

**Final
Environmental Impact Report
for
Magee Ranches**

State Clearinghouse File: 2010112042
Town Files: LEG10-0004, SD9291 & DEV10-0072

April 2013

Prepared for:
TOWN OF DANVILLE
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Attachments

- A. Revised Site Plans (February 8, 2013)
- B. Revised Visual Simulation – Viewpoint 3
- C. Waters of the U.S. and Riparian Mitigation & Monitoring Plan and Conservation Management Plan (March 8, 2013) and Magee Ranches Mitigation Area – Water Balance Analysis for Proposed Water Ponds (February 28, 2013)
- D. Letters from the Army Corps of Engineers verifying jurisdictional waters on the project site (January 12, 2012 and November 26, 2012)
- E. Magee Ranch Fiscal Impact Analysis (February 2013).
- F. Draft CEQA Mitigation Monitoring & Reporting Plan

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1.0 INTRODUCTION

1.1 BACKGROUND

This Final Environmental Impact Report (FEIR), together with the Draft EIR (DEIR), constitutes the Environmental Impact Report (EIR) for the Magee Ranches project. This FEIR consists of an introduction, written and oral comments received during the extended 60-day public review period, responses to comments, and revisions to the DEIR. None of the revisions to the DEIR result in significant changes to the project description or analysis and recommendations in the DEIR that would trigger the need to recirculate the DEIR.

The project evaluated in the EIR consists of development of a 410 acre property referred to as Magee Ranches (Magee West and Magee East) in the Town of Danville. Magee West extends east of McCauley Road just south of the intersection of Diablo/McCauley Road and south of Diablo/Blackhawk Road east of the Diablo McCauley intersection. Magee East lies south of Diablo/Blackhawk Road, roughly between Jillian Way and Creekledge Court.

The project evaluated in the DEIR proposes to subdivide the property into 70 single family lots, with six lots on Magee West and 64 lots on Magee East. The project proposes to locate the lots on approximately 108 acres of the flatter portions of the site, avoiding the steeper slopes and ridges. The remaining \pm 302 acres of the site would be preserved as permanent open space. A minimum of 10% of the homes would include second dwelling units in accordance with the Town's Inclusionary Housing Ordinance. After the DEIR was submitted for public review and comment, the project was revised as explained in Section 1.3 below.

The DEIR was prepared to inform the public of the significant environmental effects of the project, identify possible ways to minimize the significant effects, and describe reasonable alternatives that support the objectives of the project.

1.2 PUBLIC PARTICIPATION

In accordance with CEQA, this document is included in the official public record for the EIR. Based on the information contained in the public record, decision makers will be provided with the documentation on the projected environmental consequences of the Magee Ranches development proposal.

The Town notified all responsible and trustee agencies, interested groups, and individuals that a DEIR had been completed for the proposed project. The Town used the following methods to solicit input during the preparation of the EIR. The following is a list of the actions taken during the preparation, distribution, and review of the DEIR.

- The Notice of Preparation (NOP) was filed with the California State Clearinghouse for a 30-day review period from November 17 to December 16, 2010. The State Clearinghouse assigned the Clearinghouse Number 2010112042 to the DEIR.
- The NOP was distributed by the Town to responsible and trustee agencies, and interested groups, organizations and individuals.

- The Town held a public scoping meeting before the Planning Commission for the EIR on November 30, 2010.
- On November 29, 2012, the DEIR was distributed for a 60-day public review period to responsible and trustee agencies, interested groups, and individuals. The public review period for the DEIR ended on January 28, 2013.
- On January 28, 2013, the Planning Commission held a public hearing to solicit comments on the adequacy of the DEIR.

1.3 PROJECT PLAN REVISIONS

On February 8, 2013, the applicant submitted project revisions (“revised plan”) to the Town of Danville to address concerns expressed by the public relating to access and visual changes along Diablo Road. The revised plan is available at the Town of Danville. The revised plan is presented in Attachment A. The revised plan includes the following:

1. Reducing the number of lots from 70 to 69 by removing three custom lots and their associated access points along Diablo Road. The revised plan includes three lots on Magee West and 66 lots on Magee East.
2. Creating two new custom lots on Magee East and reducing the developed area. The first new lot was created by splitting Lot 61 at the end of Court C as shown in the DEIR into two lots (Lots 61 and 62 on the revised plan). The second new lot was created by reducing the overall size of Lots 62, 63, and 64 at the end of Court F as shown in the DEIR and adding an additional lot within this reduced area (Lots 63-66 on the revised plan).
3. Increasing the open space area on the site from 302 to 372 acres.

The revised plan reflects minor changes to the project analyzed in the DEIR and decreases some environmental impacts evaluated in the DEIR. Specifically, the revised plan would reduce the unit count to 69, eliminate the three custom lots and associated access points along Diablo Road, and reduce the lot sizes of the custom lots on Magee East. These changes would: 1) increase the amount of open space and habitat preservation area by 70 acres, 2) eliminate potential noise impacts to the originally proposed residences along Diablo Road (as discussed in Section 4.10 of the DEIR), and 3) decrease the potential impacts related to landslides and soils for those areas along Diablo Road (as discussed in Section 4.6 of the DEIR).

The visual simulation of the project from viewpoint 3 (Mt. Diablo Scenic Boulevard) presented in Figure 4.1-5 of the DEIR was revised to reflect the revised plan and is included as Attachment B. The addition of the two lots on Magee East does not change the analysis or conclusions in the DEIR relating to the visual impacts of the project. Although this portion of the proposed development would remain visible, it would be largely screened by existing and proposed landscaping (refer to the analysis on page 4.1-23 of the DEIR). The removal of the three custom home lots along Diablo Road will allow this area to remain in its natural state so the visual character of this area will not change.

It has been determined that the project revisions will not increase the number or severity of any environmental impacts analyzed in the DEIR, nor will it change the overall conclusions in the DEIR, primarily because the changes increase the open space area within the project site.

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2.0 RESPONSES TO COMMENTS

2.1 INTRODUCTION

This section provides responses to comments on the DEIR. This section contains all information available in the public record related to the DEIR as of April 10, 2013, and responds to comments in accordance with Section 15088 of the CEQA Guidelines.

2.2 LIST OF COMMENTERS

A. Written Comments

Following is a list of written comments received on the DEIR.

PARTY	DATE
PUBLIC AGENCIES	
1. California Department of Fish & Wildlife	1/11/13
2. California Department of Transportation	1/14/13
3. California Governor's Office of Planning & Research	1/15/13
4. Contra Costa County Depart. of Conservation and Development	1/29/13
5. Contra Costa County Environmental Health	1/4/13
6. Contra Costa County Flood Control & Water Conservation Dist.	1/29/13
7. Contra Costa County Health Services - Hazardous Materials (Friedman)	12/13/12
8. Contra Costa Local Agency Formation Commission	1/29/13
9. Diablo Community Service District	1/3/13
10. East Bay Municipal Utility District	1/14/13
11. East Bay Regional Park District	1/29/13
12. San Ramon Valley Unified School District	1/16/13
GENERAL PUBLIC/ORGANIZATIONS	
13. Anzilotti, Deborah	1/22/13
14. Brant, Raymond	1/23/13
15. Budde, Ben	1/16/13
16. Cale, Bill and Catherine	1/29/13
17. Cella, Maryann and Brian	1/29/13
18. Cooper, Curt	1/16/13
19. Cowing, Suzann	1/22/13
20. Cross, Christopher	1/27/13
21. Cross, Christopher	1/28/13
22. Cross, Diane	12/5/12
23. de Oliveira, Max and Maggie	1/25/13
24. Dreuth, Ingrid	1/28/13
25. Dreuth, Thilo	1/28/13
26. Easley, Steve	1/22/13

27.	Forster, Richard	1/29/13
28.	Freeman, Margaret	1/25/13
29.	Fretwell, Lorraine	1/28/13
30.	Gallo, Sabina	1/24/13
31.	Geisler, Anthony	1/29/13
32.	Gibbs, Afina	1/27/13
33.	Halas, John	1/29/13
34.	Harvey, Elizabeth	1/29/13
35.	Hegglin, Dan	1/27/13
36.	Hirshberg, Richard	1/26/13
37.	Hoffman, Donald	1/17/13
38.	Isom, Pat	1/16/13
39.	Isom, Pat	1/25/13
40.	Kestler, Bill and Liz	1/15/13
41.	Kocins, Ellen	1/29/13
42.	Kreutzer, Jeff	1/24/13
43.	Kuelz, Anne	1/29/13
44.	Kuelz, Paul	1/29/13
45.	Kuptz, Erin	1/21/13
46.	Lamphere, Steve	1/22/13
47.	Lincoln, Carolyn	12/11/12
48.	Little, Kathy	1/27/13
49.	Magee Ranch Homeowners Association	1/28/13
50.	Medwedeff, Don	1/21/13
51.	Moore, Carol	1/29/13
52.	Moore, Tom	1/28/13
53.	Morris, Dave	1/29/13
54.	Morrison, Paul	1/28/13
55.	Murty, Rama	1/27/13
56.	Neil, Dee	1/29/13
57.	Nelson, Dave and Kristi	1/16/13
58.	Nielan, Paul	1/27/13
59.	Oxenburgh, Robert	1/24/13
60.	Padgett, Nola and David	1/22/13
61.	Pargett, Lola	1/28/13
62.	Ragni, Joe and Luise	12/10/12
63.	Ragni, Joe and Luise	1/29/13
64.	Redemer, Margaret	1/26/13
65.	Reed, Ralph and Arlene	12/2/12
66.	Reed, Ralph and Arlene	1/19/13
67.	Reed, Ralph and Arlene	1/19/13
68.	Rettagliata, Lauren	12/4/12
69.	Richardson, Jan	1/28/13
70.	Save Mount Diablo	1/29/13
71.	Save Our Creek (Law Offices of Stuart Flashman)	1/29/13
72.	Schneider, Lee	1/29/13
73.	Schrakamp, Jeffrey	1/27/13
74.	Senasac, Nona	12/3/12

75.	Sensac, Nona	1/22/13
76.	Serpan, Jennifer	1/24/13
77.	Serpan, Jennifer	1/27/13
78.	Shryer, William	12/1/12
79.	Simpson, Dan	1/29/13
80.	Smith, John and Anne	1/28/13
81.	Smith, Sharon and Richard	1/24/13
82.	Sutak, Terri	1/27/13
83.	Sutak, Tom	1/28/13
84.	Tanner, Clelen	1/17/13
85.	Temple, Sydney, Questa Engineering Corp.	1/14/13
86.	Topor, Beth and Steve	1/17/13
87.	Trisko, Kristen	1/28/13
88.	Tuma, Roger	1/24/13
89.	Tuma, Roger	1/25/13
90.	Viarengo, Kathleen	1/25/13
91.	Viscuglia, Wendy	1/28/13
92.	Waitman, Charles	1/28/12
93.	Waitman, Charles	1/29/13
94.	Warwick, Nicholas	1/29/13
95.	Watson, Christine	12/3/12
96.	Watson, Robert	1/21/13
97.	Watson, Robert	1/27/13
98.	Watson, Valerie	1/25/13
99.	Woodbury, John	1/29/13
100.	Woodhams, Terry and Susan	1/25/13
101.	Woods, Dave and Sheila	1/29/13
102.	Woram, Deidre and Terence	1/19/13
103.	Woram, Deidre and Terence	1/24/13
104.	Yazdi, Shervin and Cassandra	1/28/13
105.	Young, Miles	1/28/13
106.	Yount, Steve	1/22/13

B. Oral Comments:

Oral comments were made during the Planning Commission public hearing for the DEIR on January 28, 2013. A list of the individuals that made oral comments on the DEIR during the public hearing is provided below, in alphabetical order.

1. Alberts, Katherine (Speaker 9)
2. Andres, Donald (Speaker 8)
3. Armanino, Denise (card received but didn't speak)
4. Armanino, Matt (card received but didn't speak)
5. Beard, Celia (Speaker 21)
6. Brant, Ray (Speaker 5)
7. Bowles, Archie – Commissioner (Speaker 32)
8. Cella, Maryann (Speaker 12)
9. Combs, Robert – Commissioner (Speaker 30)

10. Cowing, Suzann (Speaker 23)
11. Erickson, Karl (card received but didn't speak)
12. Flashman, Stuart (Speaker 10)
13. Gary, Todd (Speaker 13)
14. Geisler, Anthony W. (Speaker 18)
15. Haberl, Randy – Commissioner (Speaker 28)
16. Hines, Joan (Speaker 19)
17. Heusler, Kerri – Commissioner (Speaker 31)
18. Isom, Pat (Speaker 27)
19. Nealis, Bob (Speaker 11)
20. Oxenburgh, Bob (Speaker 24)
21. Overcashier, Lynn – Chairwoman (Speaker 29)
22. Place, John (Speaker 2)
23. Place, Nicola (Speaker 22)
24. Place, Rosemarie (card received but didn't speak)
25. Radich, Paul – Commissioner (Speaker 33)
26. Reed, Arlene (Speaker 1)
27. Rezowalli, Kent (Speaker 14)
28. Rose, David (card received but didn't speak)
29. Southard, Chris (Speaker 4)
30. Southard, Lynne (card received but didn't speak)
31. Sutak, Terri (Speaker 6)
32. Sutak, Tom (Speaker 7)
33. Tanner, Clelen (Speaker 26)
34. Truschke, Paul (Speaker 16)
35. Tuma, Roger (Speaker 15)
36. Waitman, Charles (Speaker 20)
37. Well, William (Speaker 17)
38. Woltering, Nancy (Speaker 25)
39. Young, Miles (Speaker 3)

2.3 RESPONSES TO COMMENTS

Each written and oral comment received on the DEIR is presented in this chapter, as identified in Section 2.2 above. Individual comments are numbered. Correspondingly numbered responses to each comment are provided in the discussion following the comment. The written comments are addressed followed by oral comments.

Where comments raise environmental issues that require additions or deletions to the text, tables, or figures in the DEIR, a brief description of the change is given and the reader is directed to Section 3.0, Revisions to the DEIR.

Where the same or similar related comments have been made more than once, a response may direct the reader to another numbered comment and response or to a master response.

Some comments received do not raise environmental issues or do not comment on the analysis in the DEIR and, thus, do not require a response. These comments generally express an opinion on whether or not the project should be approved. CEQA does not require a substantive response to comments on an EIR that do not specifically relate to environmental issues. Response to these comments is generally “comment noted.”

2.4 MASTER RESPONSES TO COMMENTS

Several recurring comments were raised during the public review process for the DEIR. Master responses for each of these comments are provided in the following section. The master responses address comments raised by multiple commenters, and are intended to provide a discussion of the comment at one location. This ensures that each comment is thoroughly addressed and minimizes repetition.

2.4.1 Master Responses to Planning/Zoning/Measure S Comments

Comment: Multiple comments were received that question the adequacy of the DEIR regarding permitted uses, development potential, and density standards for the portions of the project site that are designated “Agricultural” in the Town’s General Plan. Comments also called for clarification of the status of Williamson Act contracts, Danville’s Measure S requirements, allowable residential densities, and the application of the P-1, A-2, and A-4 zoning designations.

Response: Many of the comments call for the application of Danville’s Measure S to the proposed project. A brief explanation of Measure S is as follows. Passed by Danville voters in 2000, Measure S amended the Town’s General Plan by adding a new policy regarding the process for changing three of the land use designations in the General Plan. Measure S provides that properties with the General Plan land use designations of “General Open Space,” “Parks and Recreation,” and “Agricultural” may only have those land use designations changed by either a vote of the people or by a 4/5’s vote of the Town Council based on specific findings. The public or Town Council approval requirements of Measure S do not apply to rezonings or other land use decisions that are allowed by a property’s existing “General Open Space,” “Parks and Recreation,” or “Agricultural” designations. In addition, Measure S does not alter any other existing General Plan policies that may be applicable to the properties with one of the three specified land use designations, nor does it eliminate or reduce any development potential that existed under the designated land uses for those properties. In addition, Measure S does not apply to rezonings of property provided the rezoning is consistent with the General Plan.

I. Allowable Uses and Densities under the “Agricultural” Land Use Designation in the General Plan

As shown on Table 3-2 of the DEIR, the 410-acre project site contains four General Plan land use designations: “General Open Space,” “Agricultural,” “Rural-Residential,” and “Single Family-Low Density.” The project is only proposing residential development on properties designated “Agricultural,” “Rural-Residential,” and “Single Family-Low Density”. Measure S does not apply to properties designated “Rural-Residential” or “Single Family-Low Density.” Thus, the comments on the DEIR relating to the application of Measure S apply only to the portions of the site designated “Agricultural.” The applicant is not requesting to change the

“Agricultural” land use designation, so Measure S does not apply. Below is an explanation of what uses and densities are allowed on properties with an “Agricultural” designation.

A. Williamson Act Contracts

At the time the 2010 General Plan was adopted in 1999, all lands with the “Agricultural” designation were under Williamson Act contracts. Under the Williamson Act, properties receive preferential property tax treatment and, in exchange, agree to use their properties only for agricultural purposes; residential subdivision is prohibited while under a Williamson Act contract.

The Williamson Act allows the property owner to opt out of the contract by providing a notice of non-renewal (the owner can also request to cancel the contract that requires approval by the Town and, if approved, payment of penalties by the owner). Ten years after a notice of non-renewal is filed, the contract expires and the owner has the option to subdivide their property or pursue uses other than agricultural uses. While the General Plan encourages continued agricultural use after expiration of a Williamson Act contract, there is no requirement for such continued uses and no legal basis on which to impose such a requirement.

B. Description of Uses and Density in General Plan under “Agricultural”

With respect to uses, the General Plan states that lands with the "Agricultural" designation “are under Williamson Act Contracts or in agricultural use.” Both the A-2 and A-4 zoning districts (both of which could be compatible with the “Agricultural” General Plan designation) allow for single family residential uses. The A-2 zoning district allows one unit per five acres and the A-4 district allows one unit per 20 acres.

With respect to density on “Agricultural” designated lands, the General Plan states the following:

“Because properties with this designation are bound by Williamson Act contract to remain in agricultural uses, a density range is not applicable. In the event that Williamson Act contracts are not renewed, continued agricultural use is encouraged and the underlying zoning density (one unit per 20 acres or one unit per five acres) would apply upon the contract expiration.” (2010 General Plan, page 52).

C. Zoning and Parcel Size of Williamson Act Contract Properties

It has been the practice of the Town (and of Contra Costa County, prior to the Town's incorporation in 1982) to zone lands to A-4 (20 acre minimum) upon execution of a Williamson Act contract, regardless of the size or prior zoning of the property. The purpose of this zoning designation is to show that the property is under a Williamson Act contract. For example, the Town rezoned the Borel property from P-1 to A-4 upon execution of a Williamson Act contract, despite the entire parcel being only 17 acres. Under the A-4 zoning designation one home per 20 acres is allowed. Combined with the Williamson Act's ban on residential subdivisions, this effectively limits the development potential of land while under contract.

D. Determining Potential Development Density upon Expiration of Williamson Act Contract

As explained in the General Plan language above, upon expiration of a Williamson Act contract, the Town will apply the “underlying” zoning (the zoning in effect prior to entering into the contract) to the property. Generally this is A-2, which is the basis of the A-2 designation in the Town’s 2010 General Plan. Thus, a property owner upon expiration of a contract could (but is not required to) apply to rezone their property from A-4 to A-2. This reflects the intent to place the property in the position it held prior to entering into the contract, neither increasing nor decreasing the property’s development potential. This practice can be illustrated by the Town’s actions with respect to Assessors Parcels 202-100-017, -018, and -019 on the Magee Ranch property. In February 1986, the Town approved a Williamson Act contract for these parcels and at the same time adopted an ordinance rezoning them from A-2 to A-4. In March 1988, after discovery that the contract had never been properly executed, the property owner requested, and the Town approved, an ordinance rezoning the property back to the prior designation of A-2.

If a property owner does not rezone its property soon after a contract expires, when it does apply for a rezoning or other development application, the Town will use the underlying zoning density to calculate development potential. For the proposed project, the underlying zoning was A-2, which allows one unit per five acres. This process was used for the Elworthy Ranch project in 2008. In connection with that project, the maximum potential density was calculated at one unit per five acres, based on the underlying (pre-contract) zoning of A-2, even though the site was still zoned A-4 as a holdover from the Williamson Act contract on that property.

E. Measure S Applies if Changing “Agricultural” Designation to Allow Additional Density

Once a property is no longer subject to the Williamson Act contract, it still retains the “Agricultural” land use designation under the General Plan. A General Plan amendment, which would require a vote under Measure S, would be required only if the property owner desired to change the “Agricultural” land use designation.

The project is not seeking to change the “Agricultural” land use designation. As allowed by the General Plan, the underlying zoning of A-2 (the zoning that was in place on this portion of the property before the contract was entered into) was used to calculate development potential of the project site. Calculating density potential with the underlying zoning, which is permitted in the General Plan, does not require a General Plan amendment.

II. Rezoning from A-4 to A-2 Not Required to Allow Calculation of Density at One Unit per Five Acres for CEQA Review

As explained above, once a Williamson Act contract expires, the Town uses the density that was permitted under the zoning that was in effect before the contract was entered to determine the maximum potential density of the property. Applying that procedure to the proposed project, the Town has calculated the maximum potential density of the portion of the property previously subject to Williamson Act contract at one unit per five acres (A-2), which was the density in effect prior to the effective date of the Williamson Act contract.

Several comments have questioned whether the Town may utilize this potential density for purposes of the EIR without first requiring the applicant to request a rezoning from A-4 (one unit

per 20 acres) to A-2 (one unit per five acres). Such a rezoning is not required nor would it provide meaningful input to the environmental review of the proposed project.

For the purposes of environmental review, the applicant is required to define the entire project, which means the “whole of an action” ultimately being sought that may result in an impact on the environment (CEQA Guidelines Section 15378(a)). The Town is then required to review that project for consistency with the General Plan, zoning, and other applicable development standards. With respect to the proposed project, the General Plan and zoning identifies the maximum potential density. For the portions of the property designated as “Agricultural,” this is based on the A-2 zoning. The General Plan also contains specific policy directives that encourage clustering and “strongly discourages” the creation of five acre ranchettes.

If the Town were to require the property owner to first rezone the property to A-2, knowing that this would affect only 50% of the overall property and is not consistent with the ultimate objective desired by the property owner, the Town would not be providing an accurate and complete analysis of potential environmental impacts of the entire project. CEQA requires a complete and accurate environmental analysis and prohibits “piecemealing” of a project. CEQA precludes dividing a project into two or more segments, since this avoids analysis of the “whole of the action” and improperly minimizes impacts.

If the Town were to require concurrent rezonings (i.e., from A-4 to A-2, then A-2 to P-1), the Town would be required in the first rezoning process (from A-4 to A-2) to conduct environmental review on the “whole of the action” (to P-1) to comply with CEQA. The Town would also be required to conduct environmental review of the second rezoning process (A-2 to P-1). There is no need to prepare two separate CEQA documents and pursue two separate rezoning processes when the final result, desired by the property owner and directed in the General Plan, is to obtain a rezoning to P-1. In addition, two concurrent rezoning processes could violate the fundamental requirement of CEQA to evaluate the “whole of the action” without project piecemealing or segmentation.

III. Use of P-1 Zoning

A number of comments suggested that the proposed P-1 rezoning of the property would violate the General Plan, increase density, and/or require voter approval under Measure S. As explained above, properties with the General Plan land use designation of “Agricultural” that are not under Williamson Act contract do have some residential development potential and may be subdivided. The question under the General Plan is where any approved development should be located on a property.

A. P-1 Zoning Allows Clustering of Development/A-2 Zoning only Allows Development of 5 Acre Lots.

P-1 zoning is a zoning designation that permits density under the base zoning (in this instance one unit per five acres) to be clustered or located to the least sensitive areas of a property. If development were to proceed under an A-2 zoning designation (and not a P-1 zoning designation) that would only allow development to proceed with five acre lots. A P-1 zoning takes that same development density potential and clusters all the development generally in one area to allow the remaining area to be preserved in open space.

B. General Plan Encourages P-1 Zoning to Allow Clustering

The General Plan contains policies that encourage clustering of development on flatter portions of properties to preserve open space and natural features. 2010 General Plan Policies 1.07, 2.05, and 18.02 contain such provisions, with Policies 1.07 and 18.02 specifically identifying PUD or P-1 zoning as implementation measures. All three of these policies are carried forward in the 2030 General Plan, with Policy 18.02 being renumbered to 20.02.

The General Plan also designates certain properties as Special Concern Areas and provides specific direction on potential development for these properties, including in some cases the transfer or clustering of permitted development on the least sensitive areas of a property. This maximizes permanent open space and/or minimizes impacts of development that is approved. Section 32-63.1(b) of the Town's Zoning Ordinance specifically directs the use of P-1 zoning for Special Concern Areas designated in the General Plan.

The project site is identified as a Special Concern Area in the General Plan. The text for the Special Concern Area of the Magee Ranch property (on page 58 of the 2010 General Plan) includes the following relevant direction:

- The Plan describes Diablo Road in this area as retaining “the flavor of an ambling country road. The Town strongly supports retention of this character and protection of the views and vistas from the road.”
- “[P]roposals which transfer the allowable number of homes to the least sensitive and obtrusive parts of the site are encouraged.”
- “As on the other large undeveloped hillside sites in Danville, protection of scenic slopes and ridgelines is imperative. Despite the A-2 (General Agricultural) zoning on much of the site, subdivision of this Special Concern Area into five-acre ‘ranchette’ sites similar to those in the Tassajara Lane/Sherburne Hills area is strongly discouraged. Such development would require grading and road construction that could substantially diminish the visual qualities of the area. On the other hand, transferring allowable densities to a limited number of areas within the ranch would enable the bulk of the site to be set aside as permanent open space. This would also provide opportunities to establish park and trail connections and to preserve wildlife corridors between this area and the Sycamore Valley Open Space.”

Based on these provisions, the proposed use of P-1 zoning to allow the clustering of development as part of the project is consistent with the General Plan. With respect to any increase in potential density, P-1 zoning does not increase density, but merely allows whatever density may exist to be transferred to or clustered in one or more areas of a project site. As set forth in both the General Plan and the P-1 Zoning Ordinance (Section 32-63 of the Municipal Code), the maximum density for “Agricultural” properties is calculated by preparing a base plan that shows the number of five-acre parcels that could be legally created given all applicable development standards. For example, the Town's grading and ridgeline protection ordinances would prohibit the creation of five-acre lots on certain portions of a property. Under the P-1 Zoning District, the number of transferrable units within a site is determined only after all of these factors are taken into account.

P-1 is a zoning designation that allows clustering of development as encouraged in the General Plan. P-1 zoning is allowed under the “Agricultural” land use designation (in addition to the “Rural Residential” and “Single Family – Low Density” designations on the project site).

2.4.2 Master Responses to Traffic Comments

I. Methodology

Comment: A number of comments expressed concern that the traffic impact analysis (TIA) for the EIR contained faulty assumptions and methodologies. Comments were also raised regarding the validity of the traffic counts and use of the 2% future growth projection.

Response: As described in Section 4.12 Traffic and Circulation of the DEIR, the traffic impact analysis (TIA) for the project was prepared by Hexagon Transportation Consultants using the Town of Danville and the Contra Costa Transportation Authority (CCTA) guidelines. These guidelines require the TIA to analyze intersection levels of service (LOS) based on the overall average delay using the volume-to-capacity (V/C) ratios in order to determine compliance with LOS thresholds established by the Town and the CCTA. In addition to the basic requirements established by these guidelines, the Town has conducted the TIA using the most conservative assumptions, as further illustrated below.

In addition to an analysis of LOS using the CCTA LOS methodology, the Town required the more stringent Highway Capacity Manual methodology be used for the intersection LOS analysis to reflect a more realistic evaluation of an intersection’s operation. The Town also elected to use its own locally compiled trip generation rates (12.17 average daily trip per single family unit) rather than the commonly used rates published in the Institute of Transportation Engineers (ITE) manual entitled Trip Generation, Eighth Edition, 2008 (9.57 average daily trip per single family unit). The Town’s trip generation rate, referenced in the TIA as "Danville Rate (With Second DU)," is derived from data collected at local residential neighborhoods with a minimum of 25% of the homes incorporating second dwelling units. Since the project proposes to include a minimum of 10% second units, the "Danville Rate (With Second DU)" utilizes the most conservative trip generation assumption.

The results of the LOS evaluation completed for the TIA were compared to the significance thresholds identified in Tables 4.12-11A – C of the DEIR to determine the impact under existing, future project, and cumulative conditions. For those locations where future increases in traffic were found to exceed thresholds, the TIA identified the potential traffic operational problems and presented mitigation measures to address such problems. The methodologies applied in the TIA are consistent with the practices employed by the traffic engineering community and transportation planners throughout California in order to comply with CEQA.

With regard to the date of the traffic counts, the Town conducts biennial intersection traffic counts within Danville. Town staff compared the most recent 2012 biennial counts to the October 2010 counts collected for the project TIA. At the project study intersections, the 2012 counts were shown to have lower overall traffic volumes. Two new TRAFFIX buses that serve Monte Vista High School have been added in the study area since the 2010 counts were conducted, which contributed to the lower 2012 counts. Because the 2010 intersection counts were higher than the more recent 2012 intersection counts, the use of the 2010 counts provides the more conservative analysis.

With regard to the collection of traffic volumes, the traffic consultant coordinated with Town staff to determine the most appropriate days and times to obtain traffic volumes at the study intersections. Traffic conditions at the study intersections were analyzed for the most congested periods, which occur during the weekday AM and PM commute peak hours and school PM peak hours. The AM commute peak hour is generally between 7AM - 9AM, the PM commute peak hour is typically between 4 PM – 6 PM, and the school PM peak hour is typically between 2 PM – 4 PM. In addition, the traffic consultant followed the traffic counting protocol identified in Appendix E of the CCTA Technical Procedures, which states the following:

- Counts should be conducted during fair weather
- Counts should be conducted during Tuesday, Wednesday, or Thursday of a non-holiday week when public schools are in session
- No major road closings
- No construction activity
- No incidents or accidents

The traffic counts were collected when schools in the area were in session, including the Athenian School. The traffic counts followed the protocol identified in Appendix E of the CCTA Technical Procedures, which requires that counts be collected during AM and PM peak periods on Tuesday, Wednesday, or Thursdays of a non-holiday week, when public schools are in session with no construction activity, road closures, or accidents and with fair weather conditions. The traffic counts, therefore, reflect vehicular trips to and from all the schools traveling thru the study intersections. It is a snapshot of all traffic flow along the roadway network of the area, including any trips heading to and from homes, schools, and other area destinations. For reference, please see Appendix A of the TIA (Appendix I of the DEIR), which presents all of the traffic counts collected for the project.

Regarding the future growth factor used in the TIA, the cumulative no project traffic volumes were estimated based on traffic forecasts produced by the CCTA's TransCAD travel forecasting model. As Contra Costa's Congestion Management Agency, the CCTA is required to develop and maintain the TransCAD model per the Measure J Growth Management Program and California congestion legislation. The model uses information on current and future population and employment, transit ridership, expected roadway improvements, and observed travel behavior to forecast traffic on the regional transportation system.

Consistent with standard traffic engineering practice, Hexagon used traffic growth forecasts from the CCTA model, which estimated that peak hour traffic in the project vicinity was projected to increase by approximately two percent per year between the years 2005 and 2030. Cumulative traffic volumes in the TIA were estimated by applying to existing traffic volumes an annual growth factor of two percent over a period between the date of the existing traffic counts and year 2030.

II. Traffic Signal at Hidden Oaks Drive/Magee Ranch Road and Blackhawk Road Intersection

Comment: Several comments questioned and/or opposed the need for a traffic signal at the intersection of Hidden Oaks Drive/Magee Ranch Road and Blackhawk Road as recommended in

the TIA and DEIR for significant impacts under cumulative conditions. (Refer to Mitigation Measure 4.12-1 on page 4.12-6 of the DEIR.) In addition, concerns were raised that this signal could pose problems due to the existing gate at Hidden Oaks Drive.

Response: No traffic signal is proposed for this intersection as part of the proposed project. Under 2030 conditions, the TIA projected that the intersection of Hidden Oaks/Magee Ranch and Blackhawk Road would operate at a poor LOS. The project trips added during the cumulative plus project AM peak hour would increase the V/C ratio by 0.13. Based on the Town's significance criteria, if a project causes an increase in the V/C ratio of 0.05 or more at an unsignalized intersection that is already, and is projected to continue to, operate at LOS E (or worse), it is considered a significant impact and mitigation is required. Since signalization of this intersection has been identified within the Town's Capital Improvement Program since 1989, with funds collected for its installation as a part of the North East Roadway Improvement Assessment District (NERIAD), the DEIR identified this mitigation at this location. While the project would be obligated to contribute its fair share toward the cost of the Hidden Oaks/Magee Ranch/Blackhawk Road traffic signal, it should be noted that the traffic signal warrant analysis conducted as a part of the TIA did not identify a need to install the signal as part of the proposed project. Therefore, the traffic signal is not proposed to be built as a part of the project.

As background, NERIAD was formed to collect funding for and construct a number of transportation improvements along El Cerro Boulevard and Diablo Road identified as mitigation for impacts generated by developments in the area including, but not limited to, the existing Magee Ranch subdivision. Some of the NERIAD improvements have been constructed, such as the Diablo Road/Green Valley Road traffic signal, while others, including the Hidden Oaks/Blackhawk Road traffic signal, have not yet been installed and will not be installed until sufficient growth warrants their installation.

To determine whether the queues from the existing gated entrance at Hidden Oaks Drive would spill back onto Blackhawk Road during peak hours, the average headways at the gated entrance were measured in the field. The average service flow rate at the gate was measured to be approximately one vehicle every 5 to 10 seconds. Assuming a worst-case average flow rate (10 seconds per vehicle), the maximum hourly capacity of the gated entrance would be approximately 360 vehicles per hour. During the school PM peak hour under cumulative conditions (the highest volume peak hour at the gate), the maximum inbound volume at the gate was estimated to be 159 vehicles. Applying Equation 19-68 from the 2010 Highway Capacity Manual in evaluating queue lengths, the 95th percentile queue inbound at the gated entrance would be three vehicles. The available storage between the intersection and the driveway is 125 feet, which would accommodate storage for approximately five vehicles before vehicles would queue into the intersection. The existing gate, therefore, has sufficient capacity to accommodate the expected demand.

The introduction of a traffic signal at Hidden Oaks Drive/Magee Ranch Road/Blackhawk Road could potentially alter the arrival patterns at the gated entrance at Hidden Oaks Drive. The primary concern would be that left turn vehicles would arrive at the intersection in platoons, rather than the current "random" arrivals. However, this is dependent on the traffic signal phasing, cycle length, and whether left turn pockets are introduced. If the roadway geometry (i.e., number of lanes at each approach) is left unchanged and the traffic signal is operated with permitted phasing on all approaches, then the vehicle arrivals patterns at the gate would be very

similar to today. Left turn vehicles would be required to locate a gap in opposing traffic before entering the gated driveway, which would create gaps between when successive vehicles would enter, thus allowing vehicles at the subject gate to clear. If left turn pockets are introduced on Blackhawk Road and protected left turn phasing is used, then the intersection capacity would be increased and the cycle length (i.e., the time it takes to serve all movements at the intersection) could be reduced. Level of service calculations show that a cycle length of 65 seconds could be employed, and the resulting 95th percentile queue in the left turn pocket serving the gated entrance would be 4 vehicles. Under this design condition, the queues from the gated entrance could still be accommodated by the existing storage. The most desirable traffic signal phasing and roadway geometry at the Blackhawk Road/Hidden Oaks Drive intersection would be determined during the design phase of the traffic signal. The signal timing plan employed at that time would consider the overall average delay at the intersection as well as the vehicle queues at the intersection. If needed, the signal timing could be modified to prevent vehicles from spilling back from the gated entrance onto Blackhawk Road.

III. Mitigation Improvements at Mt Diablo Scenic Boulevard/Diablo Road Intersection

Comment: Several commenters were concerned that the improvements at the intersection of Mt. Diablo Scenic Boulevard and Diablo Road identified in the TIA and DEIR as mitigation for significant impacts could degrade operations along Diablo Road. (Refer to Mitigation Measure 4.12-2 on page 4.12-36 of the DEIR.)

Response: As described on page 4.12-37 of the DEIR, the project trips added to this intersection under cumulative plus project conditions would increase the V/C ratio by 0.05 or more. Based on the thresholds of significance, this would constitute a significant impact and mitigation is required. In addition, while the overall average delay is LOS C (or better) under existing conditions, the intersection intermittently experiences long eastbound and westbound vehicle queues of 300 feet and ½ mile, respectively. The long vehicle queues on Diablo Road/Blackhawk Road are due to the all-way stop.

The DEIR identified two options to address the significant impact at this intersection: 1) conversion of the existing three-way stop to a stop control only on the minor street approach (Mt. Diablo Scenic Boulevard), or 2) the installation of a traffic signal at the intersection. If the all-way stop were to be removed and only the minor street was stop controlled, the overall average delay would be improved. This can also be accomplished with installation of a traffic signal, which can provide for the orderly movement of conflicting vehicles and pedestrians. When appropriately installed, traffic signals can increase the traffic handling capacity of an intersection (reduce the current queuing) and improve the efficiency and safety of both vehicles and pedestrians. At upstream and downstream signalized intersections, the Town can optimize signal timing at these signalized intersections to better adapt to the change in arrival characteristics from the new signal.

A number of commenters, including Contra Costa County Department of Conservation and Development (Letter 4) and the Diablo Community Service District (Letter 9), did not support the conversion of the three-way stop control. Given that this intersection is located within Contra Costa County's jurisdiction and the north leg of the intersection is located within the Diablo Community Service District, the option related to the conversion of the three-way stop control has been eliminated from Mitigation Measure 4.12-2, as presented in Section 3.0.

The Contra Costa County Department of Conservation and Development (Letter 4) also requested a preliminary analysis of a roundabout at the intersection of Mt. Diablo Scenic Boulevard and Diablo Road. However, a roundabout would require acquisition of private property outside the Town's jurisdiction and, therefore, the Town determined a roundabout would not be feasible under CEQA.

With the removal of the three-way stop control conversion as an option, Mitigation Measure 4.12-2 would identify only the installation of a traffic signal. The project applicant would be required to contribute their fair share towards this improvement.

It should be noted that because this intersection is within the County and not the Town's jurisdiction, the Town cannot require the County to implement this mitigation measure. The County, in using its own standards or thresholds to determine if a traffic impact exists, will ultimately decide if the improvement is necessary. An EIR is required to identify feasible measures for all potentially significant impacts even if those measures are within the jurisdiction of another public agency and not the agency considering the project, as per CEQA Guidelines Section 15091(a)(2). Consistent with this requirement, the Town has identified feasible mitigation measures for this intersection.

IV. Bicycle Safety on Diablo Road

Comment: A number of comments expressed concerns that the addition of project traffic would pose increased traffic hazards to bicyclists along Diablo Road.

Response: Diablo/Blackhawk Road is a popular route used by bicyclists. However, portions of the roadway are narrow and do not have bike lanes. This route is not a designated Bike Route in the Town's General Plan. Given the narrow right-of-way along Diablo/Blackhawk, both vehicles and bicyclists should use caution. While the project would add traffic to Diablo/Blackhawk Road, it would not significantly change existing conditions for cyclists. In addition, the physical constraints along Diablo/Blackhawk Road (i.e., narrow roadways and shoulders, existing drainages, the close proximity of trees and telephone poles) limit the feasibility of widening for future bicycle facilities.

2.4.3 Master Responses to Emergency Access Comments

Comment: A number of comments were received raising concerns related to emergency access along the Diablo/Blackhawk Road corridor from existing traffic combined with incremental increases in traffic from the project. Comments stated that existing traffic currently inhibits emergency access in the area and that the contribution of project traffic would worsen existing roadway operations such that emergency vehicles would be unable to respond to an emergency in the area. Comments did not necessarily identify potential concerns related to emergency access to the project site; but were related to concerns about inadequate access to the surrounding area. Some comments also raised concerns that the project could be exposed to potential wildland fire hazards and that compliance with existing regulatory requirements were not sufficient to minimize potential impacts.

Response: Please note that traffic considerations are provided in the Master Response to Traffic in Section 2.4.2. The San Ramon Valley Fire Protection District (District or SRVFPD) was consulted during preparation of the EIR to solicit their input concerning potential impacts to fire and emergency protection services (see page 4.11-4 of the DEIR). The District also provided written comment on the NOP indicating that the project would be subject to specific conditions of approval to ensure that fire protection considerations were appropriately addressed through site design. The District also provided direct input on existing response times, whether the responses to the site would be within recommended standards, and whether additional staff and/or equipment would be necessary to serve the project (personal communication, Ian Hardage, Fire Plans Examiner, January 24, 2012, August 25, 2011). The District did not identify any significant concerns related to existing services or the project. In addition, existing documentation was also reviewed in support of the DEIR to identify existing standards of coverage, facility operations, and other factors related to potential fire hazards. These sources included the following:

- Town of Danville, 2010 General Plan
- San Ramon Valley Fire Protection District (SRVFPD), Standards of Coverage, 2010
- SRVFPD, Annual Operating Budget, Fiscal Year 2011/2012
- SRVFPD, Annual Operating Budget, Fiscal Year 2012/2013
- SRVFPD, Strategic Plan 2008-2013, 2008
- Diablo Fire Safe Council, Community Wildfire Protection Plan, date unknown.

The DEIR evaluated potential impacts to fire protection services in connection with the implementation of the project. The DEIR identified that the project would be required to comply with applicable Town of Danville policies related to roofing material due to the site's location in an area subject to potential wildland fire hazards. The DEIR also identified that the project would be required to comply with all applicable California Fire Code and Uniform Building Code requirements in addition to specific requirements identified by the District. The DEIR determined that the project would not result in a significant impact for the purposes of CEQA. No new facilities or existing facilities would need to be constructed or expanded in order to serve the project's incremental demand for services such that a significant environmental impact would occur.

The DEIR also identified that the project could be exposed to potential wildland fire hazards due to the sites proximity to undeveloped open space. The DEIR identified that the project would be subject to a number of regulatory requirements relating to fire protection considerations and that compliance with those requirements, which were developed for the purposes of minimizing potential impacts to the public health and welfare due to fire hazards, would ensure impacts would be less-than-significant. As a result, no potentially significant impacts would occur in connection with the project. The construction or expansion of new or existing facilities would not be warranted and existing regulatory requirements are adequate for the purposes of addressing potential wildland fire hazards. Where necessary, revisions to the DEIR have been incorporated to clarify and amplify the existing analysis, as presented in Section 3.0.

The DEIR also evaluated potential impacts to emergency access and determined the project would not result in a significant impact related to emergency access for the purposes of CEQA. (See p. 4.12-41 of DEIR). In addition, the District was consulted in February 2013 to provide additional information related to emergency access and potential wildland fire hazards (personal

communication Ian Hardage, February 2013). Comment letters raised concerns that the existing roadway network was inadequately designed to accommodate emergency vehicles and an increase in vehicle volumes on the roadway network during a fire could impede emergency access. The District has indicated that the existing roadway network is sufficient to accommodate the range of emergency vehicles used by the District and meets minimum roadway standards. While congestion affects target response times and could potentially impair fire response during an emergency, the District has identified that response times are within the District's established five minute standard. In addition, the District operates a number of stations that could respond to an emergency within the area. If during an emergency vehicle access was impaired, the District would be able to respond to the emergency from a number of different stations. In addition, the District is able to utilize a network of fire access trails in adjacent open space areas for emergency response purposes. Existing fire trails, including trails located in the Sycamore Valley Open Space Preserve and fire access trails located within the boundaries of the project site that will be retained as undeveloped "open space," would be utilized by the District, as necessary, to respond to potential fire-related hazards in surrounding areas, including areas subject to potential wildland fire hazards. The proposed project is also providing a ½ mile alternative route within the project boundaries along a portion of Diablo Road that can be used as an emergency route (from the project entrance to the EVA), if needed.

Four stations are located in the Town of Danville. The District identified that Station 33, which is located at 1051 Diablo Road, would be the station responsible for responding to the project and immediate surrounding area due to its proximity to the area. Station 33 is located approximately two miles from the proposed main entry to the project, east of Jillian Way. Average response times to the site, which typically vary depending on the nature of the emergency, are within the District's five minute standard. In the event that Station 33 is not able to respond to an emergency due to access constraints, other stations in the area would respond. As identified above, the District is able to access adjacent open spaces from existing fire trails, including a point of access to the Sycamore Valley Open Space Preserve. Other area stations that would be available to respond to a fire in the area include Station 36, Station 35, and Station 31. Emergency access to the area from Station 33 would be provided from Diablo Road. Secondary emergency access would also be available from Blackhawk Road and Camino Tassajara. It is assumed that either Station 35 or Station 36 would respond to emergency calls if access was obstructed along Diablo Road.

The District is aware that existing traffic may impede emergency access, particularly in the event of a major fire in congested areas, but acknowledges that the existing roadway network is adequately sized and designed to accommodate emergency vehicles. The existing roadway network meets minimum design standards (e.g., width, clearance, etc.) necessary to accommodate emergency vehicle access. While potential access could be restricted during periods of heavy congestion or a large emergency, such as a mandatory evacuation, multiple stations serve the project area and there are multiple points of entry to ensure appropriate response. The District's response to an emergency in the surrounding area would consider such factors as congestion and accessibility during a large emergency in order to determine the appropriate response, access, and responding station. The District has also confirmed that the project would not adversely affect existing responses times and/or cause an increased demand for services such that new or expanded facilities are required (personal communication Ian Hardage, February 2013).

2.4.4 Master Responses to Biological Comments

Comment: Several commenters identified concerns regarding the presence and protection of biological resources on the project site. Comments specifically questioned the effectiveness of mitigation measures identified in the DEIR to avoid significant impacts to special status species and habitat, including the California red-legged frog.

Response: The project's impacts on biological resources are addressed in detail in Section 4.5 of the DEIR; this analysis was based on a comprehensive biological evaluation prepared by Live Oak Associates. As described in the DEIR, the biological evaluation included the following efforts:

- Field reviews of the project site, including protocol-level surveys for California red-legged frogs, larval surveys for California tiger salamanders, and focused rare plant surveys.
- Supplemental protocol-level surveys for California red-legged frogs.
- Formal wetland delineation of the site.
- Identification of biological resources that could occur on the project site based on habitat suitability and the proximity of the site to a species' known range.
- Assessment of project impacts to biological resources as per CEQA and state and federal laws.
- Identification of avoidance and mitigation measures.

The potential impacts of the project on biological resources were assessed based on specific thresholds identified in the CEQA Guidelines and applied using local standards and expertise. Where significant impacts were identified, mitigation measures are presented in the DEIR to avoid and minimize impacts to sensitive habitat and species during project construction and implementation. These measures consist of standard methodologies and techniques approved by the resource agencies (e.g., USFWS and CDFW) and have been applied throughout California and the Bay Area to protect sensitive habitats and species.

A Mitigation and Monitoring Plan and Conservation Management Plan (MMP/CMP) was prepared for the project that describes in additional detail the mitigation measures recommended in the DEIR to reduce impacts on jurisdictional waters, riparian habitat, and California red-legged frog, and identifies monitoring methods during project implementation. The MMP/CMP also includes provisions for preserving the onsite open space area and addresses the land uses, features, anticipated level of human/vehicle use, management level of the open space, and the preservation and funding mechanism for managing the open space. This MMP/CMP is included as Attachment C.

The project applicant has obtained letters from the U.S. Army Corps of Engineers (USACOE) verifying that the project will permanently impact approximately 0.5 acres of jurisdictional waters that are under the USACE's jurisdiction. These are included in Attachment D.



State of California – The Natural Resources Agency
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EDMUND G. BROWN JR., Governor
CHARLTON H. BONHAM, Director



January 11, 2013

Mr. David Crompton
Town of Danville
510 La Gonda Way
Danville, CA 94526

Dear Mr. Crompton:

Subject: Magee Ranches, Draft Environmental Impact Report, SCH #2010112042,
Contra Costa County

The California Department of Fish and Wildlife (CDFW) has reviewed the draft Environmental Impact Report (EIR) for the Magee Ranches Project (Project). CDFW is providing comments on the draft EIR as a Trustee Agency and Responsible Agency. As Trustee for the State’s fish and wildlife resources, CDFW has jurisdiction over the conservation, protection, and management of the fish, wildlife, native plants, and the habitat necessary for biologically sustainable populations of such species for the benefit and use by the people of California.

The proposed Project involves the subdivision and development of a 410-acre undeveloped site into 70 single-family lots. Approximately 302 acres of the site would be preserved as open space.

On p. 4.4-21, the draft EIR identifies a potentially significant impact to the Congdon’s tarplant, a California Native Plant Society List 1B species; however, does not incorporate feasible mitigation measures to address this impact. Feasible mitigation measures include collection and replanting of seed in a protected location, such as within preserved on-site open spaces, and/or relocation of individual plants. Other measures, such as controlled grazing in preserved open spaces, may help to encourage suitable habitat conditions that would allow for reestablishment of this species in other parts of the site.

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On p. 4.4-23, the draft EIR states that 302 acres of the site would be designated as open space and “permanently preserved and managed in perpetuity” for California red-legged frog and other species. The term “open space” can refer to uses ranging from a developed, high-intensity recreational facility to an undeveloped, publicly inaccessible habitat preserve. The draft EIR should clearly specify the land uses, features, and anticipated level of human/vehicle presence that could be expected to occur within the open space areas. It should also analyze whether any of the proposed uses would be incompatible with management of the open space area for habitat conservation purposes. Also, permanent preservation of habitat cannot be ensured unless a conservation instrument, such as an

B

Mr. David Crompton
January 11, 2013
Page 2

easement, is recorded, and a secure funding source is provided for perpetual habitat management. Please describe in detail the proposed mechanism for preserving and managing the open space in the draft EIR.

There appear to be several drainage features on the Project site. For any activity that will divert or obstruct the natural flow, or change the bed, channel, or bank (which may include associated riparian resources) of a river or stream, or use material from a streambed, CDFW may require a Lake and Streambed Alteration Agreement (LSAA), pursuant to Section 1600 et seq. of the Fish and Game Code, with the applicant. CDFW may require additional mitigation in addition to what is identified in the draft EIR, if needed. To obtain information about the LSAA notification process, please access our website at <http://www.dfg.ca.gov/habcon/1600/>; or to request a notification package, contact the Lake and Streambed Alteration Program at (707) 944-5520.

If you have any questions, please contact Ms. Randi Adair, Senior Environmental Scientist, at (707) 944-5596; or Mr. Craig Weightman, Acting Environmental Program Manager, at (707) 944-5577.

Sincerely,



Scott Wilson
Acting Regional Manager
Bay Delta Region

cc: State Clearinghouse

1: RESPONSE TO CALIFORNIA DEPARTMENT OF FISH & WILDLIFE

1A: The DEIR does not identify a potentially significant impact to Congdon's tarplant. As stated on page 4.4-21 of the DEIR, "The location of the Congdon's tarplant on the project site is heavily used by humans and is subject to ongoing anthropogenic disturbances. Given the disturbance of the tarplant and the existence of numerous and far larger populations of Congdon's tarplant in the region, impacts to Congdon's tarplant on the project site would be considered less-than-significant."

1B: Please refer to Master Response 2.4.4 re biology comments. A Mitigation and Monitoring Plan and Conservation Management Plan (MMP/CMP) has been prepared for the project to address impacts to jurisdictional waters, riparian habitat, and habitat for California red-legged frog (*Rana draytonii*) and present specific mitigation and monitoring methods during project implementation. The MMP/CMP is presented in Attachment C. The MMP/CMP also includes provisions for preserving the onsite open space area. The plan addresses the land uses, features, anticipated level of human/vehicle use, management level of the open space, and the preservation and funding mechanism for managing the open space.

For additional information on the proposed mechanisms for preserving and managing open space, please refer also to Response 11D.

1C: Mitigation 4.4-13 of the DEIR states that "The project proponent shall comply with all state and federal regulations related to construction work that will impact aquatic habitats occurring on the site. Prior to construction, the project proponent shall obtain a Section 404 Clean Water Act permit from the USACE, Section 401 Water Quality Certification from the RWQCB, and/or Section 1600 Streambed Alteration Agreement from the CDFG, and submit proof of such documentation to the Town of Danville."

DEPARTMENT OF TRANSPORTATION

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January 14, 2013

CC680608
CC-680-R7.55
SCH# 2010112042

Mr. David Crompton
Planning Division
City of Danville
510 La Gonda Way
Danville, CA 90000

Dear Mr. Crompton:

Magee Ranches – Draft Environmental Impact Report (DEIR)

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the project referenced above. We have reviewed the DEIR and have the following comments to offer.

Traffic Impact Study (TIS)

One of Caltrans' ongoing responsibilities is to collaborate with local agencies to avoid, eliminate, or reduce to insignificance potential adverse impacts by local development on State highways. In our letter to you, dated December 10, 2010 (see, Appendix A Responses to Notice of Preparation, page 6), we recommended using the Caltrans *Guide for the Preparation of Traffic Impact Studies* (TIS Guide) for determining which scenarios and methodologies to use in the analysis. The TIS Guide is a starting point for collaboration between the lead agency and Caltrans in determining when a TIS is needed. The appropriate level of study is determined by the particulars of a project, the prevailing highway conditions, and the forecasted traffic. The TIS Guide is available at the following website address: http://dot.ca.gov/hq/tpp/offices/ocp/igr_ceqa_files/tisguide.pdf.

As we advised previously, the TIS should include several elements including but not limited to Average Daily Traffic, AM and PM peak hour volumes and levels of Service (LOS) on all significantly affected roadways, including crossroads and controlled intersections. We requested that the project's contribution to area traffic and degradation to existing and cumulative levels of service (LOS) with Caltrans' LOS threshold being applied to all State facilities be clearly identified. However, the City of Danville (City) did not include any of this information for State facilities and State facilities were not included in the traffic impact analysis.

The analysis should include I-680 mainline, as well as ramps and nearby intersections that will impact the ramp intersections. For example, the I-680/El Cerro Interchange and I-680/Diablo Interchange (see Figure 12-1 and page 4.12-6). Please revise the analysis to include all impacts to

State facilities, as requested in our previous letter. The electronic Synchro files should be submitted to Caltrans, along with trip distributions, for our review. Also, we requested the City identify mitigation for traffic impacts to State facilities. However, no mitigation was identified. Please identify for Caltrans any and all mitigation for traffic impacts to State facilities, as requested in our previous letter.

We also requested that special attention be given to three trip-reducing measures: (1) Coordinating with transit providers, to increase transit use by expanding routes and emphasizing express service to regional rail stations, and by providing bus shelters with seating at any future bus pullouts; (2) Providing transit information to all future residents; and (3) Encouraging bicycle- and pedestrian-friendly design. However, the DEIR does not discuss any of these trip-reducing measures, except for Mitigation Measure 4.12-4. We appreciate this mitigation measure to install a new pedestrian crossing, with in-pavement lighting or other equivalent pedestrian safety improvement, at the project's main entrance on Blackhawk Road.

Some traffic count data contained in Appendix A is dated May 3, 2006. Traffic counts older than three years, typically, are no longer considered accurate. Please provide traffic count data that is no older than three years.

Lead Agency

As the lead agency, the City is responsible for all project mitigation, including any needed improvements to State highways. The project's fair share contribution, financing, scheduling, implementation responsibilities and lead agency monitoring should be fully discussed for all proposed mitigation measures.

This information should also be presented in the Mitigation Monitoring and Reporting Plan of the environmental document (ED). Required roadway improvements should be completed prior to issuance of the Certificate of Occupancy. Since an encroachment permit is required for work in the State ROW, and Caltrans will not issue a permit until our concerns are adequately addressed, we strongly recommend that the County work with both the applicant and Caltrans to ensure that our concerns are resolved during the environmental process, and in any case prior to submittal of an encroachment permit application. Further comments will be provided during the encroachment permit process; see end of this letter for more information regarding encroachment permits.

Danville 2030 Draft General Plan

The City of Danville's 2030 General Plan (Plan) outlines transportation goals that include providing an efficient, safe, and environmentally sustainable transportation system; increasing transit usage; and improving the pedestrian environment. The Plan establishes minimum performance standards at signalized intersections for Basic Routes and Routes of Regional Significance. However, the Magee Ranches project was not identified in the Plan or discussed in the Plan's Draft Environmental Impact Report (DEIR), which was submitted recently for Caltrans' review. All of the Magee Ranches project study intersections, except for the intersection of Camino Tassajara/Blackhawk Road, are located along Basic Routes. The acceptable service level for signalized intersections may be no worse than mid-range LOS D. Please inform us how the Magee Ranches proposed development is to be included in the Plan and its impacts accounted for in the DEIR.

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Transportation Management Plan (TMP)

If it is determined that traffic restrictions and detours are needed on or affecting State highways, a TMP or construction Traffic Impact Study may be required of the developer for approval by Caltrans prior to construction. TMPs must be prepared in accordance with Caltrans' *Manual on Uniform Traffic Control Devices*. Further information is available for download at the following web address: <http://www.dot.ca.gov/hq/traffops/signtech/mutcdsupp/pdf/camutcd2012/Part6.pdf>.

D

Please ensure that such plans are also prepared in accordance with the transportation management plan requirements of the corresponding jurisdictions. For further TMP assistance, please contact the Office of Traffic Management Plans at (510) 286-4647.

Transportation Permit

Project work that requires movement of oversized or excessive load vehicles on State roadways requires a transportation permit that is issued by Caltrans. To apply, a completed transportation permit application with the determined specific route(s) for the shipper to follow from origin to destination must be submitted to: Caltrans Transportation Permits Office, 1823 14th Street, Sacramento, CA 95811-7119. See the following website for more information: <http://www.dot.ca.gov/hq/traffops/permits>.

E

Traffic Impact Fees

Please identify traffic impact fees to be used for project mitigation. Development plans should require traffic impact fees based on projected traffic and/or based on associated cost estimates for public transportation facilities necessitated by development. Scheduling and costs associated with planned improvements on the State ROW should be listed, in addition to identifying viable funding sources correlated to the pace of improvements for roadway improvements, if any.

Interstate 680 is critical to regional and interregional traffic in the San Francisco Bay region. It is vital to commuting, freight, and recreational traffic and is one of the most congested regional freeway facilities. The traffic generated by this proposed project, together with other projects in the vicinity, will have a cumulative significant regional impact to the already congested State Highway System. Therefore, Caltrans appreciates the City continuing work with the Southwest Area Transportation Committee (SWAT) on the Tri-Valley Action Plan to mitigate and plan for the impact of future growth on the regional transportation system.

F

Vehicle Trip Reduction

Caltrans encourages you to locate any needed housing, jobs and neighborhood services near major mass transit centers, with connecting streets configured to facilitate walking and biking, as a means of promoting mass transit use and reducing regional vehicle miles traveled and traffic impacts on the State highways.

G

We also encourage you to develop Travel Demand Management (TDM) policies to promote usage of nearby public transit lines and reduce vehicle trips on the State Highway System. These policies could include lower parking ratios, car-sharing programs, bicycle parking and showers for employees, and providing transit passes to residents and employees, among others. For information

about parking ratios, see the Metropolitan Transportation Commission (MTC) report *Reforming Parking Policies to Support Smart Growth* or visit the MTC parking webpage: http://www.mtc.ca.gov/planning/smart_growth/parking.

In addition, secondary impacts on pedestrians and bicyclists resulting from any traffic impact mitigation measures should be analyzed. The analysis should describe any pedestrian and bicycle mitigation measures and safety countermeasures that would in turn be needed as a means of maintaining and improving access to transit facilities and reducing vehicle trips and traffic impacts on State highways.

Habitat Restoration and Management

Project level activities related to habitat restoration and management should be done in coordination with local and regional Habitat Conservation Plans, and with Caltrans where our programs share stewardship responsibilities for habitats, species and/or migration routes.

Mitigation Reporting Guidelines

The California Environmental Quality Act (CEQA) requires the adoption of reporting or monitoring programs when public agencies include environmental impact mitigation as a condition of project approval. Reporting or monitoring takes place after project approval to ensure implementation of the project in accordance with mitigation adopted during the CEQA review process.

Some of the information requirements detailed in the attached Guidelines for Submitting Transportation Information from a Reporting Program include the following:

- Name, address, and telephone number of the CEQA lead agency contact responsible for mitigation reporting;
- Type of mitigation, specific location, and implementation schedule for each transportation impact mitigation measure; and
- Certification section to be signed and dated by the lead agency certifying that the mitigation measures agreed upon and identified in the checklist have been implemented, and all other reporting requirements have been adhered to, in accordance with Public Resources Code Sections 21081.6 and 21081.7.

Further information is available on the following website:
http://www.dot.ca.gov/hq/tpp/offices/ocp/igr_ceqa.html.

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Mr. David Crompton/City of Danville
January 14, 2013
Page 5

Should you have any questions regarding this letter, please call Brian Brandert of my staff at (510) 286-5505.

Sincerely,

A handwritten signature in blue ink, appearing to read "Erik Alm". The signature is fluid and cursive, with a large initial "E" and "A".

ERIK ALM, AICP
District Branch Chief
Local Development - Intergovernmental Review

c: Scott Morgan (State Clearinghouse)

2: RESPONSE TO CALIFORNIA DEPARTMENT OF TRANSPORTATION

2A: With regard to State facilities, the interchanges and freeway segments were not analyzed as part of the traffic study because the project was shown to generate few trips at these locations. According to the CCTA Final Technical Procedures Update (July 2006), when selecting study intersections, an analysis should include any signalized intersection where at least 50 project trips would be added, which typically reflects a one to three percent increase in critical volumes. Based on the approved trip generation, distribution, and assignment in the traffic study, the project would add the following trips to the nearest freeway intersections:

- 25 or fewer peak hour project trips to the intersection of I-680 southbound ramps/El Cerro Boulevard
- 5 or fewer peak hour project trips to the intersection of I-680 northbound ramps/El Cerro Boulevard
- 10 or fewer peak hour projects trips to the intersection of I-680 southbound ramps/Diablo Road
- 18 or fewer peak hour project trips to the intersection of I-680 northbound ramps/Diablo Road

In addition, I-680 has a capacity of 6,900 vehicles per hour (three mixed-flow lanes x 2,300 vehicles/lane/hour) in both the northbound and southbound directions in the vicinity of the project. Of all project trips that would travel through the nearest freeway intersections enumerated above, only 16 or fewer of those trips would be added to the freeway segments, which represents a less than 0.25% increase in capacity. Therefore, the project trips would not impact any freeway segments.

With regard to trip reduction measures, it should be noted that there is no transit in the immediate vicinity. Transit service in Danville is provided by the Central Contra Costa Transit Authority (“County Connection”), and this regional transit service provider has determined that it is not economical to provide transit to the area because the area is built at a relatively low density. In the future, the Town will continue to work with County Connection to determine the feasibility of increasing transit service in the area. The area is served by the TRAFFIX bus program, funded by the Measure J ½-cent sales tax. TRAFFIX is a traffic congestion relief program that has demonstrated an effective ability to reduce peak hour trips along the area’s roadways. Further, the project would provide pedestrian pathways that connect to the existing sidewalk network and includes a trail that connects to the existing trail on the north side of Blackhawk Road at the project entrance, travels along Green Valley Creek, and terminates at the proposed emergency vehicle access (EVA) at Diablo Road.

With regard to the shelf life traffic count data, the 2006 traffic counts were included in the Sensitivity Analysis section of the TIA for informational purposes, but were not used to calculate levels of service or V/C for any of the CEQA scenarios.

2B: See above. A draft mitigation monitoring and reporting plan (MMRP) has been prepared and is included as Attachment F. A final MMRP will be prepared in accordance with CEQA requirements, should the proposed project be approved, once all mitigation measures are finalized.

2C: As part of the 2030 General Plan Update, future traffic volumes were estimated using the CCTA's TransCAD travel forecasting model. Although the 2030 General Plan EIR is not a project-level EIR, the land use assumptions for the project site was included in the future travel forecasts as the DEIR for the 2030 General Plan clearly identifies the growth by Traffic Analysis Zone (TAZ), which is shown with a TAZ map that covers the entire Town and its Sphere of Influence. The model then distributes growth associated with all of the planned local development, which includes the project site, as well as regional traffic growth throughout the town including state highway facilities. Therefore, while not project-specific, the 2030 General Plan Update does account for the Magee Ranch property.

2D: Project construction would not require restrictions or detours on state facilities.

2E: Caltrans requirements would be complied with as applicable.

2F: The Town has both local and regional traffic impact fee programs in place. Specifically, residential developments in Danville are assessed a Residential Transportation Improvement Program (R-TIP) fee, any applicable subregional transportation impact fees (e.g., the SCC-Subregional Fee), and regional transportation impact fees such as the Southern Contra Costa Regional (SCC-Regional) fee and Tri-Valley Transportation Development (TVTD) fee. The regional fee programs have contributed significant sources of local funding to improvements along I-680, including the I-680 Auxiliary Lanes Project and the I-680/Alcosta Interchange.

Although the proposed project would not impact state facilities, the Town will continue to work with the Southwest Area Transportation Committee and the Tri-Valley Transportation Council on the Tri-Valley Action Plan to help mitigate and plan for the impact of future growth on the regional transportation system.

2G: The Town is a participating member of the Contra Costa 511 Program, which operates vehicle trip reduction and Travel Demand Management program for all member cities of the Southwest Area Transportation Committee.

2H: The project site is not located within any Habitat Conservation Plan areas. In addition, all habitat restoration and management activities prescribed in the DEIR would be confined to the project site.

2I: Please refer to Response 2B above.



EDMUND G. BROWN JR.
GOVERNOR

STATE OF CALIFORNIA
GOVERNOR'S OFFICE of PLANNING AND RESEARCH
STATE CLEARINGHOUSE AND PLANNING UNIT



KEN ALEX
DIRECTOR

January 15, 2013

David Crompton
City of Danville
510 La Gonda Way
Danville, CA 94526

Subject: Magee Ranches
SCH#: 2010112042

Dear David Crompton:

The State Clearinghouse submitted the above named Draft EIR to selected state agencies for review. On the enclosed Document Details Report please note that the Clearinghouse has listed the state agencies that reviewed your document. The review period closed on January 14, 2013, and the comments from the responding agency (ies) is (are) enclosed. If this comment package is not in order, please notify the State Clearinghouse immediately. Please refer to the project's ten-digit State Clearinghouse number in future correspondence so that we may respond promptly.

Please note that Section 21104(c) of the California Public Resources Code states that:

"A responsible or other public agency shall only make substantive comments regarding those activities involved in a project which are within an area of expertise of the agency or which are required to be carried out or approved by the agency. Those comments shall be supported by specific documentation."

These comments are forwarded for use in preparing your final environmental document. Should you need more information or clarification of the enclosed comments, we recommend that you contact the commenting agency directly.

This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act. Please contact the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process.

Sincerely,

Scott Morgan
Director, State Clearinghouse

Enclosures
cc: Resources Agency

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Document Details Report State Clearinghouse Data Base

SCH# 2010112042
Project Title Magee Ranches
Lead Agency Danville, City of

Type EIR Draft EIR
Description SummerHill Homes proposes to subdivide approximately a 410-acre site into 70 single-family lots, with six lots on the west portion of the site (Magee West) and 64 lots on the east portion of the site (Magee East). The project proposes to locate the lots on approximately 108 acres of the flatter portions of the site, avoiding the steeper slopes and ridges. The remaining ~302 acres of the site would be preserved as permanent open space.

Lead Agency Contact

Name David Crompton
Agency City of Danville
Phone 925-314-3349 **Fax**
email
Address 510 La Gonda Way
City Danville **State** CA **Zip** 94526

Project Location

County Contra Costa
City Danville
Region
Lat / Long 37° 50' 1.89" N / 121° 58' 25.50" W
Cross Streets Diablo and McCauley Roads
Parcel No. 202-050-071, -073, -074, -078, -079, -080, 202-100-017, -019, -038, -040, and 215-040-002
Township **Range** **Section** **Base**

Proximity to:

Highways SR 680
Airports
Railways
Waterways Green Valley Creek- East Branch
Schools Green Valley ES, Los Cerros MS, Vista Grande ES, Monte Vista HS
Land Use Ranch Land/ Agricultural Preserve District and General Agricultural District.

Project Issues Agricultural Land; Air Quality; Archaeologic-Historic; Biological Resources; Cumulative Effects; Drainage/Absorption; Flood Plain/Flooding; Forest Land/Fire Hazard; Geologic/Seismic; Growth Inducing; Landuse; Noise; Population/Housing Balance; Public Services; Recreation/Parks; Schools/Universities; Sewer Capacity; Soil Erosion/Compaction/Grading; Solid Waste; Toxic/Hazardous; Traffic/Circulation; Vegetation; Water Quality; Water Supply; Wetland/Riparian; Wildlife; Aesthetic/Visual

Reviewing Agencies Resources Agency; Department of Conservation; Department of Fish and Wildlife, Region 3; Office of Historic Preservation; Department of Parks and Recreation; Department of Water Resources; California Highway Patrol; Caltrans, District 4; Regional Water Quality Control Board, Region 2; Native American Heritage Commission

Date Received 11/30/2012 **Start of Review** 11/30/2012 **End of Review** 01/14/2013

3: RESPONSE TO CALIFORNIA GOVERNOR'S OFFICE OF PLANNING & RESEARCH

3A: This comment is informational in nature and does not pertain to the merits of the environmental analysis; no additional response is required.

**Department of
Conservation and
Development**

30 Muir Road
Martinez, CA 94553-4601

Phone: 1-855-323-2626

**Contra
Costa
County**



Catherine Kutsuris
Director

Aruna Bhat
Deputy Director
Community Development Division

Jason Crapo
Deputy Director
Building Inspection Division

Steven Goetz
Deputy Director
Transportation, Conservation and
Redevelopment Programs

January 29, 2013

Mr. David Crompton, Project Planner
Town of Danville
510 La Gonda Way
Danville, CA 94526

Subject: *Comments on Draft Environmental Impact Report, Magee Ranch -
Summerhill Residential Development, Subdivision 9291 (SCH#
20101120042)*

Dear Mr. Crompton:

Contra Costa County is in receipt of the Draft Environmental Impact Report (DEIR) for Subdivision 9291, Magee Ranch-Summerhill Development, which involves the proposed development of 70 single family residences located on the southside of Diablo Road and Blackhawk Road in the Town of Danville. Contra Costa County offers the following comments on the DEIR:

Traffic and Circulation Impacts

1. The applicant must apply for a Large Road Encroachment Permit for the construction of the intersection of Street "A" with Blackhawk Road. This was not addressed on Page 3-17 of the DEIR under the heading "3.5 Required Permits and Approvals". The applicant should contact the Permit Center of the Engineering Services Division of the Public Works Department (925-674-7744) to process a Road Acceptance Agreement along with the review of plans associated with the encroachment permit. Intersection improvements considered should include adequate acceleration and deceleration lanes as well as merging lanes onto the higher volume Blackhawk Road. We recommend that the applicant submit early in the process so that comments can be addressed through the planning process rather than during final design.

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2. It is noted that the section of Diablo Road immediately east of intersection of Diablo Road and Green Valley Road has long curves with limited shoulder area that may constrain the location and number of proposed driveways. There is discussion of site access and on-site circulation for the project beginning at page 4.12-37 in the DEIR. This section of the DEIR states that proposed Driveways "B" and "C" are adequately sited along Diablo Road. However, the DEIR does not include field data and design criteria used in making this determination. Absent such information, we recommend that the DEIR either incorporate such data, or the Town of Danville should require that sight distance analysis for each of the proposed driveways with ingress/egress on to Diablo Road be prepared prior to the final map stage.
3. The County requests that the sight distance analysis for all the proposed driveways and un-signalized study intersections along Diablo Road, including field data and design criteria, be shared with the County Public Works Department for their review and comment as to potential impact on County roads.
4. At page 4-12.36, the DEIR identifies an impact at the intersection of Blackhawk Road and Hidden Oak Drive. Mitigation Measure 4.12-1 includes collection of a fair share towards signalization of the intersection. Please provide clarification as to whether the Town of Danville intends on funding and constructing these improvements. If so, the plans should be submitted for review and approval by the County Public Works Department through a road encroachment permit (see item #1, above, regarding County road encroachment permit procedures).
5. At page 4-12.36 to 4-12.37, the DEIR identifies a significant impact for the intersection of Mt. Diablo Scenic Boulevard at Diablo Road. The County does not support conversion of the all-way stop to a stop on the minor street, Mt. Diablo Scenic Boulevard. The conversion will increase delay on Mt. Diablo Scenic Boulevard due to vehicles waiting for sufficient gaps on Diablo Road at a location where corner sight distance and stopping sight distance is insufficient. Instead, the County supports the installation of improved traffic controls at this intersection that are in keeping with the unique and rural character of Diablo Road consistent with County General Plan policies related to the Alamo-Diablo-Blackhawk area (General Plan Policies 3-114 and 3-123, Land Use Element, Contra Costa County General Plan, 2005-2020). The County requests that Mitigation Measure 4.12-2 be revised to require the applicant fully fund a study of appropriate traffic control options for this intersection (options that could include either traffic signal or traffic roundabout), and based on the study outcome, make a fair share contribution toward the design and installation of the preferred traffic control option for this intersection as identified in the study. The study of traffic control options for this intersection should be a joint effort between the Town of Danville and Contra Costa County. Furthermore, since any traffic control option at this intersection would affect both Diablo residents and visitors to Mount Diablo State Park, the County requests that the Diablo Community Services District/Diablo

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Municipal Advisory Council, and the Superintendent, Mount Diablo State Park, be consulted during study of traffic control options for the intersection.

Hydrology, Stormwater, and Water Quality Impacts

6. The Contra Costa Flood Control and Water Conservation District has provided extensive EIR scoping comments and comments on the DEIR. The County supports and reiterates the Flood Control District concerns regarding:
 - The project's location in the San Ramon Creek watershed, and recommendation that the DEIR include language regarding developments in the San Ramon Creek watershed being required to mitigate their adverse drainage impact upon the natural creeks by either removing 1 cubic yard of channel excavation material from the inadequate portion of San Ramon Creek for each 50 square feet of new impervious surface area created by the development, or, providing for a cash payment in lieu of actual excavation and removal of material from the inadequate portion of San Ramon Creek.; and,
 - Requiring the Magee Ranch development to be subject to the Green Valley Creek Mitigation fee of \$0.10 per square foot of newly created impervious surface area, which is based on the Flood Control District's Report on Impervious Surface Ordinance; and,
 - Conditioning the Magee Ranch development to design and construct storm drain facilities to adequately collect and convey stormwater entering or originating within the development to the nearest adequate man-made drainage facility or adequate natural watercourse, without diversion of the watershed.

7. As further recommended by the Flood Control District, the Town of Danville should condition the Magee Ranch development to identify and mitigate the potential impacts related to erosion if the peak and volume of stormwater from this project are increased. The County encourages the Town of Danville, as recommended by the Flood Control District, to require the Magee Ranch development to conduct an inventory of Green Valley Creek so as to identify any critical locations within the creek that would be prone to erosion if peak stormwater flows are increased. This requirement is similar to a mitigation measure that the County required for Subdivision 8905 (Humphrey Property) located in Alamo upstream of Subdivision 9291 in the Green Valley Creek watershed. As noted in the comment letter from the Flood Control District, records from both the Flood Control District and the Town of Danville could be used by the applicant to identify areas of past complaints or bank repair.

8. Beginning at page 4.8-16, the DEIR discusses the impact of a new bridge crossing over the East Branch Green Valley Creek and associated creek restoration activities. Please clarify what public agency will review the proposed bridge plans and issue permits. Also, please identify which public agency will be responsible for maintenance and operations of the restored creek and bridge.

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Construction Impacts

9. Noise Impact, Mitigation Measure 4.10-3, requires the applicant to develop a construction mitigation plan in close cooperation with the Town of Danville prior to any grading or other construction activities. The County requests that the construction noise mitigation plan also be prepared in consultation with the Diablo Community Services District and Diablo Municipal Advisory Council, as residences in Diablo are in close proximity to the construction activities. Also, the County request that the Town of Danville consider conditioning a limitation on project construction hours as follows (taken from standard County condition of approval):

All other construction activities shall be limited to the hours of 8:00 AM to 5:00 PM, Monday through Friday, and shall be prohibited on state and federal holidays on the calendar dates that these holidays are observed by the state or federal government as listed below:

New Year's Day (State and Federal)
Birthday of Martin Luther King, Jr. (State and Federal)
Washington's Birthday (Federal)
President's Day (State)
Cesar Chavez Day (State)
Memorial Day (State and Federal)
Independence Day (State and Federal)
Labor Day (State and Federal)
Columbus Day (State and Federal)
Veterans Day (State and Federal)
Thanks Giving Day (State and Federal)
Day after Thanksgiving (State)
Christmas Day (State and Federal)

10. The County notes that there is no reference in the DEIR to impacts resulting from construction traffic associated with the project. The DEIR does describe that the project will require construction of new 8-inch and 10-inch water distribution mains that would intertie into existing East Bay Municipal Utility District infrastructure within McCauley Road, Diablo Road, and Blackhawk Road (page 4.13-19), and sanitary sewer lines from the new residential development would also intertie with an existing sewer mainlines within the roadway system (page 4.13-27). Yet, the DEIR does not describe what traffic impacts of both on-site and off-site construction activities associated with the project would have on Diablo Road. The County requests the Town of Danville condition the applicant to prepare a construction traffic mitigation plan prior to any grading or other construction activities related to the project. Furthermore, since construction traffic impacts are likely to have impact on Diablo Road, the traffic construction mitigation plan should be prepared in consultation with the County Public Works Department, Diablo Community Services District, and Superintendent, Mount Diablo State Park.

