application should be fast tracked and approved due to the lengthy application period they have already been exposed to.

If you have any questions for me you may contact me at the above address.

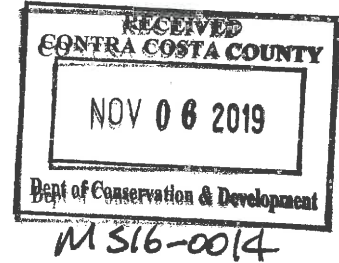
Best Regards,

Kenneth W. Sheets Jr.

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4

Jason and Dana Dombrosky
18355 Bollinger Canyon Rd, San Ramon CA
94583



To whom it may concern:

We are in favor of the lot split as proposed by Aaron Locey at 18320 Bollinger Canyon Rd. San Ramon, CA 94583.

Sincerely,

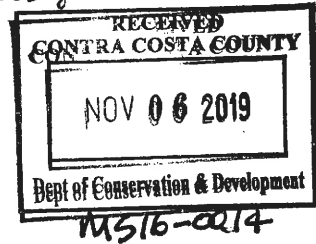
A handwritten signature in black ink, appearing to be "JD" with a large flourish.

Jason Dombrosky

Nov 5, 2019

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To whom it May Concern
Dept of Conservation & Development
Concerning Project Title-18320 Ballinger
Canyon Road minor Subdivision
County File # MS16-0014
Lauren & Aaron Lacey.



Sirs:

As much as I have reviewed this document and know this family for some 17 years as solid residents and neighbors in the Canyon I offer this comment concerning this desired action by these property Owners.

again, having read the "Notice of Public Review" I see nothing contained therein that should cause anyone heartburn over allowing them to subdivide. The only thing that might have negative impact on some neighbors would be the building of new structure near or above these present neighbors/residences. I see this has been clearly dealt with by the clear statement concerning both lots A & B, no new construction.

So please, grant them this subdivision, and give them a speedy Final Map.....

Sincerely
Diana Johnson

To Contra Costa County Planning Commission, (6)
My name John Reese; the closest neighbor to
Francis Farr and Lauren Lorie. My residence is
18275 Bollinger Canyon Rd.

I support the subdivision as outlined in your letter
received last week. The change will be a huge improvement.

The Lories have always been good neighbors and
Stewards of their land.

Please contact me if you have any questions.

John Reese

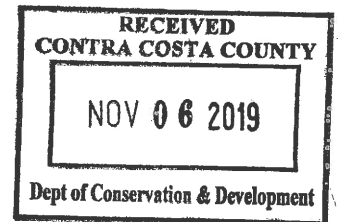
Reese-con@hotmail.com

510-410-1255

18275 Bollinger Canyon Rd

San Ramon Ca 94583

NOV 5 2019



MS16-0014

7

Charles and Lorraine Farr
18311 Bollinger Canyon Rd
San Ramon ,California 94583

Stan Murakami, Senior Planner
Department of Conservation and
Development
30 Muir Road
Martinez, CA 94553

RECEIVED
CONTRA COSTA COUNTY
NOV 06 2019
Dept of Conservation & Development
MS16-0014

November 5, 2019

Dear Mr, Muraoka,

We wish to support the Negative Declaration for the project :

Minor Subdivision MS16-0014, Rezoning RZ16-3234
18320 Bollinger Canyon Road, San Ramon, CA 94583

However, we do not support the mitigation measure requiring the conversion of two of the existing residences to be designated for storage.

We believe that both houses meet the requirements to be designated as auxiliary dwellings.

During the 43 years of our residency in Bollinger Canyon our family has lived directly across Bollinger Canyon Road from those homes, which have always provided much needed space for the high demand of affordable housing in the San Ramon Valley .

Most especially, the rare opportunity to live in a true rural setting.

During the seventeen years that the Locey family has been caring for the property those residences have been well managed.

We request that staff reconsider this finding based on several important considerations:

The high demand and limited availability of affordable housing in the San Ramon area.

The unique opportunity to live in a home in one of the few remaining agricultural spaces in Contra Costa County.

The opportunity for staff to preserve and allow the continued residential use of these historical homes.

We will attend the scheduled hearing to voice our support of the Locey project, and the preservation of their ability to continue to contribute to our community.

Sincerely,

Charles M Farr
Lorraine Farr

Charles "Mike" Farr and Lorraine Farr
18311 Bollinger Canyon Road
San Ramon, California 94583

Charles Farr

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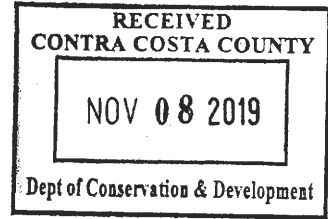


1111 Broadway, 24th Floor
Oakland, CA 94607-4036

T: 510.834.6600
F: 510.808.4752

www.wendel.com
amoore@wendel.com

November 8, 2019



MS16-0014

By E-mail
stanley.muraoka@dcd.cccounty.us

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

**Re: Comments/Proposed Mitigated Negative Declaration dated October 18, 2019
Locey Minor Subdivision MS16-0014, Rezoning RZ16-3234
Bollinger Canyon Road, San Ramon, CA 94583**

Dear Mr. Muraoka:

Our offices continue to represent Lauren Locey, the project applicant for the minor subdivision and rezoning at 18320 Bollinger Canyon Road (APN 199-370-004) ("Locey"). As stated, the proposed project is a Minor Subdivision of a 102.22-acre site into two lots, including an 81.38-acre Parcel A, and a 20.84-acre Parcel B.

Please consider these brief comments as the applicant's comments on the proposed Mitigated Negative Declaration (MND) dated October 18, 2019.

I. General Comment

As set forth in the MND, the proposed minor subdivision and rezoning project will not result in any new construction on Parcel A nor on Parcel B. Locey therefore believes that there will be no potentially significant impacts on the environment from the project (the lot split and rezoning) and that no mitigation measures are necessary to reduce such project impacts. However, Locey wants to confirm that Locey has reviewed the proposed mitigation measures as set forth in the MND, and Locey concurs with and agrees to each of the mitigation measures as proposed in the MND.

II. Specific Comment

Locey has the following minor, specific comments

1. Land Use and Planning. At page 43 of the MND, under Section 11, "Land Use and Planning" the MND references earlier zoning the project site. Locey simply notes his

November 8, 2019
Page 2

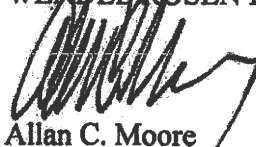
WENDEL ROSEN LLP

understanding that the original zoning of the site was CM zoning district. This does not impact the MND's environmental analysis.

We appreciate the Staff's preparation of the MND.

Very truly yours,

WENDEL ROSEN LLP



Allan C. Moore

ACM

cc: Locey