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We appreciate the opportunity to review and comment on the DEIR for the Magee Ranch -Summerhill Residential Development, Subdivision 9291. Should you have any questions or concerns regarding the County's comments, please feel free to contact me by telephone at (925) 674-807 or by email at patrick.roche@dcd.cccounty.us.

Sincerely yours,



Patrick Roche
Principal Planner

cc: Members, Board of Supervisors
Diablo Community Services District and Diablo Municipal Advisory Council
Alamo Municipal Advisory Council
C. Kutsuris, Director, CCC-DCD
J. Bueren, Director, CCC-PWD
T. Jensen, Contra Costa County Flood Control & Water Conservation District

4: RESPONSE TO CONTRA COSTA COUNTY DEPARTMENT OF CONSERVATION & DEVELOPMENT

4A: Page 3-17 of the EIR has been revised to include the Large Road Encroachment Permit. The applicant would coordinate with the County as required to obtain all permits.

4B: Subsequent to circulation of the DEIR, the applicant submitted a revised plan and removed the three custom lots along Diablo Road and their associated driveways (B and C). Please refer to the discussion of the revised plans in Section 1.3. Therefore, no further analysis of these driveways is required.

4C: See response above. The project no longer proposes any driveways along Diablo Road with the exception of the main project entrance. The sight analysis for this intersection is addressed on page 4.12-37 of the DEIR. In addition, the analysis of unsignalized intersections is contained in the DEIR and in the traffic study provided in Appendix I of the DEIR.

4D: Under 2030 conditions, the intersection of Hidden Oaks Drive/Magee Ranch Road and Blackhawk Road is shown to operate at a poor LOS. Based on the Town's thresholds, the project would have a significant impact at this intersection and mitigation is required. Since signalization of this intersection has been previously identified within the Town's Capital Improvement Program with funds collected for its installation as a part of the North East Roadway Improvement Assessment District (NERIAD), it was identified in the DEIR as mitigation. The County's road encroachment permit procedures will be followed for this improvement. See also the Master Response in Section 2.4.2.

4E: The Town acknowledges the County's objection to conversion of the three-way stop at Diablo Road/Mt. Diablo Scenic Boulevard. Please refer to the Master Response in Section 2.4.2 regarding the revised mitigation measure at the Diablo Road/Mt. Diablo Scenic Boulevard intersection. The DEIR did not identify a roundabout as a feasible measure, since it would require the need to acquire private property for this improvement. The Town acknowledges that these mitigation measures would occur on property within the County's jurisdiction and the Town cannot require the County to require these measures. It is the County's decision to determine if any improvement is necessary at this intersection. However, the Town is required by CEQA to identify feasible mitigation measures for this significant impact, as was conducted for the EIR.

4F: The project would be subject to flood control impact fees as required by the Contra County Flood Control and Water Conservation District. The proposed storm drain system would be constructed in accordance with Town of Danville standards and would not divert runoff into a different watershed.

4G: Based on the rigorous hydrologic analysis prepared for the project described in Section 4.8 of the DEIR, which was reviewed by the Contra County Flood Control and Water Conservation District, the project would mitigate hydrologic impacts related to increases in peak flow rates by the installation of a detention basin that would maintain post-project peak flows at pre-project levels. The project is not only mitigating for a 10-year rainfall event but for a 100-year event. The project, therefore, would not result in increases in peak flows in East Branch Green Valley Creek. The project would also be subject to current Contra Costa County Clean

Water Program standards that include conformance to watershed hydromodification requirements. These standards require new development projects to slowly meter smaller flows (i.e., stormwater flows caused by rainfall events between 10% of the 2-year recurrence interval storm up to the 10-year recurrence interval storm) specifically to mitigate erosion potential downstream of the project in the project watershed. The latter requirement has been in effect in Contra Costa County since 2006 and is a far more rigorous hydrologic mitigation measure than previously imposed on similar past developments in the Green Valley Creek watershed. Given that peak flows would not increase with implementation of the detention basin and that smaller erosive flows would be addressed through hydromodification controls, potential impacts to downstream receiving waters would be reduced to less-than-significant levels through hydrologic measures implemented by the project.

4H: The proposed bridge would be subject to review by all appropriate local, county, state and federal agencies as part of their discretionary approval process. These agencies may include the Town of Danville, Contra Costa County Public Works, California Department of Fish and Wildlife, San Francisco Bay Regional Water Quality Control Board, U.S. Army Corps of Engineers, and U.S. Fish and Wildlife Service.

4I: The Town will ensure that the construction noise mitigation plan includes all the Town's requirements as set forth in Mitigation Measure 4.10.3. The construction noise mitigation plan will be provided to the Diablo Community Service District and Diablo Municipal Advisory Council before construction begins. This plan will include the construction hour limitations in the Town's regulations as set forth in Mitigation Measure 4.10-3.

4J: Consistent with all projects in the Town of Danville, construction traffic mitigation plans for the project would be prepared in accordance with California Manual on Uniform Traffic Control Devices guidelines, where intrusion into to the public travel way occurs. The construction traffic mitigation plans would be prepared under the direction of the Town of Danville and submitted to the County and other appropriate jurisdictions before construction begins.

WILLIAM B. WALKER, M.D.
HEALTH SERVICES DIRECTOR
RANDALL L. SAWYER
CHIEF ENVIRONMENTAL HEALTH & HAZMAT OFFICER
MARILYN C. UNDERWOOD, PH.D. REHS
DIRECTOR OF ENVIRONMENTAL HEALTH



CONTRA COSTA
ENVIRONMENTAL HEALTH
2120 Diamond Blvd., Suite 200
Concord, California 94520
Ph (925) 692-2500
Fax (925) 692-2502
www.cchealth.org/eh/

January 4, 2013

David Crompton
Town of Danville, Planning Division
510 La Gonda Way
Danville, CA 94526

RE: DEV10-0072 (Proposed subdivision)
Diablo & McCauley Rd., Danville
APN Multiple

Dear Mr. Crompton:

The Contra Costa Environmental Health Division (CCEHD) has received a request for agency comments for the above referenced project. The following are our comments if the properties will be connected to public sewer and city water:

1. A permit from CCEHD is required for any well or soil boring prior to commencing drilling activities, including those associated with environmental investigation and cleanup, and geotechnical investigation. | A
2. Any abandoned wells (water, environmental, or geotechnical) and septic tanks must be destroyed under permit from CCEHD. If the existence of such wells or septic tanks are known in advance or discovered during construction or other activities, these should be clearly marked, kept secure, and destroyed pursuant to CCEHD requirements. | B

These comments do not limit an applicant's obligation to comply with all applicable laws and regulations. If you should have any questions, please do not hesitate to call me at (925) 692-2535.

Sincerely

Joseph G. Doser, REHS
Supervising Environmental Health Specialist

cc: Ed Diaz, Environmental Health Specialist II

JGD:lj



5: RESPONSE TO CONTRA COSTA ENVIRONMENTAL HEALTH

5A: The applicant would obtain a permit from the Contra Costa Environmental Health Division (CCEHD) for any well drilling or soil boring activities as may be required for further site characterization.

5B: The applicant would destroy all wells and septic tanks on the site as required by the CCEHD; please note, however, that none were identified during the environmental review of the property.



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

Julia R. Bueren,
ex officio Chief Engineer
R. Mitch Avalon,
Deputy Chief Engineer

January 29, 2013

David Crompton, Project Planner
Town of Danville
510 La Gonda Way
Danville, CA 94526

RE: Sub 9291 Magee Ranch (LEG10-0004, DEV10-0071, & DEV10-0072)
File: 1002-9291

Dear Mr. Crompton:

We have received the Draft Environmental Impact Report (DEIR) for Subdivision 9291, the Magee Ranch—Summerhill Development, located on the south side of Diablo Road and Blackhawk Road (APN 202-050-071, -073, -074, -078, etc.). The Contra Costa County Flood Control & Water Conservation District (FC District) previously commented on this development's Notice of Preparation, in our letter dated December 14, 2010, and now submit the following comments and recommendations for conditions of approval:

1. The project is in the San Ramon Creek watershed. We recommend that the DEIR include language regarding developments in the San Ramon Creek watershed being required to mitigate their adverse drainage impact upon the natural creeks. Toward that end, the following should be added to the conditions of approval for the future developments' applications:

Mitigate the impact of additional stormwater runoff from those developments draining to San Ramon Creek by either of the following methods:

- Remove 1 cubic yard of channel excavation material from the inadequate portion of San Ramon Creek for each 50 square feet of new impervious surface area created by the development. All excavated material shall be disposed of off-site by the developer at his own cost. The site selection, land rights, and construction staking will be performed by the FC District.

OR, upon written request by the developer:

- Provide for a cash payment in lieu of actual excavation and removal of material from the inadequate portion of San Ramon Creek. The cash payment will be calculated at a rate of \$0.10 per square foot of new impervious surface area created by the development. The added impervious surface area created by the development will be based on the FC District's standard impervious surface area ordinance. The FC District will use these funds to work on San Ramon Creek annually.

2. The Magee Ranch Project site is also upstream of known inadequate reaches of Green Valley Creek. We recommend that the Town of Danville (Town) require any future

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development on these sites be subject to the Green Valley Creek Mitigation fee of \$0.10 per square foot of newly created impervious surface area. This fee is based on the FC District's Report on Impervious Surface Ordinance. The Town should collect the fee for transfer to the County's Drainage Deficiency Fund.

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3. As required by Division 1010 (Drainage) of the County Title 10 Ordinance, the applicant shall obtain a drainage permit (1010 permit) from the FC District prior to conducting any work (including but not limited to new storm drain outfalls, bridges, and road widening) in natural or man-made watercourses located in unincorporated Contra Costa County.

C

4. We recommend that the Town condition the applicant to design and construct storm drain facilities to adequately collect and convey stormwater entering or originating within the development to the nearest adequate man-made drainage facility or adequate natural watercourse, without diversion of the watershed.

D

5. The FC District and the Army Corps of Engineers have performed studies that show that Green Valley Creek downstream of this project does not have sufficient capacity for the 100-year storm event considering the ultimate build-out condition and has existing flooding, encroachments, and erosion issues. We recommend that the EIR discuss if the existing conditions will be made worse by this proposed development.

E

6. We recommend that the Town condition this development to reduce post-development stormwater peak runoff to predevelopment levels

F

7. We recommend that the Town condition the development to construct the proposed detention basin and drainage facilities in accordance with the Regional Hydrologic Analysis prepared by Engeo Incorporated and dated June 8, 2011, and revised on April 17, 2012. We recommend, prior to allowing any changes to these drainage facilities as modeled, that the developer be conditioned to submit a revised Hydrologic Analysis for FC District review and the Town's approval.

G

8. The developer should be conditioned to create or enter into a Geologic Hazard Abatement District (GHAD) to maintain proposed detention basin and other proposed drainage facilities. The GHAD, in addition to implementing other measures to mitigate, prevent, control and abate geologic hazards, will establish a comprehensive plan to maintain the stormwater facilities and provide corrective measures as needed. Funding for the GHAD should occur through property owner assessments within the Magee Ranch Project.

H

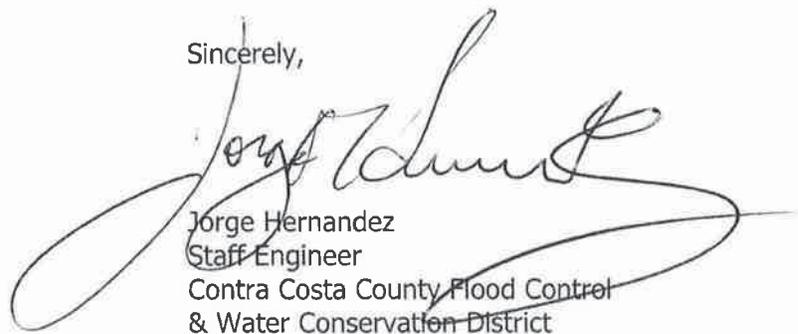
9. There is potential for increased erosion within the reaches of Green Valley Creek downstream of this project if post-project flows are not mitigated to predevelopment levels. We recommend that the Town condition the developer to identify and mitigate the potential impacts related to erosion if the peak and volume of stormwater from this project are increased. An inventory of Green Valley Creek to identify any critical locations prone to erosion is recommended if peak flows are increased. This requirement is similar to a mitigation measure that the County required for Subdivision 8905 (Humphrey Property) located in Alamo upstream of Subdivision 9291 in the Green Valley Creek watershed. FC District and Town records could be used by the developer to identify areas of past complaints or bank repair.

I

10. In Appendix G of the DEIR (Regional Hydrologic Analysis for the Magee Ranches Project), the center elevation of the upper orifice in Figure 8 should be revised to be 567 to be consistent with the value in the model. J
11. We recommend that the Town condition the developer to contact the appropriate environmental regulatory agencies, such as the U.S. Army Corps of Engineers, State Department of Fish and Game, and State Regional Water Quality Control Board, to obtain all the necessary permits for this project or show that such permits are not necessary. K
12. The applicant should be required to comply with the current NPDES (National Pollutant Discharge Elimination System) requirements under the City Stormwater Management and Discharge Control Ordinances and the C.3 Guidebook. We support the State's goal of providing best management practices to achieve the permanent reduction or elimination of stormwater pollutants and downstream erosion from new development. The FC District is available to provide technical assistance for meeting these requirements under our Fee-for-Service program. L
13. On page 4.8-16 of the DEIR, there is discussion regarding a bridge crossing and creek restoration. Please clarify which entity will review the proposed bridge plans and issue permits. Also, please identify which agency will be responsible for maintenance and operations of the restored creek and bridge. We recommend that the DEIR address any downstream impacts from the removal of the existing grade control structures. M
14. On page 4.8-16, please clarify what is meant by temporary scour up to a 100-year recurrence interval event. The DEIR should address any downstream impacts due to the temporary scour. N

We appreciate the opportunity to review plans involving drainage fee matters and welcome continued coordination. If you have any questions, please contact me via e-mail at jhern@pw.cccounty.us or by phone at (925) 313-2304; alternately, you may contact Teri Rie at trie@pw.cccounty.us or (925) 313-2363.

Sincerely,



Jorge Hernandez
Staff Engineer
Contra Costa County Flood Control
& Water Conservation District

JH:cw

G:\FldCtl\CurDev\CITIES\Danville\Sub 9291 Magee Ranch\DEIR Comment Letter 1-29-13.docx

c: Tim Jensen, Flood Control
Teri E. Rie, Flood Control
Mary Halle, Transportation
Patrick Roche, Dept. of Conservation & Development—CDD
Diablo Community Services District, P.O. Box 321, Diablo, CA 94528

6: RESPONSE TO CONTRA COSTA FLOOD CONTROL & WATER CONSERVATION DISTRICT

6A: The project would be subject to flood control impact fees required by the Contra County Flood Control and Water Conservation District, including the Green Valley Excavation Mitigation Area fee.

6B: This comment is informational only and does not pertain to the merits of the environmental analysis. No further response is required.

6C: The project would be subject to drainage permits required by the Contra County Flood Control and Water Conservation District.

6D: The comment recommends that the Town condition the project to design and construct storm drain facilities to adequately collect and convey storm water entering or originating within the development to the nearest man made drainage facility or adequate natural watercourse, without diversion into the watershed. The Town does include this requirement as a standard condition of approval.

6E: As described in the DEIR and further described in the responses, the project would not worsen existing hydrological conditions because post-development flows would be maintained at pre-project levels. Based on the hydrologic analysis prepared for the project, the project would avoid hydrologic impacts related to increases in peak flow rates by the installation of a proposed detention basin that would maintain post-project peak flows at pre-project levels. See also responses to Letter 4.

6F: As described in Section 4.8 Hydrology and Water Quality of the DEIR, the project would maintain post-development runoff at pre-development levels with mitigation identified in the document.

6G: The project would be conditioned to construct the proposed detention basin and drainage facilities in accordance with the Regional Hydrologic Analysis prepared by ENGE0.

6H: The project applicant is proposing to be annexed into a GHAD as part of its project. Also refer to Response 11D below for additional information on the GHAD.

6I: Please refer to Responses 4G, 6E, 6F, 6G, 71F, and 85A regarding the comment raised on potential erosion with the creek concerns.

6J: The regional analysis would be updated as final project planning proceeds. See also response to 4G above.

6K: As described in the discussions under “Regulatory Environment” throughout the DEIR, the project would be subject to review by all appropriate local, county, state and federal agencies as part of the discretionary approval process. These agencies include the Town of Danville, Contra Costa County Public Works, California Department of Fish and Wildlife, San Francisco Bay Regional Water Quality Control Board, U.S. Army Corps of Engineers, and U.S. Fish and Wildlife Service.

6L: As described on pages 4.8-4 and 4.8-5, the project would be required to comply with agency regulations to manage storm water and protect water quality, including all NPDES and provision C.3 requirements. Mitigation measure 4.8-1 of the DEIR specifically requires that the project “incorporate best management practices consistent with the requirements of the National Pollution Discharge Elimination System (NPDES) Municipal Stormwater permit (No. CAS612008). The project proponent shall obtain a NPDES General Construction Permit and prepare the SWPPP in accordance with all legal requirements, prior to the issuance of a grading permit.”

6M: Please refer to 6K above. The proposed bridge would be subject to review by all appropriate local, county, state and federal agencies as part of their discretionary approval process. These agencies may include the Town of Danville, Contra Costa County Public Works, California Department of Fish and Wildlife, San Francisco Bay Regional Water Quality Control Board, U.S. Army Corps of Engineers, and U.S. Fish and Wildlife Service. The GHAD for the proposed subdivision will be responsible for maintenance of the restored creek and bridge. The project will not result in any downstream impacts from the removal of the existing grade control structures. See also Response 85A.

6N: Temporary scour refers to the temporary loss of soil strength that can occur during peak flow events when soils become supersaturated in creek channels. The loss of strength is factored into the bridge foundation design. Please note, however, that there is no downstream impact associated with temporary loss of soil strength. As described in Response 85A, the storm water management measures for the project will meter increased flow durations to flow rates that are below erosion thresholds of the downstream receiving water to assure that impacts related to scour and erosion are reduced to less-than-significant levels.

David Crompton

From: Lacey.Friedman@hsd.cccounty.us
Sent: Thursday, December 13, 2012 4:20 PM
To: David Crompton
Cc: smorioka@hsd.cccounty.us
Subject: Magee-SummerHill

Mr. Crompton,

I was asked to review the draft EIR on the Magee-SummerHill Residential Development proposed to be built in Danville. I looked in our files and as far as previous activity, there was one 500-550 gallon underground storage fuel tank (UST) and one 2,000 gallon above ground storage heating oil tank (AGT). They were both previously located at Rassier Ranch, 1025 Diablo Road and were removed in 1989. The UST was in good condition, but the AGT showed some signs of leaking. The AGT was located approximately 30 feet from a water well that was to be abandoned and then closed via a permit from Contra costa Environmental Health. Some soil was excavated under the AGT and the samples taken after removal were within allowable limits - below 40ppm.

A

As far as future use, if the development plans to install a fuel-based emergency power generator, swimming pool, or other similar equipment - the chemicals for these may be regulated by our office depending on quantities stored. In this instance, they should consult our office so that we can determine if they need to be regulated in our Hazardous Materials Business Plan program.

B

If you have any other questions, feel free to contact me.

Lacey Friedman, Hazardous Materials Specialist II
NOTE: New Address & Phone
4585 Pacheco Blvd, Ste 100
Martinez CA 94553
Direct: (925) 335-3231
General: (925) 335-3200

7: RESPONSE TO CONTRA COSTA COUNTY ENVIRONMENTAL HEALTH – HAZARDOUS MATERIALS (LACEY FRIEDMAN)

7A: As described in Section 4.7 Hazards and Hazardous Materials of the DEIR, a Phase I Assessment and Limited Phase II Subsurface Investigation were conducted for the project. The results of these studies indicate the presence of hazardous substances associated with the ranching uses. Mitigation is identified in the DEIR to reduce this potential impact to a less-than-significant level (Mitigation Measure 4.7- and 4.7-2 at pages 4.7-8 and 4.7-9).

7B: Comment noted. The applicant would need to consult with this County department if such improvements are proposed.

CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION
 651 Pine Street, Sixth Floor • Martinez, CA 94553-1229
 e-mail: LTexte@lafco.cccounty.us
 (925) 335-1094 • (925) 335-1031 FAX



Lou Ann Teixeira
 Executive Officer

MEMBERS

Donald A. Blubaugh <i>Public Member</i>	Dwight Meadows <i>Special District Member</i>
Federal Glover <i>County Member</i>	Mary N. Piepho <i>County Member</i>
Michael R. McGill <i>Special District Member</i>	Rob Schroder <i>City Member</i>
	Don Tatzin <i>City Member</i>

ALTERNATE MEMBERS

Candace Andersen
County Member

Sharon Burke
Public Member

Tom Butt
City Member

George H. Schmidt
Special District Member

January 29, 2013

David Crompton, Project Planner
 Town of Danville
 510 La Gonda Way
 Danville, CA 94526

Subject: Draft Environmental Impact Report (DEIR) for the Magee Ranches Project

Dear David:

Thank you for including the Contra Costa Local Agency Formation Commission (LAFCO) in the environmental review process for the proposed Magee Ranches Project.

We understand that this project would result in the subdivision of a 410-acre undeveloped property into 70 single family lots; six lots would be located in the Magee West part of the project site and 64 lots would be in the Magee East portion of the site. The residential lots would affect 108± acres of the flatter portions of the site, with the remaining 302 acres preserved as permanent open space. A minimum of 10% of the homes would include second dwelling units in accordance with the Town's affordable housing requirements.

In response to the DEIR, we offer general and specific comments below.

General Comments

As a Responsible Agency pursuant to the California Environmental Quality Act (CEQA), LAFCO will need to rely on the Town's environmental document for this project in consideration of future annexations to East Bay Municipal Utility District (EBMUD) for water service and Central Contra Costa Sanitary District (CCCSD) for wastewater services. The project site is located within the spheres of influence of both agencies.

LAFCO is an independent, regulatory agency with discretion to approve or disapprove boundary changes. LAFCO is required to consider a variety of factors when evaluating a proposed boundary change including, but not limited to, the project's potential impacts on agricultural land and open space, the provision of municipal services and infrastructure to the project site, the extent to which the proposal will affect a city or the county in achieving its fair share of the regional housing needs, the timely and available supply of water, etc.

The factors relating to boundary changes are contained in the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 ("CKH" - Government Code §56000 et seq.) and include §56668. (Note: all references in this letter are to the California Government Code). In general, for this and other projects, we encourage Town staff to reference and include consideration of the issues set forth in §56668 and other relevant sections of the CKH when preparing environmental documents for

projects that require subsequent approvals by LAFCO, as doing so will facilitate the LAFCO process. Failure to do so may result in additional CEQA compliance work on the part of the applicant.

In reviewing this project, LAFCO will be asked to rely on the Town's environmental document for future boundary changes as noted above. We are pleased to note that the DEIR references the required LAFCO actions in the Project Description, and identifies LAFCO as a public agency whose approval is required. We encourage Town staff to include in the EIR an evaluation of the relevant CKH factors on which the LAFCO annexation decisions would be based, as discussed below.

Specific Comments

1. Agricultural Resources. The DEIR indicates that the project site has been used for cattle grazing for many years and that approximately 50 percent of the 410-acre property is designated Public and Open Space -Agricultural or Public and Open Space -General in the Danville General Plan, with associated zoning designations of A-2, A-4 and P-1, all of which are for agricultural and open space uses. In Section 4.2, Agricultural and Forest Resources, the DEIR defines "agricultural land" in accordance with the definition provided in Public Resources Code §21060.1 as prime farmland, farmland of statewide importance, or unique farmland, as defined by the USDA land inventory and monitoring criteria, as modified for California. The DEIR finds that the project site is not classified in any of the categories referenced in this code section. On this basis, the DEIR concludes that the Project would have 'no effect' on the loss of agricultural lands because the site is not classified as Prime Farmland, Farmland of Statewide Importance or Farmland of Local Importance.

LAFCO acknowledges that for CEQA purposes, the conclusion reached in the EIR could be considered adequate. However, be advised that LAFCO will require more analysis of this topic in order for the Commission to make determinations required under CKH §56668 in which the loss of agricultural lands is an important factor. CKH defines 'agricultural lands' and 'prime agricultural land' differently from the definition used in CEQA. Specifically, §56064(c) defines "prime agricultural land" as "land that supports livestock used for the production of food and fiber and that has an annual carrying capacity equivalent to at least one animal unit per acre as defined by the USDA in the National Range and Pasture Handbook Revision 1, December 2003." In order to fully inform Contra Costa LAFCO regarding potential impacts to agricultural lands, the EIR should expand upon its discussion of potential effects on agricultural resources by providing an assessment against the definition of "prime agricultural lands" as provided in §56064 of CKH.

2. Regional Housing Needs. Another factor LAFCO must consider in its review of an annexation proposal is the extent to which the project would affect the Town's ability to meet its share of regional housing needs. The EIR should discuss whether and to what extent any of the single family homes or the 11 "casitas" or second units would satisfy the Town's affordable housing allocations in relation to the provisions of §56668(l).

3. Sustainable Communities Strategy. The CKH contains two factors relating to regional growth goals and policies [§56668(g) and §56668.5]. The EIR should evaluate the relationship of the proposed project to the regional growth goals and policies and related sustainable communities strategies identified in the *One Bay Area* plan.

Thank you for the opportunity to comment. Please contact the LAFCO office if you have any questions.

Sincerely,



Lou Ann Teixeira
Executive Officer

c: LAFCO Planner

A

B

C

8: RESPONSE TO CONTRA COSTA LOCAL AGENCY FORMATION (LAFCO)

8A: The introductory comments in this letter do not relate specifically to the merits of the environmental analysis, and no response to these introductory comments is necessary. The Town acknowledges that the EIR will be used for the anticipated future boundary changes to the EBMUD and CCCSD. Additional discussion is provided below regarding Sections 56668 and 56064(c) of the Cortese-Knox-Herzberg Act.

LAFCO applies the appropriate sections of the California Government Code in considering agricultural land proposed for annexation into cities and service districts. LAFCO must consider the importance of this land and its potential loss to the agricultural community when considering the annexation request. While the project site consists of grazing land it does not meet any of the criteria for prime or important agricultural land as defined by CEQA. In addition, the project site does not appear to qualify as prime land for livestock production per the USDA Handbook criteria (one animal unit per acre), since the average stocking rate for grazing operations on the project site is one cow per 10 acres. This information has been added to the text of the EIR, as presented in Section 3.0.

8B: The project will comply with the Town's Inclusionary Housing Ordinance by incorporating second dwelling units into at least 10 percent of the new homes. If rented, these units must be leased to a qualifying household at a qualifying rate. The project property is not a site that has been identified for providing a larger number of units intended to satisfy the Town's regional housing needs allocation.

8C: One Bay Area is a joint initiative comprised of four of the Bay Area's regional government agencies: the Association of Bay Area Governments (ABAG), the Bay Area Air Quality Management District (BAAQMD), the Bay Conservation and Development Commission (BCDC), and the Metropolitan Transportation Commission (MTC). Under Senate Bill (SB) 375, California's 18 metro areas are to plan jointly for transportation, land use, and housing with the ultimate goal of reducing greenhouse gas emissions for cars and light-duty trucks. State law requires that Plan Bay Area develop a Sustainable Communities Strategy (SCS) that accomplishes three principal objectives:

- Identify areas to accommodate all the region's population associated with Bay Area economic growth, including all income groups, for at least the next 25 years;
- Develop a Regional Transportation Plan that meets the needs of the region; and
- Reduce greenhouse gas emissions from automobiles and light trucks.

SB 375 is explicit that neither ABAG nor MTC has the legal authority to supersede the land use authority of cities and counties in the region. The project would be consistent with the Town's General Plan land use designations for the site, and does not include growth that is not accounted for in the Town's General Plan and regional plans for the Bay Area. The project does not specifically meet the goals of One Bay Area to provide better mobility and homes closer to transit, jobs, and services; however, as described in Section 4.3 of the DEIR, the project would not result in a significant generation of greenhouse gas emissions.

DIABLO COMMUNITY SERVICE DISTRICT

P.O. Box 321
Diablo CA 94528
(925) 838 0353
(925) 838 8430 (FAX)

January 3, 2013

Kevin Gailey
Chief of Planning
Danville Town Office
510 La Gonda Way
Danville CA 94526

Re: Summerville EIR

Dear Mr. Gailey

The Board of Directors of the Diablo Community Service District (DCSD) has read and reviewed the DEIR as it affects traffic on Diablo Road. The Board is very concerned regarding the traffic on Diablo Road as it affects the ability of traffic to enter and exit Diablo. As you know there are three entrances (and exits) to and from Diablo, each of which intersect with Diablo Road. One of the remedial suggestions of the DEIR regarding the increased traffic that will be generated on Diablo as a result of the Summerhill project is the elimination of the stop sign at Mt. Diablo Scenic. The Board of Directors is very concerned with that option because the stop sign creates a metering affect that permits traffic to enter and exit Diablo onto Diablo Road. Even with the metering effect, it is often difficult to enter or exit Diablo during peak traffic patterns. The elimination of that stop sign would increase substantially the time required to enter or exit Diablo during peak hours.

One of the suggestions in the DEIR was the placement of an electronic traffic signal at the intersection of Diablo Road and Mt. Diablo Scenic Blvd. The Board of Directors of DCSD strongly endorses the use of the electronic traffic signal because the Board believes that this devise will be the most effective way to control the traffic on Diablo Road and at the same time it will provide a means for intersecting traffic to enter onto Diablo Road. We therefore respectfully request that you adopt the use of the electronic traffic signal as the best option to resolve the problem

We thank you for your consideration of our concerns.

Diablo Community Service District

By



Richard J. Breitwieser

General Manager

CC: Directors DCSD\
Supervisor Mary Piepho

A

9: RESPONSE TO DIABLO COMMUNITY SERVICE DISTRICT

9A: The Service District's support for a traffic signal rather than removal of the stop sign at the intersection of Diablo Road/Mt. Diablo Scenic Boulevard is acknowledged. Please refer also to the Master Response in Section 2.4.2 regarding the revised mitigation measure at the Diablo Road/Mt. Diablo Scenic Boulevard intersection.



January 14, 2013

David Crompton, Principal Planner
Town of Danville, Planning Division
510 La Gonda Way
Danville, CA 94526

Re: Notice of Availability - Draft Environmental Impact Report - Magee-SummerHill Residential Development Project, Danville

Dear Mr. Crompton:

East Bay Municipal Utility District (EBMUD) appreciates the opportunity to comment on the Draft Environmental Impact Report (EIR) for the Magee-SummerHill Residential Development Project (Project) located in the Town of Danville (Town). EBMUD has the following comments.

GENERAL

On Page 4.13-19, the first and second paragraphs under Water Supply Infrastructure, the referenced utility plans should be Figures 4.13-5A through 4.13-5C instead of Figures 4.11-5A through Figure 4.11-5C.

A

On Page 4.13-19, the last sentence of the first paragraph under Water Supply Infrastructure states that Magee West would connect to existing 8-inch water mains located in Diablo Road and McCauley Road. It should be noted and corrected in the text that EBMUD owns and operates an existing 12-inch water main in McCauley Road and an 8-inch and 16-inch water main in Diablo Road.

B

If you have any questions concerning this response, please contact David J. Rehnstrom, Senior Civil Engineer, Water Service Planning at (510) 287-1365.

Sincerely,

WRK

William R. Kirkpatrick
Manager of Water Distribution Planning

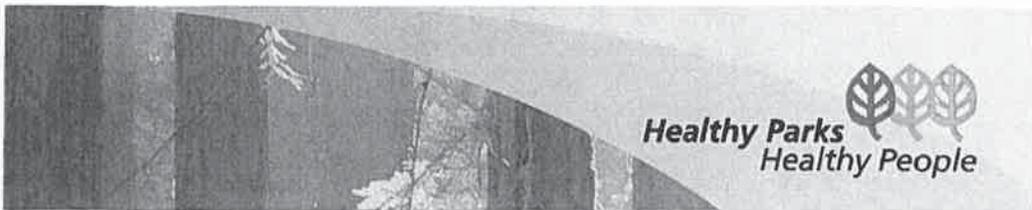
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sb13_006.doc

cc: Wendi Baker, SummerHill Homes
Mark Falgout, Ruggeri-Jensen-Azar

10: RESPONSE TO EAST BAY MUNICIPAL UTILITY DISTRICT

10A: The text on page 4.13-19 of the EIR has been revised to correct the figure numbers, as shown in Section 3.0.

10B: The text on page 4.13-19 of the EIR has been revised to identify that EBMUD owns and operates an existing 12-inch water main in McCauley Road and an 8-inch and 16-inch water main in Diablo Road, as presented in Section 3.0.



2950 PERALTA OAKS COURT P.O. BOX 5381 OAKLAND CALIFORNIA 94605-0381 T: 1-888-EBPARKS F: 510-569-4319 TDD: 510-633-0460 WWW.EBPARKS.ORG

January 29, 2013

David Crompton
Town of Danville
Planning Department
510 La Gonda Way
Danville, CA 94526

Subject: **Sycamore Valley Regional Open Space Preserve**
Magee Ranch Development – SummerHill Homes
Draft Environmental Impact Report

Dear Mr. Crompton:

The East Bay Regional Park District (the ‘District’) has had the opportunity to review the Draft Environmental Impact Report (DEIR) for the proposed development project at Magee Ranch by SummerHill Homes. The project proposes the subdivision of a 410 acre site into 70 single-family lots along Diablo Road and McCauley Road. The development would occur on approximately 108 acres of the proposed project site. The remaining 302 acres is proposed to remain as permanent open space.

The property is located to the north of the Sycamore Valley Regional Open Space Preserve owned and managed by the District and adjacent to protected open space areas managed by local homeowners associations or geological hazard abatement districts. The South Gate entrance to Mount Diablo State Park is located to the north of the property, accessed via Mount Diablo Scenic Boulevard.

In general, the District supports the “clustered” development approach of the proposed project. Clustering the home sites within a smaller footprint on the lower elevations of the property allows for the retention of significant open space that provides greater biodiversity benefits and avoids the need to fragment open space with the utility and roadway corridors that would be necessary under the “Non-Clustered” or “Build Without Subdivision” alternatives.

The District supports the inclusion of trails that connect Sycamore Valley Regional Open Space Preserve through the protected open space. This will benefit residents throughout the Town of Danville by providing a connection to the Sycamore Valley

Board of Directors

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President
Ward 2

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Carol Severin
Ward 3

Doug Siden
Ward 4

Robert E. Doyle
General Manager

A

B

Regional Open Space Preserve to local trails managed by the Town of Danville. The Final EIR and/or project conditions of approval should include measures to ensure that any trails through the project site are accessible to the public.

B

The DEIR addresses pedestrian access and safety at the project's main entrance by requiring the installation of in-pavement lighting to enable a pedestrian crossing that will allow connection to the paved pathway located along the north side of Blackhawk Road. This will provide for pedestrian safety and facilitate non-motorized connections between the Magee Ranch protected open space/trails and Sycamore Valley Regional Open Space Preserve to Mount Diablo Scenic Boulevard providing access to Mount Diablo State Park.

C

The project proponent proposes to establish a Geologic Hazard Abatement District (GHAD) to own and manage the protected open space area. The Final EIR should analyze the GHAD's ability to provide sufficient funding to ensure that the area can be appropriately managed and maintained. Mitigation measures and/or project conditions of approval ultimately will need to ensure that an appropriate and sufficient funding mechanism is established to provide for the long-term management and maintenance of the protected open space area.

D

The District appreciates the opportunity to comment on the proposed Magee Ranch development and draft EIR. We look forward to reviewing the Final EIR and additional project materials. Please feel free to contact me at (510) 544-2623 or bholt@ebparks.org should you have any questions.

Respectfully,



Brian W. Holt, AICP
Senior Planner

Cc: Bob Nisbet – Assistant General Manager
Larry Tong – Interagency Planning Manager

11: RESPONSE TO EAST BAY REGIONAL PARK DISTRICT (EBRPD)

11A: The EBRPD's support of the clustered approach to preserve open space is acknowledged. The revised plans provide further clustering of the project by eliminating the proposed home sites along Diablo Road (refer to Section 1.3 for a description of the revised plans).

11B: As described on page 3-13 of the DEIR, portions of existing fire trails on the project site would be offered to the EBRPD for public use, as shown in Figure 3-7. The Town will apply conditions of approval to assure public access.

11C: This comment acknowledges that the in-pavement lighting at the pedestrian crossing will provide pedestrian safety.

11D: The project applicant is proposing to be annexed to an existing GHAD so if the project is approved, this component of the project would be included as a condition of approval. As required by law, the GHAD's responsibilities for Magee Ranches would be articulated in a plan of control, prepared by a certified engineering geologist. The plan of control would describe in detail the geologic hazards and locations and include provisions for the prevention, mitigation, abatement, and control of those hazards. The proposed responsibilities for the GHAD with respect to the Magee Ranches project would include: 1) maintenance and operation of subdrains and outlets, 2) sediment removal in drainage ditches, 3) maintenance of bioretention areas, 4) sediment removal of storm drain inlets, outlets, and pipelines, 5) slope stabilization, 6) creek bank maintenance and erosion protection, 7) emergency vehicle access road maintenance and resurfacing, 8) mitigation and monitoring responsibilities within the open space/conservation areas, and 9) other activities needed to mitigate potential geologic hazards.

The GHAD would be financed through real property assessments levied on each parcel within the Magee Ranches project (only). An engineer's report would be prepared that explains the cost and expenses of the GHAD. This report would include an annual budget, the proposed estimated assessment to be levied, and a description of the method used in formulating the estimated assessments. The Magee Ranches project would remain in the GHAD in perpetuity.

The GHAD annexation documents (including the plan of control and engineer's report) would be brought before the public through the GHAD annexation process. The GHAD governing board will review and consider the request. The process of annexing into a GHAD will not occur unless the Magee Ranches project is approved by the Town.



**SAN RAMON VALLEY UNIFIED DISTRICT
FACILITIES DEVELOPMENT**

3280 Crow Canyon Road, San Ramon, CA 94583
(925) 552-5986 • FAX (925) 328-0560

January 16, 2013

Town of Danville
Planning Division
Mr. David Crompton
510 La Gonda Way
Danville, CA 94526

RE: **Magee-SummerHill Residential Development Draft EIR**
Assessor's Parcel #s 202-050-071,073,078,079,080
Assessor's Parcel #s 202-100-017,019,038,040
Assessor's Parcel #s 215-040-002

Mr. Crompton:

Thank you for allowing the District the opportunity to comment on the above-mentioned project.

The residential project located at **Magee Ranch Property** will be subject to a residential rate developer fee per square foot because it is a residential project. The project is within the San Ramon Valley Unified School District. The resident schools for this project are **Green Valley Elementary, Los Cerros Middle, and Monte Vista High Schools**. Due to overcrowding in the District, it is possible that students residing in this subdivision may be diverted to other schools.

A

Should you have any questions or require additional information, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink that reads 'Karen DeJesus'.

Karen DeJesus
Facilities Planning Analyst

12: RESPONSE TO SAN RAMON VALLEY UNIFIED SCHOOL DISTRICT

12A: The project would be required to pay all applicable school impact fees in accordance with the requirements of Mitigation Measure 4.11-1 in the DEIR. The analysis contained in the DEIR recognizes that students may be diverted to other facilities if overcrowding occurs. No new school facilities would be constructed to the serve the project. Please refer to Section 4.11 Public Services, of the DEIR for further discussion.

David Crompton

From: Deborah Anzilotti <dmanzilotti@gmail.com>
Sent: Tuesday, January 22, 2013 10:45 AM
To: David Crompton
Subject: Comments on Summerhill DEIR

To Whom it May Concern:

I would like to respectfully submit that I believe the DEIR to be flawed and incomplete, and urge that due to the passing of Measure S, that any changes to the zoning of this space MUST be put up for public vote.

A

The DEIR does not even address the traffic situation as it exists currently on the section of Diablo Road that would be impacted by the Summerhill subdivision. Already it can take up to 20 minutes to get to the stop sign at Diablo heading West in the morning at 7:30. The same is true, heading east around 3:30. Adding these homes will make a bad situation worse. Beyond that, what will happen when there is a fire in these hills? How would the fire department even get to the homes, and how would families evacuate? You have the makings of a public relations and safety nightmare.

B

Those solution of removing the stop sign and adding lights won't solve the problem of too many people on a small road, it will just make it easier for those coming from the SummerHill sub-division to get onto Diablo Road. Either way, do we want a stop light among the oak trees lining that road? It's not what Danville is about aesthetically.

C

The DEIR isn't even complete, because the East Branch of Green Valley Creek wasn't evaluated. So no analysis has been done to determine if there could be problems. The solution of 'relocating' the endanger species of red-legged frogs is insufficient at best. We moved here to live with the wild life, not to have some construction workers man-handle the nature that is living here already!

D

The reality is that the city of Danville is looking at this DEIR as just a required step that has to be taken to allow Summerhill to come in and do as they want. This is not acceptable or legal.

E

The Summerhill project requires a rezoning from a-4 (1 home per 20 acres) to a-2 (1 home per 5 acres) on Agricultural land. This land did NOT change from a-4 to a-2 when the Williamson Act contract expired. The town's own zoning maps show that this parcel is A-4.

E

Follow the law that was put in place with Measure S - put this to a vote so the people who live here can make the call.

Respectfully,

Debbie Anzilotti
135 Shadewell Drive
Danville, CA 94506

13: RESPONSE TO ANZILOTTI, DEBORAH

13A: Please refer to the Master Responses in Section 2.4.1 regarding Measure S.

13B: As stated on page 4.12-15 of the DEIR, the westbound (AM) and eastbound (PM) queues at intersections along on Diablo Road, specifically at Green Valley/McCauley Roads and Mt. Diablo Scenic Boulevard, can spill back and require several signal cycles to clear the intersection. Impacts at key intersections along Diablo/Blackhawk Road were evaluated and mitigation identified for significant impacts.

This comment also raises specific concerns related to emergency vehicle access and evacuation in the event of a fire-related hazard. As stated on page 4.11-5 of the DEIR, potential impacts due to fire related hazards were evaluated and the San Ramon Valley Fire Protection District was consulted. The District indicated that the project would not adversely affect existing emergency response times or warrant the construction of new facilities such that a significant environmental impact would occur. Moreover, the DEIR also identified that all on-site infrastructure would be required to comply with all applicable requirements of the Uniform Building Code and California Fire Code, including provisions related to emergency site access (e.g., turning radii, roadway widths, etc.). For a more detailed response, please refer to Master Response to emergency access issues in Section 2.4.3.

13C: The purpose of the traffic signal at the Mt. Diablo Scenic/Diablo Road intersection is to address the existing and future queuing issue at the intersection, rather than to ease access for the project traffic. Please refer to the Master Responses in Section 2.4.2 regarding the proposed mitigation measures for the Mt. Diablo Scenic/Diablo Road and Hidden Oaks/Magee Ranch/Blackhawk intersections.

13D: The East Branch Green Valley Creek was considered in the regional hydrologic analysis prepared for the project, as summarized in Section 4.8 Hydrology and Water Quality of the EIR. In addition, mitigation is identified in Section 4.4 Biological Resources of the EIR to minimize impacts to special status species, including the California red-legged frog. Please refer to the Master Responses in Section 2.4.4 regarding biological issues.

13E: Please refer to the Master Responses in Section 2.4.1 for clarification of the project site's land use designation, zoning and Measure S.

Raymond F. Brant
Retired Fire Battalion Chief
PO Box 728
Diablo, CA 94528

January 23, 2013

David Crompton
Principal Planner
Danville Town Office
Planning Department
510 La Gonda Way
Danville CA 94526

Re: Summer Hill DEIR

Dear Mr. Gailey

I have read the DEIR; there is no consideration of wild land/urban interface fire potential, as it relates to emergency evacuation and or emergency response.

Diablo Rd./Blackhawk roads are the only way in and out of this area! These two roads are very congested during commute hours!!!! The Summer Hill Development will only increase the potential for loss of life when such a fire happens! The San Ramon Valley Fire Protection District has one of the slowest response times in Contra Costa County. The Summer Hill Development is going to increase the response time due to increased traffic.

I have read and reviewed the DEIR as it affects traffic on Diablo Road. I am also very concerned regarding the traffic on Diablo Road as it affects the ability of traffic to enter and exit Diablo.

One traffic mitigation suggestion in the DEIR was the placement of an electronic traffic signal at the intersection of Diablo Road and Mt. Diablo Scenic Blvd. (replacing the 3 stop signs) I strongly endorse the use of the electronic traffic signal because I believe that this devise will be the most effective way to control the traffic on Diablo Rd, creating traffic breaks as a means for intersecting traffic to enter onto Diablo Road. I request that you adopt the use of the electronic traffic signal as the best option to resolve the problem.

Thank you for considering my concerns.

Raymond F. Brant

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14: RESPONSE TO BRANT, RAYMOND

14A: This comment raises concerns related to emergency fire access due to increased traffic on local roadways and additional fire-related concerns due to the project's location in an area subject to potential wildland fire hazards. Please refer to the Master Response related to emergency access in Section 2.4.3. The following is a more detailed response regarding specific concerns about potential fire hazards due to the project's location in an urban wildland interface area.

As detailed on pages 4.11-5 and 4.11-6 of the DEIR, the project site is located in an area that could be subject to potential wildland fire hazards. The DEIR analysis recognized that the project could be exposed to potential wildland fire hazards due to its proximity to undeveloped open space. The site is located in an area recognized by the 2010 General Plan as subject to potential wildland fire hazards. In addition, as identified in the DEIR, the project site is also located within proximity to areas identified by the State of California Department of Forestry and Fire Protection as being subject to moderate and high fire hazards. Potential impacts due to wildland fire hazards were considered and evaluated within the context of the DEIR.

The DEIR determined that potential impacts due to wildland fire hazards would be less-than-significant, since the project would be required to comply with existing Town of Danville requirements related to fire safe roofing materials, the Uniform Building Code, and California Fire Code, which contain specific standards for the construction of structures to reduce potential fire hazards. In addition, the project would also be required to comply with all San Ramon Valley Fire District conditions of approval related to access, roadway widths, turning radii, fire flow requirements, fire hydrant locations, and other requirements to ensure that the project is able to safely accommodate emergency response apparatus. Please note that the revised plans submitted by the applicant (discussed in Section 1.3) eliminated the three lots along Diablo Road.

The District determined that the project would not substantially affect existing levels of service and no new facilities would need to be constructed in order to accommodate the project's incremental increase for service. The DEIR appropriately evaluated potential impacts, identified regulatory requirements to reduce those impacts, and consulted with the District to confirm that no additional impacts would occur due to project implementation. Revisions have been incorporated into the EIR to amplify and clarify the existing analysis and provide additional detail regarding potential wildland fire concerns as presented in Section 3.0.

14B: The traffic impact analysis performed for the project evaluated levels of service at the primary intersections along Diablo/Blackhawk Road, as described in Section 4.12 Traffic and Circulation of the DEIR. This study identified significant impacts at two intersections along Diablo Road and identified mitigation to reduce these impacts to less-than-significant levels. See also the Master Responses in Section 2.4.2.

14C: The commenter's support for the installation of a traffic signal at Diablo Road/Mt. Diablo Scenic Boulevard is acknowledged.

David Crompton

From: Ben Budde <bbudde81@gmail.com>
Sent: Wednesday, January 16, 2013 11:22 PM
To: David Crompton
Subject: Comments re: proposed SummerHill development

Hi David,

It seems that regarding the proposed SummerHill development a Measure S public vote should be required for approval. Furthermore, the SummerHill project requires a rezoning from A-4 (1 home per 20 acres) to A-2 (1 home per 5 acres) on the Agricultural parcel.

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Thanks,

Ben Budde
114 Windover Dr
Danville

15: RESPONSE TO BUDDE, BEN

15A: Please refer to the Master Responses in Section 2.4.1 with regard to the site zoning, general plan designations, and Measure S.

January 29, 2013

David Crompton
Principal Planner
Town Of Danville
Planning Department
510 La Gonda Way
Danville, CA 94526

Dear Mr. Crompton,

This correspondence is regarding the Draft Environmental Impact Report for the SummerHill Homes / Magee property proposed development.

1. Fire / Emergency Response: We are concerned that increased traffic on Diablo Road and Blackhawk Road will delay emergency response in this corridor. How will the San Ramon Valley Fire District be able to absorb these additional homes, while currently the District is in a budget deficit, as it has been for the past four years? If the District closes any stations, such as the Blackhawk location or the station at Stone Valley/Diablo Road/ McCauley Road intersection, the corridor with the proposed development will be under additional strain of emergency response time due to increased traffic. We would like the Planning Commission to take into account the issues facing the San Ramon Valley Fire District, such as the budget deficit, and the safety of the Town of Danville Residents.
2. Endangered Species Habitat: If SummerHill is hiring the qualified biologist, whom or what agency will be monitoring this persons work to ensure these Federally Endangered Species are not harmed nor their habitat damaged? Also, why is a public path being approved near the creek where these species are? Won't this just endanger these creatures more, with dogs and children trampling in the creek? Also, people bring cats into neighborhoods, which, if left outdoors, will eat creatures such as small frogs and salamanders. Have these scenarios been taken into account when determining that this project, with the current mitigation suggestions, have a "Less Than Significant Impact" on the endangered wildlife?
3. Trees: In table 2-1, section 2-12, we do not understand the rational that the removal of 18 trees at the intersection of Diablo Road and Green Valley with the mitigation would have a less-than-significant impact to the ecology and the aesthetics of this area. The removal of 18 trees in any area would have a significant impact to the area.
4. Traffic Light at Scenic Drive and Diablo Road: Should the 3-way stop sign be removed at Scenic Drive and Diablo Road, the traffic accidents, probably fatal, will begin. Drivers already speed down Blackhawk Road West towards Scenic Drive in upwards of 50+ MPH, and not having that stop sign to slow people down before beginning onto the curvy section of Diablo Road will only result in damage, and probably loss of life. While I would hate to see traffic light at that intersection for aesthetic reasons, for the safety of the community and out-of-town visitors, a traffic light should be considered. But, we would suggest to the Town Traffic Engineer, please

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do not have it trip immediately after a car wants to turn left onto Scenic Blvd or left onto Diablo Rd from Scenic Blvd. Those turns should not take precedence over the other traffic traveling East and West and the lights should be timed and tripped with the larger picture of the traffic flows taken into consideration.

D

5. Construction Traffic: Will construction traffic be required to travel on Blackhawk Road from Camino Tassajara? Diablo Road is far too narrow to have construction traffic and the trucks will cause additional traffic delays and endanger bike riders on the road. Please advise what measures the Town will take to route construction traffic.

E

6. Still Creek Road: Why was Still Creek Road not included in the Roadway Network and Study Locations? We are very concerned with the safety of Still Creek Road / Woodcreek community residents and exiting Still Creek Road onto Blackhawk Road. Drivers along Blackhawk Road drive a minimum of 40 MPH, the speed limit. During the morning and afternoon commutes, it can be quite dangerous to pull out of Still Creek Road. Should traffic lights be put in at Scenic Drive and at Hidden Oaks/Magee Ranch, we would request they be timed so residents of Still Creek and other side streets along Blackhawk Road have ample opportunity to safely turn onto Blackhawk Road. I would like to invite the Town Of Danville's Traffic Engineer to spend time at the corner of Still Creek Road and Blackhawk Road to observe and note the conditions. We would also request that a new traffic study be done that includes Still Creek Road in the study.

F

7. Geologic Hazard Abatement District / GHAD: Section 4.4-4 states the 302 acres of open space be placed under a GHAD to provide suitable funding for management and long-term maintenance of the site. Where will the funds come from to pay for this? Will this mean further taxes for residents of Danville? How long is long-term? (20 years, 100 years?) What will happen when this timeline ends and whom will manage and maintain the land?

G

8. Open Space Maintenance: Has the East Bay Regional Parks District (EBRPD) agreed to manage the trail easement and Open Space the project would result in? Will the developer wait until approval of the EBRPD prior to the start of the project if approved? If the EBRPD does not agree to manage and maintain the Open Space, what agency will manage and maintain this land?

H

9. Page 5-1. How was the calculation of 2.73 people per unit calculated? These are single family homes, not Town Homes, and generally people with one child or people looking to downsize will not purchase a \$1,000,000 plus dollar home with 4-5 bedrooms. We would like an explanation of how these numbers were calculated as they do not seem to fit with common sense. And therefore, the traffic pattern and community service needs assumptions would change as well, needing a new analysis. Are these the numbers used to also predict local school growth and traffic?

I

10. Agricultural Preserve District: A-4 land use designation: Per the Town's zoning maps and other documentation, approximately half the land is zoned A-4, or Agricultural Preserve District. Please advise how A-4 can be rezoned to a P-1 when the A-4 land use is one home per 20 acres, and per the Town of Danville General Plan, this land remained A-4 zoning after the expiration and non-renewal of the Williamson Act.

J

appropriate within this land use category.

Agricultural

Density: Because properties with this designation are bound by Williamson Act contract to remain in agricultural use, a density range is not applicable. In the event that Williamson Act contracts are not renewed, continued agricultural use is encouraged and the underlying zoning density (one unit per 20 acres or one unit per five acres) would apply upon contract expiration.

Zoning: The A-2 zoning district is consistent with the Agricultural Designation.

Description: This land use designation is applied to lands which are currently under Williamson Act Contract or in agricultural use. Generally, these lands include steep and/or unstable slopes and have limited potential for development. Agricultural uses, including grazing, are permitted and encouraged. In the event that Williamson Act contracts for sites with this designation are not renewed, General Plan amendments to permit other uses may be requested. Any changes to the Agricultural designation shall be based on a comprehensive planning study which identifies all constraints associated with development of the site as well as opportunities for continued agricultural, resource management, and open space use.

Throughout the entire document, all the mitigation elements seem to make any issues “Less-Than-Significant” to the current residents. We request that the Town Planning Commission, and Town Council Members, view this project through the eyes of the current residents in this corridor, that are concerned about the additional traffic, the environmental and biological impacts, the safety impacts, and the overall confusion on the A-4 zoning based on conflicting Town documents and responses.

Thank you.

Bill & Catherine Cale
213 Still Creek Road
Danville, CA 94506

16: RESPONSE TO CALE, BILL AND CATHERINE

16A: Please refer to the Master Response regarding emergency access in Section 2.4.3. The San Ramon Valley Fire District was consulted in the preparation of this EIR and has confirmed it has the ability to adequately serve the project.

16B: The applicant must comply with the federal Endangered Species Act. As stated on page 4.4-22 of the DEIR, “this will be accomplished through an ESA Section 7 consultation with the USFWS as part of the Clean Water Act permitting process through the Army Corps of Engineers.” Mitigation 4.4.13 on page 4.4-10 of the DEIR require that the project proponent comply with all state and federal regulations related to construction work impacting aquatic habitats on the project site. Prior to construction, the project proponent must obtain a Section 404 Clean Water Act permit from the USACE, Section 401 Water Quality Certification from the RWQCB, and/or Section 1600 Streambed Alteration Agreement from the CDFW, and submit proof of such documentation to the Town of Danville. Implementation of these requirements would assure that assure that the project has a less-than-significant impact on protected species.

Regarding predation, increased predation on the listed California red-legged frog is more likely to occur as a result of an increase in mesopredators, particularly the raccoon, than an increase in domestic pets. Raccoons are attracted to the food sources in the surrounding residential areas. The MMP/CMP for the project, contained in Attachment C, requires trash to be picked up regularly from the preserved areas including the creek, and signage to be posted along the creek trail cautioning the public not to enter environmentally sensitive habitat (i.e., riparian habitat) and not to feed wildlife. The MMP/CMP also requires garbage in the subdivision and estate lots to be contained in covered receptacles that will reduce artificial food sources.

16C: As described on pages 4.4-33 and 4.4-34 of the DEIR, Town requirements and mitigation call for replacement of trees to be removed by the project, including the 18 trees that could require removal for the intersection improvements. Tree replacement in accordance with the mitigation in the DEIR, which includes riparian trees, would avoid long-term impacts to biological resources and aesthetics.

16D: The commenter’s concerns regarding safety at the Mt. Diablo Scenic/Diablo Road intersection are acknowledged. Please refer to the Master Response in Section 2.4.2 relating to this intersection.

16E: Refer to Response 4H above. Construction traffic mitigation plans for the project would be prepared in accordance with California Manual on Uniform Traffic Control Devices guidelines where intrusion into to the public travel way occurs, under the direction of the Town of Danville.

16F: The comment questions why Still Creek Road was not included as a study intersection in the DEIR. According to CCTA guidelines, engineering judgment may be used to eliminate intersections from the analysis that are not controlling intersections or where critical movements are not affected by the project (i.e., the project only adds through movements). The traffic study analyzed 11 critical intersections along the Diablo Road corridor (see page 4.12-6 of the DEIR for a list of the intersections) and at intersections that are not adjacent or near the project site that would impact overall travel times.

The Town determined that Still Creek Road intersection did not require analysis because project traffic traveling east on Blackhawk Road only accounts for 25% of total trips generated by the project. As such, only 15 vehicles during the AM peak hour and 16 vehicles during the PM peak hour would be added to Blackhawk Road east of the project's main entrance. This does not constitute a high enough traffic volume to have a measurable impact on the operation of the Still Creek Road intersection. For the purpose of the LOS analysis, only the intersections with a relatively high volume of side street traffic were included in the traffic study, such as the Magee Ranch/Hidden Oaks, Blackhawk Road/Blackhawk Drive, and Blackhawk Road/Camino Tassajara/Crow Canyon intersections. The signalization at Mt. Diablo Scenic would create platoons and/or breaks in traffic flow that allows gaps for the upstream and downstream unsignalized intersections (including Still Creek Road) to access Diablo/Blackhawk. At the upstream and downstream signalized intersections, the Town can optimize the signal timing at these signalized intersections to better adapt to the change in arrival characteristics from the new signal.

16G: Refer to Response 11D above. The GHAD would be financed through real property assessments levied on each parcel within the project site. An engineer's report would be prepared that explains the cost and expenses of the GHAD, including an annual budget, the proposed estimated assessment to be levied, and a description of the method used in formulating the estimated assessments. The project would remain in the GHAD in perpetuity.

16H: An access trail easement has been identified in favor of the East Bay Regional Parks District. The open space area will be maintained in perpetuity by the GHAD as discussed in the previous response.

16I: U.S. Census data for the last three cycles (past 30 years) has documented that the average household size for a single family home in Danville is between 2.7 and 2.8 persons per household. The San Ramon Valley Unified School District uses 0.9 school age children per single family home for their student projections, which substantially aligns with the census data. There is no basis to support the use of higher persons per household number.

With regards to the traffic study, the Town uses "Danville" traffic rates, which are higher than standard trip generation rates for single family homes. For this project, the Town used more conservative trip generation rates than the "Danville" rates, using counts conducted for individual Danville neighborhoods that included second dwelling units (casitas) into 25 percent of the units in the neighborhood.

16J: Please refer to the Master Response in Section 2.4.1 with regard to zoning.

P. O. Box 88
Diablo, CA 94528

Mr. David Crompton
Principal Planner
Town of Danville
510 La Gonda Way
Danville, CA 94526

January 29, 2013

RE: SummerHill Homes/Magee Ranch project DEIR

Dear Mr. Crompton:

Our property is adjacent to Diablo Road, and downstream from the proposed Magee East proposed project.
We have the following comments on the Draft Environmental Impact Report for the Magee Ranches, dated November 2012:

1. FAILURE TO COMPLY WITH MITIGATIONS THAT WERE CONDITIONS OF APPROVAL FOR MAGEE DIABLO RANCH FINAL EIR

We note that in the 1987 Final EIR for the existing Magee Ranch subdivision (then called "Magee Diablo Ranch") on Blackhawk Road, an impact discussed on page 1-5 (attached hereto as Attachment #1) was the "[c]umulative increase in housing units and loss of open space and agricultural land [bold added] in the San Ramon Valley". The mitigation planned was in part that Danville not approve projects "at the densities proposed" and not approve "applications for agricultural land rezoning."

Question: How is the SummerHill project consistent with Danville's agreement in the 1987 Magee Diablo Ranch EIR not to approve projects "at the densities proposed" and not to approve "applications for agricultural land rezoning"?

2. INCONSISTENCY OF PROJECT WITH 2010 GENERAL PLAN POLICY TO ENCOURAGE CONTINUED AGRICULTURAL USE OF AGRICULTURAL-DESIGNATED LAND

The 2010 General Plan states twice in the Agricultural Land Use Designation section, p. 52, (Attachment #2) that it is the policy of the Town to encourage continued Agricultural use of Agricultural-designated lands even after a Williamson Act contract has expired.

Question: How is the approval of the SummerHill project's proposal to place 64 residential lots on the 198+ acre Agricultural-designated parcel consistent with that policy to encourage continued Agricultural use?

3. THE 2010 GENERAL PLAN CONTEMPLATES A GENERAL PLAN AMENDMENT TO CHANGE THE USE FOR AGRICULTURAL-DESIGNATED LAND TO RESIDENTIAL USE AND ALSO REQUIRES A PLANNING STUDY

The 2010 General Plan states in the Agricultural land use designation section on p. 52 that "in the event that Williamson Act contracts for sites with this designation are not renewed, General Plan amendments to permit other uses may be requested. Any changes to the Agricultural designation shall be based on a comprehensive planning study which identifies all constraints associated with development of the site as well as opportunities for continued agricultural, resource management, and open space use." (Attachment #2)

Furthermore, in the 1987 Final EIR for the Magee Diablo Ranch subdivision, the Town states in the Response to Comments section, that "[t]he land to the west is in an agricultural preserve and is designated as such in the new General Plan [the 2005 General Plan]; the 2010 General Plan continued the Agricultural land use designation]...[A] General Plan amendment would be required to permit a project to proceed." (bold added, Final EIR, p. 2-8, attached hereto as Attachment #3)

Moreover, in its development application SummerHill specifically indicated it was planning to change the use from the current agricultural use to a residential one. Indeed, it is obvious to everyone that the proposal is requesting a change in use.

Question: Why does the DEIR not address p. 52 of the General Plan and its requirement for a General Plan amendment to change the use of the Agricultural parcel from agricultural use to residential use?

Question: Where is the "comprehensive planning study" required by the Agricultural land use section of the 2010 General Plan?

4. THE 2010 GENERAL PLAN DOES NOT ALLOW P-1 ZONING ON AGRICULTURAL-DESIGNATED LAND

The 2010 General Plan does not allow P-1 zoning on Agricultural-designated land. On page 52 (Attachment #2) of the 2010 General Plan, P-1, Planned Unit Development, is not listed as a consistent zoning for Agricultural-designated land. State law requires that the zoning for a parcel be one of those listed in the General Plan as a consistent zoning. SummerHill's proposal is to rezone the Agricultural-designated parcel to P-1.

Question: Why does the DEIR not mention p. 52 of the General Plan and the fact that P-1 zoning is not listed as a consistent zoning? Where is the basis in law for defying the State law requiring that zoning be consistent with the land use designation?

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5. SUMMERHILL'S PROJECT REQUIRES A GENERAL PLAN AMENDMENT TO CHANGE THE LAND USE DESIGNATION FOR THE AGRICULTURAL-DESIGNATED PARCEL TO RURAL RESIDENTIAL

The Rural Residential land use designation in the 2010 General Plan allows P-1 zonings and A-2 zonings. The only distinction between the two designations in their lists of consistent zonings is that P-1 zoning is allowable on Rural Residential land and NOT on Agricultural land. Prior to Measure S being passed in 2000, no Agricultural-designated land was ever developed without there first being a General Plan amendment to change the land use designation to a residential designation that allowed P-1, Planned Unit development residential zoning.

Question: Why is there no General Plan amendment being required to change the land use designation for the SummerHill proposal to Rural Residential, a land use that allows P-1 zoning?

6. THE SUMMERHILL PROJECT REQUIRES A PUBLIC VOTE OF APPROVAL PURSUANT TO BALLOT MEASURE 5

Measure 5 (Attachment #4), a ballot measure passed with the overwhelming support of 75% of Danville voters in 2000, requires a public vote for a change in a parcel's land use designation from agricultural to a residential one. The SummerHill proposal is changing the use of the Ag-designated parcel to residential. Furthermore, P-1 zoning is not allowed on Ag parcels. Therefore, a change in land use designation to Rural Residential, which allows residential use and P-1 zoning, is legally necessary.

Question: In light of the change in use and request for P-1 zoning, why is there not a Measure 5 vote being scheduled for this project should the Town Council approve it?

7. A CHANGE IN ZONING FROM A-4 TO A-2 FOR THE AGRICULTURAL PARCEL REQUIRES A VOTE OF TOWN COUNCIL

The project proposes to rezone A-4 land to P-1. The DEIR states that it "is the Town's practice to calculate the development density on these lands using the A-2 zoning standard, as specified by the General Plan, of 1 unit per 5 acres." But the Plan does not specify that the density should be calculated as 1 unit per 5 acres. The Plan states that upon Williamson Act contract expiration, "the underlying zoning density (one unit per 20 acres or one unit per five acres) would apply". (see Attachment #2) The zoning density for A-4 land is one unit per 20 acres, not one unit per 5 acres.

Question: Why does the DEIR claim that no rezoning to A-2 pursuant to a vote of Town Council is needed before the A-4 land can be considered as having a density of 1 unit per 5 acres?

8. THE 2010 GENERAL PLAN AND MEASURE 5 REQUIRE A VOTE OF THE PEOPLE BEFORE LAND DESIGNATED AS GENERAL OPEN SPACE CAN BE DEVELOPED

A 5.9 acre parcel within the project site is designated General Open Space. The DEIR states correctly that "no development is permitted" (see p. 52, 2010 General Plan, Attachment #2) on land designated for General Open Space use. The 2010 General Plan further states that "[p]ublicly-owned parks and open spaces, recreational uses, and agriculture are considered to be appropriate within this land use category."

Question: Where on the project site is this parcel located? Please explain its history. Question: Given that no development is permitted on open space, and no residential use is permitted, how is this parcel legally available to be part of the SummerHill residential development UNLESS THE LAND USE IS CHANGED TO A RESIDENTIAL ONE PERMITTING DEVELOPMENT?

9. THE DEIR IS LEGALLY INADEQUATE IN ITS ASSESSMENT OF FLOODING AND EROSION IMPACTS AND FAILS TO ADDRESS MANAGEMENT OF, MAINTENANCE OF, AND FUNDING FOR MAINTENANCE AND OPERATION OF THE HOLDING POND

The proposed SummerHill project will drain to the East Branch of Green Valley Creek. All of the properties through which that Creek and its tributaries flow are in FEMA Flood Zones. As the County Flood Control Department has warned Danville, "properties along GVC [Green Valley Creek] are subject to flooding during a 25-year event, which is less than the District standard for flood protection of a watershed of this size." (see attached February 22, 2007 letter to David Crompton from Robert Faroane, Attachment #5).

Our property is located downstream from the proposed development. We, like others downstream, have structures that will be endangered by flooding and erosion that will result from the proposed development. We have a footbridge and a small garage that are supported by structures within the floodplain. Both structures have been in existence for 75-100 years.

We are attaching just a few of the documents that attest to the lack of accountability for, oversight of, and failure to understand the Green Valley Creek watershed, particularly the East Branch tributary. One example of such failures involves the approval of and lack of follow-up associated with the existing Magee Ranch development. The EIR for that development, then called "Magee Diablo Ranch" was approved in April 1987. The Town of Danville approved the Magee Diablo Ranch Final EIR without a hydrology report, and thus without any public input about what specific downstream hydrologic mitigation should be undertaken. Subsequent to the approval of that development, Danville approved other developments just north of the proposed SummerHill project with NO environmental impact analysis whatsoever, even though those developments all drained to the East Branch.

On page 1-6 (Attachment #6a), the Final Magee Diablo Ranch EIR states that as a mitigation measure "Applicant should prepare a hydrologic and drainage works design study for submittal to the town and flood control district. The study should be responsive to the district's flood control design criteria." The EIR goes on to state that the Applicant and Town of Danville bear responsibility for that mitigation.

On p. 1-7 (Attachment #6b), the Final Magee Diablo Ranch EIR states that "The hydrologic study should consider off-site impacts", with the responsibility being born by the "Town of Danville, Applicant, Flood Control District".

If there was a study prepared, the Town no longer has it. All that remains are some calculations for 2 detention basins, one of which was to detain water that would flow into the East Branch of Green Valley Creek. That detention basin was built and is apparently being managed by the Magee Ranch HOA, which is acting as a Geological Hazard Abatement District.

So mitigation for downstream impacts that should have been done for the Magee Diablo Ranch development and other developments along Diablo Road approved by Danville without an EIR being prepared was never done, except for the building of one detention basin.

The approach to hydrologic impacts for the SummerHill proposal appears to be similar. A detention basin is proposed and some on-site erosion controls and little more.

The DEIR therefore falls in its obligation to review the hydrologic impacts properly.

We attach a copy of the Dec. 14th, 2010, 6-page letter from the Contra Costa County Flood Control Department to David Crompton commenting on the Notice of Preparation for the DEIR for SummerHill's proposal (Attachment #7). Many of the recommendations of the Flood Department have not been followed, such as the following items:

- (a) that there be an inventory of Green Valley Creek to identify areas prone to erosion and/or flooding (see items #7, #10, #12, #13, #14, #15) and that mitigation measures be proposed. [That should have been done in connection with the Magee Diablo Ranch development, but was not].
- (b) "The DEIR should address a perpetual funding source for maintenance of the new drainage facilities required to serve the subdivision." (item #17)

Pursuant to their understanding that the Flood District's directive would be followed, numerous property owners along the creek downstream of the proposed SummerHill development have sent letters to Danville asking that the hydrologist working on the DEIR contact them. **NONE OF THEM HAS EVER BEEN CONTACTED.**

Here is what one of those property owners said:

" In the 15 years we have lived here, there have been at least three storms which caused water on our property to rise above the banks of the creek and, while flowing at a very rapid pace, caused flooding, property damage and erosion. On one occasion, heavy timbers flowing in the creek broke the water line and severely damaged the gas line, both of which cross the creek to get to the house. We subsequently built a bridge over both lines to protect them from these damaging water surges during times of heavy rainfall."

All such letters and emails in the County's possession and in Danville's possession documenting flooding/erosion problems are hereby incorporated by reference into the comments on the DEIR.

Two such letters to Danville and the County Flood Department from the Diablo Community Services District (1986) (Attachment #8) and the Diablo Property Owners' Association (1983) (Attachment #9) are attached hereto and reflect a long history of community-wide knowledge of and concern about the negative water impacts of development.

Other documents attached hereto describe major creek bank failures such as the documents discussing the Diablo Road/East Branch of Green Valley Creek bank failure that required substantial investment of Town of Danville funds to stabilize Diablo Road (Attachment #10) and a major creekbank stabilization project undertaken by 2 private property owners (Attachment #11). The County has records pertaining to a major bank failure near the Diablo Rd./El Cerro intersection on private property which resulted in a lawsuit. The records for the Diablo Rd./El Cerro bank collapse are voluminous and not attached.

Danville has just spent over \$1,000,000 to repair erosion damage to the abutments on the Diablo Road/W. El Pintado bridge and to replace a bridge across Green Valley Creek in Woodbine (Attachment #12). Danville should address the cause of such problems and end its practice of approving development after development with little concern for the consequences to downstream property owners and the Town's own property.

In a 2001 letter (Attachment #13) to Danville from the Chief of the Northern District of the CA Department of Water Resources, the Chief stated that "Town staff need training in floodplain management and NFIP [national flood insurance program] standards." Recently, the County Public Works Department offered to provide a seminar to Town Council, Planning Commissioners, and staff on the state of the Green Valley Creek watershed. The offer was declined.

Question: Why has there not been an inventory of Green Valley Creek to identify areas prone to erosion and/or flooding (see items #7, #10, #12, #13, #14, #15 in the attached letter from the County Flood Control Department), a model prepared using information from that survey, and mitigation measures proposed?

Questions: Why does the DEIR not address a perpetual funding source for maintenance of the new drainage facilities required to serve the subdivision, and

identify who will manage those facilities? (see item #17 in attached letter from the County Flood Control Department) Why does the DEIR not provide for a process to ensure downstream property owners' complaints about improper maintenance/operation of the pond are addressed? Why is there not a regular program in place for the Town of Danville to inspect detention basins, as other jurisdictions have?

Our understanding of the problems with the Green Valley Creek watershed is one of the reasons we object to the upzoning from A-4 to A-2 of Agricultural land in the SummerHill development and the failure of the DEIR to consider the water impacts from such a drastic quadrupling of allowable for the Agricultural-designated parcel, and the P-1 clustering of such homes on the Agricultural parcel near the creek, eliminating the chance for water to percolate naturally into the ground.

We note that there is no management proposed for the detention pond planned to be built for the project, and no source of perpetual funding for its operation and maintenance. There is also no process for addressing downstream property owners' complaints that the pond is not being properly maintained and operated. The Town of Danville should be providing such a process.

We ask that Danville's government retreat from any actions that will result in ANY additional development draining into the Green Valley Creek watershed unless and until a thorough inventory of that watershed is done by meeting with individual homeowners and neighboring jurisdictions (e.g. the Diablo Community Services District) and HOAs and then mapping the entire watershed and the areas prone to erosion and flooding. Once that is done, the effects of the detention basin from the SummerHill development should be analyzed and appropriate mitigation planned in consultation with all the affected homeowners and jurisdictions.

10. ALTERNATIVES SHOULD BE CONSIDERED THAT ELIMINATE RESIDENTIAL DEVELOPMENT OF THE AGRICULTURAL PARCEL

Question: Why was the alternative of keeping the Agricultural parcel in its existing A-4 zoning (with no P-1 zoning) not considered? That alternative would allow a maximum number of 9 lots, 20 acres each, to be developed on the Agricultural parcel, assuming any subdivision was to be allowed. The two other large parcels currently designated as Rural Residential could be developed separately or as one P-1 development on the southern parcel with 35 homes total, greatly reducing the overall environmental impact.

11. THERE NEEDS TO BE MORE ANALYSIS REGARDING THE POTENTIAL LOSS OF THE 18 TREES IN THE DIABLO ROAD SCENIC AREA AT THE GREEN VALLEY/MCCAULEY ROAD INTERSECTIONS

The DEIR states that Danville is considering removing 18 trees near the Green Valley Road/Diablo Road intersection.

Question: Which trees are proposed for removal at the Diablo Road/Green Valley Road intersection, what is the species of each tree, and why are such trees being proposed for removal? How will the loss of those trees affect the scenic nature of the Diablo Road corridor, which is identified as a scenic area in the 2010 General Plan?

12. CUMULATIVE IMPACTS: THERE NEEDS TO BE AN ANALYSIS OF THE IMPACTS OF APPROVING THE SUMMERHILL PROPOSAL ON THE NEIGHBORING 100-ACRE AGRICULTURAL-DESIGNATED PARCEL

There is no analysis of the cumulative impact of the approval of the SummerHill project on the neighboring 100-acre Agricultural-designated parcel. There has been some mention at the hearings on the draft 2030 General Plan that some of that part is subject to a scenic easement precluding development. Documentation needs to be provided to establish just what the development potential of that parcel is. Using SummerHill as a model, that parcel could possibly have development of 19 homes (in addition to the one existing home) plus associated second residential units.

Questions: What is the development potential of the 100-acre Agricultural parcel bordering the SummerHill project site? What are the cumulative impacts if approval was given to a proposal to develop that potential?

Thank you for the opportunity to comment on the SummerHill DEIR.

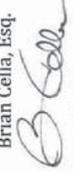
Respectfully submitted,

Maryann Cella, Esq.



w/ Attachments #1-1.3 (27 pages, some two-sided)

Brian Cella, Esq.



K

L

I

J

K

1987 MAGEE DIAOLO RANCH
FINAL EIR

Attachment #1

extensive grading and visual impacts. (5, DEIR, p. 48)

Mitigation
Redesign roadways to conform with the topography of the site. Landscaping along roadways should minimize visibility of roads.* (4b, FEIR, p. 1-72)

Responsibility: Town of Danville, Applicant

Impact
Cumulative increase in housing units and loss of open space and agricultural land in the San Ramon Valley. (6, DEIR, p. 48)

Mitigation
Cumulative impacts could be reduced by not approving projects at the densities proposed and by not approving applications for agricultural land rezoning. (6a, DEIR, p. 48)

Responsibility: Town of Danville, Contra Costa County

GEOTECHNICAL CONCERNS

Impact
Construction in areas of site underlain by clays with high shrink-swell potential could damage structures and utilities.* (1, FEIR, p. 1-22)

Mitigation
Treat expansive clays prior to use near structures and in engineered fills. (MIP) (1a, FEIR, p. 1-22)

Responsibility: Applicant

Impact
Seismic Hazards (2, DEIR, p. 59)

Mitigation
Foundations should be designed to withstand groundshaking and constructed in accordance with the Uniform Building Code for Zone 4. (MIP) (2a, FEIR, p. 1-22)

Responsibility: Applicant, Town of Danville.

Impact
Known and identified slope instabilities at many locations on the site.* (3, FEIR, p. 1-22)

Mitigation
Implement program of landslide repairs, drainage improvements and other measures noted in FEIR. The formation of a Geological Hazard Abatement District (GHAD) would assist in implementation of this program and provide a mechanism for on-going inspection and maintenance.* (3.0, 3.1, FEIR, p. 1-23)

The geotechnical reports and other related documents should be

Public and Semi-public Areas

Public and Semi-Public

Density: Determined by the underlying zoning district.

Zoning: Public and Semi-Public uses are permitted in all zoning districts.

Description: These include substantial land areas now used for public purposes including schools, libraries, churches, and other community facilities.

Open Space Areas

General Open Space

Density: Within the Town limits, Open Space-General Open Space areas are largely dedicated open space areas, with no development permitted. Within the adopted Sphere of Influence (outside the Town limits), development of those areas designated Open Space-General Open Space may be permitted following annexation at densities consistent with the Town's development guidelines and policies.

Zoning: Zoning districts of P-1 and A-4 are consistent with the Open Space-General Open Space designation.

Description: Within the Town limits, General Open Space lands are those areas permanently protected as open space either through public ownership or enforceable restrictions. The Open Space-General Open Space areas in Danville have been largely created through dedications as a part of the planned unit development approach used for large residential projects throughout the Town.

The Open Space-General Open Space designations outside of the Town limits reflect existing Contra Costa County designations and development potential consistent with the County's current policies for these areas.

Publicly owned parks and open spaces, recreational uses, and agriculture are considered to be

Attachment #2
Danville 2010 General Plan

appropriate within this land use category.

Agricultural

Density: Because properties with this designation are bound by Williamson Act contract to remain in agricultural use, a density range is not applicable. In the event that Williamson Act contracts are not renewed, continued agricultural use is encouraged and the underlying zoning density (one unit per 20 acres or one unit per five acres) would apply upon contract expiration.

Zoning: The A-2 zoning district is consistent with the Agricultural Designation.

Description: This land use designation is applied to lands which are currently under Williamson Act Contract or in agricultural use. Generally, these lands include steep and/or unstable slopes and have limited potential for development. Agricultural uses, including grazing, are permitted and encouraged. In the event that Williamson Act contracts for sites with this designation are not renewed, General Plan amendments to permit other uses may be requested. Any changes to the Agricultural designation shall be based on a comprehensive planning study which identifies all constraints associated with development of the site as well as opportunities for continued agricultural, resource management, and open space use.

Parks and Recreation

Density: Determined by the underlying zoning district.

Zoning: Park and Recreational uses are permitted in all zoning districts.

Description: These include land areas now used, or planned, for community and neighborhood parks and other forms of active recreation.

E. SPECIAL CONCERN AREAS

The Special Concern Areas require consideration of planning issues that are unique to a par-

1997 MAGEE DIABLO
RANCH FINAL EIR

Attachment
3

See the revised Geotechnical and Traffic sections.

Comment LU-26 (Diablo CSD):

The EIR does not address cumulative impacts.

Response LU-26:

The Final EIR addresses cumulative impacts in respect to traffic and community services including schools, flood control, water, etc.

Comment LU-27 (Sher):

The project is not consistent with general plan policies regarding development on steep slopes.

Response LU-28:

Please refer to the responses to Comments LU-11 through LU-15.

Comment LU-28 (Verona):

The EIR analysis of Williamson Act cancellation requirement 1b is incorrect.

Response LU-29:

It is not clear that the project would result in the conversion of surrounding agricultural land. The land to the west is in an agricultural preserve and is designated as such in the new Draft General Plan. Therefore, this land would not be available for development for at least ten years and furthermore a General Plan amendment would be required to permit a project to proceed. The Magee Ranch site, on the other hand, has already received a GPA and its development would result in a land use pattern consistent with the Town's ultimate goals. Moreover, the land to the west of the site is nearer the center of town, and will experience equal if not greater pressure from development in that direction as from the Magee Ranch site.

Comment LU-29 (Verona):

The mix of units proposed may represent good marketing but does not demonstrate good land use planning.

Response LU-30:

The design of the multi-family units on the site is consistent with the character of other development proposed for the site as well as existing development on nearby land.

Comment LU-30 (Sierra Club):

The project should be made consistent with the current zoning rather than changing the zoning.

Response LU-31:

The project is consistent with the GPA approved in 1982. The zoning on the site was never brought into conformance with the General Plan so this action

This is the current law. It cannot be changed except by the VOTERS.

Measure S
General Plan Amendment - Open Space
Town of Danville 2000
Attachment #4
15,000 / 74.4% Yes votes 5,161 / 25.6% No votes

Shall the people of the Town of Danville enact an amendment to the Town's General Plan, known as the Danville Open Space Preservation Initiative, to preserve Agricultural, General Open Space and Parks and Recreation Land Use Designations and requiring voter approval for future general plan amendments to lands with those designations?

Impartial Analysis from City Attorney

A General Plan is a long term planning document that serves as the land use constitution for all future development within a town. Measure S, the Danville Open Space Preservation Initiative, would amend the Town of Danville's 2010 General Plan by adding a new policy regarding proposed land use changes for lands currently designated in the General Plan as Agricultural, General Open Space and Parks and Recreation.

The measure would readopt and reaffirm the existing land use designations of Agricultural, General Open Space and Parks and Recreation contained in the Town's General Plan. Properties with these land use designations represent approximately 40% of the total acreage within the Town. As defined in the General Plan, these land use designations generally allow either no or very limited development.

For properties within these land use designations, the measure would add a new process for approving any future change in land use. Under state law, general plan amendments may be approved by a simple majority of the Town Council after review and recommendation by the Town's Planning Commission. The measure would provide that if a general plan amendment changing the land use from Agricultural, General Open Space or Parks and Recreation to any other use is approved by the Town Council, the proposed amendment would then be subject to approval by the Town's voters at a subsequent election. Without voter approval, the proposed change would not become effective. The measure would provide one exception to the voter approval requirement for these land use changes. If the proposed general plan amendment is the

minimum necessary to avoid an unconstitutional taking of the landowner's property rights or is the minimum necessary to comply with state or federal law, the amendment could be approved by a 4/5's majority of the Town Council. Any such action by the Town Council would have to be based on specific findings supported by substantial evidence and could occur only after two public hearings regarding the proposed amendment in addition to any other hearings normally required for approval of a general plan amendment.

If approved, this measure would remain in effect for 20 years and could be amended only by the Town's voters.

This measure will take effect immediately if adopted by a majority of voters unless a competing measure (Measure R, the Danville Public Planning Initiative) is also adopted by the voters and receives a higher vote total.

Copies of the land use map are available at the City Clerk's office. Phone 324-3388 for information.

Arguments For Measure S

The open spaces surrounding Danville define our small town character and enhance our outstanding quality of life. Preservation of open space has been a major goal since Danville's incorporation in 1982. Our park standards and open space dedication requirements are the highest in the county. A new General Plan, carefully written for today and the future, was adopted in August 1999. It reflects a broad-based community consensus reached after eighteen months and more than forty public meetings involving hundreds of residents.

Measure S, "The Danville Open Space Preservation Initiative", is an affirmation of the vision embodied by our new General Plan. This General Plan designates 4000 acres - 40% of Danville - as Open Space, Agriculture, or Parks and Recreation, which represents almost all of the undeveloped land within Danville. Measure S preserves Danville's future by requiring voter

Arguments Against Measure S

Vote NO on Measure S - a "gimmick" measure placed on the ballot for one purpose - to defeat the CAPP initiative.

Measure S was put on the ballot by a simple vote of four members of the Town council - as compared to the four thousand Danville residents who signed the CAPP initiative petitions.

Measure S is bad for Danville. It:

- Requires the Town, not the developers, to pay for any elections.
- Was not subjected to the scrutiny of an analysis by Town Staff.
- Provides a "loophole". Future Town Councils could approve development without a vote of Danville residents by declaring that not approving a

approval to change any of those designations.

- Measure S will preserve Open Space, Agriculture and Parks and Recreation lands.
- Measure S is simple, straightforward, and legally defensible.
- Measure S will protect the vision which has defined our community's history since its incorporation.

Measure S will enhance safeguards for the protection of open space and agricultural lands within our Town. The Measure ensures that any change in these areas would have to be supported by the community.

Measure S is a clear, concise, and effective alternative to Measure R, which is filled with outdated policies drawn from a General Plan that no longer exists, and will have to be sorted out in the courts. The voters of Danville deserve the opportunity to choose a measure that will protect what we all care about in this Town to find, and will do what it claims it will do. Please join in the preservation of our community by voting Yes on Measure S.

Millie Greenberg, Danville Mayor

Mike Doyle, Danville Vice Mayor

Newell Arnerich, Danville Councilmember

Richard L. Waldo, Danville Councilmember

Beverly Lane, Director, East Bay Regional Park District

Rebuttal to Arguments For

The Danville General Plan has just undergone its first significant revision in over ten years. The new General Plan was approved by the Town Council in August 1999 - well after the

development would be a "taking" of private property.

- Could have been included in the General Plan update passed by the Town Council last August (at a cost in excess of \$100,000,000).
- Does not reinforce the policy on agricultural land. A future Town Council could decide that large industrial is consistent with agricultural uses.
- Contains misleading wording when it states that the voters "reaffirmed and readopted" the land use designations in the General Plan when the voters never affirmed or adopted them in the first place.
- States that the Town "intends to adopt a UGB (Urban Growth Boundary)" when the UGB should have been included in the measure. This shows how quickly the measure was thrown together to combat the CAPP initiative.

This measure has too many loopholes, was put together too quickly, and does not guarantee the voters a say in development in Danville.

Despite its name, it is NOT even an initiative. It is a GIMMICK placed on the ballot only to defeat the CAPP initiative. DON'T BE FOOLED. VOTE NO on Measure S.

Edward Schwarz

Sandra Paiva

Bridgett O'Connor

Karin Hanson

Park Meiter

Rebuttal to Arguments Against

Measure S is the product of a thoughtful and

CAPP initiative petitions (Measure R) had been circulated. This is the same Town Council (except for one member who has stated his opposition to Measure S) which now brings you Measure S.

Why, now, do we suddenly need to pass Measure S and amend the new General Plan? The truth is - we don't.

Measure S is simply a ploy to defeat Measure R. This is one of the tricks commonly employed by developers to defeat citizen-sponsored initiatives. If voters can be confused by two initiatives they will probably just vote no on both of them. This preserves the status quo. Our Town Council saw this work against the CAPP initiative in San Ramon and has borrowed it for their own use.

If the Town Council really wanted the provisions of Measure S to be in the General Plan they could have included them when the plan was revised last year. There is absolutely no reason that this measure should be before you now - except to defeat Measure R.

Please do not be confused by the two competing measures. Read them both and decide.

Please join the undersigned Danville citizens and VOTE NO on Measure S.

Edward Schwarz

Bridgett O'Connor

Sandra Paiva

Karin Hanson

Park Meier

carefully built consensus reached after numerous public hearings and extensive public participation. It was placed on the ballot to offer Danville residents a meaningful choice between two very different paths to the future. It did not happen quickly, but is the result of a lengthy community-wide effort, and a logical extension of our outstanding new General Plan.

Measure S will protect the vision which has defined our community since its incorporation. The course laid out by our new Plan will continue to focus on our quality of life and well maintained, safe neighborhoods. Danville is one of the most admired communities in the Bay Area, and our exacting standards - embodied in Measure S - have been carefully developed to enhance our Town's special character.

Measure S supports the General Plan's definition of Danville as an essentially built out community. Measure S offers Danville residents a deciding voice in any proposed change to areas not planned for development. Danville voters would have to approve any change in use on Open Space, Agricultural, or Parks and Recreation land.

Measure S is clear, straightforward and precise. In two pages, it safeguards Danville's high development standards in an unambiguous, legally defensible way. Measure R sprawls across eight pages of muddled, outdated, and inaccurate policies which will result in expensive legal challenges. We urge the voters of Danville to read both measures and choose the one that best serves our Town.

Vote YES on Measure S.

Millie Greenberg, Danville Mayor

Mike Doyle, Danville Vice Mayor

Newell Americh, Danville Councilmember

Richard L. Waldo, Danville Councilmember

Text for Measure S

The People of the Town of Danville do ordain as follows:

Section 1. Intent and Purpose. The following findings are made in support of this measure.

- In August 1999, the Danville Town Council adopted the Town of Danville 2010 General Plan. The 2010 General Plan was adopted after 18 months of significant public participation, including numerous neighborhood meetings and public hearings. The General Plan represents a broad-based community consensus regarding the appropriate land uses and development patterns that may occur in Danville in the future.
- In order to ensure continued community consensus in the pattern of urban growth in Danville, this measure, the Danville Open Space Preservation Initiative, would require voters to ratify and approve any general plan amendment allowing development of lands currently designated in the 1020 General Plan as Agricultural, General Open Space or Parks and Recreation, which together represent approximately 40 percent of the land in Danville.
- Consistent with Policy 5.01 of the 2010 General Plan, the Town of Danville intends to identify an Urban Growth Boundary (UGB) that designates an adequate amount, range, and density of land use within the Boundary to meet projected needs of the community. The UGB will be adopted following environmental review and public hearings before the Town Planning Commission and Town Council.
- By requiring voter approval of changes to important open space, agricultural and parkland land use designations in the General Plan, this measure establishes a comprehensive program to ensure community concerns will be considered prior to development of lands not currently designated for urban development. Voter approval of smaller, infill development projects on lands already designated for development in the General Plan is unnecessary and does not further the goals of the 2010 General Plan.

Section 2. General Plan Amended. The Town of Danville General Plan is hereby amended by adding a new Policy 1.14 to read as follows:

1.14. The Land Use Designations of Agricultural, General Open Space and Parks and Recreation contained in the Town of Danville General Plan in effect on November 7, 2000, were reaffirmed and readopted by the voters of the Town in an election held on November 7, 2000. The lands with those Land Use Designations are graphically depicted on the Land Use Map contained in the General Plan. Until November 7, 2020, the Land Use Designations for those properties may be amended only by one of the following two procedures:

- ✧ (a) By a vote of the people at an election; or
- (b) By a 4/5's vote of the Town Council if the Town Council, after a public hearing, makes one of the following findings that is supported by substantial evidence in the record:
 - (i) That approval of the land use amendment is necessary to avoid an unconstitutional taking of a landowner's property rights and that the new land use is only the minimum necessary to avoid the unconstitutional taking of the landowner's property rights.
 - (ii) That approval of the land use amendment is necessary to comply with state or federal law

Attachment # 5



Contra Costa County
FLOOD CONTROL
& Water Conservation District
February 22, 2007

Mason M. Shiu
District Chief Engineer
285 Glacier Drive, Martinez, CA 94553
Telephone: (925) 313-2000
FAX: (925) 313-2383

David Crompton
Project Planner
Town of Danville
510 La Gonda Way
Danville, CA 94526

Files: 4003B-00 (General), 4003B-20 (Cities),
4003B-104-00 (GYC General), 1002-8919

Dear Mr. Crompton:

We have reviewed our responses to Comments 7 and 10 in our May 4, 2006, letter concerning the Matadera Subdivision 8919 (Weber Property) in the Town of Danville, where a Zone 3B regional detention basin was proposed. Amendment No. 3 of the Zone 3B plan, adopted by the Flood Control District (District) prior to the Town of Danville incorporation, identified sites along Green Valley Creek (GYC) that could be used as detention basins to reduce peak flows and make the existing channel adequate.

Studies of the GYC watershed in various forms have occurred since Amendment No. 3 was adopted that indicate properties along GYC are subject to flooding during a 25-year event, which is less than the District standard for flood protection of a watershed of this size. We did not find formal documentation between the District and the Town of Danville that Amendment No. 3 would be pursued. For details of the review, please see the attachment.

In conclusion, Amendment No. 3 of the Zone 3B plan and our May 4, 2006, letter addressing Comments 7 and 10 no longer apply.

We hope this clarifies the issue. If you have any questions, you may reach me at (925) 313-2390 or Tim Jensen at (925) 313-2396.

Very truly yours,

Robert V. Faraone
Robert V. Faraone
Senior Civil Engineer
Flood Control Engineering

RAFCS:kg
G:\FAC\Doc\CTTES\Danville\Sub 8919 Matadera\Letter Zone 3B GYC.doc
Attachments:
E: (with attachments)
G. Crompton, Flood Control
P. DeJong, Flood Control
T. Jensen, Flood Control
C. Staudtler, Flood Control
Steve Latic, Town Engineer, Town of Danville
Andrew Palfy, PE, Professional Engineer, 1400 South Main Street, Suite 150, Walnut Creek, CA 94596
Art Taylor, Division Director, 1600 South Main Street, Suite 150, Walnut Creek, CA 94596

and that the new land use is only the minimum necessary to comply with such laws.

Prior to amending the General Plan to redesignate land pursuant to subparagraphs (i) or (ii) above, the Town Council shall hold at least two noticed public hearings for the purposes of receiving testimony and evidence from the applicant and the public on the proposed amendment and any findings proposed in connection with such an amendment. This hearing shall be in addition to any other public hearings regularly required for a General Plan amendment.

Section 3. Effective Date. This measure shall become effective immediately upon approval by the voters. Upon the effective date, the provisions of Section 2 of this measure are hereby inserted into the Town of Danville General Plan.

Section 4. Interpretation and Severability. This measure shall be interpreted so as to be consistent with applicable federal and state laws, rules and regulations. If any section, subsection, sentence, clause, phrase or portion of this measure is held to be invalid or unconstitutional by a final judgement of a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this measure. The voters hereby declare that this measure, and each section, subsection, sentence, clause, phrase or portion hereof would have been adopted or passed even if one or more sections, subsections, sentences, clauses, phrases or portions are declared invalid or unconstitutional. If any portion of this measure is held invalid as applied to any person or circumstance, such invalidity shall not affect any application of this measure that can be given effect without the invalid application. This measure shall be broadly construed in order to achieve the purposes stated herein.

Section 5. Amendment or Repeal. Except as otherwise provided herein, this measure may be amended or repealed only by the voters of the Town of Danville at a Town election.

Section 6. Competing Measures. This measure is intended as an alternative to and is inconsistent with the initiative measure entitled "Danville Public Planning Initiative" (DPPi) which would require voter approval of various land use actions by the Town and would establish an Urban Growth Boundary. The DPPi qualified for the ballot prior to completion of the Town's 2010 General Plan, adopted in August 1999. If both measures are approved by the voters on November 7, 2000, the measure receiving the greater number of affirmative votes shall supersede the other measure. No provision of the superseded measure shall be implemented or become effective.

Attachment #69

reviewed by a professionally qualified independent third party, whose comments should be addressed prior to filing the Tentative Subdivision Map.* (3.0.1k, FEIR, p. 1-24)

Responsibility: Town of Danville, Applicant

Impact Alteration of hydrologic patterns. (5, DEIR, p. 63)

Mitigation Applicant should prepare a hydrologic and drainage works design study for submittal to the Town and Flood Control District. The study should be responsive to the District's flood control design criteria.*

Provisions for the maintenance of sediment and debris traps should be established.

Subdrains should be installed at the toe of selected natural slopes to divert and intercept groundwater flow.

Positive surface drainage should be provided throughout the site. (MIP)

Ground surfaces should slope away from all structures.

Roof downspouts should be connected to closed collector pipes discharging into the streets or the storm drain system.*

Subdrains or interceptor drains should be installed to lower the free water level in areas identified as having high groundwater.

Homes, yards and roads should be setback from stream banks a minimum of 2.5 feet for every vertical foot of slope plus 30 feet from the top of the creek.

Area A should have storm sewers designed to convey stormwater under or around the developed area.

Storm drains should discharge into adequate man-made facilities or water courses with defined bed and banks.

All drainage improvements should be maintained and inspected on a regular basis, and a maintenance plan prepared prior to occupancy.* (5a-51, FEIR, p. 1-25, DEIR, p. 63)

Responsibility: Applicant, Town of Danville

Attachment #66

Impact Off-site drainage (6, DEIR, p.64)

Mitigation The hydrologic study should consider off-site impacts.*

The project should contribute to the cost of off-site drainage commensurate to its contribution of additional runoff, and in accordance with the requirements of the Flood Control District.*

A collector system to prevent increased runoff to nearby properties should be installed. (MIP)*

Sediment and debris should be prevented from entering drainage works downstream.*

Detention basins should be constructed on the site. (MIP)

Maintenance responsibility for drainage improvements should be established prior to project approval.* (6a-6g, FEIR, p. 1-26, DEIR, p. 64)

Responsibility: Town of Danville, Applicant, Flood Control District*

Impact Erosion (7, DEIR, p. 65)

Mitigation Erosion of bare slopes should be minimized during construction, and additional safeguards to minimize erosion should be implemented.* (7, DEIR, p. 65)

An Erosion and Sediment Control Plan should be submitted to the Town and Flood Control District for review and approval prior to grading. See FEIR, **GEOTECHNICAL CONCERNS**, Measure 6a, for details.* (7a+b, FEIR, p. 1-27, DEIR, p. 65)

Responsibility: Applicant, Town of Danville, Flood Control District*

VISUAL QUALITY

Impact Transformation of site character.* (1, FEIR, p. 1-70)

Mitigation Careful application of the Town's Design Review procedures for conformance with the General Plan.* (1a, FEIR, p. 1-70)

Monitor construction to ensure that the design conditions are met.* (1b, FEIR, p. 1-70)

Responsibility: Town of Danville



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

December 14, 2010

David Crompton, Project Planner
Town of Danville
510 La Gonda Way
Danville, CA 94526

Julia R. Bueren,
ex officio Chief Engineer
R. Mitch Avellan,
Deputy Chief Engineer

Attachment #7

RE: Sub 9291 Magee Ranch (LEG10-0004, DEV10-0071, & DEV10-0072)
Our File: 1002-9291

Dear Mr. Crompton:

We have received the Notice of Preparation (NOP) for the Draft Environmental Impact Report (DEIR) for the Magee Ranch—Summerhill Development and the Request for Comments on the Vesting Tentative Map for Subdivision 9291 Magee Ranch located on the south side of Diablo Road and Blackhawk Road (APN 202-050-071, -073, -074, -078, etc.). We submit the following comments:

Notice of Preparation

1. We recommend that the DEIR include a map of the project area and show all parcels involved in the subdivision.
2. We request that the DEIR provide a map of the watersheds where the project is located, including watershed boundaries. The eastern portion of the project is located within Drainage Area 36 (DA 36). Parcels 66-68, located off of McCauley Road, are in DA 91. These drainage areas define the watersheds for the East Branch of Green Valley Creek and Lower Green Valley Creek, which ultimately drain to San Ramon Creek. The project is also located within Flood Control Zone 3B, which encompasses the entire Walnut Creek Watershed. The existing and planned flood control facilities are designed to mitigate flooding on Lower Green Valley Creek and further downstream on San Ramon Creek.
3. In the Hydrology Section, please identify and show all existing watercourses, tributaries, and man-made drainage facilities within the project site, and that which could be impacted by this project. The discussion should include an analysis of the capacity of the existing watercourses.
4. The Hydrology Section should quantify the amount of runoff that would be generated by the project and discuss how the runoff entering and originating from the site would be distributed between the natural watercourses, the detention basins (if proposed), and the man-made drainage facilities.
5. If improvements or work within the natural watercourses are proposed, the DEIR should discuss the scope of improvements.

Accredited by the American Public Works Association
255 Glacier Drive • Marinette, CA 94553-4825
• TEL: (925) 313-2000 • FAX: (925) 313-2333
www.ccpaworks.org

David Crompton
December 14, 2010
Page 2 of 6

6. We recommend that the DEIR address the design and construction of storm drain facilities to adequately collect and convey stormwater entering or originating within the development to the nearest adequate man-made drainage facility or natural watercourse, without diversion of the watershed, per Title 9 of the County Ordinance Code.
7. The DEIR should discuss the adverse impacts of the runoff from the project site to the existing drainage facilities or natural watercourses and drainage problems in the downstream areas, especially on Lower Green Valley Creek where there are known inadequate reaches. The Contra Costa County Flood Control and Water Conservation District (FC District) and the Army Corps of Engineers have performed studies that show that Lower Green Valley Creek downstream of this project does not have sufficient capacity for the 100-year flow event considering the ultimate build-out condition. There are reaches that are unstable and eroding. The effects of this subdivision on these inadequate reaches of Green Valley Creek are unknown. This should be addressed in the DEIR and mitigation for those impacts offered.
8. The Hydrology Section of the DEIR should include a study that uses Contra Costa County's hydrology method (HYDRO6). The existing and planned regional drainage facilities that are affected by development within the San Ramon Creek watershed have been designed using HYDRO6, which is the only method that the FC District will accept. Other commonly accepted hydrology methods were developed using runoff patterns from other regions that do not accurately model the Pacific Coast storm patterns experienced in Contra Costa County. These methods produce runoff results that have proven to be significantly less than field observations of local storms made by the FC District and the Army Corps of Engineers; therefore, please use HYDRO6.
9. The FC District facilities that would be impacted by this development include the Lower Green Valley Creek in DA 91 and San Ramon Creek Channel. There are utilities, houses, and other structures that may be impacted on Green Valley Creek. The DEIR should address these impacts and propose mitigation measures.
10. The DEIR should discuss any proposed on-site and off-site drainage improvements, and include maps or drawings for the improvements.
11. If detention basin facilities are proposed, the DEIR should include a discussion of the basin design information, (i.e., capacity, sizes of inlet and outlet structures, routing, etc.) A discussion of how maintenance of these facilities would be performed and funded should also be included.
12. The DEIR should address the impacts of this project's runoff due to the increase in duration (length of time) of flows as a result of detention and the effect on creeks and channels downstream of the project. Whereas detention basins are capable of mitigating peak flows to pre-project levels, they increase the duration (length of time) of flows in the downstream watercourses, which saturate the channel banks and increase the potential for stream and channel erosion.

13. The Town of Danville (Town) and the Developer should be made aware that residences adjacent to East Branch Green Valley Creek within the unincorporated Diablo Area along Alameda Diablo and La Cadena, downstream of the Subdivision, have reported flooding and erosion issues.
14. The Hydrology Section of the DEIR should address, in quantifiable terms, how the proposed storm drain system will modify the hydrology of the East Branch and Lower Green Valley Creek. For example, it should address how capturing and piping drainage streams from upland areas to bypass the proposed development will impact peak times, durations, and volumes on the East Branch of Green Valley Creek and, ultimately, Lower Green Valley Creek. Measures to mitigate any impacts should be proposed.
15. The DEIR should discuss the impacts of the new outfalls on Green Valley Creek and its tributaries and discuss mitigation measures.
16. The FC District should be included in the review of all drainage facilities that have a region-wide benefit, that impact region-wide facilities, or that impact FC District-owned facilities. The FC District maintains portions of Green Valley Creek. The FC District is available to provide technical assistance during the development of the DEIR, including hydrology and hydraulic information and our HYDRO6 method, under our Fee-for-Service program.
17. The DEIR should address a perpetual funding source for maintenance of the new drainage facilities required to serve the subdivision.
18. The DEIR should discuss how the development will comply with the current NPDES (National Pollutant Discharge Elimination System) requirements under the City's Stormwater Management and Discharge Control Ordinances and the C.3 Guidebook.
19. We recommend that the DEIR request the appropriate environmental regulatory agencies, such as the U.S. Army Corps of Engineers, the State Department of Fish and Game, and the State Regional Water Quality Control Board, to explore the permits, special conditions, and mitigation that may be necessary for development of the area.

Vesting Tentative Map

1. The proposed project is located in Drainage Areas 91 and 36, unformed drainage areas. Therefore, there are no drainage area fees due at this time.
2. The project is in the San Ramon Creek watershed. We recommend that all developments in the San Ramon Creek watershed be required to mitigate their adverse drainage impact upon the natural creeks. Toward that end, the following should be added to the conditions of approval for the future developments' applications:
Mitigate the impact of additional stormwater runoff from those developments draining to San Ramon Creek by either of the following methods:

- Remove 1 cubic yard of channel excavation material from the inadequate portion of San Ramon Creek for each 50 square feet of new impervious surface area created by the development. All excavated material shall be disposed of off-site by the developer at his own cost. The site selection, land rights, and construction staking will be performed by the FC District.
OR, upon written request by the developer:
 - Provide for a cash payment in lieu of actual excavation and removal of material from the inadequate portion of San Ramon Creek. The cash payment will be calculated at a rate of \$0.10 per square foot of new impervious surface area created by the development. The added impervious surface area created by the development will be based on the FC District's standard impervious surface area ordinance. The FC District will use these funds to work on San Ramon Creek annually.
3. This site is also upstream of known inadequate reaches of Green Valley Creek. We recommend that the Town require any future development on these sites be subject to the Green Valley Creek Mitigation fee of \$0.10 per square foot of newly created impervious surface area. This fee is based on the FC District's Report on Impervious Surface Ordinance. The Town should collect the fee for transfer to the County's Drainage Deficiency Fund.
4. We recommend that the Town condition the applicant to design and construct storm drain facilities to adequately collect and convey stormwater entering or originating within the development to the nearest adequate man-made drainage facility or adequate natural watercourse, without diversion of the watershed.
5. The applicant should be required to submit hydrology and hydraulic calculations to the Town that prove the adequacy of the in-tract drainage system and the downstream drainage system. We defer review of the local drainage to the Town. However, the FC District requests to review the regional drainage study for impacts to Green Valley Creek.
6. The developer's hydrology and hydraulic report should analyze the effects to Green Valley Creek upstream and downstream of this development and propose any necessary mitigation.
7. The FC District and the Army Corps of Engineers have performed studies that show that Green Valley Creek downstream of this project does not have sufficient capacity for the 100-year flow event considering the ultimate build-out condition. The developer needs to show that the proposed project will not exacerbate the existing capacity issues on Green Valley Creek by increasing peak volumes and duration.
8. We are concerned that Green Valley Creek will be affected by the secondary storm drain system, which appears to be designed to prevent minor tributary drainage flows upstream of the proposed development from flowing through the development and requiring C.3 mitigation. Concentrating drainage that normally flows overland in

naturally formed ditches into pipes reduces the opportunity for infiltration and may decrease the time it takes water to arrive at Green Valley Creek, thereby affecting peak volumes and duration of flows in Green Valley Creek. The hydrology and hydraulic report should address this concern.

9. A 26-acre detention basin was proposed on the opposite side of Green Valley Creek toward the eastern end of this project at the current location of Diablo Creek Place under Amendment #3 of the San Ramon Watershed Right-of-Way and Improvements Plan, dated July 1977. The proposed basin was never built at this location. Although it was determined that Amendment #3 of the Zone 3B plan did not apply anymore during the FC District's review of Subdivision 8919 (Matadera), the developer might consider constructing a detention basin within their proposed development at a similar point along Green Valley Creek, in order to mitigate impacts along the Creek.
10. We are concerned about the potential for increased erosion within the reaches of Green Valley Creek downstream of this project. We recommend that the Town require the developer to identify and mitigate the potential impact related to erosion due to increased peak and volume of stormwater from this project by performing an inventory of Green Valley Creek to identify any critical locations prone to erosion. This requirement is similar to a mitigation measure that the County required for Subdivision 8905 (Humphrey Property) located in Alamo upstream of Subdivision 9291 in the Green Valley Creek watershed. FC District and Town records could be used by the developer to identify areas of past complaints or bank repair.
11. We recommend that the Town condition the developer to contact the appropriate environmental regulatory agencies, such as the U.S. Army Corps of Engineers, State Department of Fish and Game, and State Regional Water Quality Control Board, to obtain all the necessary permits for this project or show that such permits are not necessary.
12. This development should be required to adhere to the Creek Structure Setback requirements in accordance with Division 914 of the County Ordinance Code. The creek structure setback line adopted by the FC District is a minimum horizontal distance of 30 feet from the top of the bank (as opposed to 15 feet in the Town Ordinance). Per the County ordinance, the top of the bank is determined either by a projection of a 2.5:1 slope from the toe of the channel (as opposed to 2:1), or by design stormwater surface elevation, plus freeboard (not shown on the applicant's plans), whichever is greater. We recommend that the Town utilize the County's Creek Structure Setback requirements for this development. The applicant should show how the top of the bank was determined and also show the horizontal and vertical scales on the submitted creek cross-section drawings.

13. The applicant should be required to comply with the current NPDES requirements under the City Stormwater Management and Discharge Control Ordinances and the C.3 Guidebook. We support the State's goal of providing best management practices to achieve the permanent reduction or elimination of stormwater pollutants and downstream erosion from new development. The FC District is available to provide technical assistance for meeting these requirements under our Fee-for-Service program.

We appreciate the opportunity to review plans involving drainage fee matters and welcome continued coordination. If you have any questions, please contact me via e-mail at kschu@pw.cccounty.us or by phone at (925) 313-2179; alternately, you may contact Teri Rie at trie@pw.cccounty.us or (925) 313-2363.

Sincerely,



Kara Schuh-Garibay
Civil Engineer
Contra Costa County Flood Control
& Water Conservation District

KS:ow
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CC
Tim Jensen, Flood Control
Teri E. Rie, Flood Control
Wendy Baker, Summerhill Homes
5000 Executive Parkway, Suite 150
San Ramon, CA 94583
Diablo Community Services District
Diablo PAC

Attachment #8
Diablo Community Service District

P.O. BOX 327
DIABLO, CALIFORNIA 94528

DIRECTORS

John G. Oliver, President
Lloyd M. Ives, Vice President
Robert A. Miller, Treasurer
Margaret S. Freeman, Roads Commissioner
Thomas F. Palandini, Security Commissioner
Richard J. Brethwiser, General Manager, Secretary and Legal Counsel

MAGEE DIABLO RANCH

Environmental Impact Hearing - December 8, 1986
Comments Regarding Impact on the Community of Diablo

GENERAL CONCERNS

The Diablo Community Service District believes the Draft Environmental Impact Report (EIR) is inadequate:

- o Proposed project will not comply with several policies of the City of Danville General Plan, including protection of existing residential areas from disruptive traffic and avoidance of downstream flooding which directly impact Diablo.
- o The EIR does not address the cumulative impact on Diablo and other existing neighborhoods caused by approved or planned residential development in the Sycamore and Tessaajara Valleys.
- o More detailed engineering studies should be required to develop mitigating measures which will more adequately address the adverse impact on neighboring communities.

SPECIFIC CONCERNS

Traffic: Traffic projected to increase from the present 3,600 vehicle trips per day to 6,200 on Diablo Road between the project and the intersection with Green Valley Road.

- Effect:**
- 1.) Present road unsafe and increased traffic will create even greater safety hazard.
 - 2.) Impaired ingress and egress to Diablo at all three entrances.
 - 3.) Noise levels will exceed allowable maximum for Diablo residents on North side of Diablo Road.

Note: This letter is identical to letter on page 3-80.

Magee Diablo Ranch - EIR Comments
December 8, 1986
Page Two

Possible Solutions: Commission traffic and engineering studies to determine course of action to improve current conditions. These action steps might include:

- 1.) Installation of shoulders and improved sightlines for better visibility.
- 2.) Resurfacing of the roadway.
- 3.) Slight widening at the entrances to Diablo for the installation of left turn lanes and the installation of signal lights.
- 4.) Erection of a sound wall of sufficient height and thickness to reduce visual and noise pollution.
- 5.) Under no circumstances should Diablo Road be widened to four lanes.

Drainage: Drainage from the project will flow down Green Valley Creek which travels through several parcels in Diablo. Prior development has increased both the total flow and the flow rate during peak runoff. The creek, which was dry during the summer, now runs year-round, and during peak runoff several properties are flooded.

Effect: Increased flow as a result of the project will endanger an already hazardous condition, eroding stream banks and threatening bridges, sewer, gas and water lines. During peak runoff there is the potential for residential flooding if flow rate exceeds current levels.

Possible Solutions: 1.) Downstream improvement of the creek's capacity to handle existing and future runoff. Cost to be born by the project.

2.) Establishment of detention basins with at least 150% capacity in relation to projected volume.

3.) Provision for permanent annual maintenance of detention ponds, to be enforced by the City of Danville or other public agency.

4.) Provision for corrective action by the project in the future should it become necessary due to underestimation of drainage volume.

**Contra
Costa
County**

Public Works Department

255 Glacier Drive
Martinez, California 94553-4897
FAX: (510) 313-2333
Telephone: (510) 313-2000
July 12, 1995

J. Michael Walford
Public Works Director

Milton F. Kulick
Deputy - Engineering

Patricia R. McNamara
Deputy - Operations

Maurice M. Shiu
Deputy - Transportation

S. Cilleod Hansen
Deputy - Administration

Henry Pantoja
Town of Danville
510 La Gorda Way
Danville, CA 94526

Dear Mr. Pantoja:

File: 3036-06/195-191-001

We have reviewed the preliminary improvement plans for Diablo Road/Creek Slide Repair project and submit the following comments:

In regard to the required County Drainage 1010 permit, the County will issue this permit to the Town of Danville without the typically required fee and performance bond. Since this project is being done by the Town, the County will not perform any inspections of the improvements. We will, however, require the Town and its contractor to indemnify, defend and hold harmless Contra Costa County and Contra Costa County Flood Control and Water Conservation District (CCCFC&WCD) of, and from, any and all claims arising out of this project. Also, the Town will need to require its contractor to include the CCCFC&WCD and Contra Costa County as additional insured in their liability insurance policy to the minimum limits of one million dollars for property damages and bodily injuries. The copy of the insurance policy will need to be provided to the County by the contractor prior to the start of work. In lieu of the typical performance bond required for the drainage 1010 permit, we will accept evidence that the Town has required its contractor to post an adequate bond which guarantees the completion of the project.

In regard to the improvement plans, we have a few concerns we'd like to bring to the Town's attention. They are as follows:

We realize the intent of the project is to restore the slide area and stabilize the creek embankment in order to protect Diablo Road. It appears, though, that the proposed plan is reducing the cross sectional areas of the creek below what existed prior to the slide taking place. We are basing this on sections A-A and C-C. We interpret these sections to be conform sections which should blend with the existing topography. In looking at the sections it can be seen that, in fact, the ends of the gabion wall are protruding into the channel flow area of the creek. Without seeing all the necessary backup information, it is difficult say what effect the proposed improvement will have.

However, this type of encroachment could result in increased channel velocities, higher water surfaces and erosion upstream and downstream of the project. Also, the steepness of the wall, combined with the fact the wall is being placed on an outside bend in the creek, could result in a reflective wave which could cause erosion on the opposite bank. For these reasons, we would like to suggest the Town have their engineer take another look at the plan and address the issues mentioned above. In this way, if the Town receives a written response from their engineer, the Town can be assured that adequate consideration has been given to the long term impacts this project will have on the creek and adjacent properties. Keep in mind, though, we have not seen the soils report or any of the backup information for the project and some of our concerns may have already been addressed.

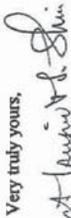
Mr. Pantoja
July 6, 1995
Page Two

Regardless, one change we could recommend would be to lay the gabion wall back (make it less steep) so the ends of the wall conform with the existing creek embankments. We believe this could be done without necessarily changing the scope or cost of the project. This is because while additional excavation would be needed at the ends of the wall, much less granular backfill would be needed behind the wall between the ends.

Also, the proposed creek work is taking place in a FEMA floodplain within unincorporated Contra Costa County. The County has adopted a Floodplain Management Ordinance (Ordinance No. 90-118) which requires a floodplain permit for any work proposed within a floodplain. Again, the County will issue this permit prior to construction and without a fee. To do this we will simply need three sets of the final, stamped plans and a letter (again, stamped and signed) from your engineer certifying that the improvements do not reduce the flow area of the channel which existed prior to the slide taking place. This, of course, guarantees the project does not have a significant adverse impact on the FEMA base flood elevation; a requirement of the County's Floodplain Management Ordinance.

We appreciate the opportunity to review plans which involve drainage matters and welcome continued coordination. If you have any questions, please call Tom Williams at 510/313-2278.

Very truly yours,



Maurice Shiu
Deputy Public Works Director
Transportation

MSTW:me
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M. Babick, Flood Control Engineering
P. Harrigan, Flood Control Engineering
M. Martin, Flood Control Engineering
R. Larky, Engineering Services
D. Jankovich, Flood Control Engineering

Attachment # 11
Write It, Don't Say It

Date: October 2, 1998

To: Bob Hendry, Permit Technician

From: Mary Halle, Flood Control Engineering *Mary Halle*

Subject: Permit 417-98

File: 3036-06 195-191-010

We have reviewed the plans submitted with drainage permit application 417-98. The project is a creek bank repair consisting of a gabion basket retaining wall within the East Branch of Green Valley Creek at the Underseith and Yamada residences, located at 1776 Alameda Diablo and 1783 Diablo Road. The initial submittal, dated September 29, 1998, included a scope of work to include over 100 lineal feet of a gabion basket retaining wall along both banks of the creek.

The original application appeared to be incomplete as it did not provide topographic data, creek cross sections, or provide hydraulic calculations to verify capacity. Due to the time constraint of the approaching winter and the degree of erosion that has the potential to jeopardize the subject properties, we recommended to the applicant that they amend their proposal to concentrate work effort to only the most critical locations.

The second submittal of the application resulted in limiting work to the area near the existing drop structure. This is the area that appears to have experienced the greater degree of erosion. The location of the existing concrete drop structure indicates the limit of the original bank. This verifies that the proposed gabion wall will not extend beyond the original bank face and therefore will not compromise the hydraulic capacity. We strongly recommend that the applicant submit for review of the remainder of the project during the early spring of 1999 to allow plenty of time for review and construction of the proposed retaining wall.

Please incorporate these special provisions into the permit and remit to the applicant for signature. If you have any questions, you may call me at 313-2327 or Mark Boucher at 313-2278.



TOWN OF DANVILLE

Attachment # 12

Creek Erosion Project to include habitat mitigation

Project Facts

- Erosion along San Ramon Creek is causing damage to the bridge abutments on Diablo Road.
- The sidewalk along W. El Pintado has begun to subside.
- Project will correct erosion by building up the bank and creating retaining walls to shore up areas of subsidence.
- State of California is requiring removal of a large number of *Ailanthus* *Altissima* Trees near the creek.

Ailanthus *Altissima*

Facts

- Invasive non-native tree
- Prolific seeder
- Produces a chemical that kills local vegetation
- Unappealing to browsing wildlife.

TOWN OF DANVILLE

Danville Town Offices
510 La Gonda Way
Danville, CA 94526

Phone: 925-314-3300

Fax: 925-838-0548

URL: www.danville.ca.gov

Construction crews will begin work Feb. 9, 2011 on the first phase of a project to restore a section of San Ramon Creek in the vicinity of the Diablo Road Bridge. Under state mandate, the preliminary phase, expected to take one week, will consist of environmental mitigation in the form of the removal of a large number of invasive non-native trees near the creek bed.

The main project, to be carried out this summer, will consist of building up the creek bank to armor it against the flow of fast moving storm water. In addition, retaining walls will be constructed to support the abutment and alleviate subsidence that has occurred beneath the sidewalk on W. El Pintado. During the course of the initial work, crews will stage on W. El Pintado, necessitating some lane closures. Some potential closures could also occur on Diablo Road. The map below outlines where the work will be taking place.

Because of the invasive nature of the trees, a species known as *Ailanthus* *Altissima*, the California Department of Fish and Wildlife has mandated their removal. At the end of the project, native trees and shrubs will be planted to offset those that were removed.

For more information on the project, contact Town of Danville Senior Civil Engineer Michael Stella at (925) 314-3316 or mstella@danville.ca.gov.



DIABLO ROAD BRIDGE, SLOPE REPAIR & RETAIL, PAVED SIDEWALK STRUCTURAL REPAIR, TOWN OF DANVILLE CAPITAL IMPROVEMENT PROJECTS 2011 AND 2010



Attachment #
13

May 24, 2001

Mr. Joe Calabro, Town Manager
Town of Danville
510 La Gonda Way
Danville, California 94526

Dear Mr. Calabro:

This letter is to notify you of the findings of a Community Assistance Visit to the Town of Danville. On March 22, 2001, Millicent Hocking with the Department of Water Resources and Kenneth Nauman of the Federal Emergency Management Agency met with your staff to discuss the Town's administration of its Flood Damage Prevention Ordinance (Chapter 32-117).

Under a cost sharing contract with the Federal Emergency Management Agency, the California Department of Water Resources conducts these visits to maintain periodic contact with communities participating in the National Flood Insurance Program. The purpose of these visits is to assess the compliance of local floodplain management ordinances and enforcement practices with the minimum standards of the NFIP.

Our review found four serious problems with the Town's floodplain management program:

1. Danville is not enforcing its opening requirements for attached garages as required in Section 32-117.34(c) of the Town's Code, and Chapter 44, Section 60.3 (c)(5) of the NFIP Code of Federal Regulations, and FEMA Technical Bulletin 7-93. This problem is identified on page five of the enclosed 'Floodplain Inspection List' and has resulted in a structural violation. Structures that do not comply with NFIP standards may be subject to rating of their flood insurance policies. Rating of noncompliant structures that are built after a community entered into the National Flood Insurance Program results in higher flood insurance premiums for the policyholder.
2. The second serious problem is that Danville has no procedures for evaluating permits for Substantial Improvement and Substantial Damage. The Town needs to develop these procedures.

Mr. Joe Calabro, Town Manager
May 24, 2001
Page 3

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It is apparent from the Community Assistance Visit meeting that Town staff need training in floodplain management and NFIP standards. The Department of Water Resources, in cooperation with FEMA Region IX offers three workshops that focus on safe development within Special Flood Hazard Areas and community compliance with the NFIP. A 2001 workshop training schedule was included in a packet of information provided to Danville during the Community Assistance Visit meeting and is also available on the Department's floodplain management web site: www.fpm.water.ca.gov. Town staff need to attend this training either this year or during 2002.

We appreciate your cooperation throughout the Community Assistance Visit process. If you have any questions, or need assistance related to the National Flood Insurance Program, please contact me at (530) 529-7342, or Millicent Hocking at (530) 528-7418.

Sincerely,

Dwight P. Russell, Chief
Northern District

Enclosures

cc: Ms. Cynthia McKenzie
Federal Emergency Management Agency
Region IX, Presidio of San Francisco
Post Office Box 29998
San Francisco, California 94129

Mr. Steven Lake
Development Services Director
510 La Gonda Way
Danville, California 94526-1740

Ms. Rosy Ehler
Town Engineer
510 La Gonda Way
Danville, California 94526-1740

17: RESPONSE TO CELLA, MARYANN AND BRIAN

17A: In approving the existing Magee Diablo Ranch project in 1987, the Town Council did not adopt the entire mitigation measure referenced in the comment that states “Cumulative impacts could be reduced by not approving projects at the density proposed and by not approving applications for agricultural land rezoning.” The Council determined that the potential cumulative increase in housing units and loss of open space and agricultural land would be mitigated by approving 257 units as opposed to the 316 units proposed (which is the first part of the suggested measure) and through the project’s preservation of significant open space. The Council did not adopt the second part of the suggested measure that would have prevented the Town from approving applications for agricultural land rezoning. The Council also determined that this impact may be significant and unavoidable even with the reduction in units and preservation of open space lands and, as a result, adopted a “Statement of Overriding Considerations” finding that the benefits of the project outweighed the environmental harm that could result (Resolution No. 97-87). CEQA allows the lead agency to adopt, change, or reject mitigation measures suggested in an EIR. A suggested mitigation measure in an EIR does not constitute an “agreement” with the lead agency or require or bind the lead agency to adopt the measure for the proposed project it was recommended for or for any future projects.

17B: At the time that the 2010 General Plan was adopted, all properties with the “Agricultural” land use designation were subject to Williamson Act contracts. While under contract, the properties are required to remain in agricultural use. The General Plan encourages, but does not, and legally could not, require continued agricultural uses on properties that are no longer under a Williamson Act contract. With the proposed clustering of development on approximately 10% of the site, the remaining 90% of the property would remain in open space and could continue to be used for cattle grazing, the current agricultural use of the site.

17C: The Town’s 2010 General Plan requires that if a property owner wishes to change the land use designation of a site from “Agricultural” to another designation, a comprehensive planning study must be prepared. The 2010 General Plan states that upon expiration of a Williamson Act contract, the owner may seek a General Plan amendment to permit other land uses. The comment assumes that residential development under the “Agricultural” land use designation requires a General Plan amendment. In fact, under the General Plan, “Agricultural” lands retain some residential development rights upon expiration of a Williamson Act contract. A General Plan amendment would be required only if the owner wished to seek a density greater than that allowed under the “Agricultural” designation or some other use not allowed under the “Agricultural” designation. The proposed residential density of the project is within the residential density allowed under the site’s “Agricultural” designation and underlying A-2 zoning designation. For additional discussion on the uses allowed under the “Agricultural” designation, please refer to the Master Response in Section 2.4.1. Please refer to the Master Response in Section 2.4.1 for a detailed response to this comment (see also Responses 17B, 17D, and 17E).

17D: The 2010 General Plan allows for P-1 zoning on lands designated as “Agricultural” under the following circumstances. General Plan Policies 1.07, 2.05, and 18.02 encourage clustering of development on flatter portions of properties to preserve open space natural features, with Policies 1.07 and 18.02 specifically identifying PUD or P-1 zoning as means of implementing

these policies. Section 32-63.1(b) of the Town’s Zoning Ordinance specifically directs the use of P-1 zoning for Special Concern Areas designated in the General Plan.

The project site is identified as a Special Concern Area in the General Plan. The Special Concern text for the Magee property includes the following relevant direction:

- The Plan describes Diablo Road in this area as retaining “the flavor of an ambling country road. The Town strongly supports retention of this character and protection of the views and vistas from the road.”
- Proposals that transfer the allowable number of homes to the least sensitive and obtrusive parts of the site are encouraged.
- As on the other large undeveloped hillside sites in Danville, protection of scenic slopes and ridgelines is imperative. Despite the A-2 (General Agricultural) zoning on much of the site, subdivision of this Special Concern Area into five-acre ‘ranchette’ sites similar to those in the Tassajara Lane/Sherburne Hills area is strongly discouraged. Such development would require grading and road construction that could substantially diminish the visual qualities of the area. On the other hand, transferring allowable densities to a limited number of areas within the ranch would enable the bulk of the site to be set aside as permanent open space. This would also provide opportunities to establish park and trail connections and to preserve wildlife corridors between this area and the Sycamore Valley Open Space.

The only way to achieve these General Plan directives listed above is through the use of P-1 zoning.

17E: As described in the two responses above, “Agricultural” lands have some residential development potential once they are no longer under Williamson Act contract. In addition, General Plan policies and the Magee Ranch Special Concern Area direct development on the property to be clustered through the use of P-1 zoning. Therefore, a General Plan amendment is not required to change the land use designation from “Agricultural” to “Rural Residential”.

17F: Please refer to the Master Responses in Section 2.4.1 regarding Measure S. Measure S does not apply to rezoning or other land use decisions that are allowed within the scope of a parcel’s existing “General Open Space,” “Parks and Recreation,” or “Agricultural” land use designation. In addition, Measure S does not alter any other existing General Plan policies that may be applicable to parcels with one of the three specified land use designations, nor does it eliminate or reduce any development potential that existed under the designated land uses for those properties. The project proposes a residential density that is consistent with the existing “Agricultural” designation and proposes clustering of any approved development in the least sensitive areas of the property, consistent with General Plan Policies 1.07, 2.05, and 18.02 and the Magee Ranch Special Concern Area language. This proposal is consistent with the General Plan. Since no General Plan amendment is required, Measure S does not apply.

17G: The comment asserts that the portions of the property currently zoned A-4 must be rezoned to A-2 before the DEIR may assume a density of one unit per five acres for purposes of calculating density. Please refer to Master Response in Section 2.4.1 for a detailed response to this comment.

17H: There are two parcels within the project site that have the “General Open Space” land use designation. They are identified as APN 202-050-073 (3.4 acres) and APN 202-100-040 (2.5 acres), totaling 5.9 acres. Both of these parcels have the “General Open Space” land use designation because they were part of previously approved developments involving P-1; Planning Unit Development District rezonings, and these parcels represent portions of the developments reserved as privately owned permanent open space. Subsequently, the current property owner (Jed Magee) acquired these parcels and added them to his land holdings, which are part of the SummerHill project application. No homes are proposed within areas encompassed by these parcels. In addition, the land area of these parcels was not included in the base plan that was prepared to establish the maximum potential density under the site’s current General Plan land use designations. The areas encompassed by these parcels, are included in the lands proposed to be maintained as permanent open space as part of the project.

17I: A comprehensive regional hydrologic analysis was prepared for the project as part of the DEIR process that analyzed mitigation measures and demonstrated the following:

1. Peak flow discharges from the project would reduce post-project flows to pre-project levels, and
2. Based on the timing of discharges from the project analyzed in the study, the peak of the regional flood hydrograph in the East Branch Green Valley Creek would not increase in the watershed.

The hydrologic analysis has been reviewed by the Contra Costa County Flood Control and Water Conservation District and concluded that with regard to downstream flooding in the watershed, both project and cumulative impacts would be reduced to less-than-significant levels. The mitigation measures outlined in the regional hydrologic study, in conjunction with 2011 Contra Costa County Clean Water Program hydromodification standards, would provide hydrologic mitigation measures that are more rigorous than those that have been implemented by similar developments previously constructed in the watershed. Please refer also to Response 4G. The detention basin and other proposed drainage facilities will be maintained by the GHAD, as further described in response 11D.

17J: The DEIR evaluated the No Project/Build without Subdivision Alternative to consider a development option without the P-1 zoning (allowing one unit per parcel for a total of seven homes). This Alternative is analyzed on pages 6-4 through 6-6 of the DEIR.

17K: The trees to be removed at the Diablo Road/Green Valley intersection are listed by species, size, and condition in the tree report dated April 2012 contained in Appendix D of the DEIR. The trees will need to be removed from within the Town’s right of way if the Town elects to move forward with traffic improvements at the intersection of Diablo Road/Green Valley Road as discussed on pages 4.4-33 and 4.12-35 of the DEIR.

17L: This comment refers to the 100 acre Purcell property, located at 1400 Diablo Road immediately adjacent to the project site. The property currently contains one home, approved in 2001, and remains under Williamson Act contract with no notice of non-renewal on file. While the property remains under contract, General Plan Policy 1.11 precludes any subdivision of the property. In the event that the Williamson Act contract expires at some point in the future, there

would be little, if any, remaining development potential on the 100 acres for the following reasons:

- The 45-50 acre central “spine” portion of the property, i.e., the portion of the property running along the ridgeline, is designated as a Major Ridgeline under the 2010 and draft 2030 General Plans. Under the Town’s Major Ridgeline and Scenic Hillside Development Ordinance, only one home (the existing Purcell residence) may be approved in this portion of the property.
- As a condition of approval for the existing home, the property owner was required to dedicate to the Town a scenic easement over the remaining developable portions of the 100 acre property not encumbered by the Major Ridgeline designation. The intent of the easement was to preclude any option for the property owner, or his successor in interest, from pursuing an entitlement request for that portion of the property not encumbered by the Major Ridgeline designation.
- The areas on the property that are either not encumbered by the scenic easement or the Major Ridgeline designation are either areas where slopes are in excess of a 30% gradient (and thereby precluded from development by the General Plan and the Grading Ordinance) or are effectively isolated and not available for development as any proposed access road would have to cross onsite and/or offsite areas with slopes in excess of a 30% gradient.
- Taking all of these factors into account, in addition to other constraints such as access, landslides, oak woodland habitat, future development potential is limited to no more than one or two home sites.

January 16, 2013

Town of Danville
510 La Gonda Way
Danville, CA 94526

Re: SummerHill Homes - Magee East-West

Dear Sir:

It is my understanding that we are in the comment period regarding the approval of the proposed SummerHill Homes housing development known as Magee East-West project.

I wish first to re-submit my comments about the project that I made in my letter to the Town of Danville dated November 10, 2010, a copy is attached hereto for convenience and incorporated by this reference.

I have been informed that 2 traffic-light signals are to be erected at the Athenian school turn-off and at the Hidden Oaks-Magee Ranch entrances. This is not enough to cure the terrible congestion at school times. The signal lights would merely be a band-aid on an open, bleeding wound.

I seems clear to me that the Town leaders are failing to require SummerHill Homes to pay the real full impact costs this project will generate in order to obtain the construction fees, which will be very substantial. The Town wants the money! I think the townspeople do not want the additional tax burden. Do not ignore your people! Look at the signs! Have a vote!

SummerHill and Magee could construct a road from the project site to Hidden Valley, or better yet, to Camino Tassajara which would cure this glaring defect. Magee owns the land; the Town can approve the road construction; the construction trucks would have better access to the site; there would be less traffic. There would be far less hard feelings within the community. Just a paved road at first that could be upgraded later when more Magee land came into use to become a city street. In the long run this would prove beneficial to Danville.

Approving this SummerHill - Magee as now submitted would prove to be a mistake until a real traffic solution can be found. Money is not enough! Danville does not NEED the money. Danville is growing just fine. Use common sense. Why change the original concept?

Yours truly,



Curt Cooper
2460 White Oak Place, Danville, CA 94506
925-837-0796

A
B
C
D
E

COPY

November 10, 2010

Town of Danville
510 La Gonda Way
Danville, CA 94526

Attention: David Crompton, Project Planner

Re: SummerHill Homes Application
LEG10-0004, DEV10-0071, DEV10-0072

Dear Sir:

My name: Curt Cooper
My address: 2460 White Oak Place, Danville, CA 94506
My telephone: 925-837-0796

This letter is my comments as to the SummerHill Homes project to create 85 (or more) residential lots and parcels at the Magee Ranch property that has its present entry from Blackhawk Road. This proposed real property development will have a strong negative and detrimental effect to the motor vehicle traffic on and along Blackhawk Road at various times throughout each day. The current existing neighbors do not want this development. Not because we are negative to growth, but because we now daily suffer the commute to school traffic gridlock that this proposed project will exacerbate. Blackhawk Road needs to be 4-lanes to support SummerHill's project. If the owners agree to widen the road first to 4 traffic lanes (2 each way), then I will have no objection to their project. Otherwise, deny the application!

I have owned my house since 1978. I have viewed and experienced the vehicle traffic congestion occurring almost daily on Blackhawk road. The school buses were taken away and the congestion became terrible. More development was approved to the east of Blackhawk and the congestion grew exponentially. Approval of this project will cause another 200 cars to be out on the road for multiple trips adding to the "traffic insanity". A 5 minute trip now takes up to 30 minutes during commute times.

What about the impact to the EBMUD service to home water? What about the current water pressure fall-off that will occur (it occurs now despite EBMUD's denials)? The electrical grid is over-loaded here now. Electric cars are coming and will cause electricity rationing and blackouts. No new generation plants are being allowed. What about the schools that will be impacted?

As the town's project planner you certainly realize the impacts that will occur.

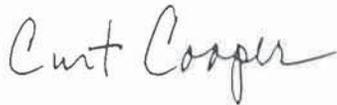
For What? Why do this? For the money? For the Fees?

Who are these owners? What is Teardrop Partners? They probably don't live here and will not suffer the impacts they are creating. They will take their profits and run elsewhere. Do not sell out the Danville citizens for money. These owners are not benefiting the community, which does not need this project.

At least require the owners to widen Blackhawk Road to four lanes from the Athenian School to the Firehouse before breaking ground. We do not need traffic construction delays caused by this project being constructed. The new four lane road will alleviate construction traffic during the 2 year build period and make the new sewer and underground street lighting easier to install with less impact.

NO NEW TRAFFIC SIGNAL LIGHTS!!!

Sincerely,

A handwritten signature in cursive script that reads "Curt Cooper". The signature is written in black ink and is positioned above the printed name.

Curt Cooper

18: RESPONSE TO COOPER, CURT

18A: The commenter is resubmitting comments made on November 10, 2010 on the proposed project. Specifically, these comments express opposition to the project on the basis of traffic congestion and availability of public services, including water, electricity, and school services. The DEIR addresses the potential public service, traffic, and utilities impacts of the project in Section 4.11 Public Services, Section 4.12 Traffic and Circulation, and Section, and 4.13 Utilities and Service Systems, respectively. The commenter's opposition to the project is acknowledged.

18B: Please refer to the Master Responses regarding traffic in Section 2.4.2.

18C: The comment expresses an opinion regarding the project and does not provide specific comments on the potential environmental impacts of the project or the analysis in the DEIR. As a result, no further response is required by CEQA.

18D: The applicant does not own or have access to the properties that would allow access to the site from Hidden Valley or Camino Tassajara. In addition, the construction of an access road to the south would not be consistent with certain policies in the General Plan such as those relating to the preservation of existing residential areas from disruptive traffic (Policy 1.08), preserving open space areas (Policy 1.07), and protection of visible ridges and hillsides (Policy 2.02). In addition, this access alternative would present physical challenges given the topography, and could introduce additional geotechnical and visual impacts. The applicant has access rights to Magee East from Blackhawk Road, as shown at the entrance to this portion of the project site.

18E: The comment expresses an opinion regarding the project and does not provide specific comments on the potential environmental impacts of the project or the analysis in the DEIR; no further response is required by CEQA.

David Crompton

From: Kevin Gailey
Sent: Tuesday, January 29, 2013 1:39 PM
To: David Crompton
Subject: FW: Opposing the SummerHill Draft DEIR

Don't see that you got a copy.

From: Suzann Cowing [<mailto:suzanncowing@gmail.com>]
Sent: Tuesday, January 22, 2013 9:13 AM
To: Kevin Gailey
Subject: Opposing the SummerHill Draft DEIR

Dear Mr. Gailey,

I'm writing to oppose the SummerHill Draft DEIR for the following reasons:

1. It does not appear that the issue I raised at the first hearing on this matter has been addressed in any meaningful way. Traffix, the company that provides school buses in this area, does not believe a full size school bus could make it in and out of the proposed development as it currently stands based on how the streets are configured. Therefore, this entire proposed new neighborhood will NOT have access to Traffix and students will have to be driven to/from school further congesting Diablo Road and the surrounding areas. If SummerHill contests this point, I would like to see a letter from Traffix to the contrary.

A

2. It does not appear that the draft DEIR took into account in any meaningful way the the traffic studies completed justifying Traffix in the first place and documenting the horrendous Diablo Road traffic.

B

3. This project triggers Measure S and requires a vote.

C

4. The town has refused to address in any meaningful way the flooding issues this project trigger. Specifically:
Re: Contra Costa Flood Control and Water Conservation District Letter December, 2010. Comments on Summerhill NOP

Item 10. "We are concerned about the potential for increased erosion within the reaches of Green Valley Creek downstream of this project. We recommend that the Town require the developer to identify and mitigate the potential impact related to erosion due to increased peak and volume of stormwater from this project by performing an inventory of Green Valley Creek to identify any critical locations prone to erosion."

D

This is not addressed in the Draft EIR. The developer did not identify any critical locations and consequently did not address possible mitigations.

5. Lastly, I am not completely opposed to this project. I just don't understand why the new homes are not following traditional neighborhood standards of 1/3 to 1/2 acre lots with 15 to 20 foot setbacks. (Like SummerHill adhered to in its Alamo projects on Stone Valley.) Additionally, again I would insist that the streets be configured to allow for full size school buses and that SummerHill should be required to pick up part of the Traffix bill as part of its responsibility to mitigated increased traffic.

E

Best,
Suzann Cowing
103 Sunhaven Rd.
Danville

19: RESPONSE TO COWING, SUZANN

19A: The traffic study for the DEIR contained an analysis of truck turning templates to determine the adequacy of on-site circulation for the truck category SU 30, which includes garbage trucks, other single unit trucks, and the TRAFFIX bus. The intersections and drive aisles were found to be sufficiently wide to serve these types of trucks and buses. The analysis also showed that the trucks would be able to turn around in the proposed court locations. Parking will be restricted at the hammerheads of Courts D, E and F so that there will be no conflict for large trucks and buses during garbage collection and student pickups. Prior to final design, all roadway layouts would require review by the Town to insure adequate design standards are met. All parking restrictions, where appropriate, would be considered at that time.

19B: The traffic conditions along Diablo Road are addressed in the traffic study, and were documented as part of the level of service analysis for the intersections along Diablo/Blackhawk Road. This is discussed in detail in Section 4.12 Traffic and Circulation of the DEIR and in the Master Responses contained in Section 2.4.2.

19C: Please refer to the Master Responses regarding Measure S in Section 2.4.1.

19D: Please refer to Response 4G regarding increases in peak flows and flooding.

19E: This comment questions why the proposed lots and setbacks are not the same as those on a project built by the same applicant in Alamo. Each project site has unique characteristics and the lot sizes and setbacks vary depending on factors including the location and topography of the site and the jurisdiction where the homes are proposed. The proposed lot sizes and setbacks for the project are consistent with those of residential subdivisions near the project site (e.g., Hidden Valley and the existing Magee Ranch).

Please refer to Response 19A above regarding bus access on the project site. The TRAFFIX bus program is funded by Measure J, the ½ cent sales tax approved by the voters of Contra Costa County. Mitigation for the project's impacts on the local roadway network is identified in the DEIR in Section 4.12. Additional traffic related conditions of approval may be considered by the Town when the project's conditions of approval are drafted (e.g., contributions to future bus service).

David Crompton

From: Christopher Cross <chris@edstrategies.net>
Sent: Sunday, January 27, 2013 1:31 PM
To: David Crompton
Subject: Planning meeting

I write in opposition to the plans that would eliminate the stop signs on Diablo/Blackhawk Road at Mt. Diablo Scenic Rd and also install a red light at the intersection of Magee Ranch Rd and Blackhawk Road. The situation in the first instance would be helped by better visibility at that intersection. In the case of Magee Ranch road, the minimal traffic issues there simply do not warrant a light. The focus of attention for traffic needs to be at the intersection of Diablo and McCaulley.

A

--
Christopher T. Cross

109 Sunhaven Rd.
Danville, CA 94506
925-314-1863 Office
925-314-0801 (fax)
925-683-4877(cell)

www.edstrategies.net
<https://twitter.com/CrossandJoftus>

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20: RESPONSE TO CROSS, CHRISTOPHER

20A: The commenter's opposition to the signal at Magee Ranch Road/Blackhawk Road is acknowledged. Refer to the Master Response regarding traffic in Section 2.4.2.

David Crompton

From: Christopher Cross <chris@edstrategies.net>
Sent: Monday, January 28, 2013 5:51 PM
To: David Crompton
Subject: Summerhill Development

I write in opposition to the proposed Summerhill development north of the existing Magee Ranch area. Development of that land is not in the best interests of the citizens of Danville. Further, it is my understanding that a decision of this nature should be made by citizen ballot, not planning commission fiat.

A

--

Christopher T. Cross

Chairman

Cross & Joftus, LLC

109 Sunhaven Rd.

Danville, CA 94506

925-314-1863 Office

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21: RESPONSE TO CROSS, CHRISTOPHER

21A: The commenter's opposition to the project is noted. The comment expresses an opinion regarding the project and does not provide specific comments on the potential environmental impacts of the project or the analysis in the DEIR. As a result, no further response can be provided as required by CEQA.

22: RESPONSE TO CROSS, DIANE

22A: Please refer to the Master Response regarding Measure S in Section 2.4.1.

David Crompton

From: Max de Oliveira <maxdeo@gmail.com>
Sent: Friday, January 25, 2013 2:18 PM
To: David Crompton
Cc: carol@hoaqualitymgmt.com; Maggie de Oliveira; Maxine de Oliveira
Subject: Magee Ranch-SummerHill Homes Development

Hello, we own a home in Hidden Oaks which backs onto Blackhawk road. Our house backs to the roadway so the traffic noise is already very noticeable and object very strongly to adding more traffic to this road. I have no problems with the new community, I think this is a very beautiful area for these types of homes. However, I would like to understand why the entrance to this community is planned to be on Blackhawk road. This seems to be the worst option because of the traffic congestion we already have and the distance to the freeways, the additional traffic is going to be a huge problem. I recommend that you consider moving this entrance to Sycamore Valley road E & Camino Tassajara intersection, through that opening by Stirling Drive (where the two tennis courts are). This actually makes more sense since Sycamore is much more capable of handling the additional traffic and is a much quicker access to shopping and the highway. I'm sure that the new residents of this planned community would also prefer a quicker access to their homes instead of having to deal with the already congested Mt Diablo & Blackhawk roads.

A

I'm also concerned for cyclists. The Mt Diablo & Blackhawk roads are very popular among cyclists, the road is narrow in most sections and the speed limit is between 35 and 40 mph. The increased traffic will likely impact rider safety and discourage cyclists from exploring Mt. Diablo and surrounding areas. Are speed limits changing?

B

We also do not think that the addition of the STOP signs proposed at the Hidden Oaks & Magee Ranch entrances are a mitigation for the increased traffic & safety. The entrance into Hidden Oaks, as you know has another STOP just before crossing the opposite traffic and the number of vehicles that can stop there safely is no more than 2 vehicles due to the length of that crossing. This will create a bottleneck for those vehicles wanting to go straight through. Are there any plans to create a turn left & right lanes to deal with the additional traffic congestion the STOP signs will add? Have you considered a round-about as an option?

C

Please take this into consideration and feel free to call or email me for further questions. Appreciate your time.

Sincerely,

Max & Maggie de Oliveira
2430 White Oak Place, Danville
925-208-1188

23: RESPONSE TO DE OLIVEIRA, MAX AND MAGGIE

23A: The comment requests that the entrance of the Magee East portion of the project site be located at Sycamore Valley and Camino Tassajara, through the opening at Stirling Drive (at the existing tennis courts). Please refer to Response 18D, which also requested use of alternative access.

23B: Please refer to the Master Response in Section 2.4.2 regarding bicycle safety.

23C: Please refer to the Master Response in Section 2.4.2 with regard to the traffic signal at Hidden Oaks Drive/Magee Ranch Road and Blackhawk Road.

David Crompton

From: IDREUTH <idreuth@comcast.net>
Sent: Monday, January 28, 2013 9:02 PM
To: David Crompton
Subject: Summerhill Development Proposal

Mr. Crompton,

I have been reading some of the e-mails that have been sent around regarding the Summerhill Development Proposal. I am seeing so many issues and flaws in what is going on. It saddens me to think that the beautiful neighborhood that we moved into 10 years ago (Magee Ranch) could be changed forever should this development take place. We often go on hikes in the hills behind our homes and it feels like we are completely in nature. From the hills above you have beautiful vistas which would be destroyed by the development of the new homes that are being proposed. I know that once the building starts it will only be a matter of time before we are living next to another Gale Ranch!! We finally got buses for our neighborhood a few years ago which has been wonderful and has eased traffic congestion on Diablo Road. Should Summerhill develop, we are back to having so much more traffic on Diablo Road again. I also worry should there be a serious emergency or fire how so many people who live up and down Diablo Road will be able to get out in a timely manner.

A

Please don't let this development happen! It will forever change what we call home.

Ingrid Dreuth

24: RESPONSE TO DREUTH, INGRID

24A: Comments noted. Please refer to the Master Responses in Sections 2.4.2 and 2.4.3 for responses to concerns regarding traffic and emergency access.

David Crompton

From: Thilo Dreuth <thilodreuth@rocketmail.com>
Sent: Monday, January 28, 2013 8:14 PM
To: David Crompton
Subject: SummerHill Development-Urgent response requested

Thilo Dreuth
Real Estate Consultant
Certified Investment Agent Specialist

Subject: SummerHill Development-Urgent response requested
To: mdoyle@danville.ca.gov, narnerich@danville.ca.gov, drcrompton@danville.ca.gov
Date: Tuesday, January 29, 2013, 4:07 AM

RE: Proposed Summerhill Development

Measure S

"Measure S, "The Danville Open Space Preservation Initiative", is an affirmation of the vision embodied by our new General Plan. This General Plan designates 4000 acres - 40% of Danville - as Open Space, Agriculture, or Parks and Recreation, which represents almost all of the undeveloped land within Danville. Measure S preserves Danville's future by requiring voter approval to change any of those designations.

- *Measure S will preserve Open Space, Agriculture and Parks and Recreation lands.*
- *Measure S is simple, straightforward, and legally defensible.*
- *Measure S will protect the vision which has defined our community's history since its incorporation.*

Measure S will enhance safeguards for the protection of open space and agricultural lands within our Town. The Measure ensures that any change in these areas would have to be supported by the community"

The above is a direct quote from **Mike Doyle and Newal Arnerich** supporting Measure S
Please explain how the city is not required to have the voters approval for the SummerHill project's property zoning. After the Williamson Act, a property goes into A4 (1 home/20 acres). The City's current process starts with A2 (1 home/5 acres) and then is clustered less than 1 home/ 1/4 acre???. **Why is a resident vote not required?** Please outline specifics

Public Disclosure of Financial Gain/Loss

Secondly, up to this point, there has been no public disclosure of the potential financial gain or loss to the city of Danville as a result of this project?
PLEASE DISCLOSE

Finally, the notion that adding a stoplight at Magee Ranch/Hidden Oaks/Diablo Rd Intersection and removing the 3 way stop sign at entrance to Mt Diablo does not address the real issue of too many cars on a 2 way road which is backed up from the Green Valley/Diablo intersection. Anybody who believes this has never traveled down Diablo at 8 AM.

C

I look forward to your timely response.

Thilo Dreuth
Resident of Danville
925-525-8177

25: RESPONSE TO DREUTH, THILO

25A: Please refer to the Master Responses in Section 2.4.1 for responses to concerns regarding Measure S.

25B: While not required for CEQA, a fiscal analysis was completed by Economic and Planning Systems, Inc., in February 2013 and is included in Attachment E. The analysis concluded that the project will result in a positive net impact to the Town's General Fund, which includes the additional cost of police services, by \$92,000 annually. This is based on the project additional revenues of \$157,700 and estimated annual expenditures of \$65,700. The Town's General Fund 2012 and 2013 Budget is over \$20.5M, so the project's projected increase is negligible, albeit positive. In addition, the project will result in a positive net fiscal impact on the San Ramon Valley Fire Protection District's General Fund. The fiscal surplus is estimated at \$131,000 each year after completion of the project. This is based on the estimated additional revenues of about \$182,300 and estimated annual expenditures of about \$51,300 each year associated with the project. San Ramon Valley Fire Protection District General Fund 2011-2012 Budget is over \$51M, so the project's projected increase is negligible, albeit positive. Please refer to Table S-1 in the Fiscal Impact Analysis Report.

Please note that a fiscal analysis of this type is not required for an EIR. An EIR is required to evaluate physical environmental impacts of a project; a project's economic or social effects are not treated as effects on the environment unless they result in a physical change (CEQA Guidelines Section 15131(a)). The commenter does not provide any evidence that an economic or social effect caused by the project will result in a physical change, nor is there any evidence in the record that demonstrates that this could occur.

25C: Please refer to the Master Response in Section 2.4.2 for responses to concerns regarding traffic.

David Crompton

From: Steve Easley <steve@steveeasley.com>
Sent: Tuesday, January 22, 2013 12:05 PM
To: David Crompton
Cc: Susan M. Raterman, CIH; Carol Mitchell
Subject: New subdivision and Traffic

David, as a 24 year resident of California and a 17 year resident of Hidden Oaks subdivision I want to strongly voice my opposition to the Summerill homes development. My wife and I are extremely opposed to this development and the installation of a stop light, sign or traffic control device in front of our neighborhood Hidden Oaks on Blackhawk Road. In general the additional traffic and controls will pose an additional burden on the current traffic back up problems we already experience. In fact we already have to do a considerable amount of back tracking distance to avoid morning back-ups on Blackhawk Rd. Enough is enough. Please make sure the council takes into account the full impacts to taxpayers and their opinions including the safety and noise issues that will be the result of too many cars on too small of roads.

I have a previous commitment on the evening of the 29th and can not attend the hearing to voice my views in person. Thank you for your attention.

Best Regards,
Steve Easley
Steve Easley & Associates Inc.
2130 Hidden oak Dr.
Danville, Ca 94506
925-698-4726
steve@steveeasley.com

A

26: RESPONSE TO EASLEY, STEVE

26A: The commenter's opposition to the project is noted. Please refer to the Master Response in Section 2.4.2 regarding the traffic signal at Hidden Oaks/Blackhawk Road.

David Crompton

From: Richard Forster <dickf@live.com>
Sent: Tuesday, January 29, 2013 11:29 AM
To: David Crompton
Subject: Environmental Impact - Summerhill Project

Dear Mr. Crompton:

I am a homeowner in Magee Ranch. The "Next Door Magee Ranch" homeowners group sent an explanation of the proposed traffic changes being considered to accommodate the Summerhill project. I am not convinced that adding a traffic light at the Magee Ranch/Hidden Oaks intersection will address the increased flow of traffic that this development will create. Also, eliminating the stop sign at Diablo Scenic Road in my opinion would be dangerous for those cars turning onto Diablo Rd./Blackhawk Rd.

A

The two areas I think need addressed are first an alternative route for autos to get to either McCauley Rd. or to Camino Tassajara without having to use Diablo/Blackhawk Rds. For instance, the only way in and out of McGee Ranch is Magee Ranch Road to Blackhawk Rd. A "back exit" connecting to Camino Tassajara or over the hill to McCauley would help traffic immensely. The second vital change is the creation of a bike lane apart from Diablo/Blackhawk Rds. As part of the zoning and approval of the Summerhill project a requirement should be a separate bike and jogging lane that parallels Diablo/Blackhawk Rds. My idea would be to pave the adjacent "dirt" ranch road that sits directly above and parallel to Diablo Rd.

B

Thank you for your consideration and I look forward to your response. Sincerely,

Dick Forster

Dick Forster
44 Brightwood Circle
Danville, CA 94506

27: RESPONSE TO FORSTER, RICHARD

27A: Please refer to the Master Responses in Section 2.4.2 for responses to concerns regarding traffic.

27B: Please refer to Response 23A regarding access to the site from Hidden Valley or Camino Tassajara.

Regarding a bike trail, the project includes a pedestrian/bicycle trail within Magee East that extends along the creek from Blackhawk Road west to the proposed emergency vehicle access road. Portions of the existing fire trails within the open space area would also be available for pedestrian use.

Comment regarding DEIR for SummerHill Proposal

January 25, 2013

Mr. David Crompton
Town of Danville Planning Department
510 La Gonda Way
Danville, CA 94526

Dear Mr. Crompton,

The recent closing of Diablo Road for almost eight hours when a large tree fell across it in the vicinity of Saint Timothy's Church and had to be removed was a startling reminder of the potential hazards to health and safety that could be caused by the greatly increased traffic that will result if Danville approves the DEIR for the SummerHill homes proposed for the Magee Ranch area on Diablo Road.

FOR APPROXIMATELY EIGHT HOURS, the 1000 residents of Diablo's 400 homes, all the residents living between Diablo and Blackhawk on the Magee Ranch and nearby areas, about half of the residents of the 650 homes in Cameo Acres and all others who wished to reach Mount Diablo State Park, Athenian School or Magee Ranch could not reach those areas by car. Instead, they were met by road barricades and polite police at the intersection of Diablo Road, McCauley Road and Stone Valley Road--**one of the major intersections being studied in this DEIR**--and told they could go no further and could only access their homes, Athenian School or Mt. Diablo State Park by returning to Danville by going west on Diablo Road, taking 680 south to Ycamore Valley Road, driving west to Blackhawk and then north and west following Blackhawk Road to Diablo. This large circular route took between twenty minutes to half an hour to complete for those who did not encounter rush hour traffic on 680 and much longer for those who did.

For some it was a lark, for others an inconvenience and for others a near crisis, but for all of us, the situation vividly dramatized the potential threat to health and safety if and when Summerhill's many homes--accessed only by curving, two-lane Diablo Road--are approved and built. Ambulances, Fire Trucks and other emergency vehicles could be totally incapacitated, lives greatly inconvenienced and put at risk because of problems created by the increased traffic which we all know will result from the building of SummerHill homes.

In addition, I urge you to accept the fact that the SummerHill project requires rezoning if it is to be officially and lawfully changed from A 4 to A 2 as such rezoning is not automatic, and that a Measure S public vote is required for approval of the DEIR for SummerHill.

For these reasons and many others, I urge the city of Danville and its Planning Department to disapprove SummerHill's DEIR. It's approval would greatly damage the safety and quality of life for several hundred current residents who access their homes from Diablo and Blackhawk Roads.

Very sincerely,



Margaret Freeman

P.O. Box 645
Diablo, CA 94528

925-837-4563
marshmugs@aol.com

28: RESPONSE TO FREEMAN, MARGARET

28A: Please refer to the Master Response in Section 2.4.2 for responses to concerns regarding traffic and to Master Response 2.4.3 regarding emergency access.

The comment raises a general concern about emergency access. Please refer to Master Response in Section 4.3.3 for a response on this concern.

28B: Please refer to the Master Response in Section 2.4.1 for responses to concerns regarding the site zoning and Measure S.

David Crompton

From: lorraine fretwell <lfret2185@yahoo.com>
Sent: Monday, January 28, 2013 6:20 AM
To: David Crompton

I live in Hidden Oak and I can't imagine why a Stop light or even a Stop sign would be considered at the entrance. I'm in and out at all times of the day and there's never a problem. Lorraine Fretwell

A

29: RESPONSE TO FRETWELL, LORRAINE

29A: Comment noted. The main project entrance on Blackhawk Road was analyzed in the traffic study under project conditions and it did not warrant a signal, nor did it meet the Town's significance thresholds identified on pages 4.12-17 through 4.12-18 of the DEIR. The impacts of project traffic at other intersections are discussed within the traffic study in Appendix I of the DEIR. Please refer to the Master Response in Section 2.4.2 regarding traffic concerns.

David Crompton

From: Sabina Gallo <sabina.gallo.2@aonhewitt.com>
Sent: Thursday, January 24, 2013 10:19 AM
To: Kevin Gailey; David Crompton
Subject: Opposition to SummerHill Project

I submitted the following comments to the town of Danville web site earlier today:

General Comments:

I want the public to get its Measure S vote regarding residential development on Agricultural land and I don't want the Town to upzone all the 400 remaining Agricultural acres in Danville to quadruple the number of allowable homes.

Traffic on Diablo is a problem for me. What should be a less than 10 minute commute from my house to Green Valley is typically much longer, sometimes 20 minutes (one way)! I didn't even see this addressed in the Summary of Significant impact.

A

I will be out of town on a business meeting on the 29th (or I would have come to the public hearing meeting that night). I just wanted to voice my opposition to the Summerhill project. Thanks for listening.

Sabina Gallo
12 Glen Hollow Road
Danville, CA 94506

Sabina Gallo
Aon Hewitt | Benefits Administration | HRO Benefits Div Grp Northeast
sabina.gallo@aonhewitt.com | aonhewitt.com

30: RESPONSE TO GALLO, SABINA

30A: Please refer to the Master Responses in Sections 2.4.1 and 2.4.2 for responses to concerns regarding Measure S and traffic. A traffic analysis was prepared for the project that considered traffic at key intersections along Diablo Road, as discussed in Section 4.12 Traffic and Circulation of the DEIR.

David Crompton

From: Anthony Geisler <awgeisler@sbcglobal.net>
Sent: Tuesday, January 29, 2013 3:35 PM
To: David Crompton
Subject: Summerhill DEIR

Dear Mr. Crompton:

I am writing this as a concerned citizen of the community of Diablo and will be in attendance at tonight's hearing. I do want to thank you for the time and effort you put into the report which was lengthy and detailed to say the least. You have taken this project very seriously and for this you are to be commended. However, I am opposed to the Summerhill development as proposed and would like to see it cancelled at best or seriously limited at the least. I do have a number of concerns and observations:

1. Population Estimate

There is no way that there will be 2.73 people per household. The size of the homes, 3000 to 4000 sq. ft., plus the cost \$1,200,000 and up, on very small lots will attract multi-family or large family buyers who want or will require space to accommodate their needs. I would hazard to say the average household could be 5 occupants per unit. At 70 units plus up to 16 low-rent casitas, this could result in 430 or more residents. It would not be unreasonable to assume an average of 3 cars per household generating an additional 1000 to 1200 car trips per day.

A

2. Traffic

I strongly disagree that the Signalized delay at Green Valley and Diablo Rd. is a D in the A.M. hours. It is an F at best. Try going through there between 7:30 to 8:30 in the Morning, it is "extreme" to say the least. The Westbound traffic at Mt. Diablo Scenic and Diablo Rd. during the the same hours is not a C "Average Traffic Delay" but an F at best. I have witnessed backups of a half-mile or more. Removing the Stop Sign for Diablo Rd. would help the situation for Diablo Rd. through-traffic, but making a left turn from either Avenida Nueva or Mt. Diablo Scenic onto Diablo Rd. would be difficult to hazardous at best. I would expect the Summerhill development to add from 1000 to 1200 car-trips a day to an already grim traffic situation.

B

3. Aesthetics

Please use Davidon Homes at Weber Ranch as an example. These are massive boxy structures all stuck in chock-a-block to each other, despoiling in part a very attractive suburban neighborhood. There is nothing wrong with these homes that double the acreage and landscaping could cure. After going through the Summerhill Homes Web Site, Magee will be Weber on steroids. It will only fill a need to house as many people as possible, leaving existing neighborhoods to be adjacent to a crowded urban setting in once was a charming, bucolic area.

C

4. Trees

38 trees will be removed not including a potential additional 18 trees at the Diablo/Green Valley intersection. This includes 13 Town protected trees plus 8 at Green Valley/Diablo. There is no way that 3 planted trees of 12" diameter can replace one 36" protected tree. This development will take down at least 13 magnificent works of nature perhaps 200 years old or more.

D

5. Legality

The development is clearly in conflict with Measure S, submitted by the Town of Danville itself, and overwhelmingly approved by 75% of the electorate. It states that land use designation of A-4, Agricultural Land (among others) can only be amended by a vote of the general public. I fail to see that Jed Magee's taking his property out of the Williamson Act, miraculously made it A-2, Rural Residential, thus making it eligible for P-1, Clustered Homes. P-1 is not an acceptable land use for A-4, thus making it a simple zoning change to be done at will by the Town Council. If Magee/Summerhill is not under the the jurisdiction of Measure S, then what is? The Town put it on the Ballot, so what was its intent of doing

E

so? What was measure S, some sop to placate the public at that time, only to have the Town do as it pleased regardless of the desire of its voters.

Please let the voters decide whether they want Clustered homes on what is A-4, Agricultural Land. If they approve with the resultant problems, so be it. At least you will be filling the needs of your residents.

Thank you for your consideration of these matters.

Tony Geisler
115 El Nido Court
P.O. Box 626
Diablo, CA 94528-0626
(925) 837-4670

31: RESPONSE TO GIESLER, ANTHONY

31A: Please refer to Response 16I that discusses the basis for using the calculation of 2.73 persons per household.

31B: As described on page 4.12-6 of the DEIR, the traffic impacts of the project were evaluated in accordance with the standards and methodologies set forth by the Town of Danville, Contra Costa Transportation Authority, and 2000 Highway Capacity Manual. Please refer to the Master Responses in Section 2.4.2 regarding traffic.

31C: The visual/aesthetic effects of the project are described in Section 4.1 Aesthetics of the DEIR. As described on page 4.1-5 of the DEIR, “the final building, locations, architectural design, grading, and landscape design would be subject to review and approval by the Town under separate Development Plan applications.”

31D: For CEQA purposes, the replacement of trees at the ratios identified in the DEIR are considered appropriate long-term mitigation for tree loss.

31E: Please refer to the Master Response in Section 2.4.1 for responses to concerns regarding Measure S.

David Crompton

From: Afina Gibbs <clrprp@aol.com>
Sent: Sunday, January 27, 2013 9:02 PM
To: David Crompton
Subject: Summerhill Draft EIR comments

As residents of Still Creek Place, our home backs to Blackhawk Road. We moved to our home in January of 1989. We have endured the increase in traffic and noise since the Magee Ranch housing development was created in the early 1990's. What was once a quiet country road has become more like an expressway, especially during before and after school hours.

Often, on warmer mornings, if we have our windows open, we listen to the sounds of idling cars that are in a long line coming from the Blackhawk area on their way to the three public schools and the private Athenian school. After school, it is a constant sound of cars and buses whizzing by at higher speeds. It is difficult and sometimes dangerous to attempt to exit our neighborhood during these peak hours.

We were very disappointed to read in the draft EIR that the increased traffic created by the proposed Summerhill development will have a less than significant impact on traffic on Diablo/Blackhawk Road. Apparently, the proposed mitigation measure would be to place a signal at Mt. Diablo Scenic Blvd.

Seriously? This is a very poor solution to a traffic nightmare that will be further compounded by the Summerhill development. A signal would not relieve the number of vehicle trips added nor would it increase the efficiency of traffic movement. It would become next to impossible to make a left turn out of any neighborhoods south of Blackhawk/Diablo Roads. A signal would create a higher rate of speed resulting in an increased risk to drivers and pedestrians.

As we have communicated before to our planning commission members (of whom only one responded to our concerns) we remain opposed to the proposed Summerhill project. We believe it further compromises our property values and the reason we moved to Danville in the first place. We believe we have the right to live in a town that claims to provide, "A small town atmosphere and outstanding quality of life."

Respectfully,

David and Afina Gibbs
1301 Still Creek Place
Danville, CA 94506

A

32: RESPONSE TO GIBBS, AFINA

32A: Please refer to the Master Response in Section 2.4.2 for responses to concerns regarding traffic. The commenter's opposition to the proposed project is noted.

David Crompton

From: John Halas <halas.john@gene.com>
Sent: Tuesday, January 29, 2013 9:27 AM
To: David Crompton
Subject: SummerHill Draft Environmental Impact Report

To:
David Crompton, Principal Planner

Town of Danville
510 La Gonda Way
Danville, CA. 94526.

Dear Mr. Crompton,

I have read through the Summer Hill DEIR that has been posted by the town of Danville. After reading through the document I have a number of questions relating to the traffic evaluations that were conducted. As I understand from the report. A series of traffic signals one possibly at the intersection of scenic Mt. Diablo Road and a second at the intersection of Magee Ranch Road and Blackhawk Road is suggested. I am by no means an expert in traffic management, but I have the following questions that I did not see the report address.

- At the intersection of scenic Mt. Diablo Road and Diablo Road. I was not able to see where in the report how or what modifications to the existing infrastructure of that intersection would be able to sustain the signalized traffic in a manner that would facilitate an efficient flow of traffic. For example, if you are traveling from Green Valley up towards the Athenian School and wish to make a left-hand turn into Athenian, I would assume that appropriately sized queuing areas we need to be in place. Does the current configuration of this roadway provide such capacity? My best guess is that the current configuration would allow queuing of maybe four cars to make that left-hand turn with each cycle of the traffic signal. I would imagine that that capacity would need to be increased to allow for additional cars to properly be positioned to be included in the next cycle of the traffic light. I am thinking something like the term means at the intersection of Black Hawk Rd. and Camino Tassajara. Do you know where this type of analysis would have been completed and where I could find that information? A
- Can you please help me to understand where in the report I would find the analysis so that I can better understand the need for the signalization at Magee Ranch Road and Blackhawk Road? I can only guess that the signalization here would regulate the flow that would move through the subsequent light at scenic Mt. Diablo Road. But I do not understand how the two of these all tie together. I would envision there would be traffic cameras on both intersections that would sense the amount of traffic presents and would be adjusting the light signal durations accordingly. So is the signalization at Magee Ranch Road required because there is insufficient capacity to hold the traffic at scenic Mt. Diablo Road? B

What, if any, impact does the flow from scenic Mt. Diablo Road intersection heading towards Camino Tassajara, while traveling on Blackhawk Road, benefits from the signal being installed at Magee Ranch Road? I can honestly say that the current traffic flowing on Blackhawk Road

and making left turns into either Magee Ranch or Hidden Oaks does not warrants a left turn signal to be installed.

So in summary I don't understand the rationale for this additional signal light and how regulating flow of traffic at this point would have an impact on traffic say coming from Green Valley to the Summerhill development or from Green Valley and going to the Athenian school. The insight on this topic or reference within the report would be greatly appreciated.

- The section of Diablo Road that extends from Green Valley elementary to scenic Mount Diablo Road as it exists today is a very narrow, one lane per direction, roadway. Assuming that the proposed Summerhill development is completed. I am concerned with the ability for emergency vehicles to proceed between these two points during any peak traffic periods. I do not see in the report where any consideration has been made to changing the configuration of this stretch of roadway to support the increased volume of traffic and improving an existing poor emergency vehicle access condition.

I have seen many of my fellow residents raise the issues around fires and the access of emergency equipment and evacuation capability. But I have to wonder with the recent events that occurred in Newtown, Connecticut what the capability of the same stretch of roadway could be if significant police and / or medical staff presents were required /to convene on the Athenian school.

I think this section of roadway really to be evaluated further to include some type of additional travel lanes that would enable emergency vehicles to move alongside the traffic during these peak periods; may be the shoulder of the road could be something similar similar to what exists on Camino Tassajara between Blackhawk and the Sycamore Valley elementary school.

Obviously, this would mean a dramatic change to the appearance of this section of roadway. But I do believe there has to be some tipping point if we're going to support this level of new development (Summerhill) that we have to consider trading off some of the scenic value that the existing roadway presents. I would hope that this type of a decision would be one where the Township of Danville would enable all residents to evaluate and cast an opinion as to the future of this section of roadway as opposed to being tied directly to this developments application. This point may very well not be one that is not specific to the Summerhill development but rather one that I believe the Township of Danville has a responsibility to address in conjunction with the long-range planning. For me, this section has the same aesthetic value as the oak tree on Diablo Road in downtown Danville. I'm sure that the Dept. of Parks would not make a decision to takedown the tree without soliciting feedback from the residence of the Township. . Hopefully a similar discussion would take place about the future of this section of the roadway.

It is quite possible that these traffic related questions that I have raised are beyond the legal extent of the Summerhill development and may be more directed towards the township as a whole in terms of the ability of the existing infrastructure to match the commitments of the towns long-range plan but as it is reflected in the DEIR - the reports does assumes some financial responsibility for the signalization and I could see where this could be extended to the improvements in the stretch of roadway as well.

Thank you for listening to my questions

John Halas

33: RESPONSE TO HALAS, JOHN

33A: Please see the Maser Response in Section 2.4.2 and Response 4E regarding the Mt. Diablo Scenic/Diablo Road intersection. As noted in earlier sections of this document, this intersection is located within unincorporated Contra Costa County (outside of the Town's jurisdiction) and, therefore, the installation of a traffic signal is subject to the County's discretion and would require preparation of detailed improvement plans.

33B: Please refer to the Master Response in Section 2.4.2 relating to the Hidden Oaks Drive/Magee Ranch Road/Blackhawk Road intersection.

33C: This comment raises specific concerns related to emergency fire access due to increased traffic on local roadways and additional fire-related concerns due to the project's location in an area subject to potential wildland fire hazards. Please refer to the Master Response to emergency access in Section 2.4.3.

David Crompton

From: Elizabeth A Harvey <l-harvey@sbcglobal.net>
Sent: Tuesday, January 29, 2013 4:46 PM
To: David Crompton
Subject: comments regarding Summerhill Development DEIR

Dear Mr. Crompton,

In regards to the Summerhill Development DEIR, I find that it does not address the need for the impact on wildlife and the land corridors they need to thrive, there is no consideration of the increased threat of fire, and the resulting difficulty in evacuating from the area along Diablo /Blackhawk Roads, and allowing emergency vehicles access to affected areas. I also believe that Danville residents should be allowed to vote this proposed developments as per Measure S. I am against the development, and feel that the Town of Danville should focus on in-fill near to the downtown core.

A

Liz Harvey
925-785-5787

34: RESPONSE TO HARVEY, ELIZABETH

34A: Please refer to the Master Responses in Section 2.4 for responses to concerns regarding Measure S, traffic, emergency access, and biological issues. The commenter's opposition to the project is noted.

David Crompton

From: Daniel Hegglin <dhegglin@yahoo.com>
Sent: Sunday, January 27, 2013 9:32 PM
To: David Crompton
Subject: Summerhill project

Hi Doug,

I'd like to note my objection to the project unless the traffic impact is mitigated.

A traffic light on the corner of Mt. Diablo scenic will not do much to alleviate the traffic on the corner of Green Valley and Diablo. It is simply not possible to go out in that direction during school hours.

Thanks,
Dan

A

35: RESPONSE TO HEGGLIN, DAN

35A: Comments noted. Please refer to the Master Response in Section 2.4.2 for responses to concerns regarding traffic.

David Crompton

From: Richard Hirshberg <rhirshberg@gmail.com>
Sent: Saturday, January 26, 2013 2:11 PM
To: David Crompton
Subject: traffic light at hidden oaks!!

Importance: High

David,

I just want to let you know that everyone I speak to is up in arms and totally distraught over the possible light at Blackhawk Road and Hidden Oaks. 60+ new homes going up down the street and we need a light?? The traffic is bad enough all week. The stop sign at Mt. Diablo Scenic Blvd. backs up significantly. have you sent out the Traffic report and or study? i think everyone would like to read it.

You need to know nobody around here wants another light!

Rick Hirshberg
Bargain Buyer Inc. d.b.a. Rick's Picks
rhirshberg@gmail.com
www.rickspicks.biz
725.525.9284

36: RESPONSE TO HIRSHBERG, RICHARD

36A: The traffic analysis for the project is contained in Appendix I of the DEIR that was circulated to the public. Please refer to the Master Response in Section 2.4.2 for responses to concerns regarding a traffic signal at Blackhawk Road and Hidden Oaks and proposed mitigation at Mt. Diablo Scenic.

Donald N. Hoffman, CE
Box 745
Diablo, CA 94528

January 17, 2013

Mr. Kevin Gailey
Chief of Planning
Planning Division, Town of Danville
510 La Gonda Way
Danville, CA 94526

Subject: Review and Draft on the Magee Ranches DEIR

Mr. Gaily

I have made a cursory review of the subject report, and, though extremely bulky, find the report inadequate in several aspects because of missing or inadequate information. A few of the more obvious defects are:

1. List of contacts does not include :
 - Diablo Property Owners Association (DPOA)
 - Diablo Community Service District (DCSD)
 - California State Parks (Mt. Diablo State Park)
 - Athenian School (regarding Diablo Scenic Dr. Intersection)
 - Homeowners adjacent to Green Valley Creek (flooding)
2. Analysis of traffic at Avenue Nueva, Alameda Diablo and Casa Nueva Intersecting with Diablo Road. The present 3 way stop at the Diablo Scenic and Diablo Road provide some "gapping" of traffic at these 3 intersections. To eliminate the 3 way stop (one of the suggested Mitigations) would make conditions worse. An electrified signal would be helpful. Why were left turn lanes not considered? Or 3 way stops, etc. There was no analysis.
3. The report ignores bicycle traffic (quotes a survey that shows Danville has Only 1% bike traffic). In fact, the Diablo State Park draws a large bike traffic which uses Diablo Road between Diablo Scenic and Avenue Nueva (where there is no bike or pedestrian path) and heavily uses the Diablo "Cut Through" though bikes were obviously not included in the "Cut Through" analysis.

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B

C

37: RESPONSE TO HOFFMAN, DONALD

37A: Applicable service providers responsible for providing services to the project were contacted during preparation of the DEIR. Information concerning existing services, available capacity, and other related considerations was obtained and included in the DEIR. Where appropriate, mitigation measures were identified based on the recommendations of those service providers. This comment identifies additional agencies or interested parties that should be solicited. These parties have been consulted and provided input during the NOP scoping process and public review of the DEIR. The DEIR appropriately identifies potential impacts to public service providers that would be responsible for providing services to the project.

37B: According to CCTA guidelines, engineering judgment may be used to eliminate intersections from the analysis that are not controlling intersections or where critical movements are not affected. The traffic study analyzed only those critical intersections within the Diablo Road corridor that would impact the overall travel time. The traffic study analyzed the intersections with heavier side street traffic, including the intersections of Hidden Oaks/Blackhawk Road, Blackhawk Drive/Blackhawk Road, and Camino Tassajara/Blackhawk Road.

The intersection of Mt. Diablo Scenic/Diablo Road was identified as a critical intersection for study. Further analysis of intersection improvements at this location would be conducted during the design phase of the mitigation. During the design phase, secondary impacts to other local streets and vehicle progression through the Diablo corridor would be considered.

37C: Please refer to the Master Responses in Section 2.4.2 for responses to concerns regarding bicycle traffic.

David Crompton

From: JON ISOM <jonpat@sbcglobal.net>
Sent: Wednesday, January 16, 2013 1:33 PM
To: David Crompton
Subject: Draft EIR Summerhill

Follow Up Flag: Follow up
Flag Status: Flagged

Mr. Crompton,

Re: Williamson Act

On February 6, 1970, the Magee Property became agricultural preserve under a Williamson Contract. Section 51245 of the Govt. Code requires that a notice of non-renewal be filed and recorded to have the property removed from agricultural preserve. On Sept. 12, 2002 a document was filed with the CCCountyRecorder which recorded a notice of non-renewal on Parcels 202-050-071, -073, -078 and Parcel 215-040-002. There are 11 parcels in the Summerhill development, only four have been removed from agricultural preserve. Where is the documentation that the other seven parcels have been removed. (documents of Sept. 12 non-renewal sent to Mr. Crompton the Jan. 16 2013.)

A

It appears from the tax records, that parcel 202-050-071 was not removed from agricultural preserve until 2011.

Re: Contra Costa Flood Control and Water Conservation District Letter December, 2010. Comments on 'ummerhill NOP

Item 10. "We are concerned about the potential for increased erosion within the reaches of Green Valley Creek downstream of this project. We recommend that the Town require the developer to identify and mitigate the potential impact related to erosion due to increased peak and volume of stormwater from this project by performing an inventory of Green Valley Creek to identify any critical locations prone to erosion." This is not addressed in the Draft EIR. The developer did not identify any critical locations and consequently did not address possible mitigations.

B

Re: Traffic Study

Was the traffic study based only the the HCM Planning Methodology? If not, what othere standard was used?

Most traffic studies for an EIR require the count to be completed less than two years prior to the EIR. If the count occurred in Oct. 2010, does this comply with the standard being used for the study? Was school in regular session (not a conference day) when the traffic count was done?

Emergency Service Vehicles, Hexagon Transportation Consultant, Inc. "This project does not propose any physical changes to the roadway system that would affect response times, but it would add traffic to intersections already operating a poor LOS.*Nearly* all the streets in the vicinity are sufficiently wide to accommodate traffic and emergency vehicles assuming that drivers stop and pull over for sirens, as they are required to do."

C

Which streets and locations are not sufficiently wide to accomodate traffic and emergency vehicles? If there is a "bottle neck" on either Diablo Rd. or Green Valley Rd., it means that emergency vehicles cannot be comodated. *Nearly* is not safe.

How was the Matadera traffic included in the study?

Re: Measure S

On April 12, 2012 you sent Maryann Cella an e-mail stating that the Town has not sought or received an opinion form outside council regarding the applicability of Measure S for either the SummerHill-Magee or Elwaorty Ranch development applications. Has this changed? Why is Measure S not applicable to Summerhill? When would Measure S apply?

D

Re: General Plan

Can we assume the Magee/SummerHill project is governed by the 2010 General Plan?

E

Re: Flooding/Flood Protection

Why doesn't the draft EIR address the fact that properties along GVC are subject to flooding during a 25 year event. A letter was sent to the Town of Danville on February 22, 2007 from Contra Costa County Flood Control stating, "Studies of the GVC watershed in various forms have occurred since Amendment No. 3 was adopted that indicate properties along GVC are subject to flooding during a 25-year event, which is less than the District standard for flood protection of a watershed of this size." Since 2007, significant other project developments have occurred that would further reduce drainage capabilities. To further exacerbate this situation, seems unconscionable. If one goes to floodsmart.gov, a FEMA website, you can determine that over a hundred Danville homes are at "high risk" for flooding along GVC, downstream of this project. During the Matadera hearing over 100 of these documents were sent to the Town but were never included in the documents published by Danville.

F

Re: Tree Study

It appears that almost all of the "protected trees" are to be removed, particularly those along Diablo Rd. Is that a necessary requirement? If so, why? Why is a protected tree not protected?

G

at Isom

38: RESPONSE TO ISOM, PAT

38A: The four referenced Assessor Parcel Numbers (202-050-071, 202-050-073, 202-050-078, and 215-040-002), which total 199 acres, are the only parcels within the 410 acre project site that carry the “Agricultural” land use designation and the A-4 Agricultural Preserve zoning designation that were previously under Williamson Act contract. The majority of the remainder of the site carries the “Residential-Rural Residential” land use designation and is zoned A-2 General Agricultural.

38B: Please refer to Responses 4G, 6E, 6F, and 6G regarding stormwater flow and erosion.

38C: The traffic study was based on HCM methodology (in addition to the required, but less stringent CCTALOS methodology) as described on pages 4.12-7 of the DEIR. With regards to traffic counts, the Town conducts biennial intersection traffic counts within Danville. Town staff compared the most recent 2012 biennial counts to the October 2010 counts collected for the traffic study. For the studied intersections, the 2012 counts were shown to have lower overall traffic volumes at the study intersections; therefore, the 2010 counts provide a more conservative analysis. Traffic counts were collected when all schools in the area were in session, including the Athenian School.

The traffic analysis determined that the project would add approximately 87 AM, 79 school PM, and 55 PM peak hour project trips to Diablo Road east of Green Valley Road. This equates to approximately one new vehicle trip every 40 seconds during the AM peak hour, one new vehicle trip every 45 seconds during the school PM peak hour, and one new vehicle trip every minute during the PM peak hour to the roadway network. This incremental traffic added by the project would, therefore, have a negligible impact on response times for emergency vehicles. Please refer to the Master Response in Section 2.4.3 for additional discussion of emergency access.

All of the traffic sensitivity scenarios studied in the TIA included traffic generated by the Matadera (or Weber) project and the results are shown in Table 12 of the TIA, contained in Appendix I of the DEIR. Based on the results shown in Table 12, all the traffic sensitivity scenarios show improved LOS and reduced delay for the Green Valley/Diablo intersection compared to the cumulative scenario evaluated in the DEIR required by CEQA (scenario #1). This is because the Matadera roadway connection between Blemer Road and Matadera Way (Weber Lane) removes a significant volume of traffic from the Diablo/Green Valley intersection.

38D: Please refer to the Master Response in Section 2.4.1 for responses to concerns regarding Measure S.

38E: As described on page 1-2 of the DEIR, the analysis in the DEIR evaluates the project’s consistency with the applicable policies and goals in the 2010 General Plan, since that was the General Plan in effect at the time of EIR preparation and circulation. Because the goals and policies in the 2030 General Plan remain the same or are similar to those in the 2010 General Plan that apply to the project site, the DEIR concluded that project is also consistent with the 2030 General Plan.

38F: It is acknowledged that flooding can be anticipated in several reaches of Green Valley Creek downstream of the project site, according to the FEMA Flood Insurance Rate Maps

developed by the National Flood Insurance Program. As described in Section 4.8 Hydrology and Water Quality of the DEIR, the regional hydrologic study prepared for the project demonstrated that project impacts related to downstream flooding and erosion potential in East Branch Green Valley Creek would be reduced to less-than-significant levels with appropriate drainage facilities; therefore, the project would not exacerbate existing conditions.

38G: As described on page 4.4-20 of the DEIR, the Town of Danville has a tree preservation ordinance that regulates the removal and preservation of trees. Protected trees cannot be removed or destroyed without a Town-approved Tree Removal Permit and are subject to the provisions of the Town's Tree Preservation Ordinance. Removal of trees may be allowed provided mitigation, in the form of replacement trees, is proposed. The vast majority of the protected trees on the project site will be preserved.

David Crompton

From: JON ISOM <jonpat@sbcglobal.net>
Sent: Friday, January 25, 2013 6:15 PM
To: David Crompton
Subject: DEIR inadequacies / traffic study

Traffic Analysis Toolbox Volume II: Decision Support Methodology for Selecting Traffic Analysis

US Dept of Transportation Federal Highway Administration

Appendix A: Limitations of HCM

Table 12 Limitations of the HCM methodologies

- * Presence or lack of on-street parking
- * Driveway density or access control
- * Land additions leading up to or land drops leading away from intersections
- * Impact of grades between intersection
- * Any capacity constraints between intersections (such as a narrow bridge)
- * Midblock medians and two-way left-turn lanes
- * Turning movements that exceed 20 percent of the total volume on the street
- * Queues at one intersection backing up to and interfering with the operation of an upstream intersection
- * Cross-street congestion blocking through traffic

Because any one of these conditions might have a significant impact on the speed of through traffic, the analyst should modify the methodology to incorporate the effects as well as possible."

Is there any statement within the traffic study to confirm that these effects were considered?

Pat Isom

A

39: RESPONSE TO ISOM, PAT

39A: The HCM methodology is the most comprehensive and widely used methodology for transportation studies in California. It is also the approved method of use within the Town of Danville, and is more stringent than the CCTALOS methodology used by many jurisdictions within Contra Costa.

In order to account for the limitations of the HCM methodologies, traffic conditions in the field were observed in order to identify existing operational deficiencies and to confirm the accuracy of calculated levels of service. The purpose of this effort was to identify any locations where the LOS calculations do not accurately reflect level of service in the field. Based on these findings, the Traffix (software based on the HCM methodology) files were modified where necessary to better reflect the actual LOS that was occurring under existing conditions. This was accomplished by including exclusive pedestrian phasing, adjusting signal loss time, and adjusting minimum green times. As such, the possible limitations of the HCM methodology has been accounted for based on field observations.

David Crompton

From: Bill and Liz Kestler <billizz@comcast.net>
Sent: Tuesday, January 15, 2013 3:12 PM
To: David Crompton
Subject: Summer Hill DEIR

Dear Mr Crompton,

In regard to the proposed SummerHill development, I believe that a Measure S public vote is required for the approval of this development. In addition, this project requires a rezoning from A-4 to A-2 on the Agricultural parcel in order for this project to get approved for the proposed number of homes. I understand that the Town of Danville public documents and zoning maps show that the Agricultural parcel is A-4.

This is a poorly thought out plan. The traffic impacts especially to the Diablo Road/Green Valley Road/McCauley Road intersection would be huge. Already this intersection is a traffic nightmare at school and commute times. Imagine what it will be like with 80+ more drivers on the road.

I also believe that blatant disregard for the survival of an endangered species (red-legged frog) is highly irresponsible and your plan does not allow for true preservation of the species.

In conclusion, this development is going to ruin the town of Danville and turn it into an overcrowded and overly busy with traffic area like East San Ramon, where people have beautiful homes, but it takes forever to get anywhere. Not to mention the safety concerns for children walking to Green Valley school.

Please do not disregard Measure S and the public's opinion in your analysis of the SummerHill development.

Sincerely,
Elizabeth Kestler

A

40: RESPONSE TO KESTLER, BILL AND LIZ

40A: Please refer to the Master Responses in Section 2.4 for responses to concerns regarding Measure S and biological resources.

David Crompton

From: Ellen Kocins <EllenGK@comcast.net>
Sent: Tuesday, January 29, 2013 4:38 PM
To: David Crompton
Subject: Summerhill Development

Dear Sir,

As a property owner in Magee Ranch, I am writing to you to express our firm opposition to the proposed development by Summerhill. For 10 years, we have faced long, slow traffic on our way down Blackhawk and Diablo Roads in the morning. It is so bad often, that we will drive all the way around to Sycamore Road to access the freeway! We bought our home 10 years ago because of the natural beauty of our area and the secluded nature of all the homes in this area. These qualities are what we and all our neighbors bought our homes in Magee Ranch and Danville for!

Our two children attend The Athenian School. The proposed stop sign removal at Mt. Diablo Scenic would be catastrophic. Furthermore, a lighted stop signal at that intersection would gravely change the character of our neighborhood. In fact, ANY lighted stop signal would be completely negative to the environment, home values and appeal, and residential quality.

Regarding the draft 2030 General Plan, I oppose the addition of P-1 zoning as a consistent zoning with the Agricultural Land Use Designation. Danville's Measures S, passed overwhelmingly by voters in 2000, requires a public vote before such an amendment can be made to the 2010 General Plan. Please eliminate that P-1 zoning addition, and eliminate all other changes to the 2010 General Plan in the draft 2030 General Plan that state or imply that P-1 zoning is allowed on land designated for Agricultural use, unless the public votes to allow it pursuant to Measure S.

Sincerely,
James and Ellen Kocins

A

41: RESPONSE TO KOCINS, ELLEN

41A: Please refer to the Master Responses in Sections 2.4.1 and 2.4.2 for responses to concerns regarding Measure S and traffic. The last paragraph of the letter provides a comment on the draft 2030 General Plan process. Please note that the 2030 General Plan was approved by the Town Council on March 20, 2013. Section 1.3 of the DEIR relating to the 2030 General Plan update is revised in Section 3.0 to reflect the Town's adoption of the General Plan. Refer also to the Master Response in Section 2.4.1 for information on the use of P-1 zoning and its relationship with Measure S.

David Crompton

From: Jeff Kreutzer <jeff.kreutzer01@gmail.com>
Sent: Thursday, January 24, 2013 9:41 AM
To: David Crompton
Cc: carol@hoaqualitymgmt.com
Subject: Magee Ranch - SummerHill Homes Project

Hello Mr. Crompton:

As a 24 year resident of the Hidden Oaks development in Blackhawk, I strongly oppose a potential stop sign on Blackhawk Road at the Hidden Oaks/Magee Ranch intersection. This would create a nightmare for residence and contractors alike.

Please consider the needs of the current homeowners! The traffic is already so bad that on school days the traffic is stopped from Mt Diablo Scenic past the entrance to Hidden Oaks.....thanks to the stop sign being added at My Diablo Scenic some years ago. Please do not make it worse than it already is.

I would be at the hearing on the 29th but am out of town on business travel.

Thank you for your consideration!

Best regards,

Jeff Kreutzer
25 Hidden Oak Court
925-683-9801

A

42: RESPONSE TO KREUTZER, JEFF

42A: The commenter's opposition to the traffic signal at Magee Ranch Road and Diablo Road is noted. Refer also to the Master Response in Section 2.4.2 for responses to concerns regarding traffic.

David Crompton

From: Anne Kuelz <annekuelz@sbcglobal.net>
Sent: Tuesday, January 29, 2013 4:55 PM
To: David Crompton
Subject: Magee DEIR

David,

I look forward to the meeting tonight and here are my concerns:

- 1) If the entire residential community doesn't want this development, why are you going to all this expense and time to help make it happen? Why is the town supporting this? | A

- 2) Hidden Oak/Magee intersection isn't the problem. The backup rarely comes that far at peak times. Putting a light there will cause nothing but bottlenecks. What will we do when a lineup of cars for the guard gate backs up into traffic which will be a chronic problem? | B

- 3) There is no way to mitigate hundreds more cars on the road, period. Don't do the project! |

- 4) What about putting a road between the back of the new development and Hidden Valley? It would provide one more outlet for this valley that is already overcrowded. If an emergency happens, heaven help us. | C

- 5) If this has to happen, put a light at Athenian which is where the main cause of the traffic problem occurs. Metering it would be the only solution as that intersection is IN-BETWEEN the new houses and the schools. Hidden Oaks is beyond the new development which doesn't have a problem at all. | D

Thank you,

Anne Kuelz
Senior Presents Chair
Diablo Valley Chapter
annekuelz@sbcglobal.net
925-831-3128
National Charity League, Inc
Mothers and Daughters SERVING COMMUNITIES Together

"It's not getting what you want, but wanting what you've got" Sheryl Crow

43: RESPONSE TO KUELZ, ANNE

43A: This comment does not relate to the merits of, or environmental analysis contained, in the EIR; therefore, no response is required under CEQA.

43B: Please refer to the Master Response in Section 2.4.2 for responses to concerns regarding traffic and the Hidden Oaks Drive/Magee Ranch Road traffic signal.

43C: Please refer to Response 23A regarding alternative access to the project site.

43D: Refer to the Master Response in Section 2.4.2 regarding the traffic signal at Hidden Oaks Drive/Magee Ranch Road and Blackhawk Road and the proposed mitigation at Mt. Diablo Scenic Boulevard.

David Crompton

From: Paul Kuelz <urahodag@sbcglobal.net>
Sent: Tuesday, January 29, 2013 4:25 PM
To: David Crompton
Subject: SummerHill/Magee DEIR

David,

Just a couple of comments that you probably have already heard on the Magee DEIR.

1) Traffic is a very big problem on Blackhawk/Diablo Road. I'm not sure if a resolution to the problem exists. Adding traffic to the mix surely won't help. Depending on the time of day, traffic varies greatly on Blackhawk Road. 7:30 to 8:30 am is the worst as the traffic section of the DEIR confirms. A combination of the 4 public schools and Athenian School and the "crazy" Blackhawk/Diablo Scenic intersection is the main culprit. Removing this stop sign will only move the traffic "downstream". The backup at Diablo/Green Valley will extend back beyond Alameda Diablo and into the dangerous "curvy" section of Diablo Road. I'm sure if you would look at the recent history of that section, you would find a higher than normal traffic incidents.

The other part of this equation was the DEIR's suggestion of adding a traffic light at Blackhawk/Hidden Oak/Magee Ranch Road. This is a complete waste of money and would only exacerbate the problem of traffic congestion. The entrance/exit to Hidden Oaks has enough room for one lane of traffic. The prime time for traffic in the area is 8:00 am. This is also the time that contractors/landscapers are first allowed into Hidden Oaks. Most of these workers utilize oversized vehicles. This, in combination with school traffic and commute traffic spells disaster. Since Hidden Oaks is a gated community and there is only one lane in, if a contractor does not have the proper approvals, he must wait until the home owner can be contacted before being allowed in or turned away. This would definitely cause a problem with vehicles having the "Left Turn" light from Blackhawk Road westbound. The other issue is that this intersection is half Contra Costa County and approvals would be needed from them if any changes would need to be done. Has that been initiated?

A

2) A pedestrian crossing in the middle of Blackhawk Road? Are they serious? When most communities are trying to get rid of "open road" pedestrian crossings, Danville wants to add one? Its been proven that these open crossings are terribly unsafe - for the pedestrian and the drivers. The pedestrians feel a false feeling of security and drivers get caught off guard when out of the blue, the car in front of them stops in the middle of the road with a 40 mph speed limit (which has actual speeds closer to 45 mph or higher).

B

What's the solution? I don't think there is one. If there was, it would been done already. I do know that adding 120 cars and the additional daily trips of these vehicles will certainly not help the problem.

Thank you,

Paul Kuelz
715 Mossy Oak Dr
Danville, CA

44: RESPONSE TO KUELZ, PAUL

44A: Please refer to the Master Responses to traffic issues in Section 2.4.2.

44B: The project entrance is proposed along a relatively straight section of Blackhawk Road. While full traffic signalization is not warranted at the project entrance location, the line of sight from this proposed entrance was determined to be adequate as described on page 4.12-37 of the DEIR. The project would provide pedestrian pathways that would connect the homes within the new development and the existing residential areas to an existing trail on the north side of Blackhawk Road at the project main entrance. As a way of enhancing visibility of the proposed pedestrian crossing, a new pedestrian safety enhancement device is included as Mitigation Measure 4.12-4 in the DEIR. A number of options for pedestrian warning devices are available at this time with various advance markings and signage to clearly warn the motorists of an upcoming pedestrian crossing. A detailed assessment of various options will be conducted prior to project construction to determine the applicability and effectiveness of the new device at this specific location.

David Crompton

From: Planning
Sent: Tuesday, January 22, 2013 9:15 AM
To: David Crompton
Subject: FW: Magee Ranch Comment

For your Magee Ranch records.

From: emkuptz@hotmail.com [mailto:emkuptz@hotmail.com]
Sent: Monday, January 21, 2013 9:16 AM
To: Planning
Subject: Magee Ranch Comment

Data from form "Comments for the Public Record" was received on 1/21/2013 9:15:32 AM.

Magee Ranch - Comments for the Public Record

Field	Value
FirstName	ERIN
LastName	KUPTZ
Address	1304 STILL CREEK ROAD
City	DANVILLE
State	CA
Zip	94506
Organization	
Title	
Email	emkuptz@hotmail.com
Phone	
Fax	
Concerns Comments	I would like to go on record as stating I oppose the proposed Magee Ranch project in its current form. I do not believe the traffic, the demands on town infrastructure (schools) or environmental impacts of this project have been fully vetted. Specifically, taking out stop signs and/or installing a traffic light do not address the underlying issue of too many cars on an already overburdened road (Blackhawk). Fewer cars are the only way to mitigate excess traffic. Adding cars and traffic will exacerbate the problem. Additionally, wildlife habitats and flooding concerns can not be minimized and require further evaluation. Blackhawk Road has already experienced erosion and runoff making travel perilous. Finally, I do not believe the town has the authority, without the approval of the voters (Measure S) to redesignate the use of land in Danville. This land is zoned A-4, not A-2 and can not be rezoned without voter approval. The voters elected our town officials to represent the town's people, not an unelected

A

Field	Value
	body that purports to tell us how to use our land. I strongly encourage town officials to hold Summerhill fully accountable to the needs of the town, not act as agents of the developer.

Email "Magee Ranch Comment" originally sent to Planning@danville.ca.gov from emkuptz@hotmail.com on 1/21/2013 9:15:32 AM.

45: RESPONSE TO KUPTZ, ERIN

45A: Comments noted. Please refer to the Master Responses in Sections 2.4.1 and 2.4.2 for responses to concerns regarding Measure S and traffic.

David Crompton

From: steveo7836 <steveo7836@aol.com>
Sent: Tuesday, January 22, 2013 2:52 PM
To: David Crompton
Subject: Stop Light?

Am I hearing things? A stop light at Blackhawk Rd., and Magee Ranch? Are you people out of your minds? We already have stop signs there now for ingress and egress. What a waste of money that would be.....as well as screwing up good flowing traffic now.

A

Steve Lamphere

46: RESPONSE TO LAMPHERE, STEVE

46A: Please refer to the Master Response in Section 2.4.2 for responses to concerns regarding the signal at Hidden Oaks Drive/Magee Ranch Road and Blackhawk Road.

David Crompton

From: Carolyn Lincoln <carolynlincoln@sbcglobal.net>
Sent: Tuesday, December 11, 2012 2:14 PM
To: David Crompton
Subject: Magee-SummerHill Residential Development Draft EIR Comments

Dear David,

We are writing to provide comments regarding the Magee-SummerHill project proposal. We are unable to attend tonight's meeting, but wanted to be sure our comments were conveyed to you.

We are adamantly opposed to all of the changes being made to the Agricultural section and related sections of the 2010 General Plan, **unless the public votes to allow them pursuant to Measure S.**

Additionally, There is no reason to permit high-density development on Open Space. Please remove all the changes to the 2010 General Plan that make it easier to develop Open Space. This sort of development does not fit the character of the town nor is it a desirable project for Danville residents.

Thank you,
Carolyn and Charlie Lincoln

A

47: RESPONSE TO LINCOLN, CAROLYN

47A: Please refer to the Master Response in Section 2.4.1 for responses to concerns regarding Measure S. This comment makes a general request that the Town remove language from the 2010 General Plan that allows development on open space during its process of updating the 2010 General Plan. This comment is related to the Town's concurrent process of updating the 2010 General Plan and not the project DEIR. In addition, the comment does not identify what portions of the General Plan should be removed. The project applicant is not requesting any changes to the 2010 General Plan. Please also refer to Response 41A regarding the Town Council's approval of the 2030 General Plan.

David Crompton

From: Kathy Little <kathylittle007@earthlink.net>
Sent: Sunday, January 27, 2013 11:00 AM
To: David Crompton
Cc: Tracy & Charles Hammond; Roberta Motter; Jennifer Serpan; Mike Serpan; Sabina Gallo; Sabina Gallo
Subject: No Stop Light!!!

Dear Mr. Crompton,

I live in Magee Ranch and I am vehemently opposed to putting a stop sign at the entrance of our beautiful development! I have lived here for 9 years and have never found the necessity for a stop light here. It will add an intrusive and ugly dimension to our lovely country hillside atmosphere. We DO NOT NEED that kind of traffic control at the entrance to our neighborhood.

The SummerHill Development group funded an inadequate environmental impact report that enjoys what will benefit their interests over those of the current residents. **They propose pushing the traffic problem they will be creating back to us in Magee Ranch and Hidden Oaks.** The entire SummerHill Development is unsuitable for the small designated area and it will add **tremendous** strain to our schools, population density, Diablo Road traffic and the already busy intersections at where our schools intersect.

I have no issue with the removal of the stop sign at Diablo Scenic Blvd. on Diablo Road as it seems already an impediment to traffic flow Westbound on Diablo Road.

Respectfully,

Kathy Little
14 Glen Hollow Road
Danville, CA 94506

A

B

48: RESPONSE TO LITTLE, KATHY

48A: Please refer to the Master Response in Section 2.4.2 for responses to concerns regarding the signal at Hidden Oaks Drive/Magee Ranch Road Blackhawk Road. The DEIR adequately evaluated the project's environmental impacts in accordance with CEQA, including impacts to traffic, schools, and public services.

48B: The commenter's lack of objection to the conversion of the stop sign at Mt. Diablo Scenic Boulevard at Diablo Road as recommended in Mitigation Measure 4.12-2 of the DEIR is noted. Please refer to the Master Response in Section 2.4.2 regarding the revised mitigation measure at the Diablo Road/Mt. Diablo Scenic Boulevard intersection, which removes the stop sign conversion as an option.

To: David Crompton
Principal Planner
Town of Danville
DCrompton@Danville.ca.gov

From: Magee Ranch Homeowners Association

Ref: SummerHill Project - DEIR
Signalization of the Magee Ranch Road/Blackhawk Road Intersection

January 28, 2013

At its last meeting, the Board of Directors of the Magee Ranch Homeowners Association, which includes 259 families, directed this letter be sent to the Planning Commission to protest the traffic mitigation in the DEIR which recommends the intersection of Magee Ranch Road/Hidden Oaks Drive and Blackhawk Road be signalized.

This is absolutely not necessary and would create far more problems than it would solve. There is no problem at this intersection now and the additional traffic created by the SummerHill project will have very little or no effect on the intersection. Rather, the signalization of the intersection would immediately lead to significant delays for all drivers entering that intersection – those from Magee Ranch and from Hidden Oaks and those traveling along Blackhawk Road.

Because of the configuration of the intersection – divided with landscaping and two large heritage oak trees – signalization would require a four way stoplight. This would create traffic delays where none now exist.

The residents of our 259 homes insist that this intersection not be signalized.

Rather, we believe that the traffic mitigation should occur at its source obvious to all commuters traveling Diablo Road at peak hours: the westbound intersection at Diablo Road and McCauley Road/Green Valley Roads. The **westbound traffic lanes** at that location are grossly inadequate and must be lengthened.

We want to be very clear. If the vehicular traffic flowing from the new development requires signalization to meter the increased traffic flow from the SummerHill project, the traffic light should be installed at their proposed entrances, not ours. Traffic traveling east of the proposed development – where Hidden Oaks & Magee Ranch is located - is **not where the problem exists**. The problem is westbound traffic and the impact on the very, windy, narrow Diablo Road and the inadequate lanes at the McCauley intersection. These factors create significant back-up during peak hours. The back-up, however, is **never at or anywhere near our intersection**. Blackhawk Road traffic heading east or west past Magee Ranch Road flows smoothly and does not need additional mitigation.

Sincerely,

HOA Board of Directors

Kelly Brodbeck, President

Aike Hreha, Vice President

Sean O'Neill, Secretary

Terri Sutak, Treasurer

Slate Studer, Director at Large

49: RESPONSE TO MAGEE RANCH HOMEOWNERS ASSOCIATION

49A: Please refer to the Master Response in Section 2.4.2 for responses to concerns regarding the signal at Hidden Oaks Drive/Magee Ranch Road/Blackhawk Road. While the project does not result in a significant impact to the intersection of Green Valley/Diablo/McCauley Road, the EIR considered an improvement that would result in the extension of two westbound through lanes and a right turn lane. The opportunity for the intersection improvement includes more than restriping; it includes an extension of the through lanes (to almost 300' long each) as well as the right turn lane (to almost 300' long). These improvements are discussed on page 4.12-35 of the DEIR. These improvements would allow for a significant improvement to queuing at this intersection allowing more cars to be able to pass through the signal. While this was not the baseline used for traffic assumptions for the project, please refer to the TIA for specifics on the traffic scenario that includes this improvement.

David Crompton

From: Donald Medwedeff <donmedwedeff@gmail.com>
Sent: Monday, January 21, 2013 5:56 AM
To: David Crompton
Subject: Magee Ranch - Summer Hill Project comments

Dear Mr. Compton,

I am the owner of the property at 146 Roan Drive but can not attend the upcoming meeting. My comments on the proposed development are as follows:

- the developers have proposed a reasonable use of their private property.
- the development will increase traffic on the already congested, narrow and Diablo Road. I am particularly concerned about the intersection of Diablo Rd with Clydesdale and Fairway Drives.
- the town should consider requiring the developer to widen Diablo Rd by adding a left turn lane that could jointly serve those intersections.

Don Medwedeff

Donmedwedeff@gmail.com

A

50: RESPONSE TO MEDWEDEFF, DON

50A: The applicant revised the project plans after the DEIR was circulated and removed the three custom lots and the associated access points along Diablo Road at the area of concern noted (near Clydesdale and Fairway). The revised plans are explained in Section 1.3.

David Crompton

From: Carol Moore <craftycarol18@yahoo.com>
Sent: Tuesday, January 29, 2013 5:40 PM
To: David Crompton
Subject: EIR Summerhill Development

Dear Mr. Crompton: I must express my disappointment and strong concern over the poor quality of the EIR prepared to address the issues surrounding the Summerhill Development. Clearly the report is self serving, lacking in objective intent and completely biased in favor of the advancement of the development. As a long time resident living off Blackhawk Road, i find the suggestions for mitigation to be unacceptable and poorly conceived at best.

In addition to the traffic issues, the environmental issues remain a major concern for me. The number of animals already being killed in traffic is fairly significant and I believe there is complete lack of appreciation of the water flow through the open space adjacent to Arends and behind the WoodCreek Development where I live. In heavy rains such as we have been experiencing this year, the water runs swift and wide and both animals and children can be affected by this. Diverting water flow could affect the property along the creeks and flood property and animal habbitation along the flow pattern.

Mr. Crompton, I could go on at lenght presenting my disagreement with this project and the poor EIR so suffice to say you may register my 'no' vote regarding the continued consideration of the Summerhill Development.

Carol Moore
2300 Tree Creek Place
Danville
925 200 6340

51: RESPONSE TO MOORE, CAROL

51A: Comments noted. In response to specific environmental issues raised in this letter, the traffic, biological, and hydrological effects of the project were evaluated in detail in the EIR and mitigation provided for significant impacts. The traffic impacts of the project were addressed in a comprehensive Traffic Impact Analysis summarized in Section 4.12 Traffic and Circulation of the DEIR. Potential impacts of the project on wildlife were evaluated in a Biological Assessment for the project as presented in Section 4.4 Biological Resources of the DEIR. Finally, a Regional Hydrologic Analysis was prepared to analyze the hydrological impacts of the project as described in Section 4.8 Hydrology and Water Quality of the DEIR. Refer also to the Master Responses in Section 2.4 for additional information on traffic and biology.

David Crompton

From: tom_moore@mcafee.com
Sent: Monday, January 28, 2013 1:48 PM
To: David Crompton
Subject: Traffic impact posed by Summerhill Draft EIR

Mr. Crompton

It has come to my attention from the Summerhill's development EIR that the traffic impact is thought to only present a "less than significant impact" if a traffic signal was installed at Mt. Diablo Scenic & Diablo road.

I live on Still Creek Road (15+ years) and a signal is not the solution. Today the traffic is close to impossible when trying to exit Still Creek Rd in the mornings and evenings. This is a function of the amount of traffic not a traffic control challenge. The addition of a new sub division with even more traffic is the problem. A traffic signal will have no impact on the additional cars and associated traffic resulting from a new sub division.

A

Today the stop sign moderates the already significant traffic requiring everyone to come to a stop. A green light on Diablo road will generate a race course effect.

The best answer to avoid a traffic problem is not to build a new subdivision off Diablo/Blackhawk Road.

Thank you for your consideration.

Tom Moore

242 Still Creek Road
Danville, CA 94506
925 786-0747

52: RESPONSE TO MOORE, TOM

52A: This comment questions why Still Creek Road was not included as a study intersection in the DEIR. This is addressed in Response 16F. Please also refer to the Master Responses to traffic issues in Section 2.4.2 regarding the Mt. Diablo/Diablo Road intersection.

David Crompton

From: nyppublisher@gmail.com on behalf of Dave Morris <dmorris@newyearpublishing.com>
Sent: Tuesday, January 29, 2013 9:15 AM
To: David Crompton
Cc: Leslie Morris; Amy Seaman
Subject: Potential Diablo Road/Mt. Diablo Scenic Stop Sign Removal

Dear Mr. Crompton.

I was recently alerted that the 3 way stop sign at Diablo Road at Mt. Diablo Scenic Boulevard may potentially be eliminated as part of a proposed plan to place a stoplight near Magee Ranch.

As a resident of Diablo Ranch Estate, 1/2 mile up Mt. Diablo Scenic Boulevard, I am very concerned about the change in the traffic pattern. The Athenian School has a large and constant stream of young drivers and the thought of their needing to time a turn on the way to and from school through oncoming traffic is simply frightening. I witness a near collision almost everyday as these new and inexperienced drivers depart from the school parking lot on Mt. Diablo Scenic Boulevard which is materially easier than merging onto Diablo Road will be without a stop sign to protect them.

I am sure that you are and will continue to hear from many people on this issue and while I understand that the changes at Magee Ranch and this intersection are likely tied together, I find it hard to believe that any benefit in traffic at Magee Ranch would be worth the potential damage that could occur at Mt. Diablo Scenic Boulevard.

Thanks for your consideration in this matter.

Dave Morris
New Year Publishing
144 Diablo Ranch Court
Danville, Ca 94506

925-348-0481
877-697-7323 (NYP-READ)
www.redoakcapital.net
www.newyearpublishing.com
www.triumphdining.com
www.myfriendparis.com

53: RESPONSE TO MORRIS, DAVE

53A: Please refer to the Master Response in Section 2.4.2 in response to concerns regarding the intersection improvements at Mt. Diablo Scenic Boulevard/Diablo Road.

David Crompton

From: Paul Morrison <pmpmpm@yahoo.com>
Sent: Monday, January 28, 2013 10:20 AM
To: David Crompton
Subject: summerhill deir

Danville Town Council:

Members of the Danville Town Council have awakened the sleeping mass of Danville residents - all of whom would prefer to going back to the sleepy life of small town Danville.

The Summerhill development must be stopped for five reasons:

- 1) Inadequate DEIR. The traffic and environmental impact sections are wholly inadequate. (note: I am using the same shorthand used by the town of Danville to "sell" this development project in town meetings and open letters to residents.) A
- 2) Traffic. The Diablo/McCauley/Green Valley intersection and the Diablo stretch between this intersection and The Athenian School are totally stressed both before and after school. Without adding another sub-division, this stretch is dangerous based on the ridiculous moves people make to get through the intersection (illegal U-Turns on McCauley to circle back to Green Valley - one of the new driveways for unneeded homes; and multiple cars turning into Green Valley from Diablo after the Yellow Light to ensure gridlock on the stretch to Blemer and keeping other cars from taking their turn; cars from Diablo making right turns on Red onto Green Valley keeping cars from McCauley from crossing the intersection; etc.) Without adding a subdivision, this intersection merits the full attention of a traffic policeman during school rush hours - time better spent than speed trapping. B
- 3) Fire and Emergency Response. Based on the Traffic situation - the emergency response in this area would be further hampered by adding a sub-division of 70 homes that would like add 3 cars/drivers per home that would likely add an additional 500-600 drive-throughs on an average day. C
- 4) New Davidon home construction between Green Valley School and Los Cerros: the road for the new sub-division has not been opened and there is no telling how this will impact traffic flow on the Diablo/McCauley/Green Valley intersection as people try to use the new cut through. Less traffic through the Diablo/McCauley/Green Valley Intersection does not mean smoother flow if the Blemer/Green Valley intersection becomes an impasse. This new road should be opened, and then a study should be done six months later to find the effects of the added route before more traffic is dumped into the mix. D
- 5) Land-use designation. The agricultural land use designation seems to be ignored, or the work around seems to truly satisfy the Town Council to ignore the fact that Danville voters have demanded a say in any re-designation of agricultural land - that serves the environmental purposes of less pollution and more wildlife habitat. If this goes forward, then I hope the masses of Danville residents who have turned out in opposition will move forward at the polls the next election opportunities to remove The Town Council, The Planning Committee, and ultimately all of the paid officials who have played a role in this development scheme. E

I hope that the Town Planning Committee will come to its senses, and the Town Council will listen to the people of Danville on this important matter by stopping the Summerhill project.

Paul Morrison
20 Volterra Court
Danville, CA 94526

54: RESPONSE TO MORRISON, PAUL

54A: This comment is general in nature and questions the findings of the DEIR. Please see below for responses to specific concerns raised.

54B: Comments noted. The traffic impact analysis conducted for the project and summarized in Section 4.12 of the DEIR considered the intersection of Green Valley Road/Diablo Road.

54C: This comment raises concerns related to emergency fire access due to increased traffic on local roadways and additional fire-related concerns. Please refer to the Master Response regarding emergency access in Section 2.4.3.

54D: All of the traffic sensitivity scenarios studied in the TIA included traffic generated by Davidon (or Weber) project and the results are shown in Table 12 of the TIA, contained in Appendix I of the DEIR. Based on the results in Table 12, all the traffic sensitivity scenarios show improved LOS and reduced delay for the Green Valley/Diablo intersection compared to the cumulative scenario evaluated in the DEIR required by CEQA (scenario #1). This is because the Matadera roadway connection between Blemer Road and Matadera Way (Weber Lane) removes a significant volume of traffic from the Diablo/Green Valley intersection.

54E: Please refer to the Master Response in Section 2.4.1 for responses to concerns regarding the site zoning and Measure S.

David Crompton

From: Kevin Gailey
Sent: Monday, January 28, 2013 8:48 AM
To: David Crompton
Subject: FW: Draft EIR - Summerhill

Not sure if you received this.

From: Rama Murty [<mailto:rmurty4@yahoo.com>]
Sent: Sunday, January 27, 2013 9:22 PM
To: Kevin Gailey
Subject: Draft EIR - Summerhill

Mr. Crompton,
Re: Williamson Act

On February 6, 1970, the Magee Property became agricultural preserve under a Williamson Contract. Section 51245 of the Govt. Code requires that a notice of non-renewal be filed and recorded to have the property removed from agricultural preserve. On Sept. 12, 2002 a document was filed with the CCCountyRecorder which recorded a notice of non-renewal on Parcels 202-050-071, -073, -078 and Parcel 215-040-002. There are 11 parcels in the Summerhill development, only four have been removed from agricultural preserve. Where is the documentation that the other seven parcels have been removed. (documents of Sept. 12 non-renewal sent to Mr. Crompton the Jan. 16 2013.)

It appears from the tax records, that parcel 202-050-071 was not removed from agricultural preserve until 2011. Re: Contra Costa Flood Control and Water Conservation District Letter December, 2010. Comments on Summerhill NOP

Item 10. "We are concerned about the potential for increased erosion within the reaches of Green Valley Creek downstream of this project. We recommend that the Town require the developer to identify and mitigate the potential impact related to erosion due to increased peak and volume of stormwater from this project by performing an inventory of Green Valley Creek to identify any critical locations prone to erosion."

This is not addressed in the Draft EIR. The developer did not identify any critical locations and consequently did not address possible mitigations.

Re: Traffic Study

Was the traffic study based only the the HCM Planning Methodology? If not, what other standard was used? Most traffic studies for an EIR require the count to be completed less than two years prior to the EIR. If the count occurred in Oct. 2010, does this comply with the standard being used for the study? Was school in regular session (not a conference day) when the traffic count was done?

Emergency Service Vehicles, Hexagon Transportation Consultant, Inc. "This project does not propose any physical changes to the roadway system that would affect response times, but it would add traffic to intersections already operating a poor LOS.*Nearly* all the streets in the vicinity are sufficiently wide to accommodate traffic and emergency vehicles assuming that drivers stop and pull over for sirens, as they are required to do."

Which streets and locations are not sufficiently wide to accommodate traffic and emergency vehicles? If there is a "bottle neck" on either Diablo Rd. or Green Valley Rd., it means that emergency vehicles cannot be accommodated. *Nearly* is not safe.

How was the Matadera traffic included in the study?

Re: Measure S

On April 12, 2012 you sent Maryann Cella an e-mail stating that the Town has not sought or received an opinion form outside council regarding the applicability of Measure S for either the SummerHill-Magee or

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Elwaorty Ranch development applications. Has this changed? Why is Measure S not applicable to Summerhill?
When would Measure S apply?

Re: General Plan

Can we assume the Magee/SummerHill project is governed by the 2010 General Plan?

Re: Flooding/Flood Protection

Why doesn't the draft EIR address the fact that properties along GVC are subject to flooding during a 25 year event. A letter was sent to the Town of Danville on February 22, 2007 from Contra Costa County Flood Control stating, "Studies of the GVC watershed in various forms have occurred since Amendment No. 3 was adopted that indicate properties along GVC are subject to flooding during a 25-year event, which is less than the District standard for flood protection of a watershed of this size." Since 2007, significant other project developments have occurred that would further reduce drainage capabilities. To further exacerbate this situation, seems unconscionable. If one goes to floodsmart.gov, a FEMA website, you can determine that over a hundred Danville homes are at "high risk" for flooding along GVC, downstream of this project. During the Matadera hearing over 100 of these documents were sent to the Town but were never included in the documents published by Danville.

Re: Tree Study

It appears that almost all of the "protected trees" are to be removed, particularly those along Diablo Rd. Is that a necessary requirement? If so, why? Why is a protected tree not protected?

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55: RESPONSE TO MURTY, RAMA

55A: Please refer to the responses to Letter 38 as this letter restates the same concerns.

David Crompton

From: Dee Neil <deeneil@sbcglobal.net>
Sent: Tuesday, January 29, 2013 4:57 PM
To: David Crompton
Subject: Concern With Summer Hill Development Threat To Neighbors And Illegality Of Measure S Omission

Town of Danville Planners,

I am a long time Town resident, and remember the enthusiasm and widespread support behind the passage of Measure S. I do not understand how a law passed by residents of a locality can be deliberately manipulated and ignored by the town employees and elected representatives. The voters are clearly capable of making well informed decisions that affect this Town, and have demonstrated by passage of Measure S that they overwhelmingly want the final say in all decisions like the one being considered for the Magee Ranch development.

While I am against the Summer Hill Development for many reasons, the most immediate issue that affects me and everyone who lives between Blackhawk and the Green Valley/Diablo Road intersection is the negative hardship that the additional traffic will add. During numerous times of the day, traffic is either backed up from the east, or continuously approaches from the west. Because of the three-way stop signs at the Diablo Rd./Mt. Diablo Scenic Blvd. intersection, these east-bound cars are spaced out just close enough so that it is not safe to enter Blackhawk Road until someone slows down to allow a left turn. The west-bound auto backup on Blackhawk Road usually does not obey the "Keep Clear" intersection markings, putting me, and all other drives trying to exit from our cul-de-sacs, at the mercy of those already traveling on Blackhawk Road. With the current population using this thoroughfare, it can take 10 minutes or more to depart from my street. I do not believe that the traffic studies have accurately analyzed what the impact of hundreds (thousands?) of additional daily car trips will be on the currently unacceptable delays.

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This added traffic, of course, will also have a direct impact on the frequent unsafe speeding and maneuvers made by frustrated drivers caught in the slow and often times stopped traffic on this road. Will it take more devastating accidents before our traffic conditions are taken seriously?

The installation of traffic lights and/or more stop signs will only make this situation worse. When the current three-way stop signs were installed at Mr. Diablo Scenic Blvd. many years ago, the justification for doing so was that it would slow cars down and lessen the impact of traffic. For the most part, it has had the opposite affect. Cars are now closely spaced as they depart from the three-way intersection, creating an impossible entry barrier onto Blackhawk Road. At the time, traffic lights were not chosen instead of stop signs because of public, neighborhood, and Planning Department objections. I do not understand how traffic lights are now acceptable to any of those groups. But without a vote by those impacted, the opportunity to voice disagreement will not be allowed.

I hope it was helpful to hear part of what it is like to live with traffic impacted roadways. Let the residents voice their opinions by voting on the Summer Hill Development, a la Measure S.

B

Dee Pathman-Neil

56: RESPONSE TO NEIL, DEE

56A: The commenter's opposition to the project is noted. Please refer to the Master Response in Section 2.4.2 regarding the specific concerns regarding traffic.

56B: Refer also to the Master Response in Section 2.4.1 for a discussion regarding Measure S.

David Crompton

From: Dave & Kristi <dkhz2@yahoo.com>
Sent: Wednesday, January 16, 2013 10:14 AM
To: David Crompton
Subject: Summerhill Development

I am writing to express my objection to the proposed Summerhill development off of Blackhawk Road. It is the town counsel's obligation and duty to represent and allow what is reflective of the residents wishes. A development of this area is in no way a reflection of those wishes. The residents of this area purchased homes surrounded by what is zoned agricultural land. It is unethical for the Town Counsel to take it upon themselves to revise this zoning. The choice to invest in a home takes into consideration the property itself as well as the town and surrounding area, the views, the traffic, and the schools. One of the means which ensures these qualities are in fact what the buyer is purchasing, is zoning. For the zoning to be changed is wrong and offensive. It is clear that the traffic congestion resulting from the addition of new homes as well as the necessitated crosswalks, striping and traffic lights would completely change the character of the area and destroy the charm which comes from it being an agriculturally zoned area. I see no reason for the proposal to be allowed or even considered. It is greedy and unethical.

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Kristi Nelson
246 Arency Ct.
Danville, CA 94506

57: RESPONSE TO NELSON, DAVE AND KRISTI

57A: The commenter's opposition to the project is noted. Refer also to the Master Response in Section 2.4.1 regarding Measure S and zoning and Master Response in Section 2.4.2 regarding traffic.

David Crompton

From: Paul Nielan <paulnielan@mac.com>
Sent: Sunday, January 27, 2013 9:42 AM
To: David Crompton
Subject: Summerhill development

Dave,

The plan as currently stated with a stoplight at Magee Ranch will decrease quality of life for many residents. Overall the area is a semi-rural area with a state park nearby.

The area traffic flows cannot support additional homes until the traffic issues at the McCauley Road/Diablo Road intersection near Green Valley school are fixed. There are simply too few lanes.

Please consider this.

Paul

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Paul Nielan
paulnielan@mac.com

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58: RESPONSE TO NIELAN, PAUL

58A: Comment noted. Refer also to the Master Response in Section 2.4.2 for responses to concerns regarding traffic.

David Crompton

From: Planning
Sent: Thursday, January 24, 2013 2:37 PM
To: David Crompton
Subject: FW: Magee Ranch Comment

For your files.

From: bob.oxenburgh@athenian.org [mailto:bob.oxenburgh@athenian.org]
Sent: Thursday, January 24, 2013 1:11 PM
To: Planning
Subject: Magee Ranch Comment

Data from form "Comments for the Public Record" was received on 1/24/2013 1:11:22 PM.

Magee Ranch - Comments for the Public Record

Field	Value
FirstName	Robert
LastName	Oxenburgh
Address	2100 Mount Diablo Scenic Boulevard
City	Danville
State	CA
Zip	94506
Organization	The Athenian School
Title	Directro of Finance & Business Operations
Email	bob.oxenburgh@athenian.org
Phone	925 362-7221
Fax	
Concerns Comments	<p>On behalf of The Athenian School.</p> <p>Reference Page 278 of the EIR Item 8.</p> <p>"8. Mt. Diablo Scenic/Diablo CCC LOS C/15.3.....(Exist & Cum) Signal or 1-Way STOP"</p> <p>I ask the Planning Commission to carefully study the impact at peak times, 7.30-8.30 a.m. and 3.45 - 4.30 p.m., on Athenian school traffic entering and leaving Mount Scenic from/to Blackhawk Road or Diablo Road. If there were no stop sign or signal for Blackhawk/Diablo traffic, it would be very difficult for the approximately 100 vehicles and 3 busses to enter Mount Scenic at 8.00 a.m. and exit from Mount Scenic at 3.45.</p>

Field	Value
	My comment does not include the traffic of the 70 or so residents on Mount Scenic, or Park traffic. Bob Oxenburgh

Email "Magee Ranch Comment" originally sent to Planning@danville.ca.gov from bob.oxenburgh@athenian.org on 1/24/2013 1:11:22 PM.

59: RESPONSE TO OXENBURGH, ROBERT

59A: Refer to the Master Response in Section 2.4.2 for responses to concerns regarding identified mitigation in the DEIR for Diablo Road/Mt. Diablo Scenic Boulevard.

David Crompton

From: CAPADGETTS@aol.com
Sent: Wednesday, January 23, 2013 9:47 PM
To: David Crompton
Subject: Planning and Development Projects in Danville, CA

David Crompton, Project Planner: Summerhill

Nola Padgett
Office: 925.820.1542
FAX: 925.820.9244
~ ! * Happy New Year * ! ~

Nola and David Padgett
39 Brightwood Lane East
Danville, CA 94506
Home: 925-820-5206 ~ FAX: 925-820-9244
E-Mail Address: CAPADGETTS@aol.com

January 22, 2013

kstepper@danville.ca.gov
storer@danville.ca.gov
rmorgan@danville.ca.gov
mduffy@danville.ca.gov
arnerich@danville.ca.gov
KGailey@danville.ca.gov

To Danville Town Council Members and Danville Planning Chief

There are so many planning and development issues going on in our town today. It is overwhelming. That alone should tell us all to put on the breaks. We thank you for taking on the responsibility of managing our wonderful town and offer our input regarding the following:

2030 General Plan: Danville citizens voted on Measure S in order to secure a real voice for future open space development. We strongly support the public vote this Measure provides. And, we hope the community votes to keep our town a real town. We moved here because of the peaceful qualities of Danville. We have watched San Ramon grow and frankly it is incredibly disappointing to lose all the open space and to deal with all of

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the traffic and school burdens. Please do not let this happen to our very lovely community.

Summerhill Project: The open space issues come into play with this project too. In addition, our family has huge concerns about the impact this development will have on Diablo Road. For years we have considered this road one of the most dangerous in the area, not just Danville. The road is much too narrow. Larger cars (vans, SUVs, and trucks) often brush against shrubs and come very close to the road's edge in many spots, especially around dangerous curves. Many cars frequently cross the double center line. A light at Magee Ranch and Hidden Oaks will NOT help. A light at Diablo Scenic Road will not help either. We even heard that speed bumps would be added. This is absurd. When it rains heavily there are many parts of this road that get washed out. If any more development is to occur on these hills, then the road must be significantly expanded. I have sent letters to the town many times in the 15 years we have lived in Magee Ranch. There are all sorts of excuses why they can't do anything about this road. So, now the town wants to allow the addition of a large number of homes that will access this road and create even more traffic and danger? Why must town and city planners always have to wait until tragedy strikes (head on collision, bicyclist hit, etc.) before they take such complaints seriously. We believe there should be: **NO MORE DEVELOPMENT ON THIS ROAD UNTIL THE ROAD IS EXPANDED with more driving space, a bicycle lane, proper drains, and more secure utility lines.**

Development of lot at Magee Ranch and Hidden Oaks corner: Same sentiments as above. There is already too much congestion at this intersection for a large development. We suggest you only approve 2-3 homes with large lot sizes and prevent homeowners and other vehicles from turning left onto their street going north from Blackhawk Road. The road narrows at this lot and frequent turns in this location will become a safety and traffic hazard.

Thank you for considering our input.

60: RESPONSE TO PADGETT, NOLA AND DAVID

60A: Comments noted. Refer to the Master Responses in Sections 2.4.1 and 2.4.2 for responses to concerns regarding Measure S and traffic.

David Crompton

From: lolapargett@gmail.com on behalf of Lola Pargett <lpargett@sbcglobal.net>
Sent: Monday, January 28, 2013 10:32 AM
To: David Crompton
Subject: summerhill

January 28, 2013

From:

Lola Pargett

4 Diablo Court

Danville, CA

94526

To:

David Crompton

Principal Planner

Danville Town Office

Planning Department

510 La Gonda Way

Danville CA 94526

Re: Summer Hill DEIR

Dear Mr. Crompton

I urge the town of Danville and its Planning Department to disapprove Summerhill's DEIR. It's approval would greatly damage the safety and quality of life for several hundred current residents who access their homes from Diablo Road Green Valley Road and Blackhawk Road.

I respectfully request that Danville residents be allowed to voice either their support or their opposition to proposed developments in all future and present considerations, such as

Summerhill. We are capable of sorting through the facts and making our decision. Please observe Measure S as it is now and in future plans.

I support responsible development but only after considering many important facts including emergency response time, traffic congestion, especially in view of the 5 schools along these roads and potential flooding issues as well as the lack of adequate tax revenues to support required infrastructures. It is mainly for these reasons, as a citizen of Danville, that I am against the Summerhill development.

Sincerely,

Lola Pargett

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61: RESPONSE TO PADGETT, NOLA AND DAVID

61A: The commenter's opposition to the project is noted.

The comment makes general statements relating to flooding, traffic, emergency response times, and tax revenues. Please refer to section 4.8 on Hydrology and Water Quality and Responses 4G, 6E, 6F, 6G, 71F, and 85A relating to flooding concerns, Master Response in Section 2.4.2 relating to traffic, Master Response in Section 2.4.4 relating to emergency access, and Response 25B relating tax revenues.

David Crompton

From: Joe and Luise <jlragni@sbcglobal.net>
Sent: Monday, December 10, 2012 8:48 AM
To: David Crompton
Subject: Magee-Summer Hill Development

Dear Mr. Crompton,

After listening to much discussion and careful consideration, we would like to go on record as vehemently opposed to the proposed Magee-Summer Hill development. We live within the notification area of the proposed project.

As residents of more than 25 years in the area, we believe that this proposal will seriously impact the traffic on Diablo/Blackhawk Road. This road is already overly congested during morning and evening hours. Many people use Diablo/Blackhawk road from the east part of town to avoid the multitude of traffic lights that have been put on Tassajara Rd. in the last twenty years. In addition, the fact that many people do not adhere to the speed limit, makes it already dangerous as well. Adding additional traffic to the mix will only succeed in adding to the problem.

It also appears that the proposal includes lots along Diablo/Blackhawk Rd. Building houses in this area would be a travesty for what is one of the few roads left in Danville that is rural and pastoral. We chose to live in Danville many years ago because of the small town atmosphere. Since then, we have seen unbridled growth. Don't let one of the last vestiges of small town feeling in Danville be destroyed for a few measly tax dollars!

Once again, we are completely opposed to the proposed Magee-Summer Hill development.

Joe and Luise Ragni
2328 Tree Creek Pl.
Danville, CA 94506

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62: RESPONSE TO RAGNI, JOE AND LUISE

62A: The commenter's opposition to the project is noted. The three custom home lots along Diablo Road and their associated access points have been eliminated from the project, as discussed in Section 1.3. Please also refer to the Master Response in Section 2.4.2 relating to traffic.

David Crompton

From: Joe and Luise <jlragni@sbcglobal.net>
Sent: Tuesday, January 29, 2013 10:57 PM
To: David Crompton
Subject: Magee Ranch DEIR

Mr. Crompton,

I have read with great interest the DEIR for the proposed Magee Ranch development. This information only makes clearer the many reasons why the application should be denied.

As a former traffic engineer, I know that no matter what mitigations might be installed, Diablo/Blackhawk road will still remain a single facility (road). As there is no other way to get through this corridor, and the proposed development will only add additional traffic, adding traffic lights will not improve traffic flow. Instead, it will only serve to queue the traffic and add additional delay to those who currently travel through this already crowded corridor. This is completely unsatisfactory!

In addition, the development proposes two additional intersections for estate lots along a part of the road that has the most curves. Such intersections will only increase the hazard to anyone entering the road at these locations, as well as to those driving. As it is, without these intersections, I cannot tell you how many accidents I have seen on this portion of the road in the last 25 years. There have been at least two in the last month alone! This is evidenced by the smashed retaining wall and the smashed guard rail, both on the Magee Ranch side of the road.

Finally, the DEIR calls for a pedestrian cross walk (with in road lighted markers) at the new proposed main entrance. As many motorists exceed the speed limit on Diablo/Blackhawk Road, this is only asking for someone to be struck and possibly killed by a car at this location.

There are several other concerns I have with the DEIR, but traffic is the most discerning. Therefore, my wife and I want to state that we are firmly against the proposed Magee Ranch development.

Please be sure that this email is passed along to the members of the Planning Commission.

Joe and Luise Ragni
2328 Tree Creek Pl.
Danville

63: RESPONSE TO RAGNI, JOE AND LUISE

63A: The commenter's opposition to the project is noted. Please refer to the Master Response in Section 2.4.2 regarding the traffic mitigation identified in the DEIR.

The comment expresses concern on the two proposed access points on Diablo serving the custom lots. The applicant revised their plans after the DEIR was circulated for public review and removed the three custom lots along Diablo Road. The revised plans are discussed in Section 1.3.

The comment expresses safety concerns for pedestrians in using the proposed crosswalk at the project entrance. As a way of enhancing the visibility of the pedestrian crossing, in-pavement lighting or equivalent safety enhancements are proposed. A number of options for pedestrian warning devices are available with various advance markings and signage to clearly warn the motorists of an upcoming pedestrian crossing. A detailed assessment of various options will be conducted prior to project construction to determine the applicability and effectiveness of the new device at this specific location.

David Crompton

From: Margaret Redemer <mredemer@empirera.com>
Sent: Saturday, January 26, 2013 3:04 PM
To: David Crompton
Subject: Traffic light at Hidden Oaks danville

Dear Mr Crompton,

We live at 2265 Deer Oak Way in Hidden Oaks. We oppose placing a stop light in front of our neighborhood on Diablo Rd. Based on our experience it is not necessary and would disturb the character of our neighborhood. Please note our protest in the record and keep us apprised of future hearings and decisions

Thank you for your consideration

Michael and Margaret Redemer

Sent from my iPhone. Please forgive all my fat finger mistakes!!!

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64: RESPONSE TO REDEMER, MARGARET

64A: The commenter's opposition to the traffic signal at Hidden Oaks/Magee Ranch and Diablo is noted. Please refer to the Master Response in Section 2.4.2 regarding the traffic mitigation identified in the DEIR.

David Crompton

From: Arlene Reed <radiablo@sbcglobal.net>
Sent: Sunday, December 02, 2012 1:10 PM
To: David Crompton
Subject: Magee-SummerHill Development

Dear Mr. Crompton:

We bought our lot in Diablo in 1974 and have lived here after building our home. We chose this community because of the rural feeling of the area, the good schools, large lot sizes, sense of community, etc. Of course, there has been considerable growth since then. However, the surrounding areas have always been in keeping with the reason we chose to live here.

We are completely dismayed by the plans to build as many as 100 dwelling units including casitas in the SummerHill Development. We strongly believe this development will cause problems with overflowing of the creek and erosion problems. Take a look at the creek today after the rains and imagine what it would be like with the increased construction on adjacent agricultural land. Also, we are extremely worried about the excessive traffic and danger on the already small and hazardous Diablo Road. If there were any emergency like a fire, etc., people would not be able to get to safety. Drive there today during school and commute times to get an idea of the problem! There are four schools in the area that already contribute to horrendous traffic now. In addition, the development will cause an adverse effect on our schools and overall damage to our property value. We moved to this area because of the aforementioned qualities. We don't want them negated by this levelopment.

We are very much against SummerHill Homes' proposed Magee East and West projects. Please vote against them.

Ralph and Arlene Reed
P.O. Box 785
Diablo, CA 94528
radiablo@sbcglobal.net

A

65: RESPONSE TO REED, RALPH AND ARLENE

65A: The commenter's opposition to the project is noted. Refer also to the Master Responses in Section 2.4.2 and 2.4.3 for responses to concerns regarding traffic and emergency access.

The comment also includes a general statement relating to potential creek flooding and erosion. Please refer to section 4.8 of the DEIR relating to Hydrology and Water Quality and Responses 4G, 6E, 6F, 6G, 71F, and 85A relating to flooding concerns.

David Crompton

From: Arlene Reed <radiablo@sbcglobal.net>
Sent: Saturday, January 19, 2013 12:53 PM
To: David Crompton
Subject: Uphold Measure S

Measure S requires a public vote to change agricultural land to residential development. We insist that it is honored regarding the Magee/Summerhill project. We want the public to get its Measure S vote regarding residential development on Agricultural land and we don't want the Town to upzone all the 400 remaining Agricultural acres in Danville to quadruple the number of allowable homes. Such a change in zoning would permanently change Danville and the quality of life here.

Regarding the Magee/Summerhill project along Diablo Road east of Green Valley. It will cause havoc. We are extremely worried about the excessive traffic and danger on the already small and hazardous Diablo Road. If there were any emergency like a fire, etc., people would not be able to get to safety. We ask that you personally drive there during school and commute times to get an idea of the problem! There are four schools in the area that already contribute to horrendous traffic now.

The construction work will cause extreme problems and additional danger. In addition, the development will cause an adverse effect on our schools, creek and erosion problems, and overall damage to our property value. We moved to the area because of its open space, rural beauty, and small town feel. Your change of zoning for the Magee/Summerhill project is inconsistent with Measure S. We insist that you honor Measure S and have the required public vote to change the zoning of this agricultural land to residential.

Ralph and Arlene Reed

66: RESPONSE TO REED, RALPH AND ARLENE

66A: Please refer to the Master Responses in Sections 2.4.1, 2.4.2 and 2.4.3 for responses to concerns regarding Measure S, traffic and emergency access.

The commenter generally expresses concern about the impacts relating to project construction. The applicant will be required to prepare a construction mitigation plan as set forth in Mitigation Measure 4.10.3 of the DEIR (corrected to Mitigation Measure 4.10-2 in Section 3.0).

The comment also makes a general statement related to potential creek flooding and erosion. Please refer to Section 4.8 Hydrology and Water Quality of the DEIR and Responses 4G, 6E, 6F, 6G, 71F, and 85A with regards to these concerns.

David Crompton

From: Arlene Reed <radiablo@sbcglobal.net>
Sent: Saturday, January 19, 2013 12:55 PM
To: David Crompton
Subject: Magee/Summerhill Project

Magee/Summerhill project along Diablo Road east of Green Valley will cause havoc. We are extremely worried about the excessive traffic and danger on the already small and hazardous Diablo Road. If there were any emergency like a fire, etc., people would not be able to get to safety. We ask that you personally drive there during school and commute times to get an idea of the problem! There are four schools in the area that already contribute to horrendous traffic now. The construction work will cause extreme problems and additional danger. In addition, the development will cause an adverse effect on our schools, creek and erosion problems, and overall damage to our property value. We moved to the area because of its open space, rural beauty, and small town feel. Your change of zoning for the Magee/Summerhill project is inconsistent with Measure S. We insist that you honor Measure S and have the required public vote to change the zoning of this agricultural land to residential.

A

Ralph and Arlene Reed

67: RESPONSE TO REED, RALPH AND ARLENE

67A: Please refer to the Master Responses in Sections 2.4.1 and 2.4.2 for responses to concerns regarding Measure S and traffic.

Please refer to the responses to Letter 66 above, which reiterates the same concerns raised in this comment.

David Crompton

From: Lauren Rettagliata <rettagliata@sbcglobal.net>
Sent: Tuesday, December 04, 2012 8:42 AM
To: David Crompton; kgainey@danville.ca.gov
Cc: Tiffany Attwood; Bob Combs; Mark Graham; Reneemorgan@yahoo.com; Kerri Heusler; Lynn Overcashier; Paul Radich
Subject: Re: Question on Williamson Act land

David--

Thank you for all the information you have sent me regarding the SummerHill Development.

I would like to thank you and the Planning Commission of the Town of Danville for the excellent work you have done. Our town is a gem because of the well managed development that has been accomplished. The Town Council and Town Manager deserve more than my thanks--they have earned my respect.

There are two points I would like to make.

First, I think re-zoning land that was in the Williamson Act within the Town boundaries to P-1 would harm the overall environment. The area already is at maximum load for traffic and water run off.

Second, I think that affordable housing is important to the health of our Town. We need diversity in our community. Lower income families do not bring crime--apathy brings crime. Counting "casitas" as lower income housing is a fraudulent maneuver. Danville knows what beneficial low income housing looks like. We have some of the best examples of it right off of our downtown area.

--lauren rettagliata
171 Merano Street
Danville, CA 94526

From: David Crompton <DCrompton@danville.ca.gov>
To: Lauren Rettagliata <rettagliata@sbcglobal.net>
Sent: Mon, October 8, 2012 8:16:28 AM
Subject: RE: Question on Williamson Act land

Hi Lauren,

About half of the subject Magee/SummerHill property was previously under Williamson Act Contract. The Williamson Act Program (established under the California Land Conservation Act of 1965) is a voluntary program where a property owner agrees to restrict the use of their property to agricultural uses in exchange for a reduction in property taxes. The initial contract is for a minimum period of 10 years. Every year the contract automatically renews (adds another year so that there is always 10 years left on the contract) unless the property owner files a notice of non-renewal. Upon filing the notice of non-renewal, the contract stops the automatic annual renewal process and expires at the end of the remaining 10 years. The property taxes slowly escalate over the ten year period. The Magee family entered into the Williamson Act Contract in 1970. The Magee's exercised their right to file the notice of non-renewal in 2000, and the property came out from under the Williamson Act Contract in 2010 when the ten years ran.

68: RESPONSE TO RETTAGLIATA, LAUREN

68A: Comments noted. Please refer to the Master Responses in Sections 2.4.1 and 2.4.2 for responses to concerns regarding Measure S and traffic.

Please refer to responses to Responses 4G, 6E, 6F, 6G, 71F, and 85A regarding general stormwater runoff concerns.

The second dwelling units (casitas) meet the affordable housing criteria established under the Town's Inclusionary Housing Ordinance. If these are rented, they must be leased to a qualifying household at a qualifying affordable rate. These are considered secondary dwelling units and are treated as such in the DEIR.

David Crompton

From: Just Me <just-jan@pacbell.net>
Sent: Monday, January 28, 2013 10:43 AM
To: David Crompton
Subject: SummerHill

Dear Doug,

I am vehemently opposed to the SummerHill sub division for the following reasons:

Diablo and Blackhawk Road are a nightmare with regard to traffic in the mornings and evening. At times it is almost impossible for me to exit Fremerey Court onto Blackhawk Road due to the bumper to bumper traffic.

Both Diablo and Blackhawk Roads are heavily traveled even throughout the day and adding the number of homes proposed for SummerHill will make both roads absolute grid lock.

Last but certainly not least, SummerHill, will destroy the overall quality of life for those of us who have resided here for many years and treasure the open spaces, large lots, abundant wildlife, and relative peace and serenity the area offers.

I urge you to reconsider the advancement of this development .

Sincerely,

Sent from my iPad
Jan Richardson
421 Fremerey Court
Danville, CA 94506
(925) 708-1131

A

69: RESPONSE TO RICHARDSON, JAN

69A: The commenter's opposition to the project is noted. Please refer to the Master Responses in Sections 2.4.2 and 2.4.4 for responses to concerns regarding traffic and biological resources. The applicant revised its plans after the DEIR was prepared and has increased the amount of land to be preserved as open space. The project is proposing to rezone all the property to P-1 to allow clustered development so that over 372 acres of the 410 acre project site will be preserved as permanent open space. Please refer to Section 1.3 for a description of the revised plans.



Letter 70

January 29, 2013

David Crompton
Principal Planner
Town of Danville
510 La Gonda Way
Danville, CA 94526

Subject: Comments on the Draft Environmental Impact Report for Magee Ranches (State Clearinghouse # 2010112042)

Dear Mr. Compton:

Save Mount Diablo appreciates the opportunity to provide comments on the Magee Ranches Draft EIR. Save Mount Diablo (SMD) is a non-profit conservation organization founded in 1971 which acquires land for addition to parks on and around Mt. Diablo and monitors land use planning that might affect protected lands. Our goal is to protect the mountain's natural beauty, integrity, and biological diversity; and provide recreational opportunities consistent with protection of natural resources. We build trails, restore habitat, and are involved in environmental education. SMD appreciates the many ways the Town of Danville strives to protect the environmental quality of the Town and wider region.

SMD's Area of Focus in Reviewing the Magee Ranches Draft EIR

Save Mount Diablo understands that neighbors and other residents have strong concerns about the project, particularly related to adding traffic to already congested roadways.

Save Mount Diablo has not yet taken a position on Magee Ranch. For large projects in general however, SMD agrees with the Town's approach to clustering development as a means of permanently preserving hillside grassland areas.

Whether the town and residents oppose or allow Magee Ranch, the General Plan should preserve the visual corridor along Diablo Road between Green Valley Road and Mt. Diablo Scenic Boulevard. It is a spectacular gateway leading to Mt. Diablo State Park. Development there should be discouraged and it should be preserved as a wildlife and recreational corridor leading east to Sycamore Valley Open Space.

There are significant opportunities on both sides of the ridgeline to consolidate open space and homeowner open space management and to connect recreational trails.

If development occurs on the site, SMD supports the Town's commitment to clustering development on the flatter areas of the site; protecting the creek corridor and other

environmental resources and amenities including ridgelines, the oak savannah, mixed oak woodland including blue oaks, and grassland natural habitat.

SMD also supports the proposal to preserve considerable open space, and to develop a trail system that connects this open space to other areas such as the Sycamore Valley Open Space. Open Space preserved as a result of development should be protected in perpetuity, so standards for open space dedication should be detailed and operations and maintenance expenses should be addressed.

SMD is concerned, however about the development of any homes, particularly custom homes, along the ridge within Magee West, and the associated visual impacts on this gateway leading to Mt. Diablo State Park. SMD is also concerned that biological impacts are not adequately mitigated and that, at minimum, 2:1 mitigation to loss ratios should be required.

Specific Comments Related to Environmental Issue Areas

SMD has the following comments on the DEIR as they relate to specific environmental issue areas:

Aesthetics/Visual Quality

As indicated above, SMD is concerned about the development of any homes, particularly custom homes along the ridge within Magee West. Simulation View 6 does not adequately address the potential impact of houses constructed on the ridge. Either those homes should be removed or the EIR should include a simulation from public vantage points that look over to the ridge. For example, the vantage point used for Visual Simulation View 3 might be appropriate, with the viewpoint angle focused further west to include the ridges in Magee West. This simulation is needed to adequately analyze the impacts of the proposed project. The current analysis and visual simulations understate the level of impact. SMD believes all units should be clustered, and no individual units be built along the ridges on the western portion of the site.

A

Biological Resources

The Biological Resources section of the DEIR was reviewed by Malcolm Sproul, professional biologist and SMD Board Member. Malcolm Sproul provided the following comments:

- On page 4.4-9, the DEIR indicates that the riparian zones provide abundant food sources for and attract a variety of mammalian species including the western gray squirrel. The western gray squirrel was extirpated from Contra Costa County at least 50 years ago. The tree squirrels in the county are the introduced eastern fox squirrel.
- On page 4.4-15, the DEIR notes that there is a significant population of raccoons on the property due to trash cans and other food sources in the surrounding residential areas north, south, east and west of the project site. On page 4.4-22, in the discussion of impacts to Red-Legged Frog (CRLF), the DEIR should note that the project would also result in indirect impacts to CRLF by increasing the presence of humans, given their tendency both to feed pets and leave pet food outside; availability of pet food outside would attract additional predators.

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- Mitigation Measure 4.4-2 indicates that the project shall replace the lost value of .3 acres of moderate quality riparian habitat by restoring riparian habitat at a minimum of 1:1 replacement to loss ratio. This replacement ratio should be a minimum of 2:1.
- Mitigation Measure 4.4-4(a) indicates: “Identify the location of the restoration efforts for replacing jurisdictional waters and riparian habitats. The replacement ratio for both habitats will be at a minimum of a 1:1 ratio.” This ratio for both jurisdictional waters and riparian habitat should be a minimum of 2:1.
- On page 4.4-29, the DEIR indicates that the closest known Golden eagle nests are approximately seven miles away in Dublin. The closest nests are actually approximately 4 ½ miles to the southeast in the Dougherty Valley vicinity.
- Mitigation Measure 4.4-12 indicates that the project proponent shall replace wetland and riparian habitat at 1:1 replacement to loss ratio. This ratio should be a minimum of 2:1.
- On page 4.4-25, the DEIR notes that protocol level surveys were not conducted for California Tiger Salamander. SMD believes the finding of impact to CTS as less-than-significant is not substantiated.
- The DEIR notes that the project would result in the removal of 38 trees on site and up to 18 trees within the Town’s right of way at the intersection of Diablo Road/Green Valley Road. The setting section notes that some of the trees on site are blue oaks, particularly within the mixed oak woodland on the western portion of the site. Development should be clustered and the mixed oak woodlands, including areas of blue oak, should be avoided.

B

Land Use and Planning

DEIR Table 4.9-2 evaluates the consistency of the project with applicable site development policies. Policy 1.08 under Quality Development indicates: “Protect existing residential areas from intrusion of incompatible land uses and disruptive traffic to the extent reasonably possible.” The DEIR indicates that the project is consistent, although it notes that the project would cause an increase in traffic due to new residential development. The DEIR consistency determination should indicate that it is partially consistent, given the already constrained roadway conditions in the vicinity. Policy 2.04 indicates: “Where hillside development occurs, require that project design be sensitive to visual impacts. Design guidelines for hillside sites should address mass color, materials and screening requirements, and should discourage excessive grading and flat pad construction. The consistency determination does not indicate whether the project guidelines address these factors.

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Transportation and Circulation

The EIR indicates that: “The proposed project proposes an eight-foot wide pedestrian/bicycle trail in the Magee East portion of the site. The trail provides access from Blackhawk Road, through the panhandle and to the proposed residential portion of Magee East along Green Valley Creek”. The DEIR indicates further that the trail is visible on Figure 3-4; however, it is not clear from this particular figure, where the trail is located.

D

Alternatives

Given the concerns expressed about traffic impacts, SMD believes that the EIR should include an alternative with a reduced number of lots and smaller overall building footprint, but with lots that are still clustered in the flatter portions of the site, in accordance with language in the general plan.

Thank you for the opportunity to submit comments on the Draft EIR.

Sincerely,



Nancy Woltering
Land Conservation Associate

Cc: Seth Adams, Land Programs Director

70: RESPONSE TO SAVE MOUNT DIABLO

70A: With regard to Viewpoint 6, no impacts were anticipated from the project at this location due primarily to obstructing vegetation. As described in Section 1.3, the applicant revised the project plans after circulation of the DEIR to remove the three custom lots along Diablo Road, which would avoid any potential visual effects from this development along Diablo Road in the vicinity of Viewpoint 6. The visual simulations have been updated for Viewpoint 3 to show the revised plan, which removes the three lots along Diablo Road and adds two lots to Magee East. The revised visual simulation is presented in Attachment B.

70B: The following are provided in response to concerns regarding biological resources:

- Eastern fox squirrels were observed on the site during CRLF surveys. The text of the DEIR is revised as presented in Section 3.0.
- As stated on page 4.4-22 of the DEIR, the “proposed homes and trail alignment would also increase human access to the creek, which could result in harassment and harm to individual frogs [CRLF].”
- The goal of mitigation measure 4.4-2 is to create and enhance riparian or aquatic habitats with habitat functions and values greater than or equal to those existing in the impact zone. While approximately 0.5 acres of waters of the U.S. are being impacted, a borrow pit for a horse corral accounts for over half of this area. Another 0.18 acres comprises upland, remnant features that are largely undifferentiated from surrounding upland areas. The MMP/CMP included in Attachment C for the project identifies areas for mitigation that exceed a 1:1 replacement-to-loss ratio by creating or enhancing habitat having a greater value than the habitat impacted. This, along with measures to preserve over 372 acres of the site in open space that includes jurisdictional waters and riparian habitat, would sufficiently compensate for the aquatic and riparian habitats impacted by the project. (See revised plans that increase open space acreage discussed in Section 1.3.)
- See above regarding habitat replacement ratios.
- Comment noted regarding the eagle nest location.
- See above regarding habitat replacement ratios.
- As stated on page 4.4-25 of the DEIR, although full protocol-level surveys as defined by USFWS and CDFW were not conducted, larval surveys were completed in the spring of 2011, a year of over 150% of normal rainfall. These surveys did not detect any breeding activity in the only potential habitat onsite (i.e., the stock pond) and offsite (i.e., the detention pond). Other potential breeding habitat does not occur within proximity to the site, which is surrounded by modest levels of residential development. As described on p. 4.4-12 of the DEIR, the closest known CNDDDB record for CTS is from 1952, approximately two miles west of the project site. Therefore, the finding of less-than-significant impact to CTS is reasonable.

- Development is clustered and concentrated in flatter areas near Diablo and Blackhawk Roads. No development is proposed within the mixed oak woodlands habitat on the project site.

70C: The DEIR consistency analysis contained in Section 4.9 Land Use and Planning correctly identifies that the project is consistent with the intent of Policy 1.08. Mitigation has been identified in the DEIR to ensure that potential impacts due to traffic are reduced to a less-than-significant level. As a result, the “project would protect existing residential uses from...disruptive traffic to the extent reasonably possible.” The project has been designed to minimize hillside development consistent with the intent of the General Plan. The project has been designed to cluster development in the least visually sensitive area of the site. The project is consistent with the intent of Policy 2.04 since it has been designed to minimize visual impacts.

70D: The trail easement is identified based on topography contours in Figure 3-4. It generally extends from the EBMUD access road near Diablo Road east to the project site’s easterly boundary, behind the proposed development area in Magee East.

70E: As described in previous responses, the project is consistent with the land use designations on the project site and the policies in the 2010 General Plan that call for clustering of development on flatter portions of the site and avoiding development on slopes and ridgelines. Section 6.0 of the DEIR considers alternatives that reduce the unit count and/or footprint of development, as follows:

- The No Project/Build without Subdivision Alternative – evaluates development of seven lots.
- More Clustered Alternative – analyzes 78 lots clustered within a smaller development footprint than the project.
- Modified Design Alternative – considers development of 66 lots.

Because all of the significant impacts of the project can be reduced to less-than-significant levels with mitigation identified in the DEIR, the alternatives analysis did not require evaluation of development options needed to eliminate unavoidable environmental impacts of the project. The range of alternatives considered in the DEIR is consistent with the “rule of reason” that considers only those alternatives necessary to permit a reasoned choice. The alternatives evaluated in the DEIR are adequate to foster informed decision making in accordance with CEQA Guidelines Section 15126.6. See also Response 71I below.

Law Offices of
Stuart M. Flashman
5626 Ocean View Drive
Oakland, CA 94618-5353
(510) 652-5373 (voice & FAX)
e-mail: sm@stuartflash.com

January 29, 2013

Mr. David Crompton,
Principal Planner
Town of Danville
510 La Gonda Way
Danville, CA 94526

Re: Magee Ranches Draft EIR (SCH #2010112042)

Dear Mr. Crompton,

I am writing on behalf of my client, Save Our Creek, to comment on the Draft Environmental Impact Report ("DEIR") for the Magee Ranches-Summerhill development project ("Project") in the Diablo Road corridor. These comments are in addition to more specific comments that may be submitted by consultants to Save Our Creek as well as comments by members of the group.

As its name implies, one of the reasons Save Our Creek was formed was concern about Green Valley Creek, which runs through the project site, as well as other smaller waterways that would be affected by the Project. However, Save Our Creek is also concerned about other aspects of the Project as well as its various environmental impacts.

Perhaps as good a place as any to begin the discussion is with the Project Description. The Project proposes to subdivide the property into seventy single-family home lots, including fifty-eight clustered lots and six custom lots on the eastern portion of the site, and six large lots on the western portion.

The property has several land use designations and zonings. According to Table 3-2, of the total 410.3 acres on the Project site, 198.7, or slightly less than half, is designated for Agricultural use. All of this land is currently zoned A-4, Agricultural Preserve, allowing one housing unit per 20 acres. An additional 5.9 acres are designated as General Open Space and zoned P-1, Planned Unit Development. It should be noted that the General Plan calls for General Open Space lands to be dedicated to open space uses, including parks, recreational uses, and agriculture, but not residential use. Thus, this area cannot be counted as contributing any potential housing units to a P-1 clustered development; nor can the area have housing located on it. The remaining area, amounting to 205.7 acres, is designated for Residential use, either Rural Residential or Low-Density Single Family, and is zoned A-2, one unit per five acres. Thus, under current zoning the Project area can accommodate 9.9 houses on the Agricultural area and 41 houses on the residential area, for a total of 51 houses. That,

Mr. David Crompton - re: Magee Ranch-Summerhill Project
1/29/2013
Page 2

of course, does not take into account areas that, although they may be zoned A-2, are constrained such that they cannot accommodate one unit per five acres. Peculiarly, at p.4.2-3, the DEIR asserts that, "According to the General Plan, 78 new residential properties could be approved on the property." This appears incorrect and should be revised to reflect the above calculation. The Project proposes to include P-1 zoning on both the Residential and Agricultural lands. The latter is not authorized under the current 2010 General Plan. To allow P-1 zoning on the current Agricultural land would require a general plan amendment to alter the allowable land uses, either by changing the land use designation of the parcel or by changing the allowable uses on lands designated as Agricultural. Either of these would trigger the public vote requirement of Measure S. This election needs to be added to the needed approvals for the Project to move forward.

The DEIR states that the Project proposes to rezone the areas currently zoned A-2 or A-4 to P-1, Planned Unit Development zoning, and then to cluster the housing that would have been allowed if the entire site had been zoned A-2. There is, however, a major problem with this proposal. The current Danville 2010 General Plan identifies the allowable zoning for each of the land use designations included in it. The Rural Residential designation identifies P-1 as an allowable zoning. However, the Agricultural land use designation does not. Only A-2 zoning is identified as a consistent zoning. (A-4 zoning remains on the portions of the land that were Under Williamson Act contracts. For these portions, the General Plan states that a zoning density is inapplicable, since the farming use countenanced by a Williamson Act contract does not allow residential development. However, upon expiration of the contract, the parcel's zoning reverts to the underlying zoning, in this case, A-4.) As noted above, P-1 zoning for the current Agricultural area will require a vote of the people.

Further discussion of land use issues germane to this project is provided later in this letter. In addition, some of the comments I submitted regarding the EIR for the 2030 General Plan are also relevant to this specific project. A copy of that letter is attached hereto and incorporated herein by this reference. In particular, I draw your attention to my comments on pp.2-3 of that letter, and particularly the requirement set by Measure S that the voters must approve any change in use in Open Space, Agricultural, or Parks and Recreation land. Applying P-1 zoning to Agricultural land would be such a change, and therefore cannot be approved except by the voters of Danville, whether or not the actual land use designation is changed.

Visual/Aesthetic Impacts

The DEIR asserts that the Project will have no significant visual or aesthetic impacts. It provides a variety of photo images and photomontages to show current and proposed views. As the DEIR notes, the site currently consists predominantly of grasslands and oak woodlands. This gives the site a decidedly rural feel. It should be noted that the site is one of the last remaining agricultural areas within the Town. Large areas of what was formerly agricultural land have now been developed for residential use. While the

analysis asserts there will be no significant visual/aesthetic impacts, View 3, from Mt. Diablo Scenic Boulevard, shows what had been a natural landscape now covered with houses. The DEIR asserts this does not represent a significant impact because of among other things "the minor scale of proposed residential development." Yet this is a view from a scenic boulevard for a state park. This change should be considered significant.

The DEIR also argues that the visual impact is not significant because it only extends to the urban landscape. Such "incremental" changes are precisely what was intended to be addressed by cumulative impact analysis, but again, the cumulative impact analysis asserts no significant cumulative impact, based solely on the fact that there is no significant individual impact. This is nothing less than a tautology and inadequate in discussing cumulative impacts. The EIR needs to be revised to address the cumulative visual impact of development in the areas near the Project, extending back at least ten years and considering any other development proposals as well.

Agricultural Impacts

Under Agricultural impacts, the DEIR again concludes there will be no significant individual or cumulative impacts. Yet the development is one of a string of development proposals that have gradually eaten away at Agricultural resources in the Danville area. Particularly when taken in conjunction with the loss of agricultural lands just outside of the Danville Town limits, which the DEIR improperly ignores, it appears there has been a significant cumulative loss of farmland in the area. This should have been identified and discussed. As will be discussed further under growth-inducing impacts, the Project may also trigger the redesignation and residential development of the adjoining 100 acre agricultural parcel. This should also be discussed as a potential cumulative impact.

Air Quality/GHG Impacts

Under air quality and greenhouse gas emissions, it is ironic that the Town seeks to subvert the court's decisions in *California Building Industry Association v. Bay Area Air Quality Management District*, which invalidated the air district's greenhouse gas emissions guidelines, by adopting those invalidated guidelines as its own. This is being done without any sort of formal process or public review. This appears highly improper. If the Town wishes to use those guidelines, it needs to first have a public process for their review and adoption, including environmental review.

Peculiarly, the GHG emissions analysis makes no mention of SB375, which is intended to encourage compact land use and decrease vehicle miles traveled, and especially the use of single occupancy vehicles. This Project could be considered a poster child for the type of project the SB375 is intended to discourage. With virtually no public transit available anywhere in the vicinity, no local services (e.g., shopping) within easy walking or bicycling distance, and an overall density too low to provide any incentive for

establishing public transit, the project will be entirely auto-dependent, and most trips are likely to be made in single occupancy vehicles. Further, because Danville is almost entirely a "bedroom community" with no significant commercial or business base, trips originating from the Project, especially commuter trips, are likely to be much longer than from more urban areas. Nevertheless, the DEIR concludes that the Project will have no significant GHG emissions impact, either individually or cumulatively.

Of course, individual GHG emissions impact from a Project this small are extremely unlikely. However, this project is of a type that, if replicated widely, would lead to highly significant cumulative increases in GHG production. The DEIR totally ignores cumulative GHG impacts, again making the tautological assertion that if individual impacts are insignificant, cumulative impacts must be also. The EIR needs to consider the extent to which this kind of somewhat small, low-density suburban development is occurring elsewhere in the region and evaluate the cumulative GHG (and air quality) impact of this development.

The DEIR identifies significant NOx emissions during the construction phase. It proposed a series of measures which it asserts, without any evidence, will reduce NOx emissions by 10 to 20 percent. The EIR needs to explain how this goal will be reached and provide credible evidence of the extent each of the proposed measures will contribute to meeting that goal. In particular, the EIR needs to provide evidence that shows that mitigation 4.3-1 is a feasible mitigation measure based on commercially available equipment in the local Danville area.

The cumulative impact analysis notes that it is presumed that existing general plan land uses are consistent with the regional plans, and therefore no analysis is done unless a general plan land use is changed by amendment. Yet, the proposed Project is effect a de facto change in the land use designation of half of the Project area by allowing P-1 zoning, which is inconsistent with the Agricultural land use designation. The cumulative air quality impact should have considered that this amounts to a change of land use from Agricultural to Rural Residential (which does allow P-1 zoning) and analyzed accordingly.

Biological Impacts

The DEIR identifies potentially significant impacts on a number of special status species, and proposed mitigation measures intended to reduce those impacts to less than significant. Unfortunately, the DEIR underestimates the extent of impacts and therefore the mitigation measures proposed are inadequate to properly address the impacts.

The DEIR notes that the Project would affect habitat for a number of special status species, as well as generally reducing the amount of wildlife habitat in the Danville area. It proposes mitigation measures intended to compensate or replace the habitat being removed. However, that habitat is not necessarily sufficient. For example, for California

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red-legged frog (CRLF), the DEIR proposes protecting and enhancing upland habitat for the frog, as well as improving habitat around some of the creek areas that might be habitat for the frog. However, the DEIR never addresses the ultimate aim of protecting CRLF habitat, which is not merely to prevent its immediate extirpation, but to assist in its eventual recovery and ability to re-establish itself in former habitat. (See, USFWS CRLF recovery plan, available at http://ecos.fws.gov/docs/recovery_plan/020528.pdf in that regard, the DEIR identifies some of the problems the CRLF faces in the area, but provides no suggestions on how to prevent these problems from interfering with the proposed mitigation. Among other things, as the DEIR notes, there is a problem with predators of the CRLF, particularly raccoons, being attracted by human habitation and its associated food sources. They then proceed to prey on CRLF in the vicinity.

The proposed Project would increase the amount of human habitation in the area and bring it closer to areas, and particularly Green Valley Creek, that are not only CRLF habitat but dispersal routes for the CRLF to be able to re-establish itself in former habitat. The DEIR does not address the potential threat the attractive nuisance of human food sources that would accompany this Project pose to the re-establishment, and indeed the maintenance, of CRLF populations.

Of course raccoons, as well as opossums and other predators that would be attracted to human food sources, would prey on not only the CRLF, but also on the western pond turtle and the tiger salamander. Thus the control of predators is a major issue that has not been addressed in the DEIR and that will be exacerbated by the Project.

Another related problem that the Project will create for these species is the pets that would accompany Project residents. The EIR needs to address the threat pets brought in by Project residents, and particularly dogs and cats, would pose to special status animal species and their habitat. While fencing off creek areas might seem a simple solution, CRLF needs access to upland areas for migration as well as for aestivation. Again, while signage might help deal with dogs, it would not assist with cats, who are often let outside unattended. The entire issue of the effect Project pets would have on special status species needs to be addressed in the EIR.

Finally, the DEIR gives scant attention to the question of cumulative biological impacts. It makes the glib comment that this Project will mitigate its own impact to a level of insignificance, and other future project will do so as well. It then jumps to the conclusion that therefore there will be no significant cumulative impacts. This ignores the very nature of cumulative impacts, which are impacts that are individually small, but significant when considered cumulatively. Further, cumulative impacts encompasses not only future projects, but also past project and other present projects. For example, cumulative biological impacts should take into account the effects of the 2030 Danville General Plan currently under consideration. That document isn't even mentioned. Further, the DEIR makes the artificial and unjustified assumption that only projects within the Town of Danville need to be considered. (See, Table 5-1.) The environment is not that neatly compartmentalized. There have been and are other projects in the

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vicinity of Danville, although not necessarily within the town limits, whose cumulative impacts should have been taken into account. Among those projects are the Dougherty Valley Project (see, <http://www.sanramon.ca.gov/plan/dvalley.html>), the Wendt Ranch (see, http://www.shapelhomes.com/communities/index.cfm?community_id=307), Intervening Properties (see, Danville 2030 General Plan DEIR at p.3-28), and Alamo Creek Projects (id), the Faria project in San Ramon (see, **Environmental studies begin for Faria Preserve development** *Faria Preserve project would put 751 units on hillside*, http://www.sanramonexpress.com/news/show_story.php?id=6925), the New Farm Project (see, <http://www.co.contra-costa.ca.us/index.aspx?NID=2385>), and the Creekside Cemetery Project (see, **Estate Homes and Cemetery Proposed for Tassajara Valley**, <http://www.arounddublinblog.com/2010/03/san-ramon-estate-homes-and-cemetery-proposed-for-tassajara-valley/>) in the unincorporated Tassajara Valley. All of these projects are located within five miles of the Project site and all of them involve sensitive wildlife habitat. Indeed, most of them involve the CRLF, the primary species of concern in this project. While each of these projects has attempted to address impacts on wildlife habitat, and specifically on the CRLF, it cannot be assumed that those mitigation measures full mitigated impacts. The point of examining cumulative impacts is to answer the question of whether small impacts from numerous projects, when taken together, amount to a significant impact. The DEIR neither asks nor answers this important question. The cumulative impact analysis needs to be greatly expanded to include project in the vicinity of this project, including projects in the unincorporated area and in neighboring cities, whose impacts might be cumulatively significant. It also needs to be broadened to include past, present, and reasonably foreseeable future project, as the law requires. The revised impact analysis then needs to be recalculated, because the current cumulative impact analysis is so deficient as to make commenting on it a useless gesture.

Hydrology/Water Quality

It should be obvious that a project such as this, that would greatly increase the amount of impermeable surface in a single creek watershed, has the potential to have significant hydrological and water quality impacts. With more impermeable surface, stormwater flows can be expected to increase significantly. This not only increases the risk of downstream flooding, both locally within the East Branch of Green Valley Creek and more broadly in the area of downstream flows, but also could increase erosion impacts. The DEIR depends primarily on computerized modeling to address flooding issues. However, there is no evidence presented of model validation in this watershed to show that the model's predictions correspond to the on-the-ground reality. At the very least, the EIR needs to provide evidence that the model's results agree with the empirical observations of the Flood Control District and local residents about the incidence and extent of flooding.

Increases in stormwater flows stemming from the Project can also be expected to increase turbidity and downstream sediment deposition, which could further exacerbate

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and complicate flood control as well as potentially damaging wildlife habitat, notably possible CRLF habitat.

The DEIR proposed to mitigate the peak flow effects of the project by use of a detention basin. The basin would delay influx of stormwaters into the local creek so that local flooding would not occur. However, the detention basin is only intended to slow the flow of stormwater, not to decrease it. The project would still significantly increase the amount of impermeable surface in the watershed and therefore increase total creek storm flows. If total flow increases but peak flow does not, the only other way the increased flows can be accommodated is by increasing the duration of stormwater flows. This, in turn, could have both hydrological and biological impacts. Even if peak flows do not increase, longer duration of flows can be expected to result in increased scouring and erosion due to storm flows. Further, if storm flows last longer, that may upset the ecology of the creek, especially for the CRLF. CRLF tend to prefer creeks with a drop-and-pool structure. With increased storm flows, and consequent increased erosion, the structure of the creek is likely to alter in ways that would reduce CRLF habitat.

The EIR's hydrology discussion needs to be broadened to include not only peak flows and flooding risks, but also the effects of increasing the duration of storm flows, both as it affects hydrology and water quality and as it affects creek ecology and wildlife habitat, particularly for the CRLF. In addition, the EIR needs to respond in detail to the comments submitted by Quеста Engineering on behalf of the Diablo Community Services District.

Traffic/Transportation impacts

Rather than repeat comments made elsewhere, I refer the Town to my comments on the 2030 General Plan EIR at p7. In particular, current conditions include a reduction in peak hour trips due to the effects of the TRAFFIX program in eliminating parent trips to drop off and pick up their children at school. However, the TRAFFIX program is not a permanent or even long-term program. Rather, it is a discretionary program funded by Contra Costa Measure J. Consequently, the EIR cannot assume this program will continue into the future after the Project has been approved and built-out. Instead, the traffic analysis needs to be revised to add back in the parental trips that have been temporarily removed through the TRAFFIX program.

I also refer the Town to the comments on traffic and transportation impacts being submitted by Sustainable Systems Research, LLC on behalf of Save Our Creek. Those comments point to methodological flaws and gaps in the DEIR's traffic analysis. They also point to the undefined nature of the cumulative analysis using the County model. Because the DEIR does not include documentation for the County model, it is impossible to determine whether it properly considers projects outside of the Town of Danville, especially those that have not yet been fully completed and occupied, that would affect cumulative traffic impacts. The EIR needs to be revised to address this

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issue. In addition, as those comments note, the DEIR assumes a blanket 2% per year increase in traffic, but provides no basis for that assumption. Even assuming an overall 2% countywide annual increase in traffic could be documented, any increased would not be expected to be distributed uniformly. Instead, traffic increases can be expected to focus around new development sites. The DEIR's unjustified blanket increase almost certainly results in overestimating background traffic impacts on some routes and underestimating them on other routes. As a result, the effect of Project-generated traffic is not accurately portrayed and cannot be relied upon in predicting significant traffic impacts. The traffic analysis needs to be revised to replace the blanket 2% annual increase with values that are location-specific, based on the evidence of past traffic growth and available information on future local development plans.

Community Services

The DEIR asserts that the Project will not have any significant effect on emergency services, and specifically fire services. It notes, however, that the San Ramon Valley Fire District's current suburban response time is more than 8 minutes or less 90% of the time. This can fairly be said to be damning with faint praise. An 8 minute response time is long enough for a fire to spread significantly so that it cannot easily be contained. Needless to say, an 8 minute response time is absolutely unacceptable when dealing with a medical emergency such as a heart attack or drowning.

Nevertheless, and in spite of the Project being in an area designated as high-risk for wildland fires, the Fire District apparently indicated it was not worried about providing service. However, the DEIR provides absolutely no substantial evidence in support of the casual and surprising assertion. Given the risky nature of the Project's location, and the congestion that regularly occurs on Diablo Road, at least some substantial evidence must be provided, other than the say-so of unnamed district staff where neither the credentials nor supporting evidence have been provided.

At the November 2010 scoping meeting for this EIR, a retired Battalion Chief for the SRVFPD, who also lives in the area and is very familiar with local conditions, warned that the EIR needed to carefully consider the effect the Project would have on emergency response times. He also warned that his experience of the congestion on Diablo Road indicated that in an emergency situation, such as the need to evacuate the area due to a wildfire, congestion would make safe and effective evacuation of area residents would be difficult if not impossible. Further, the experience of the Oakland Hills fire of 1991 needs to be addressed. In that fire, the flood of vehicles trying to escape from the fire area severely impeded access by emergency vehicles trying to reach the fire. All of this indicates that the EIR needs to address in far greater detail what the effects of a wildfire in the Project vicinity would be, identify potential impacts, and consider possible mitigation measures. Simply relying on one undesignated staff person's say-so that there will be no significant impacts is totally inadequate and unacceptable under these circumstances, and does not amount to substantial evidence.

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The DEIR also assumes that certain minimal standard requirements, such as requiring fire-safe roofs and complying with required standards for street widths, hydrant placement, fire flows, etc. suffice to mitigate any potential fire safety impacts. Again, there is no evidence in the DEIR to support these assertions. If the EIR is to claim that these standard requirements suffice to mitigate fire safety impacts from building suburban-style homes on the urban-wildland interface, it needs to provide factual documentary evidence showing that, with these standards in place, new homes on the urban-wildland interface are at no greater risk from fire than are homes built in other more conventional locations. At the very least, the EIR should provide information on the relative cost of fire insurance in a location such as this compared to that in a more standard subdivision. It is well-understood that the cost of insurance roughly reflects the risk involved. If the cost of fire insurance is significantly higher in an area such as this, the risk must also be presumed to be increased.

As with other impacts, the DEIR's discussion of cumulative fire safety impacts is also deficient. As noted earlier, the Summerhill Project is only the latest in a series of large residential projects being built in or near Danville. All of these projects will have to be served by the San Ramon Valley Fire Protection District. Yet the DEIR provides absolutely no information about changes in level of service over time as more of these projects have come on-line; nor does the DEIR provide any discussion of the potential cumulative impact on fire protection services from other expected projects that will be occurring in the vicinity of Danville. The DEIR simply includes a one-sentence conclusory statement that, "[T]he project, in conjunction with other area development, would not create a substantial additional demand for police or fire services such that a cumulative impact would occur." Absolutely no evidence is provided to support this bald statement.

Land Use/Alternatives

As noted earlier, the DEIR makes the mistaken assumption that with the cancellation of Williamson Act contracts, the Town is justified in assuming that the zoning would automatically change from A-4 to A-2. That is not what the General Plan says. The DEIR points to the Elworthy Ranch Project as an example of that approach. Just because the Town "got away with" an "automatic rezoning" in that project does not make it legal. Until an actual zoning change is approved by the Town in accordance with state law, the zoning remains what it has been.

This brings up the question of alternatives. The DEIR proposes a uniform A-2 alternative and a more highly clustered alternative as its two analyzed alternatives other than the no project alternative. The DEIR does not consider what would seem an obvious third alternative – leaving the areas now zoned A-4 in that zoning with division into roughly 20 acre parcels, and then pursuing a clustered P-1 development on the rural residential and single family low density area. This would reduce the overall development intensity while preserving a larger portion of the property's open space area. Given the property's identified special status as a visual resource, this would

seem a preferable alternative, all else being equal. While the DEIR asserts there are no unavoidable adverse impacts, that conclusion appears open to question (see earlier discussions). If there were significant adverse impacts, for example on hydrology or wildlife, it would be important to consider whether an alternative that maintained more of the site's agricultural character might reduce or avoid those impacts. At any rate, this more agriculturally-oriented alternative appears to merit a more detailed study and analysis.

Growth-Inducing Impacts

The DEIR asserts (p.5-1) that the Project will have no growth-inducing impacts. However, the Project would add to the amount of residential development along Diablo Road at the eastern end of Danville. Right now, there is no significant commercial development in this area of Danville. Consequently, residents in this area are forced to travel by car towards the western part of the town for necessary services. The development of this Project would continue and strengthen a trend towards further development along Diablo Road. The addition of another 70 homes in this area will increase the pressure to develop a commercial area in this part of the town. That, in turn, will further increase the pressure to allow additional residential development in the area, including the 100 acre agricultural parcel located just south of the western portion of the project. While the Town has, in the past, discounted the potential for that parcel to be developed commercially, the transition of the Project parcel from agricultural to residential use will increase pressure on the adjoining parcel to follow suit. In particular, one can expect to hear new residents in the Project complaining about the effects of adjoining agricultural use (e.g., noise, odors, etc.) and urging the Town to transition that area as well into residential use. The EIR needs to disclose and discuss the impacts that would be associated with the additional growth along Diablo Road that would be stimulated by this Project, including the impacts on traffic, hydrology, wildlife, utilities, and public services.

Conclusion

CEQA requires that an EIR make a good faith effort at full disclosure. Unfortunately, this DEIR fails that test. It is sadly lacking in evidence to back up its claims of full mitigation of potential project impacts. The DEIR needs to be revised to address the deficiencies that have been identified. It should then be recirculated for an additional round of public comment on the new information provided.

Most sincerely,



Stuart Flashman
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December 4, 2012

Kevin Gailey
Chief of Planning
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Dear Mr. Gailey,

I am writing on behalf of Save Our Creek to comment on the proposed 2030 General Plan ("2030 GP") and its Draft Environmental Impact Report ("DEIR"). The 2030 GP is intended to replace the current 2010 General Plan ("2010 GP"), which was adopted in 1999. As you know, the 2010 GP was subsequently amended by the voters of Danville through the adoption of Measure S, which does not expire until 2020. Until that time, or until revised or rescinded by Danville's voters, Measure S's policies and procedures govern the Town's ability to change the land use designation of Open Space lands. With one limited exception, voter approval by ballot measure is needed to change the land use designation of all the 2010 GP's Open Space-designated lands, including those designated for Agricultural, General Open Space, and Parks and Recreation use. Because the 2030 GP is not proposed for voter approval by ballot measure and Measure S requires voter approval for any changes to the policies and procedures it put in place, the 2030 GP must include Measure S and its provisions must conform to the policies and procedures established by Measure S.¹

Although there may be some worthwhile provisions within the draft 2030 GP, Save Our Creek objects to some of the changes it proposes to the 2010 GP, particularly those that violate Measure S. Save Our Creek also believes that the DEIR for the 2030 GP is legally deficient in its analysis of potential impacts that would result from the 2030 GP's adoption.

Finally, Save Our Creek objects to the inadequate amount of time that has been allowed for the public comment period on the DEIR. Given that the DEIR was not available for download from the Town's website for several weeks after it had been "released" for public comment, the comment period needs to be extended accordingly so that those that could not initially access the DEIR have adequate time for review and comment.

COMMENTS ON THE GENERAL PLAN

The 2030 GP makes a number of significant changes to the Planning and Development Element of the 2010 GP. Among those changes are several important ones affecting the Agricultural land use category that was the subject of Measure S. Unfortunately, the 2030 GPP does not highlight these very significant changes, nor does the DEIR discuss them.

¹ Measure S is mentioned in the "Calculating Development Potential on Measure S sites" text box, which indicates that the full text of Measure S is adopted by reference. This is insufficient to provide Danville residents and property owners with the necessary information to understand the effects of the General Plan, and specifically of Measure S. The full text of Measure S should be included in the 2030 General Plan, either within the Planning Development Element itself or as an appendix to that element.

Exhibit A

The proposed Planning and Development Element changes the characteristics of the Agricultural land use category in several significant ways. First, the 2010 GP states that, due to properties in the category being bound by Williamson Act contracts, a density range is not applicable. The 2030 GP instead states that because farming and grazing are the principal use, "strict interpretation", (underlining added), of density standards is not applicable. The language in the 2010 GP is easily understood. If land is under a Williamson Act contract and therefore fully devoted to agricultural use, development of that land with housing or other uses would violate the contract. The 2010 GP goes on to explain that if a Williamson Act contract terminates, the density of the site would revert to the underlying zoning intensity (i.e., that in effect at the time the Williamson Act contract took effect). In contrast, however, the new language in the 2030 General Plan is unclear and confusing. It is far from obvious why farming and grazing would make strict application of standards inapplicable. One would expect farming and grazing to involve little if any development of residential structures. Thus there is no reason *per se* that farming or grazing use would not be fully consistent with strict application of a density standard of one unit per twenty acres (A-4 zoning) or one unit per five acres (A-2 zoning). The proposed change is both significant and improper. The 2030 General Plan does not indicate what, if anything, would replace "strict interpretation" of density standards. If this policy change is to be made in the 2030 GP, both it and its implications must be clarified. State law requires that every land use category have standards for population density and building intensity. (Government Code § 65302.) The case law makes clear that the general plan must provide residents and land owners a clear understanding of what level of development is permitted. (*Concerned Citizens of Calaveras County v. Board of Supervisors* (1985) 166 Cal.App.3d 90, 97 [general plan must state with reasonable clarity what the plan requires]; see also, *Camp v. Board of Supervisors* (1981) 123 Cal.App.3d 334, 349-350; *Twain Harte Homeowners Assn. v. County of Tuolumne* (1982) 138 Cal.App.3d 664, 697.) The language in the current description fails to do this and therefore violates state law. The term "strict interpretation" should be removed.

Second, the Agricultural land use description in the 2030 GP states (p. 3-44) that, "Minimum parcel sizes range from one unit per five acres within the Town limits to one unit per 80 acres in the unincorporated Planning Area." This appears to mandate a one unit per five acres (i.e., A-2) zoning within the Town limits. In effect, that change is quadrupling the number of homes allowed on the Agricultural-designated lands throughout Danville that are currently zoned A-4 (see the attached zoning map). This change would amount to the rezoning of all land within the Town Limits that is currently zoned A-4 to the A-2 zoning. The environmental consequences of such a drastic change need to be analyzed in the DEIR. It also needs to be explained on a public policy basis why this four-fold increase in density is necessary or even appropriate for land intended for continued agricultural use. It is Save Our Creek's request that this change be removed from the 2030 GP, and the language of the 2010 GP be retained.

Third, the Agricultural land use list of zonings adds P-1, Planned Unit Residential Development, as a consistent zoning. P-1 was not an allowable zoning on Agricultural land in the 2010 GP. This change needs to be highlighted and the implications for the environment of allowing and encouraging residential development of Agricultural Open Space land analyzed in the DEIR. More importantly, this change violates Measure S, which continues to govern Agricultural and other Open Space lands until 2020. For this reason, the addition of P-1 zoning as a consistent zoning for Agricultural lands must be removed.

² This case also establishes that population density standards must be stated in population per area, not just as housing units per area. The density standards are also deficient in this respect.

As the "Description", paragraph in the Agricultural land use section on p. 3-44 of the 2030 GP and p. 52 of the 2010 GP makes clear, the Agricultural land use designation is intended to permit and encourage agricultural uses. The paragraph notes that after a Williamson Act contract expires, a general plan amendment to permit non-agricultural uses (such as residential) may be requested. By implication, unless a general plan amendment is requested, the use should remain agricultural. P-1 zoning, by contrast, is intended to allow clustered residential use. Allowing residential zoning on land designated for agricultural use would contradict the statement that non-agricultural uses must be sought through obtaining a general plan amendment.

Further, allowing residential zoning on Agricultural lands would violate Measure S by violating the intent of Danville voters in enacting that measure. One of the ballot arguments supporting Measure S, which was signed by four Danville Town Council members – including two, Mike Doyle and Newell Americh, who remain on the Council – states "Measure S offers Danville residents a deciding voice in any proposed change to areas not planned for development. Danville voters would have to approve any change in use on Open Space, Agricultural, or Parks and Recreation land." (rebuttal to arguments against Measure S (emphasis added)). The 75% of Danville voters in the 2000 election who voted for Measure S presumably agreed that they wanted to be able to vote on approving any change in use for land in the Open Space, Agricultural, or Parks and Recreation land use categories. Changing the allowable zoning on land designated for an Open Space use so that it could accommodate Residential use, without first going back to Danville voters, would defy any reasonable interpretation of Measure S. The voters clearly wanted to have a say on any future proposal to convert Open Space lands to other uses; and that is what the Town Council promised them. If Measure S means anything (and the voters are presumed not to engage in idle acts of approval), P-1 Residential zoning clearly was not meant to be allowed on Agricultural land without a change in land use and a vote of the people.

It is true that P-1 residential zoning does not convert the entirety of an area to Residential use. After land is converted to P-1 and a specific development plan approved, there may well be some land left over that could be preserved for Open Space use. But that ignores the plain fact that the land now covered with homes has been converted to Residential use, precluding it from ever being used for an agricultural purpose again. The land that has been converted to Residential use has ceased to be in Agricultural use. It makes absolutely no sense for it still to be designated as Agricultural land. Moreover, once P-1 is added as a consistent zoning, additional development rights could be transferred to the P-1 clustered residential development from other areas (as was done for the Elworthy West development, where purported "development rights were transferred from unincorporated County land outside of the County's Urban Limit Line to allow additional houses to be built on the Elworthy property within Danville") resulting in far more homes being built on the Agricultural Parcel than could have been built under either A-4 or A-2 zoning. Again, this flies in the face of that land continuing to be designated as Agricultural.

Adding P-1 zoning as an allowable zoning on agricultural lands also violates Measure S because coupled with the upzoning of all remaining A-4 zoned Agricultural lands (discussed below), the addition of P-1 would make the Agricultural land use category essentially identical to the Rural Residential land use category and effectively eliminate the Agricultural land use category within the Town limits, converting those Agricultural lands within the Town limits to Rural Residential land use. Such a change,

³ It is highly questionable whether development rights attach to land located outside the Urban Limit Line.

⁴ This same strategy is also being proposed for the Summerhill Homes project on Magee Ranch.

however, clearly violates the voters' intent in enacting Measure S, which would require a vote of the people for such a change. The general plan may not violate its own provisions by substituting one land use category for another under the guise of making changes within a land use category. Either the Agricultural land use category needs to retain the basic agricultural land use that was in effect when Measure S was enacted, or these land use changes need to be placed on the ballot for voter approval in accordance with Measure S.

The Agricultural land use definition goes on to state that if a Williamson Act contract expires, the underlying zoning density (which the 2010 GP identified as one home per twenty acres (A-4) or one home per five acres (A-2)) would apply upon expiration of the contract. In the later "Zoning" paragraph, however, it states that "The A-4 district may apply where a property is under a Williamson Act contract". This provision seems to attempt an automatic upzoning of all land to A-2 once a Williamson Act contract has expired. Several pages farther, in a text box on page 3-53, the 2030 GP states that, "The agricultural designation does not prohibit development completely, but rather limits density to a maximum of one unit per five acres of land." Again, this seems to indicate that the 2030 GP is attempting a *de facto* rezoning of Agricultural land that has been zoned A-4 to A-2 zoning. The 2010 GP, by contrast, clearly indicates that the zoning density upon expiration of a Williamson Act contract revert to either one unit per five acres or one unit per twenty acres, representing the zoning that was in effect on the parcel at the time the Williamson Act contract was initiated.⁵ (2010 General Plan at p. 52.) Please see the attached zoning map, which shows all Danville A-4 lands that would be affected by the 2030 GP's attempted *de facto* rezoning of A-4 lands to A-2.

Not only is this policy change not clearly indicated or explained, but it attempts to combine a zoning change with the general plan update. Under state law, there are very different procedural requirements for a general plan amendment and a zoning ordinance amendment, and state law does not make any provision for combining the two. Rather, state law provides that when a general plan change occurs, the jurisdiction must, within a reasonable time conform the zoning to the new general plan designations. (Government Code §65860(c).) The provisions automatically changing the zoning of Agricultural lands upon expiration of a Williamson Act contract must be removed because they violate state planning and zoning law.

An additional major concern is the change in the identification of consistent zoning for Agricultural land. The 2010 GP only identifies one zoning category: A-2 zoning (one unit per five acres), as being consistent with Agricultural land use. Of course, the Agricultural land use in the 2010 GP also identifies one unit per twenty acres (A-4 zoning) as an applicable Agricultural zoning category to which Agricultural land would revert upon expiration of a Williamson Act contract. By contrast, the proposed 2030 GP only mentions the A-4 zoning of one unit per twenty acres as a zoning category for Agricultural land while it is under a Williamson Act contract. In the text box entitled, "Calculating Development Potential on Measure S sites," the 2030 GP states, contrary to the 2010 GP, that Agricultural land has a maximum density of one unit per five acres. This contradicts the earlier statements in the element that land under a Williamson Act contract reverts to the underlying density when the contract expires, and that land under a Williamson Act contract may have either A-2 (one unit per five acres) or A-4 (one unit per twenty acres) zoning. This contradiction makes the Planning and Development Element internally inconsistent. This must be corrected

⁵ The zoning ordinance identifies the A-2 zone as having a density of one unit per five acres, and the A-4 zoning a density of one unit per twenty acres.

and, as previously explained, the provision calling for the automatic conversion of A-4 zoning to A-2 upon expiration of a Williamson Act contract must be removed.

Under the General Open Space land use, the Planning and Development Element of the 2030 GP states, "General Open Space areas are largely dedicated open space areas, with no development permitted." (p. 3-44 [emphasis added].) However, shortly thereafter, the description goes on to identify P-1 and A-4 as consistent zoning designations. If no development is permitted, even the one unit per 20 acres allowed under A-4 is inconsistent. Further, if no development is permitted, the P-1 zoning, which is intended to allow residential or other types of development in a clustered manner, is also inconsistent. Rather, it appears that an Open Space zoning must be created that conforms to the no development mandate of the General Open Space land use. These errors and inconsistencies need to be corrected.

COMMENTS ON THE GENERAL PLAN DEIR

The comments on the general plan DEIR will be grouped by the appropriate section of the DEIR.

PROJECT DESCRIPTION:

The project description fails to fully describe the changes being made in the general plan by this update. In particular, none of the changes commented on in the previous section are even mentioned in the project description. Yet these are significant changes in the general plan that can result in significant impacts. Perhaps part of the reason these impacts have been overlooked is because the project description fails to mention them. The project description needs to be revised to reflect all of the changes being made to the general plan.

GROWTH-INDUCING IMPACTS

Growth-inducing impacts are not discussed in a separate section of the impact analysis, but only addressed in the "CEQA-Required Assessment Conclusions" section of the DEIR. That section does not identify where the growth-inducing impacts come from except in the most general sense.

The 2010 General Plan makes it clear that Agricultural land is intended solely for Agricultural use, making a residential density inapplicable if not meaningless. The text box on the development potential of Measure S sites in the 2030 General Plan, however, discusses including residential development on land in the Agricultural land use, and clustering that development through the newly-proposed inclusion of P-1 zoning as a zoning designation consistent with the Agricultural land use. The combination of these changes results in a significant change in the development potential of Agricultural land, which should have been, but is not, discussed in the DEIR. A discussion of the potentially significant growth-inducing impact of these land use changes needs to be added to the EIR, as well as discussion of the associated changes in transportation, utility, population and housing, and public services impacts. The revised EIR should then be rearticulated for public comment.

The DEIR's analysis of growth-inducing impacts is so vague that it is impossible to determine whether it includes growth induction related to the policy changes affecting the Agricultural land use category. It appears, however, that it does not. Those changes will effectively quadruple the allowable population density on those properties. The addition of P-1 zoning as an allowable zoning designation for Agricultural lands will further increase the effective density increase. As the 2030 General Plan notes, much of the land designated as Agricultural has physical constraints that limit its development potential. If the land were simply upzoned from A-4 to A-2, a significant portion of the theoretical density increase would be unusable due to development constraints (e.g.,

steep slopes, soil instability, riparian, wildlife, and wetlands areas). Thus the actual increase in density would be less than the four-fold increase that the upzoning itself would appear to indicate. By additionally allowing P-1 zoning, however, that development density can be shifted and consolidated onto truly developable areas, thereby allowing an additional density increase beyond what a simple upzoning to A-2 would accomplish. The effect of these changes can be seen in the proposed Summerhill development proposal, which proposes to apply P-1 zoning to place 70 single family homes plus additional second residential units on land much of which is currently designated as Agricultural and zoned A-4. While the Town has begun processing that development proposal, it is clearly inconsistent with the Agricultural land use as described in the 2010 GP, which does not allow the P-1 as a consistent zoning on Agricultural land. A cynic might postulate that the changes being proposed in the Agricultural land use in the 2030 GP were intended to circumvent the provisions of the 2010 GP that prohibit the Summerhill Project's approval, as well as the intent of Danville voters in enacting Measure S.

While the details remain obscure, it appears that the DEIR's analysis of growth-inducing impacts does not consider or evaluate any of the changes being proposed in the Agricultural land use category. Instead, the growth-inducement discussion focuses solely on those areas (mostly in the downtown business district) where parcels are being proposed for higher density multi-family development to accommodate ABAG's regional housing needs goal for the Town. The areas involved in those changes are in the parts of the Town that are most walkable, have the best public transit service, and are the best served by the local infrastructure. Even here, though, given the existing congestion at the I-680 interchanges, it appears likely that the additional trip generation resulting from additional development allowed by the increased densities will still cause significant traffic impacts unless major efforts are made to encourage use of alternative transportation modes (e.g., public transit, bicycle, walking) and discourage auto ownership and use by those occupying the new units. Consequently, the analysis of growth inducing impacts for even these areas needs to be expanded and a more detailed explanation provided of why significant impacts should not be expected.

By contrast, the Agricultural areas being effectively upzoned by the general plan revision are in more outlying parts of the town. They have no public transit service, have no services within walking distances, and are served by two-lane roadways without bicycle lanes that could easily be overtaken by auto trips generated by new development. In addition, conversion of the Agricultural areas into low-density auto-oriented development will contribute other growth-induced negative impacts, including the need to extend infrastructure such as water and sewer service to these areas and the unsustainable and energy-inefficient nature of the development. In fact, the areas and nature of the development that these land use changes would encourage are precisely the kind of development patterns – low-density single-occupancy vehicle oriented development – that SB 375 was intended to discourage. As already noted, this development pattern is already being proposed in the Summerhill Project. It will also result in an irreversible commitment of resources by opening these Agricultural areas to development and foreclosing future return to agricultural use. All of these impacts should have been considered and discussed.

POPULATION AND HOUSING IMPACTS

The Population and Housing section of the impact analysis also makes no mention of the effect of the changes in Agricultural land use. On page 4.12-19, the DEIR states, "In addition, vacant and/or underutilized properties throughout Danville and beyond the eastern boundary of the Danville, could be developed with housing. However, these areas can be developed under their current zoning and General Plan designations, and their capacity will not be impacted by adoption of the 2030 Plan."

This is inaccurate and incorrect. The areas currently in Agricultural land use and zoned A-4 could, under the current general plan, only be developed to one unit per 20 acres without a rezoning, and even then would only be developable as five-acre "ranchettes", which the 2030 General Plan acknowledges would not be feasible for many areas due to physical constraints. However, the 2030 General Plan would, for the first time, allow P-1 zoning on Agricultural land. This would allow clustered development and increase the amount of development allowed in the Agricultural area significantly. Under the standard of significance identified for the population and housing segment of the EIR, this should have been identified as a significant impact and discussed as such. The failure to do so makes the analysis defective.

TRANSPORTATION IMPACTS

Review of the DEIR's traffic analysis appendix makes it clear that the development of the Summerhill Project is improperly considered a "given" under the no project alternative. Thus, for example, TAZ numbers 40036 and 40045, which correspond to the south side of Diablo Road in the area of the Summerhill project, show a "no project" growth of 358 and 825 daily trips respectively, and that growth is virtually unchanged under the 2030 General Plan conditions.

The Summerhill Project application, however, involves not only an upzoning from the current A-4 zoning to A-2 zoning, but also application of P-1 zoning, which is not a consistent zoning for Agricultural areas under the 2010 General Plan. Thus the Summerhill project would require both a rezoning and a general plan amendment, which, under Measure S, would require a vote of the people. Consequently, this project cannot be considered part of the no project alternative, because it cannot occur under *status quo ante* conditions. The traffic analysis under no project and 2030 General Plan conditions needs to be modified accordingly, and trips from the Summerhill Project, as well as trips associated with further development of higher density clustered residential project on current Agricultural lands as allowed by the 2030 General Plan (e.g. Purcell, Elworthy East properties) should be included as 2030 General Plan growth.

An additional problem with the DEIR's analysis of traffic impacts is that both the current traffic counts and future traffic analysis include the TRAFFIX program. (See, DEIR at p.4.14-22.) That program provides school buses to reduce traffic impacts from private automobile trips to and from local schools. Among the streets most affected (and benefited) by the TRAFFIX program is Diablo Road, with its schools. (See, 2030 General Plan at p. 3-6, 3-7, 3-46.) As noted in the DEIR, the TRAFFIX program is funded by the 2004 Measure J. Its future funding cannot, therefore, be assured and is not controlled by the Town. Consequently, the EIR cannot assume that this program will remain funded through 2030. The traffic analysis therefore needs to be revised to include consideration of the contingency of TRAFFIX funding being discontinued and the corresponding traffic increases along local roadways, particularly during the AM peak hours. The traffic analysis (and other related analyses) should be modified to address all of these issues and the revised document recirculated.

A more detailed analysis of traffic and other related sections of the DEIR is attached hereto as the report from Sustainable Systems Research, LLC. That report, and all comments contained therein are incorporated into this comment letter as though fully set forth herein, and the responses to this letter should include responses to all comments presented in that report.

BIOLOGICAL IMPACTS

The DEIR does identify, in the biological resources appendix, that a number of sensitive wildlife species are found in current Agricultural area. Notably, California red-legged frogs are noted on creeks along Blackhawk road in the Magee Ranch

Agricultural area, currently zoned A-4. The Congdon tarplant appears to be located in the area of the Elworthy West/Podva Special Concern Area, which is also designated as Agricultural and zoned A-4. The EIR needs to discuss the potential impact of allowing development of these areas on these sensitive species and their habitat. In particular, the California red-legged frog has already been impacted by development in the Lawrence Road/Camino Tassajara area with the Wendt Ranch/Intervening Property and Alamo Creek development projects, both of which have impacted red-legged frog populations in and around the East Branch of Alamo Creek. The cumulative impact of additional development in and near red-legged frog habitat needs to be discussed and, if significant, appropriate mitigation proposed, including declaring the creek and associated riparian habitat areas (including potential aestivation areas) to be off-limits for non-agricultural uses and providing protection of these areas from domestic animals such as dogs and cats.

OTHER PROJECT IMPACTS

Many other segments of the DEIR are also infected by the inadequate consideration of impacts relating to growth-induction on Agricultural lands. For example, the public services section does not consider whether the additional development that would occur on currently Agriculturally designated land would require additional police and fire services, and the impacts that might result. The utilities section fails to consider the impact from having to provide water and sewer service to additional homes, as well as the additional growth-inducing impact from the required extension of water and sewer mains to serve these outlying areas of the town. The greenhouse gas emissions analysis fails to consider any of the impacts that would result from the added development, including 1) GHG generation during site preparation and construction of these homes, 2) GHG generation from the operation of these new homes, which, as single family homes, will have much higher rates of GHG production from heating and cooling than would the same number of units in one or more multi-family buildings near the town center, 3) GHG generation from the additional auto trips that will result from the new development. This is especially true because these units will be situated in areas without public transit and isolated from local services, making them entirely auto-dependent. Further, because these are likely to be expensive market-rate units, they will likely be occupied by commuters working in areas such as San Francisco or Silicon Valley, both of which would involve long commutes in single-occupancy vehicles and a much larger than average rate of GHG production.

It should also be noted that the discussion of hydrology, air quality, and agricultural impacts all fail to include consideration of the effect of opening up these Agricultural areas to much higher levels of development than are allowed under the 2010 General Plan. For hydrology, the EIR needs to consider the hydrological impacts of developing the Agricultural lands located near creeks. Not only will the grading and construction potentially affect creek water quality, but the increase in impermeable surfaces near the creeks has the potential to significantly increase creek flows during heavy rains, resulting in both potential erosion impacts on the creek bed and potential downstream flooding. Air quality impacts will also be increased due to the already-discussed increased auto use associated with the new development, and the conversion of Agricultural lands to non-agricultural use will mean that agriculture will totally disappear from the Town. The significance of this change needs to be discussed both on terms of agricultural and cultural and historic impacts. The analyses of all of

⁶ The EIR should include a demographic analysis of commute patterns for Danville residents. This is essential to determine the effect of future development patterns on GHG emissions associated with future residents' commutes to and from work.

these impacts need to be revised to discuss the additional impacts from additional development in current Agricultural land use areas. If, as seems likely, additional significant impacts are identified, appropriate mitigation should be identified, if feasible, and the document should be recirculated for an additional round of public comment.

CONSIDERATION OF ALTERNATIVES

The alternatives analysis in the EIR also needs to be broadened to address the issues raised by the change in Agricultural land use. Currently, the DEIR includes only two alternatives: the statutorily-mandated no project alternative and a lower growth alternative that reduces the increased density in the newly proposed priority development areas.

As already discussed, the analysis of the no project alternative is flawed because it assumes that the Summerhill Project, which would allow higher density clustered development of Agricultural lands, is included. That assumption is erroneous. The Summerhill Project would require a rezoning and a general plan amendment. It therefore cannot be included in the no project alternative, which assumes continued development under the existing general plan and zoning.

An additional development alternative should also be considered that would not implement the changes to the Agricultural (and Open Space) land uses but would focus on encouraging transit-oriented development through incentives for residents in new development to use public transit and alternative transportation modes and de-emphasize use of single-occupancy private automobiles in those new projects.

Among the provisions that should be included in such an alternative are:

- Placing all new development along existing public transit routes, either in close proximity to existing public transit stops or in conjunction with locating public transit stops close to the new development sites;
- Promoting "walkable neighborhoods" in all new development areas, where services needed regularly, like grocery stores, dry cleaners, etc., are within easy walking distance of residences.
- Requiring developers in these new areas to pay a public transit mitigation fee that would help finance improved public transit service to these areas;
- Requiring developers to pay for public transit passes for residents of the new units built at these sites;
- Requiring that any parking associated with these housing sites be paid for separately from the cost of the housing itself; and giving preference to developments where residents commit to being "car-free".

CONCLUSIONS

Because of the systematic exclusion of the growth that will be caused by the proposed changes in Agricultural land use from the analysis in the DEIR, the DEIR's analysis is fundamentally flawed and cannot be relied upon to approve the 2030 General Plan. The DEIR needs to be revised (once the 2030 General Plan has itself been revised in accordance with my earlier comments) and recirculated for public review before the Town can consider approval of the 2030 General Plan.

Thank you for the opportunity to submit comments of the 2030 General Plan and its DEIR. Please keep me informed about further significant events in the Town's consideration of the 2030 General plan and/or its environmental review.

Mr. Kevin Gailey – Danville 2030 General Plan & DEIR
12/14/2012
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Most sincerely,



Stuart M. Flashman

Danville:
General Plan Review

DRAFT REPORT

NOVEMBER 2012

Prepared For:
Save Our Creek

Prepared By:
Sustainable Systems Research, LLC

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1. Introduction

The Town of Danville has prepared a Draft Environmental Impact Report (DEIR) for the adoption of its Draft 2030 General Plan. The proposed project is the implementation of the 2030 General Plan, an update of the 2010 General Plan. The major focus of the DEIR relates to changes to the 2010 General Plan land use designations associated with 14 housing opportunity sites identified by the Town and related changes to the land use map (DEIR, pp. 3-19, 5-17 – 5-18). These changes are aimed at increasing available residential units with the goal of exceeding the Town’s Regional Housing Needs Allocation (RHNA) and have the side effect of reducing commercial development potential. In addition to the project, the DEIR considers the no project alternative (continued use of the 2010 General Plan) and a reduced housing alternative (where RHNA targets identified in the 2007-2014 housing element are met but not exceeded) (DEIR, p. 5-2).

In this review, we examine the traffic circulation element, the housing element with respect to jobs housing balance, and consistency with the regional objectives of reducing per capita vehicle miles of travel.

2. Traffic

Increasing the magnitude of residential development while reducing commercial development will change traffic volume and patterns. The direction of these changes is difficult to predict without the use of a travel demand model. To complete the DEIR and to assess the relationship between development and traffic, the Town of Danville employed several models and data sources to: 1) determine the magnitude of population, jobs, and housing in the town and to spatially define their location and 2) predict the impact of those land use and demographic changes on traffic conditions within town boundaries (including volumes at intersections and overall levels of congestion on major roads). Land use characteristics including population, jobs, and housing were developed using combinations of local knowledge regarding development potential, with different assumptions employed for the base year (2000), 2010, and 2030/35 no project and project alternatives (DEIR, p. 3-34, DEIR Appendix C). These land use projections become inputs for the travel models and are vitally important for determining traffic impacts (Figure 1). In this case, the travel model is countywide and maintained by the Contra Costa Transportation Authority (CCTA). The model provides estimates of travel within the nine county Bay Area, with more detailed representation of patterns within Contra Costa County and parts of Alameda County [1].



Figure 1. Basic travel model schematic.

With valid inputs, the travel model should be able to adequately reflect changes in congestion based on changing quantities and mixes of residential and commercial development in future years. The next two sections describe the land use inputs that were used in the travel model and examine the validity of the traffic circulation results.

Summary of Land Use Changes

The project alternative and the no project alternative increase the forecasted number of households in Danville by 2,315 and 1,420, respectively, relative to 2010. Thus, the project represents an increase of 905 households relative to no project (DEIR Table 4.14-4, p. 4.14-30). DEIR Appendix E (pp. 180-184) lists the land use change assumptions for each Traffic Analysis Zone (TAZ) for both the project and the no project alternatives. In addition to parcel-specific changes, the project modifies the existing land use designations. Most residential designations have an increase in dwelling units/acre over the corresponding 2010 General Plan Designations (DEIR, p. 3-17). These include:

- **Residential – Single/Multifamily:** Increase from 4 to 7 units per acre to 4 to 8 units per acre
- **Residential – Multifamily – Low Density:** Increase from 7 to 12 units per acre to 8 to 13 units per acre.
- **Residential – Multifamily – Low/Medium Density:** Increase from 13 to 17 units per acre (for the Residential - Multiple-Family - Medium/High Density) to 13 to 20 units per acre.
- **Residential – Multifamily – High/Medium Density:** Increase from 18 to 22 units per acre (for the Residential – Multiple-Family – Medium/High Density) to 20 to 25 units per acre.
- **Residential – Multifamily – High Density:** Allows 25 to 35 units per acre (new designation). Densities exceeding 35 units per acre would be possible through density bonus provisions for senior and affordable housing.

It is important to note that “the revisions cited above also incorporate a shift to net (rather than gross) acreage for calculating the number of units that may be allowed on a parcel” (DEIR, p. 3-17). Because net acreage excludes street rights-of-ways, and easements in addition to land which is undevelopable (2030 General Plan [GP], p. 3-32) the increases in (net) density prescribed in the plan may result in a reduction in gross acre density for some

projects. This change also increases the difficulty in predicting what the true maximum build-out of a parcel may be, as the net acreage will vary with differing designs.

The allowance of both P-1 and A-2 zoning under both the Residential - Single Family - Rural Residential (GP, p. 3-37) and Agriculture (GP, p. 3-44) represents a change from the 2010 General Plan, where Agriculture was only consistent with A-2 zoning. Agricultural lands are only designated as such in the 2030 General Plan when they are under a Williamson Act contract (GP, p. 3-44). Agriculturally designated land reverts to “underlying zoning density” (Table 4.10-2) when the Williamson Act contract is not renewed or expires. For A-2 lands, this maximum density is one unit per five acres (Table 4.10-2 and Danville Zoning Ordinance).

The 2030 General Plan States that “within all residentially designated areas, the planned unit development concept is encouraged to allow clustered housing and preservation of open space areas” (GP, p. 3-32). For the purposes of the General Plan, clustering development does not impact the assumed number of units at build-out or the predicted number of vehicle trips generated by each unit.

In order for the CCTA travel model to accurately reflect the changes in land use proposed in the project, inputs to the model must be changed accordingly. It appears that, in general, the appropriate changes were made to model inputs. The build out assumptions used as input for the CCTA model are described in Appendix C to the DEIR, specific changes made to individual travel analysis zones (TAZs) are described in Appendix E, Section 5 of the DEIR (no project and project alternatives described beginning on pdf p. 167). We compared the TAZ-specific changes proposed for the project alternative to the description of changes in Chapter 3 of the DEIR (DEIR, pp. 3-22 – 3-27). This comparison turned up only minor discrepancies. For example, TAZ 40008 contains housing opportunity site H-3 (GMMR). In Chapter 3 of the DEIR, H-3 is described as having an assumed yield of 70 units with 27.5 units/acre (DEIR, p. 3-22). In Appendix E, Section 5, the assumed yield rises to 75 units. The effect of this difference in 5 units in terms of traffic should be relatively minor.

It is important to note that the land use inputs described above are simply prescribed by the planning and modeling staff. The performance of the transportation system in the future will differ to the extent that realized land uses differ from those used as inputs. For example, if realized residential densities are consistently on the low end of allowable density, traffic volumes and congestion will be lower, all else equal.

Traffic Circulation

The Draft EIR primarily compares cumulative traffic impacts for 2035 with the project to cumulative traffic impacts for 2035 without the project (DEIR, pp. 4.14-28 – 4.14-29). An alternative would be to compare the project with the 2010 baseline traffic (DEIR, p. 4.14-

24). Such a comparison would be consistent with recent CEQA-related court decisions that have identified existing conditions as the “normally” appropriate baseline against which the project should be compared. A DEIR must provide substantial evidence to justify an “abnormal” baseline, and comparing the project impacts to future conditions expected without the project is never appropriate.¹ Despite this requirement, the Draft 2030 General Plan DEIR does not provide substantial evidence justifying their baseline selection as the no project alternative aside from citing unspecified “recent interpretations of CEQA requirements ... [that] have differed on whether these projects should be evaluated relative to existing conditions” (DEIR, p. 4.14-24).

With respect to the non-cumulative impacts (those impacts relative to the 2010 baseline conditions), the DEIR estimates that the no project and project alternatives would create an 18% and 19% increase in vehicle trips, respectively (DEIR, p. 4.14-30), and that “the increases on individual roadways would be lower than 20 percent, since trip growth is distributed throughout the Town” (DEIR, p. 4.14-25). However, it should be clear that this statement is not likely to be strictly true since the project impacts may be significantly higher on specific roads, especially those near the types of land use changes that result in increased vehicle travel (e.g., higher densities).

The DEIR has defined significant traffic impact as “a roadway segment reaching or exceeding its daily capacity” (p. 4.14-24). The probability of a roadway exceeding its capacity is estimated as follows:

Roadway volume forecasts reflecting the addition of the Project trips to the existing roadway volumes were not prepared [the DEIR argues that the cumulative regional growth plus the project traffic is more appropriate for review]. However, a review of the current roadway segment volumes and v/c ratios in Table 4.14-2, along with the 20 percent increase in trip generation associated with new growth consistent with the Draft 2030 General Plan, indicates that capacities would not be exceeded on any roadway in the Planning Area for the Existing Plus Project condition. (DEIR p. 4.14-25)

Our review suggests that this is not entirely accurate. Using data provided in Table 4.14-5, we find that at least four arterial roadways would have v/c ratios greater than 1 if their volumes grew by 20% over 2010 baseline conditions (Table 1). This demonstrates that if volumes on any individual road increased greater than 20% (relative to the base year), additional capacity violations could be expected. Similarly, if volumes on the four roads listed in Table 1 grew less than 20%, they might not exceed their capacity. Because 2035 forecasts are not provided relative to the normal existing condition baseline, it is not possible to determine where significant traffic impacts are likely to occur as a result of the

¹ See for example, <http://supremoraep.org/ceqabased/incession082511cp.pdf>.

project. It is also not possible to check whether traffic estimates based on forecasted local growth and changes in local land uses are reasonable. The assumptions and calculations regarding land use and trip generation should be included in the DEIR and available for review.

Table 1: Examples of arterials likely to exceed capacity in 2035 if current volumes increased by 20%.

Roadway	2035 Est. Daily Capacity	Existing Volumes	Volume with 20% growth
Blackhawk Road North of Camino Tassajara	20,000	17,780	21,300
Diablo Road West of Almatos Drive West	20,000	19,410	23,300
San Ramon Valley Boulevard South of Sycamore Valley Road	20,000	17,730	21,300
El Cerro Boulevard West of I-680 Southbound ramps	16,500	14,740	17,700

The DEIR also states that “the Cumulative With Project volumes are all *at or below* the roadway capacities, so the Existing Plus Project volumes would also be expected to be *at or below* the capacities as well” (DEIR, p. 4.14-25, emphasis added). However, there is an unstated caveat to this statement. The CCTA model traffic estimates for any given roadway segment were artificially constrained to the existing road capacities for the purposes of the General Plan, so the forecasted road volumes would have to be at or below capacity as well (DEIR, p. 4.14-30). As stated in the DEIR,

The Travel Demand Model...sets capacities and other parameters to achieve a regionally validated model, and the model assigns 100 percent of the regional travel demand, which often results in roadways exceeding even the higher daily capacities coded in the model. Therefore, where travel demand model projections exceeded the Town-defined capacities, the growth was capped at capacity, reflecting the physical and operational constraints of Danville-owned roadways. (DEIR, p. 4.14-30).

This practice creates a situation where, by definition, capacity cannot be exceeded. Thirteen of thirty-nine (33%) major roadways in Danville are projected to exactly reach capacity ($v/c = 1.0$) in the With Project 2030 scenario, one more roadway than in the No Project scenario (Table 4.14-5). The trips on one minor arterial (La Gonda Way) are expected to increase by as much as 245% over 2010 levels, reaching maximum capacity in both cumulative 2030 scenarios. The potential for roadway segments to exceed their

capacities seems to be greater than what is represented in the DEIR, and additional details should be provided that fully explain how traffic exceeding roadway capacity is handled. For example, if the extra traffic is simply removed, estimates of congestion will appear better than they would be in reality. If it is reassigned to other streets in the network, estimates of congestion on the adjacent streets may appear worse than they would be in reality.

3. Housing Provisions

The General Plan also includes provisions for housing as outlined in the Regional Housing Needs Assessment and the City's Housing Element. Housing needs include accommodating an appropriate share of regional growth as well as providing sufficient housing for low income residents. In this analysis, we are not commenting on the appropriateness of the assigned RHNA, rather we examine the jobs-housing balance that results. Providing an appropriate balance of jobs and housing helps to facilitate shorter commutes for residents and those who work in the City; this has the added benefit of addressing needed reductions in greenhouse gas emissions.

Jobs-Housing Balance

While the 2030 Danville General Plan strives to provide an abundance of residential zoning (to the point that accommodation of regional housing needs may actually be exceeded), it is problematic that the additional housing seemingly occurs at the expense of the job-housing balance in a city where the number of jobs trails the number of employed residents. Under the 2030 General Plan, new housing land uses increase faster than employment land uses and the proposed high density residential zoning replaces 13 acres of existing commercial land uses³, although conversion of some areas to mixed use zoning may partially mitigate those commercial losses. Table 2 provides a summary of jobs, housing, and jobs per employed resident in the 2010 Baseline and in 2030 with the Project and No Project alternatives. Although the data for 2010 reflects fewer jobs than employed residents in Danville, the 2030 General Plan results in an even greater imbalance than the 2010 Baseline and 2030 No Project alternative. The DEIR makes no statement as to the desired jobs-housing goals, nor how the imbalance in jobs-housing will be remedied.

³ Aerial imagery from Google Maps confirms that these locations are largely developed with retail and commercial facilities.

Table 2. Jobs and housing in Danville City Limits. Job and household numbers compiled from Table 5-1. 1.2 employed residents per household is assumed in all years based on the baseline discussion in Chapter 3.

	2010 Baseline	No Project 2030	Project 2030
Jobs	14,910	17,200	16,300
Households	15,420	16,150	17,060
Total Number Employed Residents	18,504	19,380	20,472
Jobs/Employed Resident	0.81	0.89	0.80

Affordable Housing

In addition to providing affordable housing where shortfalls exist and/or are anticipated, one goal of the Danville 2007-2014 Housing Element is to "preserve the existing affordable housing stock in Danville" (Housing Element, pg 14.1). Efforts toward this goal focus on preserving publically assisted housing units and condominium conversions (Housing Element, pg 141-142). However, affordable housing that is not publically assisted may also be at risk under the 2030 General Plan.

Existing homes have a known rental or ownership cost; in contrast, it is unclear whether the proposed zoning changes, which are designed to provide affordable housing, will result in low cost housing. This is because while the General Plan requires certain residential densities that are generally consistent with affordable housing, the cost of the housing built at those densities is not mandated.

The Danville 2007 - 2014 Housing Element states that affordable rents range from \$344 - \$927/month for extremely and very low income level households and \$1,051 - \$1,507/month for low income households (page 35), while affordable sales prices range from \$52,779 - \$132,573 for extremely and very low income households and \$140,343 - \$195,119 for low income households (page 36). The rental rates and assessed values of the existing homes that currently exist in areas with proposed density increases in the 2030 General Plan are relatively low, as shown in Table 3. Note that of the four apartment complexes with surveyed rents listed in the Danville 2007 - 2014 Housing Element, Danville Park Apts (HOS 17) has the lowest cost option at \$1220/month. Thus, if these zoned areas are redeveloped under the proposed General Plan land uses, existing low cost housing will be removed and will be replaced with higher density residences with an unknown housing cost. The households that would be (temporarily or permanently) displaced by such redevelopment would be current renters of these low-cost multifamily units.

Table 3. Value of Existing Residential Units in Areas with Proposed Increases in Residential Density.

Housing Opportunity Area	Existing Units (from DEIR Ch 3)	Assessed Value from http://www.ccmmap.us/gis/	Assessed Value /Unit	Rental Rates (Table 15, Danville 2007-2014 Housing Element)
17	96 (MF)	\$14,880,000	\$155,000	\$1,220 - \$1,675 (Danville Park Apts)
18	46 (MF)	\$226,382 + \$976,296	\$26,000	Not listed
11	10 (MF)	\$1,700,000	\$170,000	Not listed
23	2 (SF)	\$227,635 and \$663,015	\$227,635/ \$663,015	Not listed

In conclusion, additional discussion of the rationale for further adding to the housing base at the expense of commercial and low-cost housing (both relatively scarce in Danville) is necessary to understand the trade-offs between what is being proposed in the DEIR and its implications for long-term growth. It would be helpful to see evaluation of an alternative that maintains affordable housing and improves or maintains the jobs to housing ratio, however no such alternative is presented in the DEIR. Additionally, conservation and sprawl reduction objectives would normally indicate that growth in areas that are already developed would be more desirable than growth in agricultural and very low density areas on the edges of the City. Thus, an alternative that focuses on conversion of centrally located low or medium density residential areas to mixed use, higher density residential, and commercial and retail space would provide a useful and important alternative from which to assess long-term impacts of the current plan, especially in terms of the impacts on housing, commuter travel, and agricultural and open space conservation.

4. GHG Analysis

The DEIR indicates that no planned reductions are anticipated as part of the 2035 Plan. Rather, the entirety of the required reductions in GHG emissions will occur as a result of state implemented policies (e.g., the low carbon fuel standard, and renewable portfolio standard). In spite of the reductions achieved through state actions, the DEIR should identify how predicted increases VMT/capita are not significant over the life of the General Plan. As Table 4 shows, the VMT per capita for the project term increases by more than 10%. The Plan should identify how this increase is not deemed significant.

Table 4. VMT per capita forecasted changes¹

Roadway	VMT/capita	% increase over 2010
Existing baseline (2010)	15.27	---
2020 No project (interpolated value) ²	15.77	3.3%
2020 With Project (interpolated value) ²	15.16	-0.7%
2035 Cumulative with project	16.81	10.1%

¹ Values derived from pg 7, Appendix E

² The 2020 estimate has not been modeled, but rather is interpolated between the 2010 and the 2035 modeled estimate, see note pg 7, Appendix E, FINAL VMT table

Additionally, the following questions appear to be unaddressed in the DEIR,

- Targets that are identified for the life of the Plan, and which render GHG emissions insignificant;
- Mechanisms which identify how the Plan will be monitored at regular intervals over the life of the Plan, and
- An assessment of why the additional GHG emissions identified in the transportation sector are not cumulatively significant within the regional context.

References

1. Cambridge Systematics, Dowling Associates Inc., and Caliper Corporation, *Decennial Model Update: CCTA Travel Model Documentation Final Report*. 2003.

SummerHill Development: DEIR Review

DRAFT REPORT

JANUARY 2013

Prepared For:
Save Our Creek

Prepared By:
Sustainable Systems Research, LLC

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1. Introduction

The Draft Environmental Impact Report (DEIR) for Magee Ranches was released in November, 2012. The proposed project comprises rezoning and subdivision of 410 acres into approximately 302 acres of permanent open space with the remaining 108 acres being used to develop 70 single-family lots. Approximately 10% of the 70 homes will have second dwelling units "in accordance with the Town of Danville's inclusionary housing requirements" (pg. 8, DEIR).

As the DEIR notes, the Town of Danville is currently updating its General Plan. Major changes to the General Plan include, among other elements, the designation of additional housing in the downtown area and the addition of language that would allow conforming development to tier off the General Plan environmental documents with respect to GHG emissions. The Magee Ranches Project DEIR notes that its analysis evaluates the "project's consistency with the applicable policies and goals in the 2010 General Plan since that plan was in effect at the time of EIR preparation and circulation" (pg. 9, DEIR).

This report provides a review of the DEIR for Magee Ranches. The review includes a detailed evaluation of the traffic section, and raises a number of questions related to the evaluation of air quality and GHG emissions, the latter of which represents a key element in the implementation of California's Sustainable Communities and Climate Protection Act of 2008 (SB 375).

2. Traffic

The DEIR contains an analysis of traffic and circulation impacts expected to result from the development. Appendix I contains the full report prepared by Hexagon Traffic Consultants, Inc. Portions of this appendix were included in the DEIR as Chapter 4.12. Results are presented for the base year (2005) with and without project and a forecast year (2030) with and without project. An initial review of the analysis has raised the following issues with the analysis that are likely to affect the conclusions regarding the magnitude of traffic impacts resulting from the development.

Use of travel model

The estimate of cumulative traffic impacts relies on travel demand modeling conducted by the Contra Costa Transportation Authority (CCTA) (DEIR, p. 4.12-26). In general, the traffic modeling is not described in sufficient detail to determine its accuracy or appropriateness for this task. In a previous analysis conducted for the 2030 Danville General Plan environmental impact report, we also assessed the use of the CCTA model. That analysis discovered artificially low estimates of congestion since traffic volumes were not allowed

to exceed capacity on major arterials.¹ If this procedure was used again it is likely to create similarly erroneous results, calling the overall trends into question.

Nonetheless, the DEIR uses the CCTA model for its traffic growth estimates. That modeling indicates that peak period volumes in the study area will grow at an annual rate of 2% from 2010 to 2030. As stated in the DEIR, "Cumulative no project traffic volumes were estimated based on an annual growth factor of two percent per year, based on the CCTA's TransCAD travel forecasting model" (DEIR, p. 4.12-6). Based on the analysis presented below, it appears that this rate was applied uniformly to all traffic counts taken in 2010 to enable the intersection analyses required as part of the DEIR traffic and circulation section. Overall growth in all traffic at all study locations from 2010 to the analysis year of 2030 is therefore 49% ($1.02^{20} = 1.49$, a 49% growth rate over the 20 year period).

Additional detail is needed regarding the inputs to the CCTA model that led to the 2% growth rate. Developments in and around the Town of Danville will be being phased in during this period and will undoubtedly contribute to fluctuations in annual demand. Does the 2% annual growth rate simply average over all of these fluctuations? Does the 2% annual growth rate hold for each of the three periods (AM, PM school, and PM) and each of the geographic locations under study? These questions are vitally important, since as shown below, the attribution of significant impacts to Magee Ranches hinges critically upon the assumed background growth rate.

A second more general consideration that we note relates to the treatment of other residential developments in the modeling. The DEIR excludes the Weber development from analysis without justification, even though initial work on the project appears to be underway.² It is unclear what development is captured in the CCTA model and whether the land use component of that model is current. If proposed land uses were current in the CCTA model, there would be no reason to include or exclude individual developments since their effects would be captured in the assumed growth rate.

Arterial capacity

The DEIR analyzes signalized and unsignalized intersections to determine the traffic and circulation impacts of the proposed development. No analysis of arterial capacity was completed in this DEIR, but the 2030 General Plan environmental impact report did analyze arterials. The Magee Ranches DEIR states that, "Mitigation is required for any intersection or roadway segment where project traffic causes the intersection to

¹ See Sustainable Systems Research, LLC, "Danville: General Plan Review" prepared for Save Our Creek, November, 2012, p. 7.

² According to the Danville website (http://www.ci.danville.ca.us/Planning/Development_Applications/Weber_Property_Residential_Development/), the developer was to begin grading the site within "the next several weeks" of July 25, 2011.

deteriorate from satisfactory to unsatisfactory operation” (DEIR, p. 4.12-7, emphasis added). Arterial counts are also provided in Appendix I³ but are not analyzed. Normally, we would expect to see arterial capacity analyzed as part of the DEIR or a discussion of and justification for its omission.

Sensitivity analysis of the assumed background growth rate

As described above, the 2% annual growth rate in ambient traffic is not justified in the DEIR. Because this rate results in an almost 50% increase in 2030 traffic volumes over the base year estimates, the traffic impact of Magee Ranches appears to pale in comparison. In order for traffic impacts to be deemed significant under CEQA, one of two conditions must be met (DEIR, p. 4.12-17):

- Signalized intersections: reduce from LOS D or better to LOS E or worse
- Signalized and unsignalized intersections: increase the v/c ratio by 0.05 or more if it is operating at LOS E or worse in the current or projected year

Although several intersections are identified as having significant impacts during the study period, the DEIR uses the seeming insignificance of the impact attributable to the proposed development to downplay its responsibility for impacts and mitigation. For example, two signalized intersections are identified as having an unacceptable LOS E or worse in 2030: Green Valley Rd./Diablo Rd. and Green Valley Rd./Blemer Rd./Cameo Dr. In discussing project impacts at both locations, the DEIR states that

At the intersection of Green Valley Road and Diablo Road, the project would add 91 trips during the AM peak hour, 83 trips during the school PM peak hour, and 59 trips during the PM peak hour. At the intersection of Green Valley Road and Blemer Road/Cameo Drive, the project would add 29 trips during the AM peak hour, 28 trips during the school PM peak hour, and two trips during the PM peak hour. However, the *project trips added would not increase the v/c by 0.05 or more at the intersections*. The v/c increase would be between 0.009 and 0.029 at both intersections. Therefore, the *project trips added to the intersections would not constitute a significant impact*. (DEIR, p. 4.12-35, emphasis added.)

Below, we conduct a sensitivity analysis that illustrates that an alternative growth assumption would show Danville precisely meeting its LOS target but for the addition of traffic from Magee Ranches in 2030. Presumably in this case the DEIR would assign primary responsibility for the violation to the development. The primary purpose of this analysis is to illustrate that the findings of the DEIR rest on several key assumptions that are not well justified. It is problematic that small and reasonable changes to these assumptions can result in the discovery or elimination of environmental impacts without substantive changes to the project.

The DEIR uses the Highway Capacity Manual 2000 (HCM2000) method for intersection analysis and calculates the critical volume to capacity ratio and average delay per vehicle for each study intersection.⁴ LOS is based entirely on predicted delay per vehicle, which is calculated using three measures of delay: uniform delay that would occur if there was no initial queue and vehicles arrived uniformly, incremental delay that occurs because vehicles arrive randomly and sometimes queue, and the explicit effects of an initial queue that may remain between cycles. This method is highly sensitive to the input assumptions used. As mentioned above, in this case, an annual 2% growth rate was assumed for all traffic in the study area. Over the 20 year period of analysis (2010 – 2030), 2% annual growth results in a 49% increase over the period.

We examine two intersections: Green Valley Rd. and Diablo Rd. (GVR) and Blackhawk Rd./Crow Canyon Rd. and Camino Tassajara (BHR). The GVR intersection operates at LOS D in all periods in the base year with and without the project, LOS F in 2030 with and without the project (AM, PM School), and LOS E in 2030 with and without the project (PM). The BHR intersection operates at LOS D in all years and at all time periods. Both sets of results are summarized in DEIR Figure 4.12-5A.

To further illustrate the sensitivity of the DEIR findings to the annual traffic growth assumption, for GVR we determine the average annual growth rate that would be required to hold the level of service in the PM period to D in 2030. Adding the project trips would then cause LOS to degrade to E. The intersection analysis worksheets produced by the TRAFFIX software are not sufficient to replicate the HCM methods, but we have been able to closely match the DEIR results using reasonable assumptions. First, in Table 1 we closely reproduce the results generated from TRAFFIX (Appendix I in the DEIR for the cumulative PM conditions without project at GVR⁵). We estimated only the uniform and incremental delays (d_1 and d_2) since there was not enough information provided to estimate d_3 , but the estimates that resulted from using only the first two components matched the Hexagon analysis well. In calculating d_2 , we assumed an incremental delay factor (k) of 0.45 for an actuated controller operating near capacity, in lieu of specific discussion within the Hexagon report [1, p. 16-21]. Our reproduction of the cumulative critical v/c ratio and delay per vehicle closely match those reported by Hexagon (our estimates are 1.09 and 76.0 s, compared to 1.09 and 73.1 s in Appendix I).

After nearly reproducing the DEIR calculations, we can then infer the assumed traffic growth rate that would result in a determination of impacts at the intersections examined. Table 2 summarizes the effect of assuming a lower annual growth rate for the determination of projects impacts when comparing the 2030 cumulative no project and

⁴ Full details of the method are contained in the Highway Capacity Manual 2000, Chapter 16 [1].

⁵ Page numbers are inconsistent as labeled on the pages, but the analysis for the cumulative PM no project conditions is on page 898 of the appendices pdf.

³ See the appendices document at pdf pages 735-746.

2030 cumulative project scenarios. In this case, an annual rate of 1.4% results in a no-project 2030 analysis in which the GVR intersection operates at LOS D in the PM period, with 54.5 seconds of average delay per vehicle. Adding the additional trips generated by Magee Ranches in 2030 results in an average delay per vehicle of 59.0 seconds, resulting in LOS E and a potential violation of the thresholds of significance stated in the DEIR. (Supporting calculations are provided in Table 3 and Table 4.)

The BHR intersection also warrants closer investigation. In the existing plus project case, this intersection operates very close to LOS E, which would trigger a threshold violation. Very little of the new traffic from Magee Ranches is projected to travel east of the development. Figure 4.12-6 in the DEIR describes the trip distribution pattern, which was based on "existing travel patterns on the surrounding roadway system, the locations of complementary land uses and previous traffic analyses" (DEIR, p. 4.12-20). Since no further details are provided, it is not possible to validate the distributions. Because it is so close to LOS E, a small change in the amount of traffic traveling east of the development could potentially trigger a threshold violation at BHR.

The project adds 12 trips to the BHR intersection, comprising 15% of the total trips traveling from and going to the development (DEIR, Figure 4.12-6). Because conditions west of the development degrade so substantially in the future year, there will likely be increased development (residential or commercial) pressure to the east which could change the assumed distribution of traffic and thus the predicted impacts. Additionally, the trip rate estimates from the Institute of Transportation Engineers publication may not reflect actual travel patterns at the development, and may only be based on a small number of other sites that are not likely to be well-matched to Danville's trip making behavior and land use patterns [2]. If the actual trip rate at Magee Ranches is higher than expected, LOS violations could be triggered at BHR even under the assumed trip distributions. Other small changes including the manner in which children get to school (switching from school buses to increasing private vehicle travel) could further degrade performance and create additional pressure on the eastern portion of the study area.

Summary

The traffic and circulation analysis conducted in the DEIR contains a number of shortcomings. It relies on estimates of traffic growth that are not well-justified and conducts an intersection analysis that is very sensitive to that estimate. Our analysis showed that a small change to the assumed growth rate would result in additional project impacts that would require mitigation. Additionally, the DEIR does not analyze arterial capacity, even though a previous analysis indicated that those capacities would be limiting in future years and, although not discussed above, potential changes to traffic safety resulting from the project are not discussed.

Table 1. Intersection level of service analysis for cumulative no project conditions (2030) assuming 2% annual growth in ambient traffic at GVR intersection relative to existing (2010) conditions, PM period.

Approach/ Movement	No project volumes (veh/hr) (2010)	Existing Cumulative (2035)	Adj. sat vol (veh/hr)	vol/sat	v/c	g (s)	g/c	Capacity (veh/hr)	d1 (s)	d2 (s)	delay/veh h (s)	Total delay (s)
NB/L	56	90	1900	0.048	1.082	5.5	0.044	83.6	59.8	117.3	177.0	16014
NB/T	22	36	1161	0.031	0.696	5.5	0.044	51.1	58.9	52.4	111.3	3956
NB/R	14	23	739	0.031	0.695	5.5	0.044	32.5	58.9	73.9	132.8	3004
SB/L	213	344	1700	0.202	1.090	23.2	0.186	316	50.9	74.5	125.4	43135
SB/T	25	40	200	0.202	1.088	23.2	0.186	37.1	50.9	167.2	218.1	8808
SB/R	259	418	1900	0.220	0.408	67.4	0.539	1024	17.0	1.09	18.1	7574
EB/L	454	733	1900	0.386	1.091	44.2	0.354	672	40.4	60.7	101.1	7416
EB/T	396	640	1622	0.394	0.764	64.5	0.516	837	24.2	5.94	30.1	19261
EB/R	68	110	278	0.395	0.766	64.5	0.516	143	24.2	28.95	53.2	5838
WB/L	12	19	1900	0.010	0.220	5.8	0.046	88.2	57.4	5.10	62.5	1212
WB/T	297	480	2100	0.228	1.090	26.2	0.210	440	49.4	67.3	116.7	55963
WB/R	219	354	1900	0.186	0.472	49.3	0.394	749	28.2	1.92	30.1	10641

Other inputs
 Growth rate (2010 - 2030) 1.49
 Avg. delay per vehicle (s) 75.9
 Cycle length (s) 125
 Critical v/c 1.091
 Note: Cells highlighted in grey indicate critical movements.

Scenario	Annual traffic growth	Average delay per vehicle (s)	LOS
2030 Cumulative without project	2.0%	75.9	E
2030 Cumulative without project	1.4%	54.5	D
2030 Cumulative with project	1.4%	59	E

Table 2. Summary of intersection LOS sensitivity analysis for GVR intersection.

Table 3. Intersection level of service analysis for cumulative no project conditions (2030) assuming 1.4% annual growth in ambient traffic at GVR intersection relative to existing (2010) conditions, PM period.

Approach/ Movement	Existing Cumulative (2010) (veh/h)	No project volumes (2030) (veh/h)	Adj. sat vol (veh/h)	voll/sat	v/c	g (s)	g/c	Capacity (veh/h)	d1 (s)	d2 (s)	delay/ve (h (s))	Total delay (s)
NB/L	80	1900	0.042	0.961	0.042	5.5	0.044	83.6	58.7	27.1	85.8	11478
NB/R	22	1161	0.027	0.618	0.027	5.5	0.044	83.6	58.7	27.1	85.8	2708
SB/L	213	306	0.180	0.969	0.180	23.2	0.186	353	50.5	38.2	88.8	27130
SB/T	25	36	0.179	0.966	0.179	23.2	0.186	352.6	50.5	37.8	88.3	3166
SB/R	259	1900	0.196	0.363	0.196	67.4	0.539	1024	16.5	0.90	17.4	6464
EB/L	454	651	0.343	0.970	0.343	44.2	0.354	672	39.7	26.3	66.0	43018
EB/T	396	568	0.350	0.679	0.350	64.5	0.516	980	22.5	3.41	25.9	14743
EB/R	68	98	0.351	0.680	0.351	64.5	0.516	980	22.6	3.43	26.0	2536
WB/L	12	17	0.009	0.195	0.009	5.8	0.046	88.2	57.4	4.41	61.8	1063
WB/T	297	426	0.203	0.968	0.203	26.2	0.210	398	49.0	35.5	84.5	36016
WB/R	219	314	0.165	0.419	0.165	49.3	0.394	749	27.5	1.56	29.0	9117

Note: Cells highlighted in grey indicate critical movements.

Other inputs
 Growth rate (2010 - 2030) 1.32
 Cycle length (s) 125
 Critical v/c 0.969
 Avg. delay per vehicle (s) 54.5

Outputs

Table 4. Intersection level of service analysis for cumulative with project conditions (2010) assuming 1.4% annual growth in ambient traffic at GVR intersection relative to existing (2010) conditions, PM period.

Approach/ Movement	Cumulative (2030) volume (veh/h)	Adj. sat vol (veh/h)	voll/sat	v/c	g (s)	g/c	Capacity (veh/h)	d1 (s)	d2 (s)	delay/ve (h (s))	Total delay (s)	
NB/L	82	1900	0.043	0.985	0.043	5.5	0.044	83.6	59.7	89.4	149.1	12276
NB/R	32	1161	0.027	0.618	0.027	5.5	0.044	83.6	58.7	41.3	100.1	3158
SB/L	20	739	0.027	0.618	0.027	5.5	0.044	83.6	58.7	41.3	100.1	2380
SB/T	307	1702	0.180	0.971	0.180	23.2	0.186	316	50.6	41.2	91.7	28127
SB/R	36	198	0.181	0.976	0.181	23.2	0.186	36.7	50.6	133.9	184.5	6618
EB/L	372	1900	0.196	0.363	0.196	67.4	0.539	1024	16.5	0.90	17.4	6464
EB/T	651	1900	0.343	0.970	0.343	44.2	0.354	672	39.7	26.3	66.0	43018
EB/R	605	1630	0.371	0.720	0.371	64.5	0.516	841	23.3	4.76	28.0	16974
WB/L	17	1900	0.009	0.195	0.009	5.8	0.046	88.2	57.4	4.41	61.8	1063
WB/T	447	2100	0.213	1.016	0.213	26.2	0.210	440	49.4	44.7	94.1	42091
WB/R	315	1900	0.166	0.421	0.166	49.3	0.394	749	27.5	1.56	29.0	9154

Note: Cells highlighted in grey indicate critical movements.

Other inputs
 Growth rate 1.32
 Cycle length (s) 125
 Critical v/c 0.984
 Avg. delay per vehicle (s) 59.0

Outputs

3. Air Quality and GHG Emissions

The DEIR notes that the project is consistent with air quality and GHG emissions effects with respect to CEQA and the BAAQMD (pg. 4.9-22). A number of questions arise when considering the findings presented in this section.

Consistency with the General Plan

One of the policies contained in the 2010 General Plan states that alternative modes that minimize passenger vehicles are to be encouraged. The DEIR notes that it is consistent with this policy because the development includes an onsite bicycle/pedestrian trail (pg 4.9-22).

- We disagree with this conclusion. The DEIR states that an onsite trail - functionally unrelated to current travel patterns captured in the traffic analysis - is being provided. Please identify 1) how, and at what levels of use the project has encouraged bicycle, pedestrian or transit mode shifts for passenger vehicle traffic generated by the development, and 2) how the onsite trail specifically encourages mode shifts from auto to transit/bike/pedestrian for current or predicted travel patterns.

GHG Findings

The DEIR states that there are no significant GHG impacts. However, we request additional clarification on the modeling used to arrive at this finding. On page 4.3-12 the DEIR states,

The results of the air quality and greenhouse gas evaluation are presented in this section. The 2011 assessment was based on the original 78-lot project. The analysis of air quality emissions represents a conservative assessment compared to the current 70-lot plan. An updated analysis of operational GHG emissions was completed by for the proposed 70-lot plan to evaluate GHG emissions using the most current methodology recommended by the BAAQMD, the California Emissions Estimator Model (Illingworth & Rodkin, November 2012).

A footnote for the preceding paragraph states,

Since the project size was reduced (from 78 to 70 lots), predicted construction emissions would remain the same or decrease. The predicted operational air pollutant emissions from the original larger project were found to be substantially lower than the BAAQMD thresholds applied; therefore, the revised project would be expected to have similar less-than-significant impacts from operational emissions.

However, two models were used to estimate the GHG emissions. Urbemis was used for the 78 home alternative and CalEEMod for the 70 unit alternative. Why was Urbemis discarded in favor of CalEEMod? There are important differences between the two models. For example, the pass-by and diverted trips are likely to result in lowered emissions when

using the Urbemis model.⁶ The DEIR should clarify why one model (Urbemis) was initially used (showing non-compliance), and then a second model (CalEEMod) was applied showing compliance with the BAAQMD thresholds. It is also somewhat unclear which portions of the air quality analysis used Urbemis and which parts used CalEEMod. This should be clarified. Finally, Table 4.3-6 states that the air quality and GHG emissions estimates are for the year 2025; however, Appendix B states that emissions are 2020.

The DEIR notes that the Project will "incorporate sustainability measures to reduce energy usage and associated greenhouse gas emissions" (pg. 4.9-22). On page 4.3-21, the DEIR states that the project does not result in significant emissions of GHGs and lists the energy reduction features that will be included in the project. Appendix B contains the GHG emissions analysis for the project. However, none of these analyses (and unnecessary mitigation) addresses the requirement for VMT/capita reductions, despite Bay Area VMT per capita reduction targets of 7% for 2020 and 15% for 2035 relative to 2005 levels.⁷ Appendix B, Table 4.2 of the DEIR indicates that total VMT remains the same with or without project implementation (1,779,196). Therefore, it is reasonable to assume that either the development creates no VMT or that VMT mitigation measures have been accounted for. Please clarify,

- Have any transportation VMT reductions measures been assumed in the analysis? If yes, what were the measures and how were they quantified?
- If no, is the assumption that the 800 new trips estimated will exhibit travel patterns similar to current travel patterns? If so, why is the unmitigated VMT the same as the mitigated VMT?

The DEIR, Appendix B estimated air pollutants produced using both Urbemis and CalEEMod, but used CalEEMod to make the determination that no significant GHG emissions were created. We note that Appendix B, Table 4.3 (p.119) seems to rely on the default values in CalEEMod rather than those of Danville or the region.

Specifically, we entered the values stated in the DEIR to check the calculations and the values shown in the App. B, Attachment, Table 4.3 (Fig 1 below) were the CalEEMod default trip length and trip share percentages. Using the default values rather than area-specific values would significantly affect the magnitude of total GHGs calculated.

⁶ Methodology Reasoning and Policy Development of the California Emission Estimator Model (July 2012), South Coast Air Management District.

⁷ The Bay Area region Sustainable Communities Strategy (SCS) is scheduled for adoption in March 2013 (as part of the region's next Regional Transportation Plan (RTP))

Table 4.2, 4.3 Appendix B from the DEIR
4.3 Trip Type Information

	Miles		Trip %	
	HS or CC	HS or CC	HS or CC	HS or CC
CalEEMod	12.40	4.5	26.10	23.10
MTC Forecast (2025)	12.40	4.5	26.10	23.10
Single Family Housing	12.40	4.5	26.10	23.10

Our Replication of Tables 4.2, 4.3 using CalEEMod and taking the default values for Miles and Trip %

4.3 Trip Type Information

	Miles		Trip %	
	HW or CW	HS or CC	HS or CC	HS or CC
CalEEMod	12.40	4.50	26.10	23.10
MTC Forecast (2025)	12.40	4.50	26.10	23.10
Single Family Housing	12.40	4.50	26.10	23.10

Figure 1. Key defaults used in CalEEMod

By our estimation, using the CalEEMod default values would significantly alter the final calculation of mobile source GHGs. Using recent MTC estimates for Danville, the average trip length for H-W (home-work trips) would be closer to 15.58 mi for 2025, compared to 12.40 shown in Table 4.3.⁸ Other trip purposes seem to be closer to the default estimates.

A similar issue exists for the percent of trips assigned to each trip category. The default proportions which seem to have been used in the GHG calculations use an estimate of 26.1% of total trips generated as home-based work trips. Using the 2025 MTC regional estimates (Danville specific estimates are not available), we calculated that the proportion of home-based trips was closer to 38.5%.

This result, coupled with the longer trip distance that should be used in the calculations of GHGs for work trips, would likely result in GHG emissions much higher than those presented in the DEIR. It should also be noted that even in 1990 the percent of HBW trips was approximately 35.2%, still significantly higher than that represented in the DEIR.

Table 4. Trip categories using regional values

Trip Category	Home-Work (H-W,%)	Home-Shop (H-S,%)	Home-Other (H-O,%)
CalEEMod (2020)	26.10	29.10	44.80
MTC Regional Forecasts (2025)	38.5	61.51	

⁸ The MTC forecasts breakout trips slightly differently, so these categories were collapsed to allow for consistent comparison.

⁸ Travel Forecasts for the San Francisco Bay Area, 1990-2030, Data Summary (Jan 2005), Metropolitan Transportation Commission, Planning Section, Table 7. Estimates provided for Danville are given as follows: 14.98 (1990); 15.03 (2000); 15.32 (2006); 15.59 (2015); 15.58 (2025), and 15.84 (2030).

References

1. TRB, *Highway Capacity Manual 2000*. 2000, Washington D.C.: National Research Council.
2. Shoup, D.C., *Truth in Transportation Planning*. Journal of Transportation and Statistics, 2003. 6(1): 1-12.

71: RESPONSE TO SAVE OUR CREEK (LAW OFFICES OF STUART FLASHMAN)

71A: Please refer to the Master Response in Section 2.4.1 regarding the site's zoning, land use designations, and Measure S.

71B: As described in the DEIR and earlier responses, the project is consistent with the land use designations on the project site and the policies in the 2010 General Plan (and 2030 General Plan) that call for clustering of development on flatter portions of the site and avoiding development on slopes and ridgelines. As stated on page 4.1-1 of the DEIR, visual quality is not determined solely by the physical attributes of a project, but also the relationship between the project and the total visual environment. The DEIR acknowledges that the proposed development would alter the visual landscape on the site. However, given the vastness of the views afforded from Mt. Diablo Scenic Boulevard (shown in Figure 4.1-5), the distance to the site, and a project design that avoids hillside/ridgeline development, it is reasonable to conclude that the new development would have a less-than-significant impact on visual quality. Please also refer to the revised project plans discussed in Section 1.3; these plans eliminate the three custom lots along Diablo Road.

As described in Section 5.0 of the DEIR, the cumulative analysis relies on a list approach, which is an accepted methodology prescribed in Section 15130(b)(1) of the CEQA Guidelines, unless otherwise indicated in the report. The cumulative evaluation considered the project's incremental effect on aesthetics "when combined with the effects of other projects," and concluded that this was not a cumulatively considerable impact (see page 4.1-27 of the DEIR). This conclusion is based on the fact that the project and other cumulative developments would be required to include design measures, including tree replacement, architectural treatments and landscaping, to minimize visual effects. Evaluation of the cumulative visual effects over the past 10 years is not required in the EIR, since development that has already occurred would constitute baseline (or existing) visual conditions. Previous and proposed developments within the Town have been, and will continue to be, subject to policies in the General Plan and other Town of Danville requirements to preserve the visual and scenic resources within the community.

71C: The evaluation of impacts to agricultural resources in the DEIR is based on the thresholds identified in the CEQA Guidelines Appendix G Environmental Checklist Form. The DEIR concluded that the project would not significantly impact agricultural resources since it 1) would not convert lands containing prime farmland, unique farmland, or farmland of statewide importance to non-agricultural uses, and 2) would not conflict with existing zoning for agricultural use or a Williamson Act contract. This is based on the following factors: 1) the project is located on "grazing land" and does not qualify as farmland as defined by CEQA, 2) the project is consistent with the General Plan land use designations and zoning requirements (refer also to Master Responses in Section 2.4.1 of this DEIR), and 3) the project site is no longer under Williamson Act contract. Given the above findings, the project would not have an impact, cumulative or otherwise, on agricultural resources. Please see Response 17L for a discussion of the adjacent 100 acre parcel. This parcel has very limited development potential (possibly one to two additional home sites). Potential development of this 100 acre parcel into one or two additional home sites was not included as a cumulative project since 1) future development is speculative and there is no development application on file, nor has the possibility of filing an application been discussed with Town staff, and 2) the parcel is subject to Williamson Act contract and a notice of non-renewal has not been filed, leaving the contract in effect for at least

10 more years. As explained in the Master Response in Section 2.4.1, future residential development under Williamson Act contract is severely limited if not precluded.

71D: The responses to the concerns regarding air quality/GHG impacts are provided below.

- Due to the existing court order on the Bay Area Air Quality Management District (BAAQMD) adopted 2010 CEQA Thresholds of Significance, BAAQMD cannot recommend specific thresholds of significance for use by local governments at this time. BAAQMD recommends that lead agencies determine appropriate air quality thresholds to use for each project they review based on substantial evidence. The BAAQMD's current 2012 CEQA Guidelines (June 2012) make recommendations for resources including BAAQMD's CEQA Thresholds Options and Justification Report developed by staff in 2009. The BAAQMD presented credible scientific data supporting use of their proposed thresholds, including those that judge greenhouse gas (GHG) emissions. As described on page 4.3-1 of the DEIR, the Town of Danville considers these thresholds to be the best available scientific information to judge the significance of air quality impacts including emissions of GHGs associated with land use projects that were used in the DEIR. A public review process and formal adoption by the Town is not necessary to make this determination.
- SB 375 legislation establishes a process for the California Air Resources Board (CARB) to implement AB 32 (California's Global Warming Legislation) for the transportation sector. The legislation applies to CARB and metropolitan planning organizations (MPOs). In the Bay Area, the MPOs are the Association of Bay Area Governments and the Metropolitan Transportation Commission. These MPOs must develop a long-range transportation and land-use/housing plan that will reduce the Bay Area's per-capita GHG emissions from cars and light duty trucks. SB 375 does not apply to specific land use projects such as the proposed project.
- In developing thresholds of significance for GHG emissions, the BAAQMD considered two thresholds: a "bright-line" emissions threshold of 1,100 metric tons of equivalent carbon dioxide and a per capita emissions threshold. These are emission-based thresholds applied to individual projects that BAAQMD considers cumulatively considerable. This approach recognizes that any individual project is much too small to individually have a significant impact on GHG emissions that contribute to significant climate change effects. However, projects can have emissions that would be cumulatively considerable if they exceed the thresholds. As indicated on pages 4.3-20 and 4.3-21 of the DEIR, the project would have emissions below the bright-line threshold. (BAAQMD recommended that the per-capita threshold be used when the bright-line threshold was exceeded.) In developing these thresholds, BAAQMD predicted that about 92 percent of the GHG emissions predicted through 2020 would come from projects with emissions above the bright line threshold. The DEIR considers projects that have emissions below this threshold to have less-than-significant impacts both on an individual project and cumulative basis.
- Regarding NO_x emissions, the DEIR predicts NO_x construction emissions of 56 pounds per day for 2014, which would exceed the significance threshold of 54 pounds per day by 3.7 percent. Two mitigation measures are identified in the DEIR to reduce construction

period emissions. Mitigation Measure 4.3-1 includes measures recommended by BAAQMD; specifically, measures *e* and *f* listed under the BAAQMD's Basic Mitigation Measures. The BAAQMD Guidelines (Appendix B, page B-11) state that implementation of these measures would reduce construction exhaust emissions by five percent. These measures alone are sufficient to reduce NO_x emissions to a less-than-significant level. However, the DEIR goes further by requiring the applicant to develop a plan to reduce NO_x emissions by up to 20 percent. The predictions made in the DEIR used the URBEMIS2007 model that included default construction fleet assumptions, since the list of actual equipment that would be used is not available. The U.S. EPA has adopted more stringent engine standards for construction equipment over the past years. Newer construction equipment, which is readily available in the Bay Area, would meet these standards. CARB has adopted regulations recently to expedite the implementation of those standards to reduce NO_x and PM_{2.5} emissions from construction fleets (Title 13, Section 2249). Additional measures listed under Mitigation Measure 4.3-1, such as using electricity in lieu of generators, would also reduce emissions further.

- The Town determined that no General Plan amendment would be required for the project and that the proposed land uses are consistent with the Town's General Plan. Please refer to the Master Responses in Section 2.4.1 for further discussion regarding site zoning.
- Regarding the comments from Exhibit A (SummerHill Development DEIR Review, Sustainable Systems Research, January 2013), page 11, second paragraph - the consistency statement on page 4.9-22 of the DEIR acknowledges that implementation of transportation demand management practices are a challenge; however, the proposed trail would "encourage" some form of alternative transportation (cycling, pedestrian), since it would provide access through the site to Blackhawk Road, linking to the existing pedestrian trail along Blackhawk Road that extends from the project site to points east.
- Regarding the comments on the GHG findings from Exhibit A, page 11 – the CalEEMod air quality model is considered the latest update to the URBEMIS2007 model. At a workshop on February 29, 2012, BAAQMD recommended the use of CalEEMod or URBEMIS2007 for computing air pollutant and GHG emissions. The project emissions were initially computed for the 78-lot project using the URBEMIS2007 model and BAAQMD GHG Model, since the newer CalEEMod model was not available at that time. After the project was revised to 70 lots, CalEEMod was used to reevaluate the project emissions, since it is considered a superior model in predicting GHG missions from operations. The CalEEMod model also used updated emission rates determined by the California Public Utilities Commission for PG&E electricity use. Both URBEMIS2007 and CalEEMod use the same OFFROAD2007 models to predict construction emissions. The 70-lot project was assumed to involve approximately the same amount of construction activity as the previous 78-lot project. (The project has now been revised to 69 lots – see discussion of Revised Plans in Section 1.3.) Therefore, it was decided that a revision of the construction emissions was not required since the original analysis was more conservative. The DEIR concludes that the project would have less-than-significant construction emissions of with the control measures implemented in accordance with Mitigation Measure 4.3-1.

- Regarding the comments on the GHG findings from Exhibit A, page 12, first paragraph – Table 4.3-6 incorrectly states that emissions are for year 2025. Emissions were computed for 2020. Emissions modeled for 2025 would have been lower, since vehicle emission rates incorporated into the CalEEMod model are lower for future years beyond 2020. Table 4.3-6 of the DEIR has been corrected in the FEIR, as shown in Section 3.0.
- Regarding the comments on the GHG findings from Exhibit A, page 12, second paragraph – the GHG modeling did not incorporate any mitigation measures or vehicle miles travelled (VMT) reductions that could occur. While sustainability measures presented in the DEIR would reduce GHG emissions, those were not factored into the modeling since the modeling without those measures indicated less-than-significant emissions. GHG emissions from implementation of the identified sustainability measures would likely be 30 metric tons per year or less due to lower energy usage (i.e., due to exceeding Title 24 standards by 15% and meeting newer Title 24 requirements). There are no VMT/capita reductions that apply to the project. Measures to reduce VMT were not incorporated into the model, since there were no specific project features identified. The project-specific trip generation rate was input into the CalEEMod model, since this was a credible source of data developed for the project. Lacking specific information for Danville, the CalEEMod model defaults were used to predict project-specific emissions from mobile sources (i.e., traffic). These defaults included trip length, trip type, traffic mix, vehicle speed, and vehicle emissions rates for single-family residences. These were specific to single-family residential land use types only and take into account all types of travel that would be generated by that specific land use type.
- Regarding the comments on the GHG findings from Exhibit A, page 13 - the commenter indicates that MTC estimates of home to work trip lengths for Danville, published in 2005, would yield more accurate results. The CalEEMod default value of 12.4 miles was used for the GHG analysis for the DEIR. The latest MTC data published in 2008 suggests that work trip lengths generated by residences in the Danville/San Ramon area are 14.66 miles in 2006 and would decrease to 13.88 miles in 2035 under the adopted MTC Transportation Plan. Imbedded in these work trips are other trips generated by residences, such as shopping trips while traveling to work (i.e., natural trip linking). For example, a work-to-home trip may include two trips. These trips would be work-to-shopping and shopping-to-home, resulting in shorter trip lengths for both types of trips. Nevertheless, had the CalEEMod model been run assuming the longer 14-mile trip lengths in the DEIR, emissions would have been slightly higher (i.e., 981 metric tons per year compared to 941 metric tons per year shown in the DEIR). This would not change the findings of the DEIR, since annual emissions would still be below the threshold of 1,100 metric tons per year.

The commenter also suggests the use of a different breakdown of percentages by trip-type category. The source of the data used by the commenter to develop their percentages could not be found; however, they appear to be based on region-wide statistics used to develop regional transportation planning estimates. These are not used to develop land use project-specific estimates. The DEIR relied upon the default CalEEMod model values, which were considered to be more representative of the specific land use type.

71E: The responses to the concerns regarding biological impacts are provided below:

- As shown in the attached MMP/CMP for the project (Attachment C), the goals of the MMP/CMP regarding California red-legged frog (CRLF) are to maintain viable, self-sustaining populations of the species within the identified conservation lands, and to establish a conservation program for the project and conservation lands that are consistent with published recovery plans.
- Under existing conditions, there are currently an abundance of mesopredators (e.g., raccoons) and a lack of refugia for CRLF on the project site. The restoration, creation, and enhancement measures identified in the DEIR would create an increased number of refugia for CRLF and will, therefore, be a more effective way of reducing predation from existing native predators than costly and controversial attempts to control native predators such as raccoons. In addition, the MMP/CMP states that all garbage in the subdivision and estate lots is to be contained in covered receptacles that will reduce artificial food sources for meso-carnivores.
- Increased predation on CRLF is more likely to occur as a result of an increase in mesopredators, particularly the raccoon, than from an increase in domestic pets. Raccoons are attracted to the food sources in the surrounding residential areas. The MMP/CMP for the project requires trash to be picked up regularly from the preserved areas (including the creek) and signage to be posted along the creek trail cautioning the public not to enter environmentally sensitive habitat (i.e., riparian habitat) and not to feed wildlife. The MMP/CMP also requires all garbage in the subdivision and estate lots to be contained in covered receptacles that would reduce an artificial food sources for mesopredators.
- As described in Section 5.0 of the DEIR, the cumulative analysis relies on a list approach, which is an accepted methodology prescribed in Section 15130(b)(1) of the CEQA Guidelines, unless otherwise indicated in the report. The list of cumulative projects included projects within the Town of Danville, since most of the impacts of the project would be relatively localized (e.g., effects from construction, visual changes, lighting, noise/dust emissions, disruptions to biological resources). Impacts with less localized, more regional effects are evaluated accordingly (e.g., traffic, air quality) as noted in the DEIR. The cumulative effects of these projects, combined with the project, are not expected to be significant. In addition, the project does not propose any land use changes or amendments to the General Plan, and has been anticipated within the environmental documentation for the General Plan.

Impacts to listed species, such as CRLF, and to jurisdictional waters are regulated by law and must comply with federal and state requirements, including those of the USACE, USFWS, CDFW, and RWQCB. Each of these regulatory authorities requires mitigation for habitat impacts. The intent of compliance with the agencies' permitting requirements is to reduce impacts to a less-than-significant level. The MMP/CMP prepared for the project is intended to satisfy permitting requirements of the USACE, CDFW, and RWQCB for impacts to jurisdictional waters and to satisfy requirements of the USFWS for impacts to CRLF habitat. The goal of the MMP/CMP is to create and enhance riparian and aquatic habitats with habitat functions and values greater than or equal to

those existing in the impact zone. Approximately 90% of the 410 acre project site will be preserved as open space. This includes creation and restoration of aquatic and riparian habitat that can be used for breeding by CRLF along the East Branch of Green Valley Creek and along a drainage system in the southern part of the site. The creation and enhancement of breeding habitat for CRLF and the preservation of hundreds of acres of dispersal habitat will fully mitigate impacts to CRLF habitat. Implementation of the MMP/CMP would mitigate the project's impacts to biological resources to less than cumulatively considerable and would not contribute to any residual cumulative effects to CRLF.

The cumulative projects within the County referenced in this comment have taken, or are taking, a similar approach to mitigating for impacts to biological resources by setting aside lands for open space several times greater than their projects' impact areas. These projects must similarly comply with all federal and state permitting requirements and fully mitigate habitat impacts, thus avoiding cumulative impacts to biological resources.

71F: The methodology used to describe performance of project flood hydrologic mitigation methods is prescribed by the Contra Costa County Flood Control and Water Conservation District. This methodology is used exclusively in Contra Costa County to develop flood control mitigation measures for projects based on the District's experience calibrating rainfall runoff in local creeks to actual precipitation events in subject watersheds. Based on the performance of other similar flood control facilities in the County that have been modeled using the District's method, the project's proposed hydrologic mitigation measures would reduce impacts in regard to downstream flooding to less-than-significant levels.

Given that peak flows would not increase through the implementation of the detention basin and that smaller erosive flows would be addressed through hydromodification controls, potential impacts to downstream receiving waters with regards to turbidity and downstream erosion would be less-than-significant. In addition, the project proposes bioretention treatment areas in accordance with the San Francisco Bay Regional Water Quality Control Board standards, whereby project stormwater would be slowly filtered through sand media prior to discharge into East Branch Green Valley Creek, thereby decreasing sediment influx into the creek compared to the existing agricultural use.

The project would be subject to current Contra Costa County Clean Water Program standards that include conformance to watershed hydromodification requirements. These standards require projects to slowly meter smaller flows (i.e., stormwater flows caused by rainfall events between 10% of the 2-year recurrence interval storm up to the 10-year recurrence interval storm) to avoid increases in downstream erosion potential in the watershed. The intent of the hydrologic mitigation for the project is to meter increased flow durations to flow rates that are below erosion thresholds of the downstream receiving water so that impacts related to scour and erosion are reduced to less-than-significant levels.

In summary, with the implementation of the proposed drainage facilities and mitigation measures, the project would not significantly impact the hydrology or water quality of East Branch Green Valley Creek, including the creek habitat resources. Please also refer to the responses to Letter 85 from Sydney Temple of Questa Engineering.

71G: According to Town staff, the TRAFFIX bus program is funded through the year 2034 by the Measure J sales tax. Therefore, it is reasonable to assume the program will continue for the foreseeable future.

Regarding the comments from Exhibit A (SummerHill Development DEIR Review, Sustainable Systems Research, January 2013), pages 2-7, that question the assumptions in the TIA - the primary impediments to traffic flow within arterial corridors are stop signs and traffic signals. The analysis in the DEIR focuses on intersections because they represent the constraint points for through traffic flow within the corridor. A typical arterial analysis makes broad assumptions for delays caused by traffic signals and stop signs. The analysis of intersections in the DEIR provides a higher degree of precision than does a segment level arterial analysis. Regarding the traffic forecast produced by the CCTA model, please refer to the Master Response in Section 2.4.2.

71H: Please refer to the Master Response in Section 2.4.3 regarding concerns on emergency access. CEQA specifically requires an evaluation of potential impacts to fire protection services to determine whether new or expanded facilities would be warranted, the construction of which might have a significant impact, and an evaluation of whether the project would be exposed to significant wildland fire hazards. As stated on page 4.11-5 of the DEIR, potential impacts due to fire related hazards were evaluated and the San Ramon Valley Fire Protection District was consulted. The District indicated that the project would not adversely affect existing emergency response times or warrant the construction of new facilities such that a significant environmental impact would occur.

The DEIR determined that potential impacts would be minimized through the adherence with applicable building standards and Town of Danville General Plan policies. These standards and policies were specifically designed to ensure that impacts due to potential fire hazards are minimized and/or avoided. These requirements specify the type of building material required for areas subject to potential fire hazards, emergency access requirements, and other standards. In addition, it is recognized that compliance with these requirements are appropriate to address potential impacts due to wildland fire in areas located in the urban wildland interface area. The Diablo Fire Safe Council and the District have identified that the implementation of vegetation management requirements, compliance with regulatory requirements, and use of fire safe building practices reduce the intensity and severity of potential wildland fires. These practices are considered industry standards for managing potential hazard areas. Revisions have been incorporated into the DEIR in order to clarify and amplify the existing analysis, as presented in Section 3.0.

71I: This comment requests consideration of an alternative that includes 20 acre non-clustered lots on those portions of the property zoned A-4 with clustered development on the rural residential and single family low density areas. This specific alternative was not included in the DEIR since 1) it would be inconsistent with the Town's interpretation of the A-4 zoning designation on property that is no longer subject to a Williamson Act Contract (see Master Response in Section 2.4.1), 2) it would be inconsistent with clustering policies in the General Plan, and 3) a similar scenario was already analyzed within the Non-Clustered Alternative and Modified Design Alternative/Minimum Alternative.

Under the scenario suggested in this comment, the “development” capacity would be 65 units and the “buildable” capacity would be 54 units. The buildable units are determined by taking into account steep slopes, creek setbacks, the Town-identified major ridgelines, and other factors, as discussed at page 4.9-8 of the DEIR. Under this scenario, 10 homes would be developed on 20 acre lots on the flatter portions of the site at Magee East (the portion of the site designated A-4) and the remainder of the 44 homes would be clustered on the steeper portions of the site at Magee East and/or along Diablo Road on Magee West (see Existing Zoning map at page 4.9-6 of the DEIR). This scenario would result in greater aesthetic impacts since more development would occur on the steeper slopes and along Diablo Road than that proposed by the project. In addition, because approximately 195 acres include the A-4 designation, 10 homes would be placed within that acreage and would remove 200 acres from permanent public open space. Because this scenario would result in more widespread development on the site it would result in similar impacts to those analyzed in the Non-Clustered Alternative (see DEIR pages 6-11 to 6-17), including potentially increased impacts relating to aesthetics, biological resources, cultural resources, geology/soils, hydrology/water quality, land use, and noise. It is recognized that this scenario would slightly reduce overall vehicle trips by reducing the number of lots by 15 (i.e., 54 units compared to 69), and that it would be similar to the traffic impacts analyzed under the Modified Design Alternative/Minimum Alternative of 66 lots. Please note also that development under this scenario could create traffic concerns by introducing access points along Diablo Road, which have been eliminated in the revised project as described in Section 1.3.

As explained on page 6-1 of the DEIR, CEQA directs that the alternatives discussion in an EIR focus on alternatives capable of avoiding or substantially lessening the significant impacts of a proposed project. The suggested alternative scenario in this comment would not avoid or substantially lessen the significant impacts of the project. In addition, the range of alternatives to be discussed in an EIR is governed by the “rule for reason,” which requires a discussion of those alternatives necessary to permit a reasoned choice. The suggested scenario was evaluated as part of two of the alternatives in the DEIR (Non-Clustered Alternative and Modified Design Alternative/Minimum Alternative). Therefore, including this scenario as a stand-alone alternative in the DEIR would not provide additional meaningful information on the project’s potential impacts.

71J: Development within the Town of Danville, including along Diablo Road, is controlled by the Town’s Zoning Ordinance and General Plan. The project site represents the last large parcel of developable land within the Town and no substantial new development is anticipated along the Diablo corridor. The assumption that the project would increase pressure to develop additional commercial uses in east Danville area is speculative, and if proposed would be subject to review and approval by the Town.

With regard to the development potential of the adjacent 100 acre Purcell property, please see Responses 17L and 71C.

71K: The DEIR for the project has made a good faith effort at full disclosure, as evidenced by the comprehensive analysis of the project for each of the CEQA-mandated impact areas, including (but not limited to) aesthetics, agricultural resources, air quality, biological resources, cultural resources, geology, hydrology/water quality, noise, public services, and transportation. The comments received during the public review period for the DEIR have been presented and responded to in this FEIR. None of the issues raised in this letter or in other comments received

on the DEIR have changed any of the conclusions in the DEIR that would require a recirculation of the document.

David Crompton

From: Lee Schneider <schneider.lee@comcast.net>
Sent: Tuesday, January 29, 2013 4:00 PM
To: David Crompton
Subject: Magee-SummerHill Residential Development

Mr. Crompton,

As a resident of the Town of Danville I object to the adoption of the draft environmental impact report for the above referenced project as I do not believe that it adequately addresses the current deficit of the roadway for traffic at the intersection of Diablo Road and Green Valley Rd./McCauley Road during certain periods of the day and it does not address the inadequacy of the roadway at the junction of highway 680 and Diablo Road in the afternoons.

I have no objection to the development of the property mentioned in the above referenced project or any other undeveloped land within the Town of Danville per se. What I do object to is the development of any properties within the Town's limits that will put additional traffic on the already congested roadways until such time as the Town of Danville finds a way to correct the existing situation. It amazes me is that the Town of Danville has allowed these situations to occur in the first place and has failed to correct them and is now willing to entertain an application for a project of this size without requiring that the roadway inadequacy be corrected either by the Town itself or by the developer as part of their application.

As I am sure you are aware, Eastbound traffic from highway 680 on Diablo Road from 3-6 PM is already intolerable. We have two eastbound lanes on Diablo Rd. as well as a freeway exit lane all merging into one lane in a distance of less than 200 feet. This junction is one of the worst ever conceived by man. This proposal will put additional cars on this part of Diablo Road as well as at the intersection of Green Valley Road and Diablo Road every evening. It will also make the morning traffic and backup on Westbound Diablo Road at the intersection of Green Valley Road and McCauley Road much worse.

Not only is the traffic situation a major annoyance to the residents of the Town of Danville in terms of lost time but it also poses a significant threat to their health and safety of the residents in the event that emergency personnel needs to respond during the peak traffic period to a fire or perhaps a heart attack victim. To allow additional homes and residents without correcting the traffic problem is unconscionable on the part of the Town of Danville.

Sincerely,
Lee Schneider

72: RESPONSE TO SCHNEIDER, LEE

72A: Please refer to the Master Responses in Sections 2.4.2 and 2.4.3 for responses to concerns regarding traffic and emergency access. Also refer to Response 2A regarding I680 freeway traffic.

David Crompton

From: Jeffrey Schrakamp (jschraka) <jschraka@cisco.com>
Sent: Sunday, January 27, 2013 11:53 AM
To: David Crompton
Subject: Proposed STOPLIGHT at Magee Ranch Road

Mr. Crompton:

I am writing you to address the proposed stoplight at Magee Ranch Road and Diablo and to express my concern and absolute dismay over such a proposal. I am vehemently against such a proposal. When are our town leaders going to understand that the reason we all live and love to live in Danville is it's beautiful country and open space appeal. Our motto is "Small Town atmosphere, outstanding quality of life" yet I continue to see the ongoing encroachment and political sentiment to change Danville for the worse. If I want high density housing with stop lights every 200 yards, and no quality open space, I would move to Dublin which is atrocious but serves a need for high affordable density housing along a transit corridor. Danville is NOT Dublin.

The Magee Ranch Road and Diablo intersection works just fine and requires no changes. I have lived in Magee Ranch since 1996 and have never and I mean never had a problem entering or exiting Magee Ranch in all those years. While I know there have been traffic incidences, they have been minimal and do not warrant such an intrusion of a stop light into our rural and beautiful community. However, regarding the proposed current three way stop at Diablo Road at the Mt. Diablo Scenic Blvd intersection to a one way stop, I would be in favor of review of returning to this configuration. The amount of traffic that is backed up every school day morning approaches all the way back to Magee Ranch Road further compounding the decline of our town motto. As the Town's Chief Planner have you considered a Round About at the Diablo Road at the Mt. Diablo Scenic Blvd intersection? This would serve two purposes, first it would slow traffic down west and east bound on Diablo to enter into the Round About yet not force an unwarranted stop, and two, allow adequate opportunity for traffic to enter and exit Mt Diablo Scenic both at said Round About as well as further down road on the one way west bound Mt Diablo Scenic.

By attempting to remedy traffic on Diablo Road with a proposed Stop light at Magee Ranch Road, you are attempting to treat the problem with an incorrect solution. The problem lies in two places, at Mt Diablo Scenic three way intersection and then down at the bottom of the road at inadequate lanes approaching the McCauley Road intersection. My proposed solution would be a Round About to address the prominent problem, thus allowing traffic to flow more continuously West Bound in the school mornings while allowing adequate opportunity for the much smaller flow of traffic to enter and exit Mt. Diablo Scenic safely. The second problem of inadequate lanes approaching the McCauley Road intersection is candidly a testament of prior poor planning by having a small but critical roadway that feeds an Elementary School, a Middle School and a High School all clustered within 400 yards of said intersection. Don't compound the existing problem by making more. Further this also serves as clear reasoning that no further development should be considered within this corridor (SummerHill) . I will be at the Town Meeting on January 29th to further express my dissent. Don't ruin Magee Ranch and don't further compound the problem and please respect and live up to our town motto!

Regards,
Jeff Schrakamp

Jeff Schrakamp
Senior Client Director
Cisco Systems, Inc.
jschraka@cisco.com

408 895-2812 - Single Number Reach



73: RESPONSE TO SCHRAKAMP, JEFFREY

73A: The commenter's opposition to the traffic signal at Magee Ranch/Diablo Roads is noted. Please also refer to the Master Response in Section 2.4.2 for additional discussion on traffic comments. Also refer to Response 4E regarding a roundabout at Mt Diablo Scenic/Diablo Road.

David Crompton

From: nona senasac <nonasenasac@yahoo.com>
Sent: Monday, December 03, 2012 10:37 PM
To: David Crompton
Subject: Summer-Hill Project

David,

We just received your Notice of Availability and PUBLIC REVIEW Period for the SummerHill Project.

I see that you are requesting a resoning of the Agricultural Preserve and General Agricultural Districts. sincerely hope that you will rithink that request.

The Agricultural Preserve was districted to preserve the open space, the creeks and to prevent building on the unstable 'slide land'. In the 1980s those hills slid into the valleys and across Diablo Road. Other 'slide lands' in Diablo and Danville that had been re-zoned and built upon slid during the heavy rains and several bulders were sued by the owners of destroyed homes.

I hope that you and the Town of Danville will re-think and PUT PUBLIC SAFETY BEFORE THE DOLLAR.

Also, Diablo Road has been studied before and declared unsafe for widening and for more traffic. What a waste of money to reivent the project that has been twice denied.

We strongly recommend that you DO NOT PROCEED WITH MORE HOMES THAT WOULD ACCESS ON DIABLO ROAD.

If you MUST build more homes in our open space, please plan to build a new access road through your own property and NOT DUMP MORE CARS ON DIABLO ROAD!

Sincerely,

Nona Senasac and neighbors

A

74: RESPONSE TO SENASAC, NONA

74A: Please refer to the Master Response in Section 2.4.1 regarding the project site’s “Agricultural” designation. The DEIR evaluates that impacts associated with landslide hazards on the project site and identifies mitigation to avoid such impacts in Section 4.6 Geotechnical and Geologic Hazards.

With regards to traffic, please refer to the Master Response in Section 2.4.2. See also Response 28A regarding the feasibility of alternative access to the site.

David Crompton

From: nona senasac <nonasenasac@yahoo.com>
Sent: Tuesday, January 22, 2013 10:10 PM
To: David Crompton
Cc: saveourcreeks@gmail.com
Subject: Magee ranch - Summer Hill Hearing

David and All involved,

I am OUTRAGED that this is going forward!

The land involved has been zoned AGRICULTURAL PRESERVE for a reason. It is UNSTABLE LAND. Having lived here more than 40 years, we have seen that land, and several other areas in Danville and Diablo, slide during heavy rains. This winter the mud covered Diablo Road and lside marks are visible on the hills. Go look for yourselves.

How can you, in GOOD CONSCIENCE sell homes built on slide-land, much less sell it as affordable housing? During the 1980s several homes, approved by Contra Costa County in spite of earlier records showing that it was 'unsuitable for building', slid down hills and / or had mud slide into their yards. Some were replaced by the builders after law suits at great cost to the home owners. Some were a total loss to the home owner.

You are trying to build 'AFFORDABLE HOUSING' to fulfill the law with NO CONCERN for the buyer who will not have the finances file a law suit to reclaim his property in 7 to 10 years when the next heavy rains come and devour his home.

SHAME ON YOU!!

If this goes through, I hope you who are responsible for duping the poor all rot in Hell! You money hungry hypocrites!

Nona Senasac

A

75: RESPONSE TO SENASAC, NONA

75A: The author of this letter and concerns raised are the same as Letter 74; please refer to the responses to Letter 74 above. The DEIR analyzed the potentially significant geotechnical hazards in Section 4.6, and identified Mitigation Measures 4.6-1 through 4.6-3 to reduce these impacts to a less-than-significant level (see DEIR pages 4.6-14 to 4.6-17).

David Crompton

From: Kevin Gailey
Sent: Thursday, January 24, 2013 12:46 PM
To: David Crompton
Subject: FW: Summerhill Development

Summerhill EIR email

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

From: Jennifer Serpan [<mailto:jenniferserpan@me.com>]
Sent: Thursday, January 24, 2013 10:55 AM
To: Kevin Gailey
Subject: Summerhill Development

I am writing to express my concerns over the proposed Summerhill Development located off of Diablo Road. I have examined the DEIR and I believe it to be highly flawed. I am most concerned about the traffic impacts at the Diablo Road/Green Valley/ McCauley Road intersections. From what I can see, they were not discussed in the summary of significant impacts section. The effects of the proposed development on the already congested Diablo Road are very significant to me. The flood and erosion impacts section is incomplete and in my opinion the biology section regarding the endangered red legged frog "relocation" is insufficient.

Furthermore, public documents and the town's zoning maps show that the agricultural parcel is zoned as A-4. The proposed Summerhill project would require a rezoning of this land to A-2. Therefore a Measure S public vote is required.

Let's work together to preserve the beauty and serenity of this truly unique community!

Jennifer, Magee Ranch resident

A

76: RESPONSE TO SERPAN, JENNIFER

76A: Please refer to Master Responses in Section 2.4.1 on the zoning and Measure S comments and Master Response 2.4.2 on traffic concerns. Flooding and flooding related issues were addressed in the regional hydrology study prepared by ENGEO, summarized in Section 4.8 Hydrology and Water Quality of the EIR. For additional discussion of California red-legged frogs, please refer to the responses to Letter 105 and the Master Response in Section 2.4.4.

David Crompton

From: Jennifer Serpan <jenniferserpan@me.com>
Sent: Sunday, January 27, 2013 10:38 PM
To: David Crompton
Subject: Summerhill Development

Dear Mr. Crompton,

I am a fourteen-year-old resident of Magee Ranch. I have been made aware of the Summerhill Development situation and have listened to my parents talking about it; I've seen the plots that you want to develop, and frankly, I don't like one bit of it. I don't want construction and housing blocking my view of the rolling, golden hills as I ride the bus to school, especially not if there is more traffic, and I have to sit there staring at it while my schoolmates suffer in the same way. The three entrances I've seen--one at Jillian, one on McCauley, and another across from St. Timothy's church on Diablo Road--would all contribute to the traffic. In addition, to build these homes would mean tearing out dozens of trees, where native squirrels and birds make their homes and raise their young. Sir, how would you like it if someone bigger and stronger than you took your home by the roots and tore it out, grinding it to shreds or using it as fuel, while you and your family and friends lose property and possibly each other to their ignorance? I sure wouldn't like it, and I doubt many people would, nor would any animals.

I have also heard that one plan to solve the traffic problems that the Summerhill development would bring is to add a stoplight to the bottom of Magee Ranch Hill, the entrance to Magee Ranch. Did you know, I just saw a coyote there the other day, walking around, minding its own business? I'm sure it wouldn't appreciate any workers tearing up its land to insert cables and wires so they would erect a stoplight. The way that the traffic moves along our intersection is perfectly fine as is; the stop signs are preferred over glaring red, yellow, and green any day, and the signs provide a more country, free feel than lights do. I don't want my bus to come to a halt next to a traffic light. I don't want my face illuminated in glowing red, artificial and sunless yellow, and too-vibrant green each morning and afternoon as I look out the window.

Finally, the Summerhill development would, as I said before, destroy the homes of many wild creatures. Ranging from cougars to red-legged tree frogs, these animals have made their lives in areas that they know by heart. They are born there, they are raised there, they feed and hunt there, they mate there, and, hopefully, they will die there and leave their young to follow in their footsteps, paw prints, and tracks. I've been told that one method of keeping the animals alive would be to relocate them. Sir, that doesn't work. Relocating animals, as seen in many, many cases, will only confuse them and spur them to move back to where they came from. Red-legged tree frogs, western pond turtles, and Alameda whip snakes live near the creeks; golden eagles--*golden Eagles*--nest in the trees, among other species of hawk, woodpecker, and jay; and special concerns stretch out to the western burrowing owl, yellow warbler, American badger, and nesting raptors. All of these animals, plus so many more--all of them losing their homes and family to the Summerhill development. It's a horrible thought. If this many animals are misplaced or "relocated," as you say, and they continue to be chased out of where they were born and raised, they will die. Beautiful, unique creatures, special to the world with all they contribute, will suffer, and all because of the development.

Please consider all of these things before you go on with your Summerhill fantasies. Also think about the geological effect, and all the landslides and erosion that the development would cause, as well as the addition to the greenhouse gases already destroying our atmosphere.

Oh, and one more thing, if I may. I've been told that the plots of land are A4 and cannot be developed. I've also been told that you all think you can just sneak by and make it A2, like you did with the Matadera area. I noticed that. It's right across from my school--I've disliked the place ever since I laid eyes on it, because it ruined what was once a nice front yard view. According to Measure S, as told to me by my parents, the town cannot change a plot or multiple plots of land from A4 to A2 without the vote of the public. You can't just go out there and ignore the people who voted you into office. You can't ignore what you've already promised you'll do--listen to the people. So please, sir, if you have any respect towards your townspeople's feelings and the creatures that share this beautiful land with us, you will listen to us, and you will not allow Summerhill to come into existence.

A

Sincerely,

A 14-Year-Old From Magee Ranch

77: RESPONSE TO SERPAN, JENNIFER

77A: The comment expresses an opinion on the project and does not provide specific comments on or questions about the merits of the DEIR; no specific response is required under CEQA.

General comments are made on the zoning of the site, traffic, and biology. Please refer to the Master Responses in Section 2.4.1 regarding Measure S, Section 2.4.2 regarding traffic and the proposed signal at Hidden Oaks Drive/Magee Ranch, and Section 2.4.4 regarding biological resources. With respect to the general statement made on aesthetics, the DEIR in Section 4.1 concluded that the project would not result in significant aesthetic impacts with mitigation.

Please also note that, as explained in Section 1.3, the applicant submitted project revisions to address concerns expressed by the public relating to access and visual changes along Diablo Road. The revised plans remove the three custom lots and their associated access points along Diablo Road and increase the open space area on the site from 302 to 372 acres.

David Crompton

From: William Shryer <wshryer@behaviorquest.com>
Sent: Saturday, December 01, 2012 1:04 PM
To: David Crompton
Subject: MaGee SummerHill development

Dave,

I received the notification for this proposed development. I couldn't help but notice it was all written in developerese. Since I am not a developer looking at the map enclosed and the map on your website it didn't take a rocket scientist to see they are very different. This development request is a mess and will cause all kinds of negative impacts that you intellectualize and rationalize in this request. This is one development that must be stopped and this time it will. There is more negative assessment on this project than any I remember in recent or past history. Prepare for a real battle on this one.

A

Sincerely,

William Shryer, DCSW, LCSW
Clinical Director
Diablo Behavioral Healthcare
Danville, CA
925-648-4800
www.behaviorquest.com
No conflicts known or anticipated

78: RESPONSE TO SHRYER, WILLIAM

78A: The comment expresses an opinion the project and does not provide specific comments on the potential environmental impacts of the project or the analysis in the DEIR; no further response is required under CEQA.

David Crompton

From: Dan Simpson <Dan.Simpson@clorox.com>
Sent: Tuesday, January 29, 2013 1:31 PM
To: David Crompton
Subject: Proposed Magee Ranch stoplight is extremely poorly thought through

I was informed yesterday that as a result of the Summerhill Development, the Council is considering a stoplight at Magee Ranch Road and Blackhawk road, and also considering removal of the stop sign at Mt. Diablo Scenic Road and Blackhawk Road.

Both of those proposals are among the most ridiculous things I have heard, for two reasons.

I've lived in Magee Ranch since 1997, a time when there was no stop sign at the corner of Blackhawk Road and Mt. Diablo Scenic Blvd. It was great for anyone going westbound toward the freeway. But in the morning and evening commute hours, it was a complete nightmare for anyone trying to turn left from Blackhawk Road onto Mt. Diablo Scenic Road. It was also nearly impossible to turn left from Mt. Diablo Scenic Blvd, onto eastbound Blackhawk Road (going toward Blackhawk). Installation of the stop sign solved the problem, at least in those days.

Commute hour traffic has gotten dramatically worse in the last 15 years, a result of new development, including one at the base of Mt. Diablo Scenic Road. I could definitely understand the benefits of exchanging that stop sign for a stoplight. Morning traffic often creates a line of 30-40 cars waiting to get through that intersection, one at a time. But removing the stop sign will just recreate the problem that existed in 1997, but the problem will then be much worse as a result of overall traffic volume.

Second, there is not a high volume of traffic coming out of either Magee Ranch or Hidden Oaks to warrant a stop light. Even turning left from Magee Ranch onto Blackhawk Road at the height of commute hours, the wait is usually zero, and no more than 60 seconds at the worst. The traffic lights at Blackhawk Plaza sequence traffic in spurts. 10-20 cars in a flood, and then nothing. The wait at the Mt. Diablo Scenic Road intersection is 2-5 times longer, and much more consistent. A light makes exiting Magee Ranch much more difficult, and it fixes a problem that does not exist. Even with Summerhill, the volume out of Magee Ranch and Hidden Oaks is still far less than the Blackhawk entrance, which I assume remains a stop sign.

I am unable to attend the meeting this evening, but if my schedule permitted, I most definitely would attend, and I would be hard pressed to be pleasant regarding this issue. I have not been vocal in opposition to Summerhill, because I recognize it is tax revenue for the city and such developments are rarely turned down. But I will be much more vocal if the stoplight proposal passes.

Dan Simpson

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79: RESPONSE TO SIMPSON, DAN

79A: Please refer to the Master Response in Section 2.4.2 regarding the traffic signal at Hidden Oaks Drive/Magee Ranch Road/Blackhawk Road and the possibility of converting the stop sign at Mt. Diablo Scenic/Blackhawk Road. Also refer to Response 4E for additional information on the traffic mitigation measure for Mt. Diablo Scenic/Diablo Road.

David Crompton

From: anne.smith@comcast.net
Sent: Monday, January 28, 2013 11:33 AM
To: Kevin Gailey
Cc: David Crompton; maryann.cella@danville.ca.gov
Subject: DEIR/Storm Flow Damage

As a follow-up to my e-mail to you dated December 5, I am enclosing photographs** depicting some of the disturbing erosion that occurred Saturday night/early Sunday morning of December 1/2. It clearly shows the gas line and water line exposed as a result of the erosion caused by this storm. PPG has come out to review the possibility of leakage/damage to the line and have ensured it is, at present, safe. They plan on coming out early Spring to do as much as they can to secure and bury the lines. They have asked that it remain as is until then. Considering channel erosion is often driven by storm flow duration/peak flows and that, in the DEIR Appendix G, this duration will increase, we fear, based on the damage that occurred during the storm mentioned above, that we can expect further erosion with pipe lines exposed. Why this, with its inherent dangers, would be allowed to be even a possibility, is beyond me. In addition, I do not understand why the EIR does not address the problems of erosion and flooding in the creek with reference to specific reaches of the creek, as the County Flood Department had recommended over two years ago.

A

Regards,

John and Anne Smith
1872 Alameda Diablo

**Will be dropped off today at offices on La Gonda Way



80: RESPONSE TO SMITH, JOHN AND ANNE

80A: The DEIR analyzed stormwater runoff and creek erosion in Section 4.8 Hydrology and Water Quality based on a comprehensive regional hydrology study prepared by ENGEEO. Refer also to Responses 4G, 6E, 6F, 6G, 71F, and 85A for additional discussion related to runoff and erosion issues. The commenter provides photos of an exposed pipe; however, the specific location is not identified. As a result, a more specific response cannot be provided.

David Crompton

From: Kevin Gailey
Sent: Friday, January 25, 2013 9:58 AM
To: David Crompton
Subject: FW: SummerHill

Sumerhill email.

From: Richard Smith [<mailto:smithe5@sbcglobal.net>]
Sent: Thursday, January 24, 2013 5:18 PM
To: Kevin Gailey
Subject: SummerHill

January 22, 2013

Mr. Gailey

We respectfully request that Danville residents be allowed to voice either their support or their opposition to proposed developments in all future considerations. We are clearly capable of sorting through the facts and making our decision. Please leave Measure S as is in future plans.

We support responsible development but after considering many important facts including emergency response time, traffic congestion, and potential flooding issues as well as the lack of adequate tax revenues to support required infrastructures and preservation of protected growths – I'm against the proposed SummerHill development.

Sharon and Richard Smith
166 Roan Drive
Danville, CA
94526

A

81: RESPONSE TO SMITH, SHARON AND RICHARD

81A: The commenter's opposition to the project is noted. Please also refer to the Master Responses in Section 2.4.1 regarding Measure S, in Section 2.4.2 regarding traffic, and Section 2.4.3 regarding emergency access. In addition, flooding issues are discussed in the DEIR in Section 4.8 and in Responses 4G, 6E, 6F, 6G, 71F, and 85A.

Please refer to Response 25B regarding tax revenues.

January 27, 2013

TO: Dave Crompton
Town of Danville, Planning Commission

SUBJECT: Summerhill Development & Environmental Impact Report

I am a resident of Magee Ranch. Because my son was a student at St. Isidore School and Monte Vista High, every weekday morning for 12 years I traveled westbound on Blackhawk and Diablo Roads. Leaving Magee Ranch was never a problem. Traffic at Mt. Diablo Scenic Boulevard was never a problem. Existing stop signs appropriately meter traffic flows at both locations. Then and now, the traffic nightmare stems from one location: **McCauley Road intersection/stoplight**, which creates a very long back-up down the narrow and windy Diablo Road. The problems are caused by:

- **Monte Vista** high school traffic turning right without adequate turn lanes to accommodate the volume of vehicles
- **Los Cerros** middle school traffic turning right without adequate turn lanes to accommodate the volume of vehicles
- **Green Valley and Vista Grande** elementary schools also heading westward, backed up due to congestion turning right at this intersection
- Westward **St. Isidore Elementary** and **Community Presbyterian** Elementary traffic similarly backed up due to congestion at this intersection
- High volume Pedestrian crossing during the same peak hours

In addition to westward-bound students, the traffic is impacted by commuters also heading west for freeway access.

The immense traffic flow described above is worsened by the following road conditions at all hours:

- Dangerous, winding, narrow roads with many blind curves that begin just after Mt. Diablo Scenic Blvd and continue to McCauley Road.
- High volume bicycle use without safe bike lanes

Once my son completed high school, I started working on Crow Canyon – an eastward commute and opposite the traffic flow I've just described. Leaving or entering Magee Ranch development and traveling east on Blackhawk Road is never a problem because current stop signs meter traffic safely and traffic flows smoothly.

A traffic light installed at Magee Ranch Road will not address the current traffic problems and safety concerns, which will be exacerbated by Summerhill due to the westward traffic flow described above. Magee Ranch, Hidden Oaks, Saddleback and Blackhawk developments are operating just fine with traffic signs currently in place. The serious problems that must be addressed by a new developer and the Town are west of Magee Ranch and Magee Ranch Road.

If you approve Summerhill, for our safety please allow far fewer home sites than proposed. And prior to the start of the development, please mitigate traffic hazards **with smart solutions funded by SummerHill**. Suggestions follow:

- 1) Renovate McCauley Road intersection and widen the roadway leading to this congested area so traffic flows safely to the numerous schools listed above.
- 2) Do not remove stop signs currently installed at Mt. Diablo Scenic Boulevard. Eliminating stop signs on Diablo Road, as recommended by SummerHill, would be extremely hazardous. Injuries and deaths will certainly result.
- 3) Appropriate signals should be installed at the two entrances proposed by SummerHill to accommodate their residents' ingress and egress.
- 4) Install bike lanes along Diablo roadway leading to Mt. Diablo Scenic Boulevard and the state park entrance.

If the Town does not address the problems where they exist, accident rates with fatalities will increase for the Danville commuters and students traveling to Athenian, Monte Vista, Los Cerros, Vista Grande and Green Valley Elementary Schools, St. Isidore and Community Presbyterian Elementary and Middle School.

Thank you for the opportunity to express these concerns.

Terri Sutak
8 Eastward Lane
Danville, California 94506

82: RESPONSE TO SUTAK, TERRI

82A: Please refer to the Master Response in Section 2.4.2 for a discussion of the traffic analysis methodology and findings as well as bicycle safety. Responses to the request in this comment for four transportation improvements are provided below.

1. Modifications to the Green Valley/McCauley/Diablo intersection are not required as mitigation for the project, since the project traffic would not exceed the significance threshold at this intersection. Modifications to this intersection were analyzed on pages 4.12-35 of the DEIR. These modifications may be considered by the Town as a condition of approval.
2. Please refer to the Master Response in Section 2.4.2 and Response 4E regarding the intersection of Mt. Diablo Scenic/Diablo Road.
3. The installation of traffic signals at the entrance to the Magee East portion of the project and to the three lots at McCauley Road are not warranted as concluded in the traffic impact analysis and DEIR in Section 4.12. Please refer to Mitigation Measure 4.12-3 that discusses improvements recommended at the McCauley Road entrance to the Magee West portion of the project.
4. Improvements to bike facilities are not warranted based on the minor bike travel anticipated from the project. Please see the Master Response in Section 2.4.2 regarding bike safety on Diablo Road.

January 28, 2013

To: David Crompton
DCrompton@Danville.ca.gov

From: Tom Sutak
8 Eastward Lane
Danville, CA 94506

Ref: Magee Ranch Property Residential Development DEIR

Note: I live in Magee Ranch, the development that has been in Danville for nearly 25 years. As I stated to SummerHill at one of their community meetings, the dual names are confusing and can easily lead to misunderstandings. Therefore, for clarity, in this letter I will use the term "**Magee Ranch**" to refer to the *existing development* where I live and will use the term "**SummerHill**" to refer to the proposed project.

I have been a resident of Danville for 34 years and have lived at Magee Ranch for 20 years. My wife and I drive Blackhawk/Diablo Road several times every day. It is safe to say that in the time we have lived at Magee Ranch, we have driven more than 50,000 times on Blackhawk/Diablo Road. This translates to more than 3,125 hours of personal experience driving this roadway. In addition, I am a retired criminologist and security industry executive and I taught in the Administration of Justice program at Chabot College for 25 years. My comments reflect my 50 years' experience as a criminologist, investigator and security expert.

I oppose the project primarily because the plan calls for houses that are not commensurate with others located in the Blackhawk/Diablo Road corridor. Rather, the plan includes smaller homes with a number of mandated rental units. However, it appears that the die is cast in favor of the project in spite of opposition from current Danville residents. Therefore, I will limit further comments to the DEIR and the traffic mitigation measures called for in the report.

Specifically, I strongly oppose both of the traffic mitigation ideas presented in the report:

- Signalize the intersection at Magee Ranch Road/Hidden Oaks Drive and Blackhawk Road, and
- Convert the intersection at Blackhawk Road and Mt. Diablo Scenic Road to a one way stop

On the surface, the traffic portion of the DEIR appears to be a well formulated assessment of the conditions along Blackhawk/Diablo Road. Closer reading by persons who navigate this roadway daily, however, reveal many inadequacies that make the report more of a bureaucratic masterpiece of obfuscation filled with fluff and puff rather than a thoughtful assessment of the actual traffic conditions on the roads or necessary solutions before additional home site should be approved. There are a number of woeful inadequacies that are discussed below:

Jurisdiction, Traffic Enforcement & Accident Analysis: Blackhawk/Diablo Road stretches about 5 miles between Camino Tassajara and McCauley Road. Of that distance roughly 0.5 miles is entirely within the Town of Danville; 1.5 miles is entirely within the County; and the remainder, 3.0 miles is Town of Danville on one side and County on the other side of the road. That means that the Town of Danville Police Department has primary jurisdiction in only .5 miles of the road and the California Highway Patrol has primary jurisdiction for the remaining 4.5 miles. While Danville Police Officers are known to enforce traffic laws from those sections within the Town, and while they and Deputies from the County or those assigned to either Diablo or Blackhawk may enforce traffic laws or response to accidents and other emergencies, the primary enforcement responsibility and accident investigation responsibility remains with the CHP for 4.5 miles of the road. The DEIR makes no mention of any consultation with the CHP or the Sheriff's Department. There is no mention of an accident analysis having been made. Similarly, there is no mention of any analysis or observation of speeds and other commonly occurring violations along the road. These are major oversights.

B

The Athenian School and other Schools: While the DEIR gives significant discussion to various schools and their impact on peak travel along the road, there is no mention at all of the presence of The Athenian School and its impact, and more importantly, the impact the proposed mitigation measures will have on those going to and from The Athenian School. There are 473 students, 70 faculty members and an unknown number of other staff there. Nearly 600 people, most of whom use the Mt. Diablo Scenic Road intersection daily, are hard to ignore, especially when safety is a primary concern. **Yet this DEIR failed to mention them – another major oversight.** Additionally, the DEIR fails to mention both St. Isidore School and Community Presbyterian School. Both are just off the west end of El Cerro and both are accessed via Blackhawk/Diablo Road by the many parents who live in the Eastern Tassajara Valley, Blackhawk, Magee Ranch and other areas within the scope of the study. It appears that the DEIR only considered those schools which are part of the San Ramon Valley School District and **completely failed to consider** the many private schools which are an important part of the Danville community and have significant impact to westward bound traffic along Diablo Road.

C

Bicyclists: The DEIR does mention that the SummerHill project will generate one new bike rider a day. Yet, it fails to note that dozens, and often hundreds, of bicyclists use Blackhawk/Diablo Road each day, weather permitting. The road, without a bike lane, is a popular Bay Area bike riding route. The traffic created by these bicyclists significantly impacts overall traffic on the road and is a major safety concern. The report fails to discuss how traffic increases will further impact the safety of the bicyclists and motorists.

D

Impact at Project Road (Jillian) and Blackhawk/Diablo Road: The DEIR states that traffic from the proposed project would have no impact at this intersection. **This statement is blatantly inaccurate.** A substantial part of the traffic leaving SummerHill during peak morning hours will be turning left toward downtown, numerous public and private schools, and the freeway. To suggest that this left turning traffic will not impact westbound traffic on

E

Blackhawk and Diablo Roads is a falsehood without basis of any kind, and is absolutely contrary to simple observation and common sense.

Impact at the Magee Ranch Road and Blackhawk Road Intersection: There is very rarely any delay for Magee Ranch or Hidden Oaks residents turning onto Blackhawk Road, even during peak traffic hours. Today , January 23rd, my wife and I went through that intersection 8 times (4 round trips). Three of those transits were during peak traffic periods. At none of those times was there any wait at the intersection. There was no traffic in front of us stopping at the stop signs, and the waits at the stop signs, if any, amounted only to several seconds. Furthermore, the DEIR suggests that the SummerHill project will significantly adversely impact this intersection. **That is impossible!** The bulk of the project traffic will be turning westbound during peak periods, and the total impact eastbound will be a tiny fraction of the current traffic on Blackhawk Road. A stop light at this intersection is unnecessary but WILL significantly impede and delay traffic, both on Blackhawk Road and on Magee Ranch Road and on Hidden Oaks Drive. **A major problem would be created where none now exists.** To add insult to injury, the proposed light will have **ZERO** impact on the significant McCauley and Diablo Road traffic problems that will be exacerbated by this proposed development. I strongly believe that more than 3,000 Blackhawk area residents will consider any stop light at this quiet intersection to be highly inappropriate: another bureaucrat, inefficient boondoggle! Please do not burden thousands of Magee Ranch and Blackhawk area families with an unnecessary stoplight forced upon us against our clear and reasonable objections.

F

Mt. Diablo Scenic Road: Not only does the traffic study neglect The Athenian School located on this road, it fails to mention the nearby housing developments and the access and egress from the State Park. Any complete study would need to further consider the conditions created by this road, especially the presence of drivers who visit the State Park and have little or no knowledge of the traffic patterns on the major Road.

G

Emergency Vehicle Access: Fortunately, the San Ramon Valley Fire Protection District has a station at each end of Blackhawk/Diablo Road. Police response is more problematic since the Town of Danville does not have an officer in the Town portion most of the time. Responding officers will have to come either from the Tassajara Road area or from the McCauley Road area. Most of the time, this results in longer response times. However, during peak hours the response times for fire and police or police backup in the Town area and in the Diablo Area could be seriously impacted by traffic on the road. This is particularly true for those residents of the Town and County living along the curvy area of Diablo Road between McCauley Road and the SummerHill project. The DEIR was flawed in not exploring this matter in more detail, especially since vehicles have little or no space to move out of the way of emergency vehicles in this area.

H

DISCUSSION OF MITIGATION MEASURE 4.12-1: SIGNALIZE MAGEE RANCH ROAD/HIDDEN OAKS DRIVE AT BLACKHAWK ROAD:

There is no problem at this intersection. The impact on this intersection – east of the proposed SummerHill project - will be minimal and will not create meaningful waiting times since they are now negligible. Because of the divided road configuration, it appears that the only way to signalize this location would be to make it a four way stop and, thus, create waits where there is none now. You must ask: **Why is such a ludicrous “solution” being proposed by SummerHill’s DEIR but major traffic/safety problems at Diablo Road and McCauley Roads are virtually ignored?** Please require the developer of SummerHill to install appropriate traffic mitigation **at the entrances of their development** – do not allow them to defer and defray their responsibility by installing unnecessary stoplights at the Magee Ranch and Hidden Oaks intersection.

DISCUSSION OF MITIGATION MEASURE 4.12-2: MAKE DIABLO ROAD/MT. DIABLO SCENIC ROAD A ONE WAY STOP OR SIGNALIZE THIS INTERSECTION:

Converting this intersection into a one way stop would effectively turn it into a death trap. Traffic on Diablo Road frequently exceeds the speed limit and the removal of the present stop sign would only encourage some drivers to go faster. The visibility from the stop sign on Mt. Diablo Scenic is limited and is less than 300 feet to the east. These factors would significantly increase the likely hood of T-bone type accidents at the intersection if the stop on Blackhawk/Diablo Road is removed. And since a number of school buses use this intersection several times a day, the probability of a school bus accident is greatly elevated. Signalization of this intersection would reduce that problem; however, the traffic now flows well through the intersection as a three way stop. SumerHill’s recommendation to remove the stop signs on Diablo Road, however, is a dangerous recommendation and should be rejected.

AN ALTERNATIVE MITIGATION MEASURE THAT WILL SIGNIFICANTLY IMPROVE TRAFFIC FLOW ALONG DIABLO ROAD:

While this mitigation measure is not mentioned in the DEIR, it is the only solution that will significantly reduce the daily traffic jam at Diablo/McCauley/Green Valley Road. The current configuration of this intersection is very inefficient. Although for a brief 100 feet there are four lanes heading westward (one very short right turn lane leading to Monte Vista and Los Cerros Schools, two very brief straight lanes leading to downtown and the freeway and one left turn lane accessing a residential development), the right turn lane and one of the two straight lanes extends only 100 feet east of the intersection. As a result, during peak hours with extremely high volume traffic, this entire area moves very inefficiently. **The obvious solution is to reconfigure this intersection by additional road construction which would move all of the lanes back an additional 300 feet.** This mitigation could be accomplished by using property owned by the Town of Danville and by the project owner. Obviously this one mitigation – the only one that will truly solve the problem - is significantly more expensive than the two proposed solutions that will have either no impact or will make Diablo Road more dangerous.

My suggested mitigation is an honest effort to address the current and future traffic problems and would make life much easier for all who use Diablo during peak periods, including the new residents of the SummerHill project. I encourage the consideration of this alternative mitigation measure.

83: RESPONSE TO SUTAK, TOM

83A: Please refer to the Master Response in Section 2.4.2 regarding the intersection improvements identified in the DEIR.

83B: Caltrans has reviewed the DEIR and traffic analysis, and provided comments as presented in Letter 2. Responses to Caltrans comments are provided in the responses to Letter 2. The CEQA thresholds (CEQA Appendix G, Environmental Checklist) require evaluation of the performance level of the roadway network with the addition of project traffic, rather than an analysis of travel speeds or moving violations.

Traffic conditions in the field were observed in order to identify existing operational deficiencies and to confirm the accuracy of calculated levels of service. The purpose of this effort was 1) to identify any existing traffic problems that may not be directly related to intersection level of service, and 2) to identify any locations where the LOS calculation does not accurately reflect level of service in the field.

83C: Hexagon coordinated with Town staff to determine the most appropriate days and times to obtain traffic volumes at the study intersections. These volumes reflect a snapshot of all traffic flow along the area roadway network during the typical weekday AM and PM commute peak hours and school PM peak hours, including those to and from the Athenian school and homes in the area. Please refer to the Master Responses in Section 2.4.2 for additional discussion of traffic and count protocol.

83D: Please refer to the Master Response in Section 2.4.2 regarding bicycle safety.

83E: The main project entrance on Blackhawk Road was analyzed in the traffic study under project conditions and it did not warrant a signal, nor did it meet the Town's significance thresholds. The impacts of project traffic at other intersections are discussed within the traffic study in Appendix I of the DEIR.

83F: Please refer to the Master Response in Section 2.4.2 regarding the intersection improvements identified in the DEIR at this location.

83G: Please refer to the Master Response in Section 2.4.2 regarding the intersection improvements identified in the DEIR at this location.

83H: Please refer to the Master Response in Section 2.4.2 regarding emergency access.

83I: Please refer to the Master Responses in Section 2.4.2 regarding the intersection improvements identified in the DEIR.

83J: Refer to Response 82A relating to improvements at Diablo/McCauley/Green Valley Road.

David Crompton

From: Kevin Gailey
Sent: Tuesday, January 29, 2013 1:55 PM
To: David Crompton
Subject: FW: Draft EIR Summerhill

Don't see you received a copy.

From: Clelen Tanner [<mailto:foothilldentel@sbcglobal.net>]
Sent: Thursday, January 17, 2013 5:15 PM
To: Kevin Gailey
Subject: Draft EIR Summerhill

Mr. Kevin Gailey:

On February 6, 1970, the Magee Property became agricultural preserve under a Williamson Contract. Section 51245 of the Govt. Code requires that a notice of non-renewal be filed and recorded to have the property removed from agricultural preserve. On Sept. 12, 2002 a document was filed with the CCCountyRecorder which recorded a notice of non-renewal on Parcels 202-050-071, -073, -078 and Parcel 215-040-002. There are 11 parcels in the Summerhill development, only four have been removed from agricultural preserve. Where is the documentation that the other seven parcels have been removed. (documents of Sept. 12 non-renewal sent to Mr. Crompton the Jan. 16 2013.)

It appears from the tax records, that parcel 202-050-071 was not removed from agricultural preserve until 2011.

Re: Contra Costa Flood Control and Water Conservation District Letter December, 2010. Comments on Summerhill NOP Item 10. "We are concerned about the potential for increased erosion within the reaches of Green Valley Creek downstream of this project. We recommend that the Town require the developer to identify and mitigate the potential impact related to erosion due to increased peak and volume of stormwater from this project by performing an inventory of Green Valley Creek to identify any critical locations prone to erosion."

This is not addressed in the Draft EIR. The developer did not identify any critical locations and consequently did not address possible mitigations.

Re: Traffic Study

Was the traffic study based only on the HCM Planning Methodology? If not, what other standard was used?

Most traffic studies for an EIR require the count to be completed less than two years prior to the EIR. If the count occurred in Oct. 2010, does this comply with the standard being used for the study? Was school in regular session (not a conference day) when the traffic count was done?

Emergency Service Vehicles, Hexagon Transportation Consultant, Inc. "This project does not propose any physical changes to the roadway system that would affect response times, but it would add traffic to intersections already operating a poor LOS.*Nearly* all the streets in the vicinity are sufficiently wide to accommodate traffic and emergency vehicles assuming that drivers stop and pull over for sirens, as they are required to do."

Which streets and locations are not sufficiently wide to accommodate traffic and emergency vehicles? If there is a "bottle neck" on either Diablo Rd. or Green Valley Rd., it means that emergency vehicles cannot be accommodated. *Nearly* is not safe.

How was the Matadera traffic included in the study?

Re: Measure S

On April 12, 2012 you sent Maryann Cella an e-mail stating that the Town has not sought or received an opinion from outside council regarding the applicability of Measure S for either the SummerHill-Magee or Elwaorty Ranch development applications. Has this changed? Why is Measure S not applicable to Summerhill? When would Measure S apply?

Re: General Plan

Can we assume the Magee/SummerHill project is governed by the 2010 General Plan?

Re: Flooding/Flood Protection

Why doesn't the draft EIR address the fact that properties along GVC are subject to flooding during a 25 year event. A letter was sent to the Town of Danville on February 22, 2007 from Contra Costa County Flood Control stating, "Studies of the GVC watershed in various forms have occurred since Amendment No. 3 was adopted that indicate properties along GVC are subject to flooding during a 25-year event, which is less than the District standard for flood protection of a watershed of this size." Since 2007, significant other project developments have occurred that would further reduce drainage capabilities. To further exacerbate this situation, seems unconscionable. If one goes to floodsmart.gov, a FEMA website, you can determine that over a hundred Danville homes are at "high risk" for flooding along GVC, downstream of this project. During the Matadera hearing over 100 of these documents were sent to the Town but were never included in

the documents published by Danville.

Re: Tree Study

It appears that almost all of the "protected trees" are to be removed, particularly those along Diablo Rd. Is that a necessary requirement? If so, why? Why is a protected tree not protected?

Clelen Tanner

| A

84: RESPONSE TO TANNER, CLELEN

84A: Please refer to Response 38 since the both correspondence contain the same comments.



January 14, 2013

Mr. Kevin Gailey
 Chief of Planning
 Planning Division, Town of Danville
 510 La Gonda Way
 Danville, CA 94526

Subject: Comments on the Summerhill Development's Magee Ranch DEIR Hydrology Sections

Mr. Gailey,

I have been asked to review and comment on the DEIR for the Magee Ranches (SCH# 2010112042) on behalf of the Diablo Community Services District.

The segment of Green Valley Creek adjacent to the proposed subdivision has seen numerous examples of bank instability, channel erosion, and flooding over the past 20 years. These issues have been documented by the Town of Danville as well as to the Contra Costa County Flood Control and Water Conservation District. Many of these on-going problems have been caused by the slow and steady urbanization of the watershed.

The Magee Ranch DEIR and supporting documents provide a generally accurate depiction of watershed hydrology and hydraulics. Overall, the hydrologic results presented by ENGEO for 10-year and 100-year storm events were consistent with flows determined by Questa using an independent HEC-HMS model for the study area. In addition, the detention basin concept utilized for this project appears to mitigate the increase in peak flows generated by the proposed subdivision. However, upon reviewing the DEIR and relevant appendices, I find that certain potential project impacts are omitted and additional information is necessary to fully evaluate the impacts of the proposed subdivision.

- The DEIR should include a discussion of the proposed project's effect on storm flow duration and not only peak flows. According to the HEC-HMS output hydrographs presented in the DEIR Appendix G, additional storm flow duration within the range of 15 minutes is generated from the proposed detention basins. The exact change in duration is difficult to determine based on the information provided in Appendix G. Considering that channel erosion is often driven by storm flow duration and peak flows, this factor should be closely examined in the DEIR. Based on the output hydrograph, storm flow durations are extended for flows between 300 and 800 cfs. Flows within this range are likely to cause channel erosion based on our observations following storm events in the December 2012 storm.
- The diagram describing the outfall structure for Bioretention Area "A" does not provide sufficient detail to fully evaluate the proposed project. There is no description of the "two-

A

B

square-foot emergency spillway” or location and placement details for the “rock scour protection”. These are critical aspects of the project that should be included with the DEIR.

B

- There is little mention of how this basin will be managed. Its function is dependent upon maintaining its original design. Has sediment accumulation in the basin been modeled? Is there a threshold in which the basin needs to be desilted? Was the basin designed to accommodate some sediment accumulation? A detailed management plan and performance criteria should be analyzed and prepared as mitigation for potential hydrologic impacts.

C

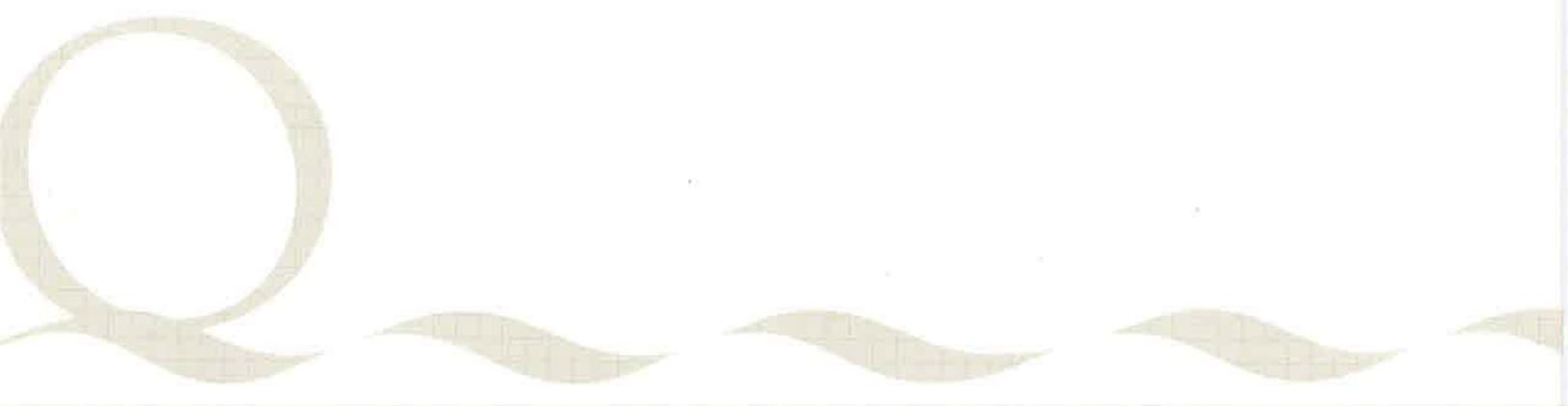
In summary, I believe that the DEIR is inadequate because it does not specifically address the critical nature of storm flow durations in Green Valley Creek. The DEIR also fails to supply adequate detail to fully assess the functionality of “Bioretention Area A”

Thank you for the chance to comment on DEIR.

Sincerely,



Sydney Temple P.E.
Questa Engineering Corporation



85: RESPONSE TO TEMPLE, SYDNEY (QUESTA ENGINEERING)

85A: It is acknowledged that storm flow durations discharging from the project may be increased as the result of net increase of impervious surfaces in the watershed as a result of development of the project. However, the regional hydrologic study prepared for the DEIR did not take into account any of the hydromodification controls the project would implement as part of Municipal Regional Permit Provision C3 requirements. Thus, the analysis in the DEIR was more conservative. The cited output hydrographs only analyze the effect of the inclusion of the proposed detention basin. Hydromodification controls are specifically intended to reduce peak flows and durations from the project to levels below established erosion thresholds in Contra Costa County watersheds for discharge rates up to the 10-year recurrence interval event. According to the data in the regional hydrologic study, the flow rate for the existing 10-year recurrence interval event storm is between 530-760 cfs at the point of project discharge into East Branch Green Valley Creek, which is within the range of flows referred to in this comment and within the range that additional proposed hydromodification controls would meter. The inclusion of proposed hydromodification controls in conjunction with the proposed detention basin, therefore, would reduce impacts related to downstream erosion potential in the creek channel to less-than-significant levels.

85B: Rock scour protection is proposed at the project outfall location to provide erosion protection. However, the final design would minimize impacts to creek biology and provided after consultation with the Regional Water Quality Control Board and the California Department of Fish and Wildlife as well as other regulatory agencies. The standpipe in the bioretention area has been modeled in the regional hydrologic study as having a 2' x 2' top orifice as an emergency spillway. The final design would be provided prior to issuance of a final grading permit by the Town of Danville.

85C: The proposed detention basin would be managed by the GHAD for the project. As required by law, the GHAD's responsibilities for the project would be articulated in a plan of control. Among the responsibilities of the GHAD set forth in the plan of control would be maintenance of the detention basin, including periodic de-silting and replacement of filter media in conformance with the Contra Costa Clean Water Program and Contra Costa County Flood Control District standards. Please refer Response 11D for additional discussion of the GHAD.

Beth and Steve TOPOR
101 Shadewell Drive
Danville, CA 94506

January 17, 2013

David Crompton
Principal Planner
Town of Danville
510 La Gonda Way
Danville, CA 94526

Dear Mr. Crompton,

RE: SummerHill DEIR

Two years ago we sent you a letter expressing our concerns regarding the SummerHill development (attached). Again, we reiterate the same issues but with increased concern as the traffic issue has worsened even without the SummerHill expansion.

Two years ago we noted that Diablo Road cannot support the traffic already traveling each day, citing the hours of 7:00 – 9:00 am and 3:00 – 4:00 pm, however we are now experiencing traffic delays from 5:00 – 6:00 pm as well. The other day at 5:20 pm it took 20 minutes to get from the end of Magee Ranch through the Green Valley intersection due to the large amount of cars, especially backing up from St. Timothy's church to the intersection. We've read the traffic mitigating alternatives and do not see how you will alleviate the backup from Green Valley to Blackhawk, especially from St. Timothy's to Green Valley with the recommendations.

We also don't see in any of the documents, reference to the increased traffic already and to continue in the future with the Dougherty Valley development. With the bad traffic problems on 580 and 680, the recent opening of Fallon Rd as a direct line to Camino Tassajara, the build up from Dublin to Danville, more cars are already coming down Camino Tassajara and turning down Diablo Road.

We only see a worsening traffic problem with existing circumstances, which will be further exacerbated with the addition of the Summerhill development. Also cited as a traffic alternative is a light system at Magee Ranch and Hidden Oaks, but also cited is maintaining the Danville aesthetics. How would you accommodate a traffic light system without destroying that beautiful intersection. Once you give approval for the project, there's no turning back. There is well-documented concern from a large number of Danville residents questioning whether this project is beneficial to the town, what is the benefit of this project and does it outweigh the issues. As we see it, there are already traffic problems, and this project will add more cars. We foresee cutting, plowing and widening to remedy, further destroying our small town feel.

The traffic is just one issue, but we also understand there are legal issues with wildlife and protected frogs, flooding issues with the creek, and current zoning changes that require Measure S vote by the residents that need to be vetted as well. We trust that the town governing bodies, will evaluate fully, follow the laws in place, and listen to the residents who they serve and pay for their salaries.

Sincerely,

Steve & Beth Topor

Handwritten signatures of Steve and Beth Topor in blue ink. The signature on the left is 'Steve Topor' and the signature on the right is 'Beth Topor'.

A

86: RESPONSE TO TOPOR, BETH AND STEVE

86A: Please refer to the Master Responses in Sections 2.4.1 and 2.4.2 regarding Measure S, zoning, and traffic. The TIA analyzed traffic volumes and impacts during the PM commute peak period (4:00 PM – 6:00 PM), which includes the hour that the commenter references. The vehicle trips associated with existing development is included in the baseline counts for the DEIR traffic study, and future trips are included in the 2030 traffic projections. In addition, further information regarding impacts to California red-legged frog is provided in the responses to Letter 105. Please also refer to Responses 4G, 6E, 6F, 6G, 71F, and 85A with regards to flooding issues.

David Crompton

From: kristen trisko <kristen.trisko@pacbell.net>
Sent: Monday, January 28, 2013 4:52 PM
To: David Crompton
Subject: Comments on DEIR for Summerhill project

Dear David,

I have read the DIER for the Summerhill project and I believe it to be flawed in many areas. The most important one being the fact that Danville is not requiring a vote under measure S for this project. See comments below. I understand that Danville is amending it's General plan to "get around" the vote requirement but the residents of Danville live here and voted for Measure S for a reason. We don't like to see land that is zoned agriculture and open space developed! This particular parcel is especially sensitive because of it's traffic issues, sensitive species, and aesthetic value. The DIER is all words written with a bias toward development.

A

When the Weber property was evaluated, the traffic at the intersection of Diablo Rd and Green Valley rd was an F and the new Weber Lane was used as a mitigation measure. Now you are just looking to add more cars to this same intersections making it an F again. What every happened to the cumulative impact analysis? I believe it to be flawed! I would like to know how you can justify this. The traffic issues were created by the developments of Blackhawk, Magee Ranch, Still Creek and others. We do not need to make it worse by adding more homes. These have all cumulatively caused the current issues and should not be allowed to continue to get worse.

B

As for the sensitive species that are known to exist on this parcel, the report talks about relocating them when a construction workers sees one and that they will "trained" to spot them. This is a joke! In observing the workers on the Weber property, there is absolutely no regard for rules, noise restrictions, cleanliness, adjacent property owners etc. They have repeatedly disregarded the work hours, leave garbage on the sight that blows into neighboring properties and streets, leave cigarette butts on the sidewalk, block the sidewalk, and leave their radios on. I don't see these same people looking down from a earth mover and seeing a whip snake or red legged frog and stopping what they are doing to have someone relocate it. This will not happen and you know it!

C

As for aesthetics, Danville and Diablo residents live on this corridor because they value the beauty of creek, trees and hills that line Diablo Rd. They chose not to live along Camino Tassajara because it does not have the same feel or beauty. It would be such shame to turn Diablo Rd into a Camino Tassajara and that is the direction I see this Town going in by approving this project.

D

The DEIR needs to answer this question: Where is the legal authority for the Town Council to vote to rezone the Ag. parcel to P-1 without an intervening change in land use designation?

The answer is that because P-1 is not an allowable zoning on Agricultural-designated land, the 2010 General Plan must be amended to change the Agricultural land use designation to one such as Rural Residential that allows P-1 zoning. But Measure S, passed in 2000 by an overwhelming 75%, says that Danville voters have the right to choose whether to approve such a change to land designated Agricultural. **THUS, THE SUMMERHILL DEIR IS FATALLY FLAWED BECAUSE IT CLAIMS ON P. 4.9-4 THAT A MEASURE S VOTE IS NOT NECESSARY FOR THE APPROVAL OF THE PROJECT.**

The DEIR is also fatally flawed in its claim that the project does not require a vote of Town Council to upzone the 198+-acre Ag.-designated parcel from A-4 (one home per twenty acres) to A-2 (one home per five acres) (see p. 3-17). The DEIR states that the project requires Council approval for only a zoning change for the Ag. parcel from A-4 to P-1. But P-1 relies on the underlying zoning's density to determine the number of homes that may be clustered using its processes. Using the A-4 zoning allows only 9 homes on the 198+acre Ag. parcel. Thus, first there must be a vote of Town Council to upzone the Ag. -designated parcel to A-2, one home per five acres, which would allow for 35 homes to be built on that parcel.

The DEIR admits that the Agricultural-designated land is currently zoned A-4. But without reference to the governing language of the 2010 General Plan or other legal authority, the DEIR states that "[t]he A-4 District is a remnant zoning district that applies to properties that are under a Williamson Act Contract. The Williamson Act Contract was cancelled on the project site in September 2010. Upon expiration of a Williamson Act Contract, it is the Town's practice to calculate the development density on these lands using the A-2 zoning standard, as specified by the General Plan, of 1 unit per 5 acrs. This procedure was used on the Elworthy Ranch project, approved by the Town in July 2008."

Several of those statements are false. The 2010 General Plan does not specify that A-4 lands convert to A-2 upon the expiration of the Williamson Act contract. A-4 is not a "remnant zoning". Rather, here is what the General Plan states: "In the event that Williamson Act contracts are not renewed, continued agricultural use is encouraged and the underlying zoning density (**one unit per 20 acres** or one unit per five acres) would apply upon contract expiration. " The "underlying zoning density" in this case is A-4, which has a density of one unit per twenty acres. The "Town's practice" of calculating density using the A-2 standard can hardly be called a "practice" when it was done just once-on Elworthy Ranch. And just because the Town applied the law incorrectly then and got away with it does not mean that the law has been changed!

The DEIR needs to answer this question: Using the exact language of the 2010 General Plan, explain how the A-4 zoning on the Ag. parcel of Magee Ranch has been converted to A-2 such that a vote of Town Council is unnecessary to upzone that parcel to A-2.

Again, my experience is the Town does what ever it wants with out regard for the feeling of it's residents. The same happened with Weber on a much smaller scale but it happening here too. This time you have had hundreds of residents voice their opinions and it appears that all of these voices are being ignored. Why?

Kristen Trisko

87: RESPONSE TO TRISKO, KRISTEN

87A: The comment asserts that the project applicant must seek voter approval under Measure S to proceed. Please refer to the Master Response in Section 2.4.1 regarding Measure S.

87B: The cumulative scenario is evaluated in the traffic study prepared for the project and represented by the 2030 plus project conditions, as described on page 4.12-6 of the DEIR, and did not include a presumption that Weber Lane was open to traffic.

87C: Please refer to the Master Response in Section 2.4.3 and the responses to Letter 105 for additional elaboration on sensitive species and their protection during construction activities.

87D: The DEIR analyzed the potential visual impacts from the project in Section 4.1. The DEIR concluded that no significant visual impacts would occur from the project with mitigation. Please note that the project applicant revised its plans and removed the three custom home lots and associated access points in response to concerns raised about the visual changes along Diablo Road. The revised plans are discussed in Section 1.3.

87E: Please refer to the Master Response in Section 2.4.1 regarding site zoning and Measure S.

David Crompton

From: Kevin Gailey
Sent: Friday, January 25, 2013 9:52 AM
To: David Crompton
Subject: FW: Summer Hill project

Summerhill email.

From: Roger Tuma [<mailto:rogertuma@yahoo.com>]
Sent: Thursday, January 24, 2013 10:07 PM
To: Kevin Gailey
Subject: Summer Hill project

I live in Hidden Valley, I see the heavy traffic on Diablo Rd, adding more homes that will be occupied by children who will need to be driven to school plus all their other actives will make it worse and very unsafe.
Roger Tuma 74 milano Ct Danville Ca 94526

A

rogertuma@yahoo.com

88: RESPONSE TO TUMA, ROGER

88A: The comment provides a general statement on the “heavy traffic” along Diablo Road. Please refer to Master Response in Section 2.4.2 for regarding traffic.

David Crompton

From: Roger Tuma <rogertuma@yahoo.com>
Sent: Friday, January 25, 2013 2:28 PM
To: David Crompton
Cc: maryann.cella@gmail.com
Subject: Summerhill DEIR

David, I live behind Green Valley School so I have some concern about the report and the issue of more homes in this area. First the statement that Green Valley school is only 78% occupied is not true, I phoned the school last week, was told that some grades are full. My grand children moved here two years ago, out of the three their was only room for one. The report states that thousands of yards of soil will be moved, what is now top soil will no longer be on top. Top soil is where plants grow and worms and grubs live that is food for the wildlife. Will new top soil be brought to the site? Other wise the hard pan will not support life therefore the hill will be barren and subject to landslides. In moving all this dirt will the dust be controlled by water? If so from where, will water trucks be going up and down an already crowded road all day? Over 30 trees will be removed! The roots now hold the soil in place the new trees will not do that for years. The last I knew we have a water shortage, the current trees and grass are able to live on the winter rains, all new trees and grass will have to be watered at least 6 months a year for a very long time. Will the Buck Eye trees be removed? They are a native tree. The report states that there is a higher than normal level of Air Pollutants at that location. The added traffic before and after construction will only add to that. On the Danville web site it says that we are concerned about Green House gas and so is the state of Ca. When you build more homes out of town that does not help. Roger Tuma 74 Milano Ct Danville Ca 94526

A

Thank You,

Roger Tuma
Farmers Agent
406-573-3890 x18 Direct
406-583-9829 Fax
rogertuma@yahoo.com

89: RESPONSE TO TUMA, ROGER

89A: Information provided in the DEIR concerning school capacity was obtained directly from the San Ramon Valley Unified School District. Those numbers were based on current enrollment at the time the DEIR was prepared. Those numbers are subject to change depending on enrollment. The DEIR correctly identified that school overcrowding is an issue in the District and the District was consulted to solicit their input on the DEIR.

As described on page 3-15 of the DEIR, the project would require the grading of 150,000 cubic yards of cut/fill to balance on the site with no import or export of soil material. Standard dust control measures are identified as mitigation during construction in the DEIR on page 4.3-16. Water for dust suppression would likely be supplied by trucks; these truck trips would occur in phases in conjunction with the grading/construction schedule. Please refer to Section 4.4-32 through 34 of the DEIR for further discussion of trees. Finally, the greenhouse gas impacts of the project are evaluated on pages 4.3-19 through 22 of the DEIR.

David Crompton

From: Planning
Sent: Monday, January 28, 2013 8:51 AM
To: David Crompton
Subject: FW: Magee Ranch Comment

For your files.

From: kbargar@gmail.com [<mailto:kbargar@gmail.com>]
Sent: Friday, January 25, 2013 6:46 PM
To: Planning
Subject: Magee Ranch Comment

Data from form "Comments for the Public Record" was received on 1/25/2013 6:45:48 PM.

Magee Ranch - Comments for the Public Record

Field	Value
FirstName	Kathleen
LastName	Viarengo
Address	1001 McCauley Road
City	Danville
State	CA
Zip	94526
Organization	
Title	
Email	kbargar@gmail.com
Phone	9253620089
Fax	
Concerns Comments	<p>I want the public to get it's vote on the Measure S proposal regarding residential development on agricultural property.I don't want the town to upzone the remaining 400 acres of agricultural property.</p> <p>As residents residing on McCauley Road,we find traffic and congestion a problem leaving our neighborhood. We are also concerned about noise pollution in our neighborhood as a result of the proposed development. We believe that this issue has not adequately been addressed in the DEIR-Summary of Significant Impact. Simply restripping McCauley Road will not address this problem in an impactful manner.</p>

A

Email "Magee Ranch Comment" originally sent to Planning@danville.ca.gov from kbargar@gmail.com on 1/25/2013 6:45:48 PM.

90: RESPONSE TO VIARENGO, KATHLEEN

90A: Please refer to the Master Responses in Sections 2.4.1 and 2.4.2 regarding concerns on Measure S and traffic. Noise from the project was evaluated in a noise assessment prepared for the DEIR using industry standards in compliance with CEQA and is discussed in Section 4.10 of the DEIR. Mitigation Measure 4.12-3 recommends striping in the public right-of-way (McCauley Road) directly adjacent to the three lots proposed off McCauley Road, which will mitigate any queuing concerns for vehicles turning into the proposed private drive by creating a queue lane for southbound vehicles headed toward the elementary school and a passing lane for vehicles headed into the subdivision.

David Crompton

From: wendy@nffoundation.org on behalf of Wendy Viscuglia <wendyv@gmail.com>
Sent: Monday, January 28, 2013 8:52 AM
To: David Crompton
Subject: Measure S/Summerhill

Mr. Crompton,

I want the public to get its Measure S vote regarding residential land. I don't want the town to upzone all the remaining 400 agriculture acres in Danville to quadruple the number of allowable homes.

I live in Hidden Valley and residents here will be significantly effected in several ways, more traffic especially, if the Summerhill project is approved. Thank you.

--
Wendy Viscuglia
925-487-2747 (mobile)
925-478-4320 (office)

A

91: RESPONSE TO VISCUGLIA, WENDY

91A: Please refer to the Master Response in Section 2.4.1 regarding Measure S. The comment also makes a general statement regarding traffic. Please refer to the Master Response in Section 2.4.2 regarding traffic issues.

January 28, 2013

Mr. David Crompton,
Project Planner
Danville Town Offices
510 La Gonda Way,
Danville, Ca 94526

Regarding: Draft Environmental Impact Report for Magee Ranches

Mr. Crompton,

Thank you for the opportunity to comment on the "Draft Environmental Impact Report for Magee Ranches." 230 MB represents a lot of drafting, but quantity of work done is not necessarily representative of work accomplished. Please acknowledge timely receipt of these comments.

In my note to you of December 10, 2010, I identified several issues that I considered to be worthy of consideration. Some of these, not others, have been addressed. As more details regarding the project have become available, additional issues have come to my attention. Because I have lived adjacent to the site for more than 25 years, I do know it well, and my concerns should not be taken lightly.

My first concern in 2010 related to temporary land use. Though the draft addresses air pollution and noise during construction, the draft EIR does not address my concern regarding a slow or unsuccessful project leaving a disturbed site with partially completed infrastructure for an extended period of time. While I am not in favor of this project, it should, if allowed to proceed, proceed quickly or the site should be returned to its original state. The state of the land, during an extended period of project development, such as greater than three years, has not been addressed as a significant impact in the draft EIR.

My second concern in 2010 related to the cultural value of relics reminiscent of the county's ranching heritage. These are easily identifiable. Their presence and value have not been addressed as a significant impact in the draft EIR.

My third concern in 2010 was light pollution. This concern was addressed in terms of aesthetics, but was not addressed as a significant impact from the standpoint of the amateur astronomers who use Athenian School and Mt Diablo for their activities.

My fourth issue related to the calculation of density. Any calculation of density should include both the primary and secondary dwelling units.

My fifth concern related to potential degradation of the scenic corridor along Diablo Road. Any development of lots 68, 69, and 70 should be restricted to preserve the scenic corridor along Diablo Road and existing landscape visible from Diablo Road. In my opinion, development of these lots should not be allowed. This has not been addressed as a significant impact in the draft EIR.

Magee Ranch-SummerHill Development EIR Scope

Wednesday, December 15, 2010 10:12 PM
From:

"CHARLES S WALTMAN" <cgwaltman@sbcglobal.net>
View contact details

To:

dcrompton@danville.ca.gov
Mr. Crompton,

Thank you for the opportunity to comment.

In reviewing the scope of analysis for the EIR for the Magee Ranch SummerHill project I note several important issues deserving consideration:

1. Temporary Land Use. There is no assurance that the project will be completed as planned in any given time period or restored to its original condition if the timetable isn't met. The developer is proposing a project in a setting of a high quality mature community with abundant open space and a pleasing mixture of open space, parks, schools, residential developments and agricultural land. Forecasts for rebound of the Real Estate market couldn't be more uncertain. Destroying a large section of agricultural land while failing to develop a potentially satisfactory residential development and leaving vacant lots, decaying roads and infrastructure would be a tragedy. I propose that the project be bonded sufficiently to return the land to its original use until a critical mass of approximately 50% of the approved structures are owner occupied within a predetermined time of perhaps 3 years from the start of rough grading. It should be noted that a similar project was proposed in the past, in a far more positive market, and failed to materialize due to economic considerations not community opposition.
2. Cultural Resources. The intrinsic value of both well planned and continued agricultural use of any open space is essential to preserving one of the few remaining properties reminiscent of the ranching heritage of the community. Additionally, relics of this ranching heritage, such as corrals, water tanks and the like should be preserved.
3. Light Pollution. Mount Diablo provides an important venue for astronomers. The Athenian athletic fields are an attractive and convenient site as are venues such as the camp grounds and parking lots within the Park. Light pollution should be minimized. No street lights should be allowed. Outdoor lighting should absolutely minimize light pollution. North facing windows should be covered at night.
4. Density. The developer has been ambiguous in terms of the "Casitas" to be constructed as part of the subdivision. These, apparently, are structures that could potentially rented to provide low income housing. On the one hand, the developer wants to count these structures as low income housing units. On the other hand he seems reluctant to include these in the count of residences per acre. The prospect of these units meeting to intent of low income housing is remote. They are far more likely to be use as pool houses, guest houses, rec rooms, mother-in-law rooms, or housing for live-in maids or aupairs. Obviously they represent additional headscaped square footage adding to hydrological concerns as well as increasing the number of

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Login

Gridlock Traced to Just a Few Key Commuters

By Chuck W. Waitman, a traffic researcher in San Francisco and a former city planner

Canceled some car trips from just a few strategically located neighborhoods could drastically reduce gridlock and traffic jams in cities, a new study suggests.

The study, conducted amid a global trend toward urbanization, could lead to new strategies and maybe even smartphone apps to help prevent traffic congestion, the researchers said.

Nearly 5 billion people are expected to be living in cities next year. Urban road networks already are subject to severe traffic congestion, which can decrease road quality and increase fuel consumption and air pollution. In 2007 alone, the study authors noted, congestion forced Americans living in metropolitan areas to spend 4.2 billion more hours traveling and purchase an additional 2.8 billion gallons of fuel, at a total cost of more than \$87 billion.

To learn more about traffic congestion in the hope of finding ways of relieving it, an international team of scientists analyzed road use patterns in the San Francisco Bay area and the Boston area. They used mobile phone information from more than 1 million users over the course of three weeks to map out where drivers were concentrated on roads. (The data was rendered anonymous before the investigators looked at it, the study authors noted.)

[Traffic-Predicting Sensors Could Shorten Your Commute]

Based on their analysis, the researchers suggest that certain neighborhoods in these urban areas were home to drivers that caused major congestion. The scientists found that canceling just 1 percent of trips from these neighborhoods could drastically reduce travel time that was otherwise added due to congestion.

"In the Boston area, we found that canceling 4 percent of trips by select drivers in the Massachusetts municipalities of Everett, Marlborough, Lawrence, Lowell and Waltham would cut all drivers' additional commuting time caused by traffic congestion by 18 percent," said researcher Marta González, a complex-systems scientist at the Massachusetts Institute of Technology. "In the San Francisco area, canceling trips by drivers from Dublin, Hayward, San Jose, San Rafael and parts of San Ramon would cut 14 percent from the travel time of other drivers."

The location of these neighborhoods apparently makes it easy for them to impact their cities. "Being able to detect and then release the congestion in the most affected arteries improves the functioning of the entire coronary system," González told TechNewsDaily.

There are many ways people might reduce the number of drivers hitting the road from these key neighborhoods, the scientists said. For instance, the authorities might encourage alternatives "such as public transportation, carpooling, flex time and working from home," González said. Mobile phone apps that connect people using the same roads might help them coordinate carpooling, she added.

In compiling their data, the researchers did not need complete GPS information from all the travelers. "People are very repetitive in their travel patterns, and the number of data points only from billing information is vast," said González. "This is enough to make good statistical estimates, despite not everyone using the phone all the time. With a good sample and analysis of long-time observations, we could calculate the trends of road usage."

Since mobile phones are now used worldwide, the research strategy that González and her colleagues used for Boston and

residents that will tax the existing infrastructure.

5. Preservation of scenic corridor along Diablo Road is essential. Perhaps through geological good luck, the character of the creek to the southwest of Blackhawk Road a mile or so north of the main Blackhawk entrance preserved a beautiful section of land. The proposed Court H shown on the Northwest Site Plan represent a very high level of sacrifice for very limited benefit.

6. I presently enjoy a view of the land proposed to be sacrificed for the development of Courts C, D, E, and F. The proposed development will diminish my quality of life and the value of my property. Lower density, moving structures farther from the creek, keeping them lower on the hills, and preserving corridors for livestock and the abundant wildlife will reduce but not eliminate the negative impact.

7. Community Values. Voters response to San Ramon's proposition W has expressed the basic fact that residents of this area value preservation vs continued growth. This sentiment should be considered and honored as the details of this project and its impacts are developed and analyzed.

Chuck Waitman
51 Diablo Creek Place
Danville, Ca 94506

Delete

San Francisco could potentially help relieve traffic in nearly every urban area. The scientists are currently studying road use in the Dominican Republic, France, Portugal, Rwanda and Spain.

"In many cities in the developing world, traffic congestion is a major problem," González said. "So the detailed methodology we developed for using cellphone data to accurately characterize road network use could help traffic managers control congestion and allow planners to create road networks that fit a population's needs."

The scientists detailed their findings online today (Dec. 20) in the journal *Scientific Reports*.

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- Coolest Vehicles You'll Never Get to Ride
- 10 Future Public Transportation Vehicles
- 5 Ways Self-Driving Cars Will Make You Love Commuting

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Understanding Road Usage Patterns in Urban Areas

Pu Wang, Timothy Hunter, Alexandre M. Bayen, Katja Schechtner & Marta C. González

Scientific Reports 2, Article number: 1001 doi:10.1038/srep01001

Received 29 October 2012 Accepted 19 November 2012 Published 20 December 2012

In this paper, we combine the most complete record of daily mobility, based on large-scale mobile phone data, with detailed Geographic Information System (GIS) data, uncovering previously hidden patterns in urban road usage. We find that the major usage of each road segment can be traced to its own - surprisingly few - driver sources. Based on this finding we propose a *network of road usage* by defining a bipartite network framework, demonstrating that in contrast to traditional approaches, which define road importance solely by topological measures, the role of a road segment depends on both: its betweenness and its degree in the road usage network. Moreover, our ability to pinpoint the few driver sources contributing to the major traffic flow allows us to create a strategy that achieves a significant reduction of the travel time across the entire road system, compared to a benchmark approach.

Subject terms: Civil engineering Statistics Applied physics

Statistical physics,
thermodynamics and nonlinear
dynamics

Introduction

In an era of unprecedented global urbanization, society faces a rapidly accelerating demand for mobility, placing immense pressure on urban road networks^{1, 2}. This demand manifests in the form of severe traffic congestion^{3, 4}, which decreases the roads' level of service, while at the same time increasing both fuel consumption⁵ and traffic-related air pollution⁶. In 2007 alone, congestion forced Americans living in urban areas to travel 4.2 billion hours more, purchase an additional 2.8 billion gallons of fuel, at a total cost of \$87.2 billion⁵. To mitigate congestion in urban roads, urban planning¹, traffic prediction^{7, 8, 9} and the study of complex networks^{10, 11, 12, 13, 14, 15} have been widely investigated potential influencing factors. However, without comprehensive knowledge of how roads are used dynamically, these studies are conventionally based on expensive and quickly outdated travel surveys or segmented information on traffic flow and travel time^{7, 8, 9}, which fail to support the researchers with the information needed to cope with modern mobility demand. Up to now our understanding of the origins of the drivers in each road remained limited and not quantitatively solved.

In this work we validate for the first time a methodology, which employs comprehensive mobile phone data to detect patterns of road usage and the origins of the drivers. Thus, providing a basis for better informed transportation planning, including targeted strategies to mitigate congestion^{3, 4}. We formalize the problem by counting the observed number of individuals moving from one location to another, which we put forward as the transient origin-destination

(F-OD) matrix (Fig. S5, Fig. S11 and Supplementary Information (SI) section II.A). Traditionally, ODs are costly and difficult to obtain, because they are at best based on travel diaries made every few years, which quickly become obsolete and strongly rely on provided reports^{7, 8}. In contrast, the rapidly increasing penetration rates and massive usage of mobile phones, with towers densely located in urban areas, can provide the most detailed information on daily human mobility^{6, 17, 18, 19}, across a large segment of the population^{19, 20, 21, 22, 23, 24, 25}. Thus we use three-week-long mobile phone billing records generated by 360,000 San Francisco Bay Area users (6.56% of the population, from one carrier) and 680,000 Boston Area users (19.35% of the population, from several carriers) respectively. This data set is two orders of magnitude larger in terms of population and time of observation than the most recent surveys (Table S1), providing us with a source at an unprecedented scale to generate the distribution of travel demands.

To study the distribution of travel demands over a day we divide it into four periods (Morning: 6 am–10 am, Noon & Afternoon: 10 am–4 pm, Evening: 4 pm–8 pm, Night: 8 pm–6 am) and cumulate trips over the total observational period. A trip is defined when the same mobile phone user is observed in two distinct zones within one hour (zones are defined by 892 towers' service areas in the San Francisco Bay Area and by 750 census tracts in the Boston Area). In the mobile phone data, a user's location information is lost when he/she does not use his/her phone, but by defining the transient origin and destination with movements within one hour, we can capture the distribution of travel demands. Specifically we calculate the F-OD as:

$$f - OD_{ij} = W \times \frac{F^{vehicle}_{ij}}{\sum_{i,j} F^{vehicle}_{ij}} \quad (1)$$

where A is the number of zones, W is the one-hour total trip production in the studied urban area, a number readily available for most cities. However this number gives no information about the trip distribution between zones, which we can enhance by the information gained via mobile phones. Directly from the mobile phone data we calculate $T_{ij}(n)$, which is the total number of trips that user n made between zone i and zone j during the three weeks of study. Via calibrating $T_{ij}(n)$ for the total population we obtain: $F^{trip}_{ij} = \sum_{n=1}^N T_{ij}(n) \times M(k)$, where N_k is the number of users in zone k . The ratio M scales the trips generated by mobile phone users in each zone to the trips generated by the total population living there. $M(k) = N_{pop}(k)/N_{user}(k)$, where $N_{pop}(k)$ and $N_{user}(k)$ are the population and the number of mobile phone users in zone k . Furthermore to assign only the fraction of the trips attributed to vehicles, we correct F^{trip}_{ij} by the vehicle usage rate, which is a given constant for each zone and therefore obtain $F^{vehicle}_{ij}$ (see SI section II.A).

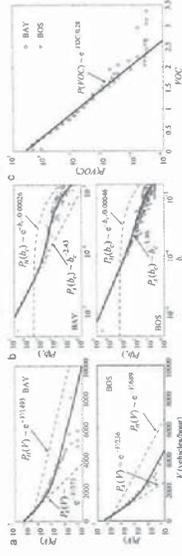
For each mobile phone user that generated the F-OD, we can additionally locate the zone where he or she lives, which we define as the *driver source*. Connecting F-ODs with driver sources allows us for the first time to take advantage of mobile phone data sets in order to understand urban road usage. In the following, we present the analysis of the road usage characterization in the morning period as a case study. Results for other time periods are presented in SI (Fig. S19).

Results

A road network is defined by the links representing the road segments and the nodes representing the intersections. Using incremental traffic assignment, each trip in the F-OD matrix is assigned to the road network²⁶, providing us with estimated traffic flows (Fig. 1a). The road network in the Bay Area serves a considerable larger number of vehicles per hour (0.73 million) than the one in the Boston (0.54 million). The traffic flow distribution $P(V)$ in each area can be well approximated as the sum of two exponential functions corresponding to two different characteristic volumes of vehicles (Fig. 1a); one is the average traffic flow in their

arterial roads (V_A) and the other is the average traffic flow in their highways (V_H). We measure $P(V) = P_A V_A e^{-V/V_A} + P_H V_H e^{-V/V_H}$ with $V_A = 373$ (236) vehicles/hour for arterials and $V_H = 1,493$ (689) vehicles/hour for highways in the Bay Area (Boston numbers within parenthesis). P_A and P_H are the fraction of arterial roads and the fraction of highways. Both road networks have similar number of arterials (~20,000), but the Bay Area with more than double the number of highways than Boston (3,141 highways vs 1,267 in Boston) still receives the double of the average flow in the highways (V_H) and a larger average flow in the arterial roads.

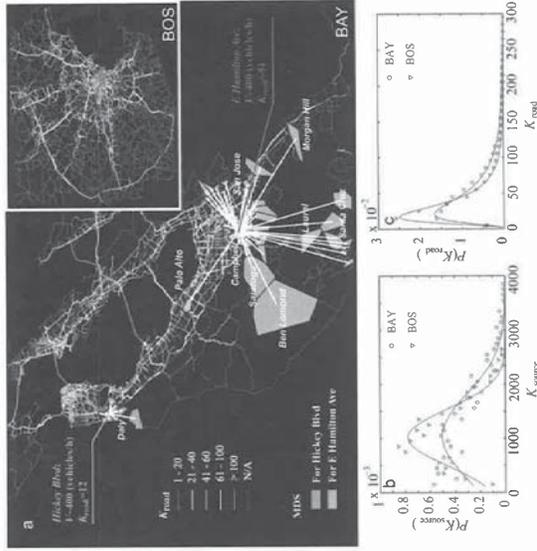
Figure 1: Distributions of traffic flow, betweenness centrality and VOC in the two urban areas.



(a) The one-hour traffic flow V follows a mixed exponential distribution $P(V) = P_A V_A e^{-V/V_A} + P_H V_H e^{-V/V_H}$ for both Bay Area and Boston Area, where constants P_A and P_H are the fraction of arterial roads and the fraction of highways. V_A and V_H is the average traffic flow for arterial roads and highways respectively. (b) The distribution of road segment's betweenness centrality b_c is well approximated by $P(b_c) = P_H \beta_H e^{-\beta_H b_c} + P_A \alpha_A e^{-\alpha_A b_c}$, where the power-law distribution approximates arterial roads' b_c distribution and the exponential distribution approximates highways' b_c distribution. β_H denotes the average b_c of highways and α_A is the scaling exponent for the power-law. (c) The volume over capacity VOC follows an exponential distribution $P(VOC) = \nu e^{-\nu VOC}$ with an average $VOC = 0.28$ for the two areas. Traffic flows in most road segments are well under their designed capacities, whereas a small number of congested segments are detected. For more statistical analysis of the fits, see the detailed discussion in SI section III.E.

The volume of vehicles served by a road depends on two aspects: the first is the functionality of the road according to its ability to be a connector based on its location in the road network (i.e. betweenness centrality) and the second is the inherent travel demand of the travelers in the city. The betweenness centrality b_c of a road segment^{27, 28, 29, 30} is proportional to the number of shortest paths between all pairs of nodes passing through it; we measured b_c by averaging over each pair of nodes, and following the shortest time to destination. The two road networks, analyzed here, have completely different shapes: the Bay Area is more elongated and connects two sides of a bay, while the Boston Area follows a circular shape (see Fig. 2a). But both have a similar function in the distribution of b_c with a broad term corresponding to the arterial roads and an exponential term to the highways, which is at the tail of larger b_c . As Fig. 1b shows, we measure: $P(b_c) = P_A P_A(b_c) + P_H P_H(b_c)$ ($R^2 > 0.99$), with $P_A P_A(b_c) \sim b_c^{-\alpha_A}$ for arterial roads and $P_H P_H(b_c) \sim e^{-\beta_H b_c}$ for highways. The highways in the Bay Area have an average b_c of $\beta_H = 2.6 \times 10^{-4}$, whereas a larger $\beta_H = 4.6 \times 10^{-4}$ is found for the Boston Area highways, indicating their different topological structures. Interestingly, despite the different topologies of the two road networks, the similar shapes of their distribution of traffic flows indicate an inherent mechanism in how people are selecting their routes.

Figure 2: Tracing driver sources via the road usage network.



(a) The colour of a road segment represents its degree K_{road} . Most residential roads are found to have small K_{road} , whereas the backbone highways and the downtown arterial roads are shown to have large K_{road} . The light blue polygons and the light orange polygons pinpoint the MDS for Hickey Blvd and E Hamilton Ave respectively. The white lines show the links that connect the selected road segment and its MDS. The two road segments have a similar traffic flow $V \sim 400$ (vehicles/hour), however, Hickey Blvd only has 12 MDS located nearby, whereas E Hamilton Ave has 51 MDS, not only located in the vicinity of Campbell City, but also located in a few distant regions pinpointed by our methodology. (b) The degree distribution of driver sources can be approximated by a normal distribution $P(K_{source}) = e^{-\frac{1}{2}\sigma_{source}^2(K_{source}-\mu_{source})^2}/\sigma_{source} \sqrt{2\pi\sigma_{source}}$ with $\mu_{source} = 1,035.9$ (1,017.7), $\sigma_{source} = 792.2$ (512.3), $R^2 = 0.78$ (0.91) for Bay Area (Boston Area). (c) The degree distribution of road segments is approximated by a log-normal distribution $P(K_{road}) = e^{-\frac{1}{2}(\ln(K_{road}-\mu_{road})/\sigma_{road})^2}/\sigma_{road} \sqrt{2\pi\sigma_{road}K_{road}}$ with $\mu_{road} = 3.71$ (3.36), $\sigma_{road} = 0.82$ (0.72), $R^2 = 0.98$ (0.89) for Bay Area (Boston Area). For more statistical analysis of the fits, see SI section III B.

Notice that only when the traffic flow is greater than a road's available capacity, the road is congested; the ratio of these two quantities is called Volume over Capacity (VOC) and defines the level of service of a road. Surprisingly, despite the different values in average flows v and average betweenness centrality β , we find the same distribution of VOC (Fig. 1c) in the two metropolitan areas, which follows an exponential distribution with an average VOC given by $\gamma = 0.28$ ($R^2=0.99$):

$$P(\text{VOC}) = \gamma e^{-\gamma \text{VOC}}; \quad (2)$$

The exponential decay of VOC indicates that for both road networks traffic flows on 98% of the road segments are well below their designed road capacities, whereas a few road segments suffer from congestion, having a $\text{VOC} > 1$. The similarity between the two VOC distributions shows that in both urbanities drivers experience the same level of services, due to

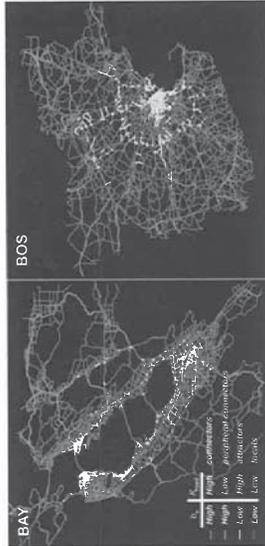
utilizing the existing capacities in the similar way.

The traditional difficulty in gathering ODs at large scales has until now limited the comparison of roads in regard to their attractiveness for different driver sources. To capture the massive sources of daily road usage, for each road segment with $V > 0$, we calculate the fraction of traffic flow generated by each driver source, and rank these sources by their contribution to the traffic flow. Consequently, we define a road segment's major driver sources (MDS) as the top ranked sources that produce 80% of its traffic flow. We next define a bipartite network, which we call the network of road usage, formed by the edges connecting each road segment to their MDS. Hence, the degree of a driver source K_{source} is the number of road segments for which the driver source is a MDS, and the degree of a road segment K_{road} is the number of MDS that produce the vehicle flow in this road segment. As Fig. 2b shows, the driver source's degree K_{source} is normally distributed, centered in $< K_{source} > \sim 1000$ in both Bay Area and Boston Area, implying that drivers from each driver source use a similar number of road segments. In contrast, the road segment's degree K_{road} follows a log-normal distribution (Fig. 2c), where most of the road segments have a degree centered in $< K_{road} > \sim 20$. This indicates that the major usage of a road segment can be linked to surprisingly few driver sources. Indeed, only 6–7% of road segments are in the tail of the log-normal linked to a larger number of MDS, ranging from 100 to 300.

In Fig. 2a we show a road segment's degree K_{road} in the road network maps of the Bay Area and the Boston Area. Since census tracts and mobile phone towers are designed to serve similar number of population (Fig. S2), a road segment's degree K_{road} quantifies the diversity of the drivers using it. We find that K_{road} is lowly correlated with traditional measures, such as traffic flow, VOC and betweenness centrality b_c (Fig. S15). For example, in Fig. 2a, Hickey Blvd in Daly City and E Hamilton Ave in Campbell City have a similar traffic flow $V \sim 400$ (vehicles/hour), however, their degrees in the network of road usage are rather different. Hickey Blvd only has $K_{road} = 12$, with MDS distributed nearby, whereas E Hamilton Ave, has $K_{road} = 51$, with MDS distributed not only in its vicinity, but also in some distant areas as Palo Alto, Santa Cruz, Ben Lomond and Morgan Hill.

As Fig. 2a shows, the road segments in the tail of the log-normal ($K_{road} > 100$) highlight both the highways and the major business districts in both regions. This again implies that K_{road} can characterize a road segment's role in a transportation network associated with the usage diversity. To better characterize a road's functionality, we classify roads in four groups according to their b_c and K_{road} in the transportation network (see Fig. 3 and Fig. S16). We define the connectors, as the road segments with the largest 25% of b_c and the attractors as the road segments with the largest 25% of K_{road} . The other two groups define the highways in the periphery, or peripheral connectors, and the majority of the roads are called local, which have both small b_c and K_{road} (Fig. 3). By combining b_c and K_{road} , a new quality in the understanding of urban road usage patterns can be achieved. Future models of distributed flows in urban road networks will benefit by incorporating these ubiquitous usage patterns.

Figure 3: Types of roads defined by b_c and K_{road} .



The road segments are grouped by their betweenness centrality b_c and degree K_{road} . The red lines (connectors) represent the road segments with the top 25% of b_c and K_{road} ; they are topologically important and diversely used by drivers. The green lines (peripheral connectors) represent the road segments in the top 25% of b_c but with low values of K_{road} ; they are topologically important, but less diversely used. The road segments in yellow are those with low values of b_c but within the top 25% K_{road} ; they behave as attractors to drivers from many sources (attractors). The road segments in grey have the low values of b_c and K_{road} ; they are not topologically important and locally used (locals).

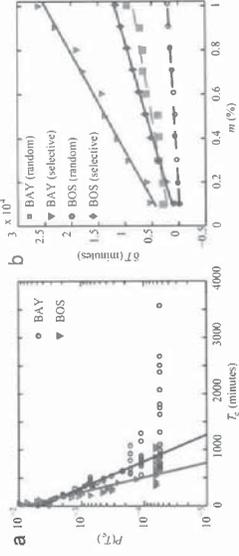
Discussion

This novel framework of defining the roads by their connections to their MDS can trigger numerous applications. As a proof of concept, we present here how these findings can be applied to mitigate congestion. For a road segment, its level of congestion can be measured by the additional travel time t_a , defined as the difference between the actual travel time t_a and the free flow travel time t_f . The drivers who travel through congested roads experience a significant amount of t_a . To pinpoint these drivers, the total T_a per driver source is calculated. In contrast to the similar number of population served by each driver source (Fig. S2), the extra travel time T_a generated by driver sources can be very different, following an exponential distribution $P(T_a) = \alpha e^{-T_a/\tau}$ (Fig. 4a). Some driver sources present a T_a 16 times larger than the average. This finding indicates that the major traffic flows in congested roads are generated by very few driver sources, which enables us to target the small number of driver sources affected by this significantly larger T_a . For the Bay Area, the top 1.5% driver sources (12 sources) with the largest T_a are selected, for the Boston Area we select the top 2% driver sources (15 sources) (Fig. S17). We then reduce the number of trips from these driver sources by a fraction f , ranging from 2.7% to 27% in the Bay Area and from 2.5% to 25% in the Boston Area. The reduced numbers of trips correspond to the m total percentage of trips (m ranging from 0.1% to 1% for both areas). A benchmark strategy, in which trips are randomly reduced without identifying the driver sources with large T_a , is used as reference.

Our results indicate that the selective strategy is much more effective in reducing the total additional travel time than the random strategy. In the Bay Area, the total travel time reduction δT increases linearly with m as $\delta T = k(m - b)$ ($R^2 > 0.90$). We find that when $m = 1\%$, δT reaches 26.210 minutes, corresponding to a 14% reduction of the total Bay Area additional travel time during a one hour morning commute (triangles in Fig. 4b). However, when a random strategy is used, the corresponding δT is only 9.582 minutes, which is almost three times less reduction than that achieved by the selective strategy (squares in Fig. 4b). Even better results are found in the Boston Area: using the selective strategy, when $m = 1\%$, δT reaches 11,762 minutes, corresponding to 18% reduction of the total Boston Area additional travel time during a one hour morning commute (diamonds in Fig. 4b), while the random strategy results only in $\delta T = 1,999$ minutes, which is six times less the reduction of that achieved by the selective strategy (circles in Fig. 4b). The underlying reason for the high efficiency of the selective strategy is intrinsically rooted in the two discoveries described

above: first that only few road segments are congested and second that most of those road segments can be associated with few MDS.

Figure 4: A selective strategy based on the framework of road usage network shows better efficiency in mitigating traffic congestion.



(a) The distribution of the additional time T_a for each driver source is well approximated with an exponential distribution $P(T_a) = \alpha e^{-T_a/\tau}$. T_a is unevenly distributed in the two urban areas (also see Fig. S17). The maximum T_a (Bay Area 3562 minutes and Boston Area 1,037 minutes) is significantly larger than the average T_a (204 minutes and 113 minutes respectively). (b) The total additional travel time reduction δT according to the trip reduction percentage m for the selective vs. the random strategy. The fits correspond to $\delta T = k(m - b)$, where k is the slope of the linear fit, b is close to zero for all fits. For a detailed statistical analysis of the fits, see the discussion in SI section III.B.

Today, as cities are growing at an unparalleled pace, particularly in Asia, South America and Africa, the power of our modeling framework is its ability to dynamically capture the massive sources of daily road usage based solely on mobile phone data and road network data, both of which are readily available in most cities. Thus we validate for the first time an efficient method to estimate road usage patterns at a large scale that has a low cost repeatability compared to conventional travel surveys, allowing us to make new discoveries in road usage patterns. We find that two urban road networks with very different demand in the flows of vehicles and topological structures have the same distribution of volume over capacity (VOC) in their roads. This indicates common features in the organization of urban trips, which are well captured by the proposed bipartite network of road usage. Based on our findings, a new quality in the understanding of urban road usage patterns can be achieved by combining the traditional classification method of assessing a road's topological importance in the road network, defined by b_c , with the novel parameter of a road's degree in the network of road usage, defined by K_{road} . The values of K_{road} and b_c together determine a road's functionality. We find that the major traffic flows in congested roads are created by very few driver sources, which can be addressed by our finding that the major usage of most road segments can be linked to their own surprisingly few driver sources. We show the representation provided by the network of road usage is very powerful to create new applications, enabling cities to tailor targeted strategies to reduce the average daily travel time compared to a benchmark strategy.

Methods

Incremental traffic assignment

The most fundamental method to assign trips to road network is provided by the classic Dijkstra algorithms³¹. Dijkstra's algorithm is a graph search algorithm that solves the shortest path problem for a graph with nonnegative edge path costs (travel time in our case). However, the Dijkstra algorithm ignores the dynamical change of travel time in a road segment. Thus to incorporate the change of travel time, we apply the incremental traffic assignment (ITA)

method²⁶ to assign the F-OD pairs to the road networks. In the ITA method, the original F-OD is first split into four sub F-ODs, which contain 40%, 30%, 20% and 10% of the original F-OD pairs respectively. These fractions are the commonly used values³². The trips in the first sub F-OD are assigned using the free travel time t_f along the routes computed by Dijkstra's algorithm. After the first assignment, the actual travel time t_a in a road segment is assumed to follow the Bureau of Public Roads (BPR) function that widely used in civil engineering $t_a = t_f(1 + \alpha(VOC)^\beta)$, where commonly used values $\alpha = 0.15$ and $\beta = 4$ are selected³². Next, the trips in the second sub F-OD are assigned using the updated travel time t_a along the routes computed by Dijkstra's algorithm. Iteratively, we assign all of the trips in the four sub F-ODs. In the process of finding the path to minimize the travel time, we record the route for each pair of transient origin and transient destination. (See SI section II.B for more detail).

Validating the predicted traffic flow by probe vehicle GPS data

Due to the lack of reliable traffic flow data at a global scale, we compare for each road segment the predicted travel time with the average travel time calculated from probe vehicle GPS data. According to the BPR function, the travel time of a road segment is decided by its traffic flow; a road segment's travel time increases with the increase of its traffic flow. Hence, obtaining the travel time from GPS probe data is an independent way to validate our result on the distribution of traffic flow. We find a very good linear relation $T_{\text{prediction}} = kT$ probe vehicle with both travel times obtained independently (the coefficient of determination $R^2 > 0.9$ for all time periods, see SI section II.C for more detail).

Calculation of driver sources

A driver source is calculated from the mobile phone data based on the regularity of visits of mobile phone users at each time of the day²⁰. This regularity is time dependent, and peaks at night when most people tend to be reliably at a home base with an average probability of 90% (Fig. S6B). Thus, we make a reasonable assumption that a driver source is the zone where the user is mostly found from 9 pm to 6 am in the entire observational period.

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PW and MG designed research; PW, TH, AB and MG performed research; PW, KS and MG wrote the paper.

Competing financial interests

The authors declare no competing financial interests.

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Supplementary information**PDF files**

1. Supplementary Information (3.12M)
Understanding Road Usage Patterns in Urban Areas



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partner of AGORA, HINARI, OARE, INASP, ORCID, CrossRef and COUNTER

My sixth concern related to the specific character of the site visible from my property. I suggested lower density, development farther from the creek, while keeping development lower on the hills. These suggestions have not been incorporated. A more general concern, included in my original 6th concern, related to wildlife corridors. This concern has not been addressed as a significant impact in the draft EIR. The proposed nominal mile of fencing along Green Valley Creek would create a barrier to free access to the south side of the creek by deer, coyote, fox and turkey. Such free access is in short supply. The most common path for these animals is down the hill, through the proposed lots 45, 46, and 47 and to the creek where they meander back and forth and seek water.

In my 2010 comments, I did not address the obvious issue of unacceptable congestion on Diablo Road. The draft EIR takes the position that traffic control will eliminate the backup along Diablo Road even with the large increase in traffic from proposed Street A. The monitoring and modeling to reach this conclusion is not consistent with the general findings of recent traffic studies and do not employ current methodologies which include monitoring of cell phones and the ability to model traffic flow with more accuracy.^{1,2} If the methodologies that have been historically used were sufficient predictors of congestion, correction of the flow along Diablo Road by the solutions proposed in the draft EIR (which may or may not prove to be effective) would have been pro-active vs reactive. The draft EIR is inadequate in its treatment of traffic flow because it fails to use current methodology and proposes an unproven means of mitigation.

An additional concern, not addressed in the draft EIR nor among my prior list of concern was the instability of the Green Valley Creek bank to the north of proposed court F at the site of what appears to be a turnout. This bank is unstable today and no mitigation is identified. This oversight is indicative of poor geotechnical work, an inadequacy in this specific instance and is possibly indicative of generally incomplete and inadequate work.

My seventh concern in 2010, simply related to the will of the people, regarding the impact of additional development. The impact of the first residential development in Danville was minor because there was abundant land and resource. With each additional development, the cultural and environmental resources that have provided Danville with its sense of character have been sacrificed and the remaining resources have become more precious. These, such as those proposed for sacrifice by development of this project are significant, not insignificant, and deserve preservation.

My comments of 2010 as well as the referenced reports are attached.

Charles S. Waitman
51 Diablo Creek Place
Danville, Ca 94506

1. Choi, Charles Q. Gridlock Traced to Just a Few Key Commuters, TechNews Daily Contributor, Live Science.com, Dec 21, 2012
2. Wang, P; Hunter, T; Bayen, Alexandre M.; Schechtner, Katja; and Gonzalez, Marta C, Understanding Road Usage Pattern in Urban Areas, Scientific Reports Nature Publishing Group, Dec 20, 2012.

92: RESPONSE TO WAITMAN, CHARLES

92A: CEQA generally requires that an EIR evaluate the environmental impacts of a project be based on a comparison of existing and project “buildout” conditions, which represent the worst-case development scenario. The DEIR also considers short-term impacts during construction. It is not in the interest of the Town or the project applicant to allow the project site to remain partially developed. The project would be constructed in phases to accommodate grading, infrastructure, and related activities, as set forth on page 3-16 of the DEIR. However, the development of homes would not cease prior to completion of construction since financing would be secured prior to initiation of construction for each phase. The DEIR identifies mitigation, including revegetation and erosion control measures, to assure that the site does not remain exposed during interim periods (See, Mitigation Measures 4.6-1 and 4.8-1).

92B: The project was evaluated for cultural resources evaluation was conducted for the DEIR. The project site does not contain any significant historical resources. As described on page 3.5-6 of the DEIR, none of the ranch buildings or structures on the site was identified as eligible for inclusion in the California Register of Historical Resources or National Register of Historic Places. Impacts to any (unknown) buried historical archaeological resources encountered during construction would be mitigated through implementation of Measures 4.5-1 and 4.5-2 identified in the DEIR on page 4.5-5.

92C: The DEIR acknowledges on pages 4.1-26 to 4.1-27 that the project would create new sources of light that could adversely affect nighttime views compared to existing conditions and identifies mitigation, including an exterior lighting plan, to reduce this impact to a less-than-significant level (See, Mitigation Measure 4.1-1). With mitigation, the increase in night lighting is not expected to affect night time conditions for amateur astronomers.

92D: Second dwelling units are not considered residential units for the purposes of calculating density. The Town’s Second Dwelling Unit Ordinance states that “a second dwelling unit, which meets the requirements of this section, shall be allowed on a parcel which is zoned for single family residential use. A second dwelling unit which meets the requirements of this section shall be considered in compliance with the allowable density for the lot upon which the second dwelling unit is located and shall be considered a residential use that is consistent with the existing zoning General Plan and zoning designation for the lot.”

92E: As discussed in Section 1.3, the project applicant modified the project plans subsequent to circulation of the DEIR to eliminate the three custom lots along Diablo Road.

The commenter references his letter responding to the Notice of Preparation of the DEIR submitted in December 2010. Items 1 through 5 of the 2010 correspondence identified the same concerns responded to in 92A – 92E above. Item 6 expresses concerns regarding the alteration of private views from his property. As described in Section 4.1 of the DEIR, CEQA is concerned with public views, which are evaluated in the document. Item 7 relates to value preservation vs. continued growth and does not raise issues related specifically to the environmental analysis.

Supplement to comments by Charles S. Waitman regarding Draft Environmental Impact Report for Magee Ranches. Comments sent to David Crompton on January 28, 2013. Supplement sent to David Crompton on January 29, 2013

January 29, 2013

Mr. David Crompton
Project Planner
Danville Town Offices
510 La Gonda Way,
Danville, Ca 94526
Regarding: Draft Environmental Impact Report for Magee Ranches

Mr. Crompton,

The photographs in the visual simulation section of the draft eir inadequately represent the aesthetic impacts of the proposed project. With the intent of increasing your awareness and level of consideration of the aesthetic impacts, I am attaching photographs taken today Mt Diablo Scenic Boulevard and from Diablo Road near from St. Timothy's Church. Additionally you will find photos of the unstable creek bank mentioned in my previous comments and my endorsement of certain comments provided by others.

The photo in the Draft EIR from Mt. Diablo Scenic Road was taken from view 3 near the park entry gate, where no traffic turnout exists and from a vantage point where a hill and vegetation largely block the site of the proposed project. The photos I have provided were taken from traffic turnouts higher on the mountain where I frequently see park visitor enjoying the view and taking pictures. From these turnouts, I also took contrasting photos of the existing Magee Ranch Development East of the proposed site to illustrate the scenic difference between a pastoral valley vs a residential development in a formerly pastoral valley.

The photo in the Draft EIR from Diablo Road from view 6 fails to capture the pastoral character of the area. I have provided several photographs taken from the roadside near St. Timothy's Church. I also provided a contrasting view of an entry gate and associated paving recently constructed in the area. The development of lots 68, 69, and 70 would likely be more disruptive than the entry gate I have shown because of the terrain.

I have also provided photos of the unstable creek bank north of proposed court F.

In several of the photos existing relics of the county's ranching heritage can be seen.

All photos were taken with a Canon PowerShot A540 on January 29, 2013 using the automatic exposure setting.

I also wish to formally endorse the comments offered by Mr. Stuart M. Flashman on behalf of Save Our Creek. Thank you for your consideration of this additional information.

Charles S. Waitman
511 Diablo Creek Place
Danville, Ca 94506



Supplement to comments by Charles S. Waitman regarding Draft Environmental Impact Report for Magee Ranches. Comments sent to David Crompton on January 28, 2013. Supplement sent to David Crompton on January 29, 2013

3 Views of proposed project site from Mt Diablo Scenic Boulevard



View 1 from Mt Diablo Scenic Boulevard



View 2 from Mt Diablo Scenic Boulevard

Supplement to comments by Charles S. Waitman regarding Draft Environmental Impact Report for Magee Ranches. Comments sent to David Crompton on January 28, 2013. Supplement sent to David Crompton on January 29, 2013



View 3 from Mt Diablo Scenic Boulevard

3 Contrasting View of existing Magee Ranch Development from Mt. Diablo Scenic Boulevard



Contrasting View 1 from Mt Diablo Scenic Boulevard

Supplement to comments by Charles S. Waitman regarding Draft Environmental Impact Report for Magee Ranches. Comments sent to David Crompton on January 28, 2013. Supplement sent to David Crompton on January 29, 2013



Contrasting View 2 from Mt Diablo Scenic Boulevard



Contrasting View 3 from Mt Diablo Scenic Boulevard

Supplement to comments by Charles S. Waitman regarding Draft Environmental Impact Report for Magee Ranches. Comments sent to David Crompton on January 28, 2013. Supplement sent to David Crompton on January 29, 2013

3 Views of Rural setting taken from Diablo Road near St Timothy's Church



View 1 from Diablo Road near St Timothy's Church



View 2 from Diablo Road near St Timothy's Church

Supplement to comments by Charles S. Waitman regarding Draft Environmental Impact Report for Magee Ranches. Comments sent to David Crompton on January 28, 2013. Supplement sent to David Crompton on January 29, 2013



View 3 from Diablo Road near St Timothy's Church



Contrasting view of gate and paving taken from Diablo Road near St Timothy's Church

Supplement to comments by Charles S. Waitman regarding Draft Environmental Impact Report for Magee Ranches. Comments sent to David Crompton on January 28, 2013. Supplement sent to David Crompton on January 29, 2013

Two views of failing creek bank north of proposed Court F



View 1 of failing creek bank



View 2 of failing creek bank

93: RESPONSE TO WAITMAN, CHARLES

93A: As described in Section 4.1 Aesthetics of the DEIR, the visual simulations were based on field and map review that identified key locations with public views of the project site. The simulations considered nine vantage points that represent public views from public right-of-way and publically accessible areas in the project vicinity. Mt. Diablo Scenic Boulevard offers views of the project site from multiple locations. Viewpoint 3 of the simulations was chosen because it provides a good representation of the project site from Mt. Diablo Scenic Boulevard. This viewpoint is unobstructed, of average elevation, and accessible to the public by vehicle or foot. The photographs provided in this comment letter show views of the project site from a higher elevation, but are not substantially different than those in Viewpoint 3. However, the simulation provided shows substantially more development than the 70 lots proposed, and over-represents the visual effect from this location at project buildout. With regards to Viewpoint 6, no impact is anticipated at this location due to obstructing vegetation. Please note that the project has removed the three custom lots along Diablo Road subsequent to circulation of the DEIR, further avoiding any visual impacts from Diablo Road in the vicinity of Viewpoint 6.

David Crompton

From: Warwick (Nick) Nicholas <nick@nicholaspension.com>
Sent: Tuesday, January 29, 2013 10:36 PM
To: David Crompton
Subject: Proposed STOPLIGHT at Magee Ranch Road

David,

I live in Magee Ranch and just learned of the proposed stoplight. I'm sorry that I could not attend this evenings Town Hearing. This proposal is completely unnecessary and out of character with the surroundings. The SummerHill Development will be of significant negative impact to the local area. Please note my objection. Thanks for your consideration.

Regards,

Warwick (Nick) Nicholas
1 Westward Lane, Danville, CA 94506
(925) 855-8070

A

94: RESPONSE TO WARWICK, NICHOLAS

94A: The commenter’s objection to the proposed project is noted. The commenter expresses an opinion on the project and does not raise comments or concerns on the merits of the environmental analysis. The comment objects to a “proposed stoplight.” For this response, it is assumed this comment relates to the traffic signal identified for Hidden Oaks Drive/Magee Ranch/Blackhawk. Please refer to Master Response in Section 2.4.2 for additional information regarding the traffic signal at that location.

David Crompton

From: Christine Watson <chrisnicolew@yahoo.com>
Sent: Monday, December 03, 2012 7:34 PM
To: David Crompton
Subject: Fwd: Magee Summerhill Developmet

>
> Hello Mr. Crompton,
>
> The purpose of this email is to tell you that I am opposed to the preliminary development plan rezoning request, major submission request and final development plan request. In am an 18 year resident of Danville and I am concerned about the decrease of open space and increased traffic congestion, the inevitable results of these plans. A
>
> Thank you.
>
> Regards
> Christina Watson
> 123 Windover Dr.
> Danville
>
>
>

95: RESPONSE TO WATSON, CHRISTINE

95A: The commenter's objection to the proposed project is noted. The comment expresses an opinion regarding the project and does not provide specific comments on the potential environmental impacts of the project or the analysis in the DEIR; no further response is required under CEQA.

David Crompton

From: Kevin Gailey
Sent: Tuesday, January 29, 2013 1:57 PM
To: David Crompton
Subject: FW: Opposition to the DEIR

This is probably a repeat of Tanner's – but don't see that you got it directly.

From: Robert Watson [mailto:Robert.Watson@oracle.com]
Sent: Monday, January 21, 2013 7:59 AM
To: Kevin Gailey; Newell Arnerich; Mike Doyle; Renee Morgan; Robert Storer; Karen Stepper; Archie Bowles; Bob Combs; Mark Graham; Randy Haberl; Lynn Overcashier; Paul Radich; Andrew Verriere
Subject: Opposition to the DEIR

Mr. Gailey, Town Council Members, Planning Commission Members-

I am an 18 year resident of Danville and opposed to the DEIR. I reiterate the comments and questions from my fellow concerned citizens.

Re: Williamson Act

On February 6, 1970, the Magee Property became agricultural preserve under a Williamson Contract. Section 51245 of the Govt. Code requires that a notice of non- renewal be filed and recorded to have the property removed from agricultural preserve. On Sept. 12, 2002 a a document was filed with the CCCountyRecorder which recorded a notice of non-renewal on Parcels 202-050-071, -073, -078 and Parcel 215-040-002. There are 11 parcels in the Summerhill development, only four have been removed from agricultural preserve. Where is the documentation that the other seven parcels have been removed. (documents of Sept. 12 non-renewal sent to Mr. Crompton the Jan. 16 2013.)

It appears from the tax records, that parcel 202-050-071 was not removed from agricultural preserve until 2011.

Re: Contra Costa Flood Control and Water Conservation District Letter December, 2010. Comments on Summerhill NOP

Item 10. "We are concerned about the potential for increased erosion within the reaches of Green Valley Creek downstream of this project. We recommend that the Town require the developer to identify and mitigate the potential impact related to erosion due to increased peak and volume of stormwater from this project by performing an inventory of Green Valley Creek to identify any critical locations prone to erosion."

This is not addressed in the Draft EIR. The developer did not identify any critical locations and consequently did not address possible mitigations.

Re: Traffic Study

Was the traffic study based only the the HCM Planning Methodology? If not, what other standard was used? Most traffic studies for an EIR require the count to be completed less than two years prior to the EIR. If the count occurred in Oct. 2010, does this comply with the standard being used for the study? Was school in regular session (not a conference day) when the traffic count was done?

Emergency Service Vehicles, Hexagon Transportation Consultant, Inc. "This project does not propose any physical changes to the roadway system that would affect response times, but it would add traffic to intersections already operating a poor LOS.*Nearly* all the streets in the vicinity are sufficiently wide to accommodate traffic and emergency vehicles assuming that drivers stop and pull over for sirens, as they are required to do."

Which streets and locations are not sufficiently wide to accommodate traffic and emergency vehicles? If there is a "bottle neck" on either Diablo Rd. or Green Valley Rd., it means that emergency vehicles cannot be accommodated. *Nearly* is not safe.

How was the Matadera traffic included in the study?

Re: Measure S

On April 12, 2012 you sent Maryann Cella an e-mail stating that the Town has not sought or received an opinion form outside council regarding the applicability of Measure S for either the SummerHill-Magee or Elwaorty Ranch development applications. Has this changed? Why is Measure S not applicable to Summerhill? When would Measure S apply?

Re: General Plan

Can we assume the Magee/SummerHill project is governed by the 2010 General Plan?

Re: Flooding/Flood Protection

Why doesn't the draft EIR address the fact that properties along GVC are subject to flooding during a 25 year event. A letter was sent to the Town of Danville on February 22, 2007 from Contra Costa County Flood Control stating, "Studies of the GVC watershed in various forms have occurred since Amendment No. 3 was adopted that indicate properties along GVC are subject to flooding during a 25-year event, which is less than the District standard for flood protection of a watershed of this size." Since 2007, significant other project developments have occurred that would further reduce drainage capabilities. To further exacerbate this situation, seems unconscionable. If one goes to floodsmart.gov, a FEMA website, you can determine that over a hundred Danville homes are at "high risk" for flooding along GVC, downstream of this project. During the Matadera hearing over 100 of these documents were sent to the Town but were never included in the documents published by Danville.

Re: Tree Study

It appears that almost all of the "protected trees" are to be removed, particularly those along Diablo Rd. Is that a necessary requirement? If so, why? Why is a protected tree not protected?

A

96: RESPONSE TO WATSON, ROBERT

96A: Please refer to the responses to Letter 38, since both comment letters raise the same concerns.

David Crompton

From: Robert Watson <rcwatson1@yahoo.com>
Sent: Sunday, January 27, 2013 8:20 PM
To: David Crompton
Cc: Robert Watson
Subject: Draft EIR

Mr. Crompton-

This email is to advise you the I OPPOSE the Magee -SummerHill development and the preliminary Development Plan - zoning request LEG10-0004 major Subdivision request SD 9291 and Final Development Plan request DEV10-0072. I OPPOSE rezoning Agricultural lands to unit development and changing existing P-1 to new P-1. As an 18 year resident of Danville I OPPOSE this for the following reasons:

- The Diablo Road / Blackhawk Road / Green Valley Road corridor it already too congested during too many hours of the day. This development will add 250- 300 more cars owned by residents in this corridor, and approximately 700- 1000 cars traveling the roads every day
- Existing traffic conditions currently make safety and emergency vehicle access impassible during many hours of the day. Adding more cars will make the situation even more dangerous
- Open space is what makes this area for livable and enjoyable. I do not want Danville to look like San Ramon.
- The wildlife (deer, coyote, turkey, pheasant, mtn lion, fox, pheasant, eagle, hawk - I have seen all these) , that I enjoy need open space to move around, feed, and breed and co exist safely and harmoniously with residents in the area. More development will reduce the habitat they need to survive.

A

My understanding is that the town council are trying push this through on some technicality without voter approval. If true, this is contrary to the spirit of previously pass legislation and against the will of the people of Danville.

Regards,
Robert Watson
123 Windover Dr
Danville

97: RESPONSE TO WATSON, ROBERT

97A: The commenter's objection to the project is noted. Please refer to the Master Response in Section 2.4.1 for detailed information on the zoning and rezoning request and Section 2.4.3 regarding emergency access.

The comment provides a projection on traffic volumes for the project. There is no analysis or substantive basis provided on these volumes. The DEIR analyzed potential traffic impacts in Section 4.12 and recommends mitigation measures for all potentially significant traffic impacts. Refer also to the Master Response in Section 2.4.2 for more detailed information on traffic.

The DEIR analyzed the potential significant impacts on biological resources including wildlife in Section 4.4. Refer also to the Master Response in Section 2.4.4 for additional information on biological resources.

January 25, 2013

David Crompton
Principal Planner
Danville Town Office
Planning Department
510 La Gonda Way
Danville CA 94526

Re: Summer Hill DEIR

Dear Mr. Crompton

I have read the DEIR, and my concerns is the lack of Measure S vote, and false claim that agricultural land is already zoned A-2.

The SummerHill project proposes clustered residential development (known as "P-1 clustered residential development") on the 198+ acre Agricultural-designated parcel. But **on page 52 of the 2010 General Plan, P-1 ZONING IS NOT LISTED AS AN ALLOWABLE ZONING ON AGRICULTURAL-DESIGNATED LAND.** State law requires that only zonings so-listed may be applied to ("mapped on") that land. The DEIR is fatally flawed because it does not address that issue of inconsistency with the 2010 General Plan.

In fact, **the project legally requires a General Plan amendment to change the AGRICULTURAL LAND USE DESIGNATION TO ONE SUCH AS RURAL RESIDENTIAL THAT ALLOWS SUCH P-1 ZONING.** The DEIR's statement that "[n]o General Plan amendments **are proposed** (emphasis added) in connection with the project" (p. 4.9-3) is true, but begs the question whether such amendments are legally required! The DEIR never addresses p. 52 of the General Plan where P-1 is not listed as an allowable zoning on Ag. land. In discussing the governing law derived from the 2010 General Plan, the DEIR simply states as follows:

"[the Agricultural land use] designation does not have a specific density range; density is established according to the applicable site-specific zoning. The General Plan establishes that the Town's A-2; General Agricultural zoning district is consistent with the Agricultural land use designation. The A-2; General Agricultural zoning district establishes a density of one unit per five acres."

The DEIR needs to answer this question: Where is the legal authority for the Town Council to vote to rezone the Ag. parcel to P-1 without an intervening change in land use designation?

The answer is that because P-1 is not an allowable zoning on Agricultural-designated land, the 2010 General Plan must be amended to change the Agricultural land use designation to one such as Rural Residential that allows P-1 zoning. But Measure S, passed in 2000 by an overwhelming 75%, says that Danville voters have the right to choose whether to approve such a change to land designated Agricultural. **THUS, THE SUMMERHILL DEIR IS FATALLY FLAWED BECAUSE IT CLAIMS ON P. 4.9-4 THAT A MEASURE S VOTE IS NOT NECESSARY FOR THE APPROVAL OF THE PROJECT.**

A

The DEIR is also fatally flawed in its claim that the project does not require a vote of Town Council to upzone the 198+-acre Ag.-designated parcel from A-4 (one home per twenty acres) to A-2 (one home per five acres) (see p. 3-17). The DEIR states that the project requires Council approval for only a zoning change for the Ag. parcel from A-4 to P-1. But P-1 relies on the underlying zoning's density to determine the number of homes that may be clustered using its processes. Using the A-4 zoning allows only 9 homes on the 198+acre Ag. parcel. Thus, first there must be a vote of Town Council to upzone the Ag. -designated parcel to A-2, one home per five acres, which would allow for 35 homes to be built on that parcel.

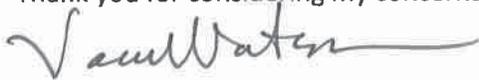
The DEIR admits that the Agricultural-designated land is currently zoned A-4. But without reference to the governing language of the 2010 General Plan or other legal authority, the DEIR states that "[t]he A-4 District is a remnant zoning district that applies to properties that are under a Williamson Act Contract. The Williamson Act Contract was cancelled on the project site in September 2010. Upon expiration of a Williamson Act Contract, it is the Town's practice to calculate the development density on these lands using the A-2 zoning standard, as specified by the General Plan, of 1 unit per 5 acrs. This procedure was used on the Elworthy Ranch project, approved by the Town in July 2008."

Several of those statements are false. The 2010 General Plan does not specify that A-4 lands convert to A-2 upon the expiration of the Williamson Act contract. A-4 is not a "remnant zoning". Rather, here is what the General Plan states:

"In the event that Williamson Act contracts are not renewed, continued agricultural use is encouraged and the underlying zoning density (**one unit per 20 acres** or one unit per five acres) would apply upon contract expiration. " The "underlying zoning density" in this case is A-4, which has a density of one unit per twenty acres. The "Town's practice" of calculating density using the A-2 standard can hardly be called a "practice" when it was done just once-on Elworthy Ranch. And just because the Town applied the law incorrectly then and got away with it does not mean that the law has been changed!

The DEIR needs to answer this question: Using the exact language of the 2010 General Plan, explain how the A-4 zoning on the Ag. parcel of Magee Ranch has been converted to A-2 such that a vote of Town Council is unnecessary to upzone that parcel to A-2.

Thank you for considering my concerns,



Valerie Watson
PO Box 348
Diablo, CA 94528-0348

98: RESPONSE TO WATSON, VALERIE

98A: Please refer to Master Responses in Section 2.4.1 regarding Measure S and zoning. Also refer to the responses to Letter 17 since the same concerns are raised in both letters with regards to Measure S and the density potential on the project site.

David Crompton

From: Docwoodbury@aol.com
Sent: Tuesday, January 29, 2013 3:17 PM
To: David Crompton
Subject: Summerhill

Hi David,

While unlike many I am not entirely opposed to the Summerhill development, I am entirely opposed to a light at Magee Ranch Rd and Diablo Rd.

The one way stop at Mt. Diablo Scenic Blvd intersection makes sense in any event and it would make sense to have a widened intersection and light wherever Summerhill comes on to Diablo Rd.

I currently have no problems getting in or out of Magee Ranch adding a stop light would be inconvenient for me.

I will try to attend tonights meeting

Best Regards,

John Woodbury (Magee Ranch resident)

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A

99: RESPONSE TO WOODBURY, JOHN

99A: The commenter's objection to the signal at Magee Ranch Road/Blackhawk Road is noted. Please also refer to the Master Responses in Section 2.4.2 regarding the rationale for this traffic signal and the converting of the stop sign at Mt. Diablo Scenic.

January 25, 2013

Mr. David Crompton, Principal Planner
Town of Danville
510 LaGonda Way
Danville, CA 04526

RE: Magee Ranch-SummerHill Homes Development

Dear Mr. Crompton:

My writing is in regard to the proposed development of the property on Blackhawk Road which would add additional homes and traffic to this already congested area. We live in Hidden Oaks at Blackhawk and commute to and from work on Blackhawk/Diablo Road. I feel the development of this property would have a negative and potentially dangerous impact on everyone who lives in and around the proposed development of SummerHill Homes and uses this road to travel and/or commute from home to school, work, etc.

We have resided in Hidden Oaks at Blackhawk since 1979. Over the course of the past 34 years we have experienced exceptional growth with new homes and families populating the developments off of Blackhawk Road out to Camino Tassajara. The addition of Magee Ranch as well as other neighborhoods has increased the amount of traffic that uses this two lane road to Danville to a point where the congestion is so intense that there is gridlock every morning as we try to exit Hidden Oaks to go to work. It's actually UNBELIEVABLE gridlock!!!

On weekday mornings, the traffic is backed up beyond the entrance to Hidden Oaks. It's difficult to exit my community and once I do, I am in stop and go traffic all the way down Blackhawk Road to Diablo Road. Adding another development of homes would significantly increase the number of cars already using this congested two lane road. Approving this development and the resulting increase in traffic seems irresponsible and dangerous for all residents currently living off Blackhawk road. I don't know how the current road could accommodate any additional vehicles during the peak commute hours for school and still be a viable route to Danville and beyond.

In addition to the traffic issues during school hours (both morning and afternoon), the road to Danville is used by a vast number of bicycles at all hours. Adding more regular vehicles to a two lane road that is heavily used by bike riders increases the potential for serious injury or a fatality.

We strongly oppose the approval of the SummerHill Homes development and trust that the planning commission will realize the negative impact this would have on the health and safety of all the residents living and commuting on Blackhawk/Diablo Road.

Sincerely,
Terry and Susan Woodhams
2012 Pin Oak Place
Danville, CA 94506
925-683-3733

A

100: RESPONSE TO WOODHAMS, TERRY AND SUSAN

100A: The commenter's objection to proposed project is noted. The comment raises concerns regarding traffic from the project. The DEIR analyzed potentially significant traffic impacts in Section 4.12. Please also refer to the Master Responses in Section 2.4.2 regarding traffic.

David Crompton

From: davidhwoods@comcast.net
Sent: Tuesday, January 29, 2013 12:00 PM
To: David Crompton
Cc: Carol Home owners association
Subject: Opposition EIR Mcgee Ranch Project Summerhill Home.

Dear Commission;

I strongly oppose the portion of the above report that calls for a stoplight at the intersection of Hidden Oaks/Mcgee Ranch/Blackhawk Rd. Currently, there are 208 homes in Hidden Oaks and 240 in Mcgee Ranch with the only outlet from both neighborhoods at this intersection.

This has the potential for becoming a gridlock nightmare for residents and contractors especially around 8:00 A.M.

Automobiles would be backed up on the surface streets in these developments with residents from approximately 448 homes attempting to exit through the same intersection. Traffic currently backs up close to this intersection in the morning caused by the stoplight and crossing guards at Green Valley School. One can not imagine the problem and gridlock this would caused when traffic can not proceed through the stoplight from any direction until the traffic moved at the Green Valley School intersection

Residents would not be able to exit and contractors and service companies would not be able to enter including emergency responders. Another serious problem would be the excessive amount of pollution caused by the huge number of idling automobiles waiting for extended periods of time to proceed through the intersection. This pollution would be in the middle of residential homes with children out side and at play. This is compounded by the fact that the school bus pickup point is at this intersection, with the increased pollution affecting small children. It will also be a serious problem for the school buses for they must enter Hidden Oaks to pick up and they turn around to exit. They will have long delays entering and exiting through the intersection. The long idling and starting and stopping of automobiles will also cause a noise pollution problem for the many homes along Blackhawk Rd.

It appears that the EIR report did not take into consideration the numerous serious problems associated with a stoplight at this intersection. It is difficult to understand who and why a planning commission would want to create this type of problem for 480 homes and residents in this area and I trust you will take the correct and appropriate action.

Thank you for your assistance.

Dave and Sheila Woods
2610 Mossy Oak Dr.
Danville, Ca.

101: RESPONSE TO WOODS, DAVE AND SHEILA

101A: The commenter's objection to the signal at Magee Ranch Road and Blackhawk Road is noted. Please also refer to the Master Responses in Section 2.4.2 regarding traffic and the Master Response 2.4.3 regarding emergency access comments. In addition, the DEIR evaluated the potential air quality and greenhouse gas impacts of the project in Section 4.3.

David Crompton

From: Deidre <deidreworam@aol.com>
Sent: Saturday, January 19, 2013 11:43 AM
To: David Crompton
Subject: Summerhill Development DEIR Comment

Dear Mr Compton,

It is my belief that a Measure S public vote is required for The Summerhill Development's approval! If the Town gets away with violating Measure S again as it did on Elworthy Ranch, the 100-acre Borica Drive/El Capitan Drive Agricultural parcel then the remaining 100-acre Agricultural parcel next to Magee Ranch will be next! Also, please note that the SummerHill project requires a rezoning from A-4 (1 home per 20 acres) to A-2 (1 home per 5 acres) on the Agricultural parcel. The Town is claiming that all the A-4 parcel magically became A-2 when the Williamson Act contract expired, even though the Town's own public documents describing the project, and the Town's zoning maps, show that the Agricultural parcel is A-4!

A

The first statement on the Town's web site is: ***Small town atmosphere, outstanding quality of life.***

My next concern is that the landscape that attracted our family to the area will be eroded and the increased traffic will make an already congested morning commute even worse. Also, we just recently re paved Blackhawk/Diablo Road and the increased use of the road by heavy construction vehicles will wear heavily on the roadway. Who will pay to re pave and repair these streets?

Respectfully,

Deidre and Terence Woram
54 Sunhaven Road
Danville, Ca 94506
925-552-0495

102: RESPONSE TO WORAM, DEIDRE AND TERENCE

102A: Please refer to the Master Responses in Section 2.4.2 regarding Measure S. The DEIR analyzed potentially significant traffic impacts of the project in Section 4.12. Please also refer to the Master Responses in Section 2.4.2 for additional information on traffic

The comment questions the party responsible for potential damage to the street caused by the construction of the project. If approved, the Town will impose the following standard condition of approval on the project, as follows:

“Any damage to street improvements now existing or done during construction on or adjacent to the subject property shall be repaired to the satisfaction of the City Engineer, at full expense to the applicant. This shall include slurry seal, overlay or street reconstruction if deemed warranted by the City Engineer.”

David Crompton

From: Kevin Gailey
Sent: Thursday, January 24, 2013 8:47 AM
To: David Crompton
Subject: FW: Summerhill Development

For the Summerhill pile.

From: Deidre [<mailto:deidreworam@aol.com>]
Sent: Thursday, January 24, 2013 8:40 AM
To: Kevin Gailey
Subject: Summerhill Development

Dear Mr. Gailey,

It is my belief that a Measure S public vote is required for The Summerhill Development's approval! If the Town gets away with violating Measure S again as it did on Elworthy Ranch, the 100-acre Borica Drive/El Capitan Drive Agricultural parcel then the remaining 100-acre Agricultural parcel next to Magee Ranch will be next! Also, please note that the SummerHill project requires a rezoning from A-4 (1 home per 20 acres) to A-2 (1 home per 5 acres) on the Agricultural parcel. The Town is claiming that all the A-4 parcel magically became A-2 when the Williamson Act contract expired, even though the Town's own public documents describing the project, and the Town's zoning maps, show that the Agricultural parcel is A-4!

The first statement on the Town's web site is: ***Small town atmosphere, outstanding quality of life.***

My next concern is that the landscape that attracted our family to the area will be eroded and the increased traffic will make an already congested morning commute even worse. Also, we just recently re paved Blackhawk/Diablo Road and the increased use of the road by heavy construction vehicles will wear heavily on the roadway. Who will pay to re pave and repair these streets?

Respectfully,
Deidre and Terence Woram
154 Sunhaven Road
Danville, Ca 94506
925-552-0495

A

103: RESPONSE TO WORAM, DEIDRE AND TERENCE

103A: Please refer to the responses to comments on Letter 102; both raise the same comments regarding Measure S, site zoning, traffic, and potential damage to the roads that may be caused by construction vehicles.

David Crompton

From: Dr. Yazdi <dryazdi@att.net>
Sent: Monday, January 28, 2013 9:34 AM
To: David Crompton
Cc: 'Shervin Yazdi'; 'Cassie Yazdi'
Subject: SummerHill

Mr. Doug Crompton,

We are new residents to Danville, and it already appears that my wife and I have a solid reason not to have children; that reason is the horrendous Danville traffic; we feel ever more sorry for the parents trying to get their kids to school and themselves to work; more development means more traffic which is not the solution to our severe congestion problems. I write in opposition to SummerHill Draft EIR.

Sincerely,

Shervin and Cassandra Yazdi

A

104: RESPONSE TO YAZDI, SHERVIN AND CASSANDRA

104A: The commenter's objection to the proposed project is noted. The comment expresses an opinion the project and does not provide specific comments on the potential environmental impacts of the project or the analysis in the DEIR; no further response is required under CEQA. Please also refer to Section 4.12 of the DEIR and the Master Response in Section 2.4.2 for additional information on traffic.

January 28, 2013

To: Mr. David Crompton
Principal Planner
Town of Danville

From: Miles Young
Environmental Consultant

RE: Magee Ranch Draft EIR – SCH #2010112042 & CF – LEG 10-0004/SD9291

Dear Mr. Crompton,

My name is Miles Young and I represent the group known as SAVE DIABLO ROAD and have been asked to comment on a specific portion of the Summerhill/Magee Ranch Draft EIR. My remarks will be centered on the biological aspects of the report targeted primarily on issues with the California Red Legged Frog (CRLF) *Rana draytonii*.

Background: I worked for the WLP branch of the California Department of Fish and Wildlife (formally Fish and Game) for almost three decades as a warden and then as a patrol Lt. I enforced the Fish and Game Code and CCR Title 14 regulations which included participating in the writing of EIR's and Stream Alteration Permits and spending time in court when things went wrong. Contra Costa County and more specifically the Town of Danville were part of my district. I feel I have a pretty decent understanding of your natural resources and what has taken place over the years leading to both positive and negative results.

The CRLF was listed as a Threatened Species (Under the Endangered Species Act) in 1996 by the United States Fish and Wildlife Service and in 2010 the final federal ruling was adopted designating Critical Habitat for the CRLF. The animal is also protected by the State of California under the California Endangered Species Act and as such is listed as a Species of Special Concern by the California Department of Fish and Wildlife.

The presence of a thriving population of such a highly regarded native species in Danville greatly enhances the Town's reputation of being environmentally friendly. Eliminating the CRLF by unrestricted development would make Danville just another city interested only in financial gain and a clone of all the other communities along the 680 corridor.

Due to some unusual markings on their underside there's a possibility you have your own subspecies. Our biologist is looking into this and has contacted the regulatory authorities regarding this possibility.

A

GENERAL COMMENTS ON THE SURVEY

CRLF surveys were conducted by Dr. Jennings from Live Oak Associates from February through June in 2011 and then again March through July in 2012. The survey only covered 6

months, why weren't all 12 months covered? In the DEIR Dr. Jennings is quoted as saying they breed from late November through May. Wouldn't surveying for a year give a more complete picture of the CRLF population?

B

The report states that current CNDDDB records show two occurrence records in April and May of 2011. My partner (biologist Paul Haskins) and I conducted an extensive field survey of the East Branch of Green Valley Creek in the project area from November 2010 – May 2011. We submitted 16 Field Survey forms to CNDDDB covering that period with the first frogs and egg masses being recorded in March of 2011. How do you account for the discrepancy?

C

From my own professional and personal time spent in Danville I can document CRLF within the EBGVC as far back as the mid 70's. We interviewed several residents who reporting seeing CRLF prior to that time and some of these citizens showed us where the egg masses were usually found within the creek. Why didn't your surveyor talk to the people who live along the creek; it seems prudent to talk to the locals when you want to find out something about their neighborhood?

D

The DEIR states the precise number of frogs and exact location of the release was not provided in the records. The forms we submitted list the exact number of frogs observed, tell what happened and give the GPS coordinates. Why the discrepancy in fact finding?

E

Your surveyor reports no CRLF eggs, larvae, juveniles or adults were found along the East Branch of Green Valley Creek during his first survey. During our survey which overlapped his time frame we found adult and juvenile CRLF's in the creek along with egg masses. We took pictures of our finds and included them in a lengthy report on the survey. Again, I question why there is a discrepancy in the fact finding.

F

Your surveyor conducted his second survey March through July 2012 (possibly because he later found out CRLF's had been reported in the creek) and this time he found 4 adult and 6 juvenile CRLF in the creek. Ignoring what was just stated the report says these observations confirm the CRLF are present in the area and are successfully breeding in the offsite detention basin. It's obvious the CRLF are also breeding in the EBGVC why isn't that also stated?

G

Since the report was issued in the summer of 2011 we have continually monitored the creek with the help of citizens living along the creek and have recorded CRLF's in various stages both in writing and with photos up to and including this January 2013.

Your report states the absence of plunge pools "along this feature" (Jillian?) make it unfavorable for CRLF. There are several deep plunge pools protected with overhanging foliage all along the creek except for area that runs past the Jillian open space area. Why the negative emphasis on just a small stretch of the creek; the frogs may not lay eggs in this area but it is a valuable movement corridor for upstream or downstream migration to more suitable areas?

H

The DEIR mentions the EBGVC receives scouring flows each winter and spring which greatly decreases the chance of CRLF successfully reproducing in the stream. We've already proven they are successfully reproducing in the creek and that's because over time they know when to lay their eggs and where to go in the surrounding habitat to escape the high flows which is a good reason not to disrupt the current riparian habitat and creek bed.

I

Apparently there are a significant number of raccoons on the property due to trash cans and other food sources in the surrounding residential areas and the assumption is made that the CRLF's are vulnerable to predation by these mammals. True, but somehow they have survived for decades because they've learned how to avoid the predators because they know their habitat and where to find shelter and protection for adults and juveniles alike.

J

POTENTIAL IMPACTS

Your DEIR states the construction activities, road creek crossings and access points, proposed homes, accompanying human and pet traffic, trail alignment and creek work may result in mortality to individual CRLF. I think it will be more than an individual or two and it WILL result in CRLF mortality.

The DEIR goes on to state all of these potential impacts may have the following negative effects on the CRLF:

K

Reduce the use of this site – It won't even be the same site (habitat)

Adversely affect regional movements – Yes; whole new unfamiliar landscape.

Creek crossings result in temporary and permanent impacts to the riparian habitat along the creek – Permanent means non replaceable thereby disorienting the frogs.

Development in the upland habitats adjoining the creek "would" result in the loss of aestivation habitat – Habitat that is essential to the survival of species according to the USFWS.

There is no evidence that CRLF are breeding in the creek – Blatantly false!

Frogs located in this reach may seek refuge in upland habitats adjacent to the creek during large storm events – Our studies have documented such activities.

DEIR QUOTE – THESE POTENTIAL IMPACTS TO CRLF AND THEIR AQUATIC AND AESTIVATION HABITAT WOULD BE CONSIDERD SIGNIFICANT.

MITIGATION MEASURES

The term itself "mitigation" means to make less severe, therefore one must accept the fact the development expects to kill CRLF. The idea is reduce the number of animals taken to a level of insignificance as to their survival as a population. How can you determine what "insignificant take" is when they DEIR survey never came up with an estimate of the number of animals in the area and in fact didn't even know the frogs were breeding in the creek?

L

M

Under section 4.4.3 of the DEIR referring to a 1 to 1 replacement ratio we find the following statement. "The final mitigation amounts will be based on actual impacts to be determined

N

during the design phase. “In other words the developer doesn’t know what the impacts will be and thus wants the Town to take them at their word that they will mitigate appropriately. Not only is that not good science its bad business.

N

I suggest we look at the following specific mitigation measures using plain COMMON SENSE.

The DEIR states a qualified biologist will train all project staff regarding habitat sensitivity, identification of special species status and required practices. Feel good wording: who is the biologist working for and are the project staff the people who actually will be driving the bulldozers and graders and cutting down the trees and removing brush and ground vegetation?

O

A qualified biologist will survey the project site prior to and be present to monitor construction activities during initial ground disturbance. Just how close can a monitor really get to working construction equipment within safety guidelines; close enough to see a 4” amphibian blending in with the surrounding vegetation.

P

The biologist will capture and relocate any CRLF’s that are discovered. Where do these animals get relocated to: the disoriented animal is left in a totally foreign environment that subjects them to predation and environmental hazards.

Q

A qualified biologist will stake and flag exclusion zones around all known locations of CRLF breeding and upland refugia areas in the construction zone. The current survey does not provide the required background information describing these “zones” so how can they stake them out?

R

The flagged areas will be avoided during construction activities to the “maximum extent” possible. In other words construction will continue wherever it’s needed!

S

If a CRLF is encountered during construction work activities will cease until the animal is removed and relocated by a qualified biologist. Highly unlikely construction activities will stop for one amphibian, my experience has shown few if any live CRLF will be found once construction starts. San Marco project –ignored permit stipulations: one million/\$775,000 NGB and 640 acres.

T

No canine or feline pets shall be permitted at the project site to protect the CRLF. However you are willing to build dozens of homes next to the creek with their accompanying pets and are going to build a trail along the creek to make it even more accessible to canines and felines?

U

A representative will be appointed by the applicant as a contact source for any employee or contractor who comes across a CRLF. The applicant appoints the representative? Credibility issue here – fox in the hen house.

V

Tightly woven netting or similar material will be used for erosion control to ensure the CRLF don’t get trapped. What about the CRLF under the netting in burrows or under natural structures? Much of the construction takes place when the CRLF are resting in or under protective cover.

W

PLANS AND COMPENSATION

The DEIR suggests that the 300 plus acres of land that will be dedicated as open space will compensate for the CRLF habitat lost. This isn't about the quantity of land involved but about the quality of the land. Trading off existing riparian habitat and woodland area for a bunch of barren grassy hills is not a fair trade from an environmental standpoint.

X

To deal with the restoration of riparian trees the study suggests replacement trees should be grown from seeds or acorns collected from the site or nearby creeks. This has to be a purest approach it's obviously not practical. Starting from seed it would take several years before they could grow large enough to provide a protective canopy over the creek, a canopy which now provides protection from the elements and predators.

Y

The DEIR recommends that a Open Space Management Plan and a Habitat Mitigation and Monitoring Plan should be prepared and submitted to the town for approval. Since the application of such plans would directly affect the town's residents both from a financial standpoint and the aesthetic quality of the area, Danville residents should get a chance to review and comment on the plans?

Z

The proposed plans would include several tasks to be conducted over several years, up to 5 to 10 years of monitoring. Looks good on paper assuming all the tasks are performed in a timely manner but more specifics would have to be spelled out. Who selects the monitors, what are their exact duties, what authority and accountability do they have and to whom are they accountable, what controls or penalties would be put in place to insure they're doing their job, are records kept and does the public have access to the records.

AA

The developer's plans indicate there is to be a path paralleling the creek which in essence is really a gateway for human and pet interaction with the frogs. If you want to see what happens to the animal life in a creek when human and pet access is made so inviting take a good look at the main branch of Green Valley Creek downstream from the Grange Hall.

BB

GENERAL COMMENTS

Throughout the document the word "REPLACE" keeps surfacing. You can replace trees with like trees and you can replace grasslands with like grasslands and you can replace ponds with like ponds but you can't replace a threatened species like the CRLF that has occupied a particular space for decades. An animal that has learned through generations how to survive in its habitat. It knows where the predators are and how to avoid them. Where to find shelter from the elements. When to merge from cover and find a mate. When and where to lay eggs so the high waters don't wash them away and knowing when the last frost of the year has passed so the eggs don't freeze. Where is the best chance of finding food at any given time of the year.

CC

Perhaps from the human viewpoint it's easy to just replace one frog with another which in fact this DEIR is suggesting but nature doesn't work that way. Introducing any kind of animal to unfamiliar habitat puts them at great peril. These frogs are limited in number now hence their

DD

listing as a Threatened species. Most if not all the animals would not survive predation and environmental hazards, there probably wouldn't be enough time for the generational learning curve to be effective.

The United States Fish and Wildlife Service and the California Department of Fish and Wildlife will be required to issue a series of permits designed to protect the CRLF. One must assume they will be very specific and expected to be followed very closely. Issuance of the permits does not relieve the Town or the developer from litigation nor does it relieve the issuing agencies from litigation if they fail to enforce their permits. My former agency has been a losing party in litigation when we failed to enforce or apply the proper standards, and we know this project is being watched very closely by several environmental organizations some of which have had dealing with Danville in the past.

EE

Borrowing a phrase from one of your own you have a "generational opportunity" to do the right thing here. I believe having a prosperous colony of CRLF within your city limits separates this town from all the others up and down the 680 corridor. The frogs belong to everyone, they aren't private property that can be discarded for someone's personal gain.

FF

The DEIR talks about another highly protected species the California Tiger Salamander which was once a resident of Danville. "This population is now extinct due to the extensive urban development of the San Ramon Valley within the town of Danville." Your desire to increase your housing base cost you one very special animal I urge you not to make the same mistake again.

GG


Miles Young
Environmental Consultant

105: RESPONSE TO YOUNG, MILES

In addition to the specific responses below, please refer to Master Response in Section 2.4.4 on biological comments.

105A: The commenter notes some morphometric characteristics that he believes may represent a unique subspecies of CRLF. Variations in color or markings is not uncommon within wildlife populations and provide no evidence that individuals observed in and around the project site are representative of a unique subspecies of CRLF. The commenter may be unfamiliar with the standard and extensive genetics analysis that serves as the foundation for establishing whether or not individuals in a region are, in fact, sufficiently separated from other populations in the region such that they would be considered a unique subspecies. It is highly doubtful that this is the case in this circumstance, since this region is not isolated from other regional populations. The Federal Endangered Species Act lists the CRLF as threatened throughout its range in California as a single subspecies. Therefore, lacking any credible scientific evidence to the contrary, the taxonomic status for CRLF on the Magee Ranch site is not in doubt scientifically or legally.

105B: The initial CRLF surveys were conducted in 2011 to determine their presence on the site. This was conducted in accordance with the current USFWS protocol for this species. While no CRLF were found on the project site within the East Branch of Green Valley Creek, the biological evaluation concluded that the creek provides suitable habitat for CRLF based on the historical distribution of CRLF in the region (i.e., on Mt. Diablo), historical occurrence information along the creek itself, and a finding of breeding CRLF in an offsite detention basin just outside the project boundary near McCauley Road. After learning of the 2011 CNDBB occurrence reports at residences adjacent to the project site and the creek, an additional set of surveys was conducted in 2012 to determine the riparian areas used by CRLF and if any individuals appeared in areas where they had not been observed in 2011. During the 2012 surveys, CRLF were observed in the creek onsite.

These findings do not dispute the conclusions regarding the suitability of habitat along the East Branch Green Valley Creek to support CRLF. Rather, the findings of both the commenter and the biologist that conducted the surveys for the DEIR (noted CRLF authority Dr. Mark Jennings) support conclusions already formed, even before CRLF were observed onsite. For the agency review of the DEIR, knowing the presence and areas used by CRLF is the most pertinent set of data. Therefore, the information presented in the DEIR clearly provided evidence of the species using the East Branch Green Valley Creek and an offsite pond, analyzed the impacts that the project would have on the existing use of the site by the species, and presented feasible mitigations to reduce impacts to this species to a less-than-significant level.

105C: The CNDBB consolidated the surveyors' field survey forms into two occurrence records (#1357 and 1358), with the "date last seen" at each of the two occurrence locations as April and May 2011. The DEIR statement is valid.

105D: The DEIR pertains to the project site, not adjacent lands owned by others. CRLF have been documented on the project site. Prior to observing CRLF onsite, it was already presumed that CRLF are, and have been historically, present in the creek. The commenter's findings support the conclusions in the biological study (see Response 105B above).

105E: The CNDDDB occurrence records do not state how many frogs were released into the creek. The GPS coordinates provided appear to be the location of the residences surveyed, not the release location. Regardless, the commenter's findings do not contradict the conclusions about the suitability of the creek to support CRLF (see Response 105B above).

105F: It is not clear from these statements where the commenter surveyed along the East Branch Green Valley Creek. Dr. Mark Jennings surveyed the portion of the creek within the project boundaries. Regardless, the findings do not alter the conclusions regarding the suitability of the creek as habitat for CRLF (see Response 105B above).

105G: Dr. Jennings did not observe CRLF egg masses or larvae in the creek. Therefore, it would have been speculative for him to make a statement about CRLF breeding habits in the creek on the project site. Regardless of whether or not evidence of breeding activity was observed by Dr. Jennings during his surveys, it would not alter the conclusions regarding the suitability of the creek as habitat for CRLF (see Response 105B above). The DEIR confirms that CRLF egg masses or larva were not found in the creek on the project site.

105H: The commenter is combining statements in the DEIR regarding two different parts of the site. The "feature" referred to by the commenter is the seasonal channel in the south part of the site. This channel does not have any plunge pools. Therefore, the statement in the DEIR is correct. Additionally, the DEIR states that there is a lack of plunge pools over three feet in depth along the East Branch Green Valley Creek, not that there is a complete absence of plunge pools. This is based on firsthand observations of the creek by Dr. Jennings. Dr. Jennings observed raccoons along the creek during CRLF surveys. It is reasonable to conclude that they forage along the creek on a regular basis, making any CRLF using the area vulnerable to predation. Additionally, regular livestock grazing has eliminated most or all of the riparian vegetation in areas along the creek that would provide cover for CRLF. Dr. Jennings has also personally observed that there is an established population of bullfrogs, another known CRLF predator, downstream from the site where the East Branch flows into Green Valley Creek. Therefore, while the East Branch Green Valley Creek is a CRLF movement corridor, as described in the DEIR, it is not considered an important movement corridor, since CRLF would be susceptible to predation downstream from the site.

105I: The DEIR states that the chances for reproduction are greatly decreased, not eliminated. If the headwater cutting continues upstream with heavy winter storms, then there will be less suitable CRLF habitat for reproduction each year.

105J: Lack of riparian understory vegetation and the presence of raccoons make CRLF susceptible to predation along the creek. In Dr. Jennings' considerable experience with the species, conditions such as those found on the project site (i.e., limited refugia from predation) do not provide optimal habitat for the species to persist long-term. This does not mean that they cannot persist, but rather that they often do so in relatively low numbers or require constant immigration so that the population does not suffer local extinctions.

105K: This comment suggests that project-related activities will result in CRLF mortality. Mitigation is identified in the DEIR to avoid impacts to CRLF as presented in the DEIR and discussed in more detail in Response 105L below.

105L: As stated in the DEIR, the project may result in take of CRLF. CEQA requires that projects propose feasible mitigations to reduce impacts to a less than significant level. The term “take” is in reference to the Endangered Species Act (ESA) and applicable when seeking authorization from the USFWS to “take” a listed species and, therefore, is not specific to CEQA. The DEIR is obligated to identify suitable mitigation measures that will avoid and minimize, to the extent practicable, significant adverse impacts and compensate for any residual impacts due to the construction and operation of the project. CEQA does not require that a project have no impact, rather if a significant impact exists CEQA requires the identification of mitigation measures to reduce those impacts to a less-than-significant level. The EIR provides a substantial number of mitigations to avoid and minimize harm, injury, or mortality of individual frogs, and compensate for impacts to their habitat through pre-construction surveys and monitoring during construction, restoration of portions of the East Branch Green Valley Creek, and the preservation of approximately over 370 (see discussion of the revised plans in Section 1.3) acres of habitat as open space.

105M: CEQA requires that projects propose feasible mitigations to reduce impacts to a less-than-significant level. Mitigation Measures 4.4-1 through 4.4-4 in the DEIR provide details on how the project would avoid, minimize, and compensate for any residual impacts to mitigate for potential impacts to individuals and their loss of habitat. See also the responses above.

105N: CEQA Section 15146 directs that the degree of specificity required in an EIR correspond to the degree of specificity involved in the activity evaluated. The design plans for elements affecting the East Branch Green Valley Creek (e.g., the new access road and outfalls) have not been finalized; however, the plans are adequate to allow for a reasonable approximation of potential impacts. Although the precise acreage of impact is not yet known, the DEIR establishes mitigation standards that would be applied upon final design and impact quantification as it becomes available.

105O: As stated in 4.4-1 of the DEIR, “Prior to the start of construction, the project proponent shall retain a qualified biologist to train all construction personnel regarding habitat sensitivity, identification of special status species, and required practices.” Typically, qualified biologists are individuals with demonstrated credentials regarding the species targeted for training.

105P: The use of qualified biologists in monitoring construction sites is an approved methodology by the agencies to avoid harm, injury or death of CRLF and other sensitive species. Biologists, including Dr. Jennings, have experience in performing this work, saving numerous CRLF as well as non-target species.

105Q: Please refer to Response 105P above as it relates to the use of qualified biologists. The only project-related work occurring in the creek is the new access road, the deconstruction of the existing creek crossing, and the creek outfalls. Any CRLF found in construction zones along the East Branch of Green Valley Creek would be relocated upstream or downstream of these areas along the creek. Any CRLF found in upland construction areas likely would have come from the creek and would be relocated back to the creek. This would not be considered a foreign environment.

105R: Exclusion zones would be staked once the construction zones are flagged. Both of these efforts require personnel to be on the ground once the project has been approved. Exclusion

zones include riparian and aquatic habitats or other areas identified by the monitoring biologist as having high potential to support the species.

105S: The purpose of the “Minimization Measures for California Red-Legged Frogs” is to allow the project to be constructed as designed while avoiding and minimizing impacts to individual CRLF. These measures are standard methodologies approved by the resource agencies for minimizing impacts to CRLF during construction. Monitoring biologists have the authority to halt construction to move individual CRLF out of harm’s way. Construction is only permitted to continue when the monitoring biologist has deemed it is suitable to do so.

105T: The use of qualified biologists in monitoring construction sites is an approved methodology by the agencies to avoid take of CRLF and other sensitive species. Biologists, including Dr. Jennings, have performed this work on many occasions and saved numerous CRLF as well as non-target species. Please refer to Response 105P.

105U: This reach of East Branch Green Valley Creek is best characterized as an urban creek surrounded by residential development. It is already accessed by both feral and domestic dogs and cats. The “Minimization Measures for California Red-Legged Frogs” are an approved methodology accepted by the resource agencies for minimizing impacts to CRLF during construction. After construction, it is expected that there could be a minor increase of feral and domestic dogs and cats along the riparian corridor.

105V: It is standard practice for agencies to require applicants to appoint the representative as a contact source for any employee or contractor who comes across a CRLF.

105W: The “Minimization Measures for California Red-Legged Frogs” are an approved methodology accepted by the resource agencies for minimizing impacts to CRLF during construction. Netting would be installed after pre-construction surveys have been completed.

105X: Approximately 0.3 acres of riparian habitat along the East Branch Green Valley Creek is being temporarily and permanently impacted. Proposed compensation measures will occur along the East Branch of Green Valley Creek at or near the impact zones, and other areas along the creek are being proposed for restoration and enhancement. The creek’s riparian corridor is part of the area to be preserved, as described in the “Magee Ranch Waters of the U.S. and Riparian Mitigation and Monitoring Plan and Conservation Management Plan” (MMP/CMP) (Attachment C). The areas to be preserved as open space do not consist of “barren grassy hills.” The preserved areas consist of the same habitats as those occurring within the development footprint. This includes riparian woodland (including the East Branch of Green Valley Creek), valley oak savannah, annual grassland, mixed oak woodland, and seasonal drainages. All of these habitats could be used by CRLF for breeding or dispersal.

105Y: Nearly all of the riparian trees to be removed are willows and would be removed to accommodate the new creek crossing for the access road. As described in the MMP/CMP, willows would be replaced with pole cuttings from existing willows onsite, including those to be removed. The temporary lack of tree canopy represents a reach of a few hundred feet near the panhandle east of Jillian Way, an area where CRLF are not likely to occur for any length of time due to the lack of deep pools in this area; however, the new crossing and mitigation plantings

would provide cover over the creek. All riparian trees (i.e., protective cover) along the remainder of the creek would remain intact.

105Z: Please see the MMP/CMP in Attachment C for more specific information on open space management and habitat mitigation and monitoring.

105AA: Please see the responses above, and refer to the MMP/CMP for the project for more specific details. The mitigation approaches proposed in the DEIR are generally accepted approaches designed specifically to offset impacts to individuals and loss of suitable habitat. The rationale for preserving and enhancing more than a 1:1 ratio of habitat, in most cases, is to accommodate the time it takes to create, enhance, and restore suitable habitats. CEQA requires identification of feasible mitigation measures that will lessen impacts to a less-than-significant level. These measures are generally accepted strategies to accomplish that objective.

105BB: See above responses regarding impacts to frogs.

105CC: See above responses regarding the adequacy of mitigation for the frogs and the MMP/CMP for specific mitigation measures and the monitoring plan.

105DD: See above Responses to 105BB and 105CC.

105EE: As noted in the DEIR, the applicant would be required to acquire all relevant permits and follow all provisions of these permits.

105FF: The comment expresses an opinion regarding the project and does not provide specific comments on the potential environmental impacts of the project or the analysis in the DEIR; therefore, no further response is required by CEQA.

105GG: Potential impacts to the CTS are discussed in Section 4.4 of the DEIR at pages 4.4-25 – 4.4-26. This comment expresses an opinion regarding the project and does not provide specific comments on the potential environmental impacts of the project or the analysis in the DEIR. As a result, no further response is required.

David Crompton

From: Steve Yount <sayount@gmail.com>
Sent: Tuesday, January 22, 2013 8:35 PM
To: David Crompton
Subject: Magee Ranch-SummerHill Homes Development

Dear David,

Please do not approve this disaster of a project. It will ruin our neighborhood. Our roads will not handle the traffic. The bottle neck through this area cannot be solved. Traffic lights and extra lane will not fix the issue, and they will destroy our area.

A

Steve

Steve Yount
925.389.1140
sayount@gmail.com

106: RESPONSE TO YOUNT, STEVE

106A: The comment expresses an opinion regarding the project and does not provide specific comments on the potential environmental impacts of the project or the analysis in the DEIR; no further response is required under CEQA. The commenter's opposition to the proposed project is noted. With regard to traffic, the DEIR analyzed potentially significant traffic impacts in Section 4.12 and in the Master Response in Section 2.4.2.

RESPONSES TO ORAL COMMENTS - TRANSCRIBED FROM DANVILLE PLANNING COMMISSION PUBLIC HEARING ON MAGEE RANCHES DEIR ON JANUARY 26, 2013

PUBLIC COMMENTS

SPEAKER 1: MS. ARLENE REED

MS. REED: Arlene Reed, I live in Diablo. Having -- we have several real concerns about the SummerHill development.

S1A Comment: No. 1, the traffic that will be created by the 70 homes, plus the casitas, more dwellings. And you probably have all been on that road, you know about the four schools there, you know about the commute, it's extremely hazardous on this two-lane road. We're very concerned about that.

Response: The DEIR analyzed potentially significant traffic impacts in Section 4.12 Traffic and Circulation. The DEIR identified significant impacts at the intersections of Mt. Diablo Scenic/Diablo Road and Hidden Oaks Drive/Magee Ranch/Blackhawk. Mitigation Measures were identified in the DEIR to mitigate these impacts to a less-than-significant level (see Measures 4.12-1 and 4.12-2). For a more detailed response on traffic, please refer to the Master Response in Section 2.4.2.

S1B Comment: So for schools, commute, if there is ever any kind of emergency, a fire, an earthquake, anything, these people will not be able to get to safety, we won't be able to get out of there, and this development is going to increase the danger.

Response: This comment raised concerns relating to emergency access. Please refer to the Master Response in Section 2.4.3 relating to emergency access.

S1C Comment: They talk about these planned, I read it in your thing, the planned entrances on Jillian Way and Diablo Road and Clydesdale and McCauley and Green Valley, or whatever, but those entrances are going to create huge traffic problems, huge. There is many, many bicycle riders on this road, it's dangerous right now and it's going to be awful further on.

Response: The applicant revised its plans after the DEIR was circulated for public review and comment. These plans removed the three custom lots and associated access points along Diablo Road. Please refer to Section 1.3 for an explanation of the revised plans. Also, refer to the Master Responses in Section 2.4.2 relating to traffic and bicycle safety.

S1D Comment: The construction work itself is going to vastly increase traffic problems. On San Ramon Valley Boulevard with Elworthy Ranch, you know what the traffic problems are there, but at least there's other ways of getting in and out. We don't have it, we're not next to a freeway, we're not next to mass transit.

Response: Mitigation Measure 4.10-2 of the DEIR requires the applicant to prepare a construction mitigation plan before construction begins in order to management construction

traffic and minimize potential temporary construction-related traffic impacts. Please refer to Responses 4J, 66A, and 102A that also address this comment.

S1E Comment: The town in its statement, it says, "Construction would result in a less than significant impact in terms of dust, diesel exhaust emissions and other grading and excavation-related activities." We really don't think that's accurate. SummerHill, where SummerHill is going to be, what the plan is, it's a rural area, it is not by a freeway, it's not by mass transit, this is a rural area.

Response: The DEIR evaluated the potential temporary construction impacts associated with the project. The DEIR correctly identified mitigation necessary to minimize potential temporary construction-related air quality (see DEIR pages 4.3 – 4.13-17) and noise impacts (see DEIR pages 4.10-11 – 4.10-14).

S1F Comment: So in addition to the very, very, very serious traffic problems there's also the destruction of nature and the environment. The town statement says, "Potentially significant impacts to the area include the removal of 38 trees on the site and 18 trees along the Diablo Road/Green Valley intersection." Eighteen trees, I mean, that seems right along the road there, that seems kind of big to me.

Response: While the project does not result in a significant impact to the intersection of Green Valley/Diablo/McCauley Road, the DEIR analyzed improvements to this intersection. The improvements include the extension of two through lanes and right turn lane (refer to page 4.12-35 of the DEIR for an explanation of these improvements). In order to complete these improvements, the DEIR concluded on page 4.4-33 that 18 trees would require removal. The types and sizes of these trees can be found on page 6 of the Supplemental Tree Report in Appendix D of the DEIR. Please refer to the tree assessment map in the above referenced report for the location of the right-of-way improvements and trees. Please also refer to Mitigation Measures 4.4-15 – 4.4-17 of the DEIR, which set forth measures to reduce the potential impact on the loss of trees to a less-than-significant level.

S1G Comment: Then there's erosion and flooding of Green Valley Creek. I'm not sure if any of you have been there when there's been a lot of rainfall now, but it's serious. And so people that live in that area, it's serious.

Response: Refer to Responses 4G, 6E, 6G, 6F, 17I, 71F, and 85A for a response to the erosion and flooding comment.

S1H Comment: So my -- we are wondering how does the increased taxes from SummerHome compensate for the overcrowding of our schools or the need to build new schools, the need to improve the roads? Because obviously something will have to be done, the traffic hazards and the safety issues, the damage to the environment and the loss of the rural small-town beauty of Danville. SummerHomes squeezes all these homes on small parcels, that's not what Danville is all about.

Response: Please refer to Response 25B for a response on the comment questioning the projected revenue from the project. Impacts on schools and permissible mitigations are

addressed in Section 4-11 of the DEIR. See also Response S16A for information on the school impact fees projected to be generated by the project.

S1I Comment: And so, finally, the approval of the SummerHill development, we strongly believe it requires a vote by the citizens of Danville, and that's required in the Measure S. The town, we don't think, has any right to negate the voters by changing the -- you know, the deal, the zoning on Magee Ranch. I really hope that each one of you will very seriously consider all of this. Thanks.

Response: Please refer to the Master Response in Section 2.4.1 relating to Measure S and zoning.

SPEAKER 2: MR. JOHN PLACE

MR. PLACE: Good evening.

S2A Comment: My name is John Place, I'm the chair of the steering committee for Save Diablo Road, a group that's been looking at this for over three years. And I would like to cede my time and that of my wife Rosemarie, as well, to Miles Young, who is our consultant. And he is one of two very experienced consultants, and I'm sure his report will be of great interest to everybody. Thank you.

Response: The commenter is ceding his time to Miles Young (below); no comment is necessary.

SPEAKER 3: MR. MILES YOUNG

MR. YOUNG: With the last name of Young I'm not used to this early, usually it's two or three hours into it. Anyway, really quickly, good evening, ladies and gentlemen, Madam Chair, members of the Commission, members of the Committee, and Denise Duffy & Associates.

S3A Comment: My name is Miles Young, I'm an environmental consultant. I represent the group known as Save Mt. Diablo Road, and I've been asked to comment on a specific portion of the SummerHill-Magee Ranch Draft EIR. My remarks will be centered on the biological aspects of the report, targeted primarily on issues of the California red-legged frog.

I worked for a wildlife protection branch with the California Department of Fish and Game, currently Fish and Wildlife, for almost three decades as a warden and as a patrol lieutenant. I enforce the Fish and Game code and CCR Title 14 regulations, which included participating in many EIRs and stream alteration permits and being on both sides of the court on that. Contra Costa and, more specifically, the Town of Danville was part of my jurisdiction, both as a supervisor and as a warden. I feel I have a pretty decent understanding of the natural resources and what has taken place over the years, leading to both positive and negative results.

And, off the bat, and this is out of my report, I think you've overall done a pretty darn good job when I compare you to all the other cities up and down. This one definitely has me concerned.

The California red-legged frog was listed as a threatened species under Endangered Species Act in '96 by the U.S. Fish and Wildlife Service, and in 2010 the final federal ruling was adopted designating critical habitat for the CRLF, that was the result of a lawsuit, they didn't do it right the first time. The animal's also protected by the State of California under the California Endangered Species Act and, as such, is listed as a species of special concern by the Department of Fish and Wildlife.

The presence of a thriving population of such a highly regarded native species in Danville greatly enhances the town's reputation of being environmentally friendly. Eliminating the frog by unrestricted development would make Danville just another city interested only in financial gain and a clone of all the other communities along the 680 corridor.

Response: This comment is introductory in nature and does not relate to the merits of the environmental analysis. No further response is necessary.

S3B Comment: During our studies, a little side note here, we found the frogs along the drainage have a very unusual marking on their underside. There is a very distinct possibility you have a very important subspecies here, and my partner in this, the biologist, has submitted this information to U.S. Fish and Wildlife Service.

California red-legged frog surveys were conducted by Dr. Jennings from Live Oak Associates from February through June of 2011 and then again in March through July of 2012. The survey only covered six months. Why weren't all 12 months covered? In the DEIR, Dr. Jennings is quoted as saying they breed from late November through May. Wouldn't surveying for the whole year give a more complete picture of the population? And, in fact, why didn't you survey through the whole time you said they were breeding? The report states that the current CNDDDB records show two occurrence records in April and May of 2011, two occurrence records.

My partner biologist and I conducted an extensive field survey of the east branch of Green Valley Creek and the project area from November 10th through May 2011. We submitted 16 field survey forms to CNDDDB covering the period, where the first frogs and eggs masses being recorded in March of 2011. I would like to know how you account for this discrepancy.

From my own professional personal time in Danville I can document a CRLF within the east branch of Green Valley Creek as far back as the mid-70s. We interviewed several residents who reported seeing frogs prior to the time. And some of these citizens showed us where the egg masses were usually found within the creek, and we used their advice to find them. My question is why didn't your surveyor talk to the neighbors and talk to the local people, you want to find out something about a neighborhood, why aren't you doing that?

The Draft EIR states a precise number of frogs and exact location of the (unintelligible) was not provided in the records. Again, the forms we submitted list the exact number of frogs observed, tell what happened and give the GPS coordinates. Again, why is there a discrepancy in the reports? Your surveyor reports no California red-legged frog eggs, larvae, juveniles or adults were found along the east branch of Green Valley Creek during his first survey. Well, during our survey, which overlapped his timeframe, we found adult and juvenile frogs in the creek, along with egg masses. And we have pictures of them, we took pictures and (unintelligible) and

included them in a lengthy report to survey. Again, I question why is there a discrepancy in the fact finding?

Your survey conducted a sec- -- your surveyor conducted a second survey March through July 2012, and this time he found four adult and six juveniles in the creek, ignoring what was just stated. The report says, "These observations confirm that frogs are present in the area and are successfully breeding in the off-site detention basin." Yeah, well maybe, but it's also obvious they're breeding in the creek. Why wasn't that in the report?

Since the report was issued in the summer of 2011 we have continually monitored the creek, with the help of the citizens, some are in this room right now, and have recorded frogs in various stages, both in writing and with photos up to and including two weeks ago, I believe.

Your report states, "The absence of plunge pools along this feature," and I think they're talking about the area along Jillian, "makes it unfavorable for frogs." There are several deep plunge pools on both sides protected with overhanging foliage all along the creek except for the area that runs past the Jillian open space area. Why the negative emphasis on just a small stretch of creek? The frogs may not lay eggs in this area, but it is a valuable movement corridor for upstream or downstream mitigation for more suitable areas, something U.S. Fish and Wildlife Service is very picky about.

The DEIR mentions that the east branch of Green Valley Creek receive scouring flows each winter and spring which greatly decreases the chance of the frog's successfully reproducing in the stream. Well, we've already shown they reproduce in the stream. Maybe nobody thought the fact that frogs who had been here generations and when the water's high they get up and out, that's why people find them in the yards, and when the water's low enough they go back and lay their eggs, common sense.

Apparently there are a significant number of raccoons on the property due to trash cans and other food sources. You people are sloppy, a lot of stuff out there. True, but somehow these frogs have survived for decades, I really don't think that raccoons are going to be a big problem, except if you tear up the frogs' habitat and they're thrown out in the open and have nowhere to go.

They state some potential impacts. They talk about construction activities, road creek crossings, access points, et cetera, et cetera, et cetera, and that it may result in mortality. May result in mortality? I think we should say it will result and it would be more than one or two individuals.

The EIR goes on to state, "All these potential impacts may have the following negative effects: Reduce the use of the site." Well, it won't even be the same site.

"Adversely affect regional movements." Yep, familiar landscape, unfamiliar landscape, the frogs aren't quite sure. They have genetic, they go year after year, they learn where to go to save themselves. "Creek crossings result in temporary and permanent impacts to the riparian habitat along the creek." You know, the word "permanent" means non-replaceable, thereby disorienting the frogs.

"Development in the upland habitats adjoining the creek would result in a loss of aestivation habitat," habitat that is essential to the survival of the species according to U.S. Fish and Wildlife Service and their 60-page document.

"There is no evidence that CRLF are breeding in the creek." We've already been there, obviously, there is. "Frogs located in this region may seek refuge in upland habitats adjacent to the creek during large storm events." Yeah, common sense, they get out of the way.

A quote from the DEIR, "These potential impacts to California red-legged frogs and their aquatic and aestivation habitat would be considered significant." I agree with that part of the report.

Mitigation measures, you know, the term "mitigation" means to make less severe, legally that's what it means, therefore, must accept the fact that development expects to kill some frogs. The idea is to reduce the number of animals taken to a level of insignificance as to their survival as a population, the thresholds that you were talking about.

My question is, how can you determine what insignificant take is when the DEIR survey never came up with an estimate of the number of animals in the area and, in fact, didn't even know the frogs were breeding in the creek?

Under Section 4.4.3 of the DEIR, referring to one- to-one replacement ratio, we find the following statement, "The final mitigation amounts will be based on actual impacts to be determined during the design phase." In other words, the developer doesn't know what the impacts will be and, thus, wants a town to take them at their word that they will mitigate appropriately. I don't think that's good science, I don't think that's good business for you guys. I suggest we look at the following specific mitigation measures using common sense.

The DEIR states a "Qualified biologist will train all project staff regarding habitat sensitivity, identification of special species and required practices." From experience I call this good wording, you know. Who is a biologist working for and are the project staff the people who will actually be driving the bulldozers and graders and cutting down the trees and removing brush and ground vegetation? If it's people sitting in the office, so what?

"A qualified biologist will survey the project site prior to and be present to monitor construction activities during the initial ground disturbance." I must -- I must say that again. "A qualified biologist will survey the project site prior to and be present to monitor construction activities during the initial ground disturbance." Okay, a red-legged frog is about two-thirds the size of this if it's fat and having a good time, okay, so little old Danville Danny here is pretty small. If I threw him in the back of the room you could probably see him because he's green. Now picture yourself on a construction site, bulldozers --

"The biologist will capture and relocate any frogs that are discovered." Well, my question, then where do these frogs go, where do they get relocated to? The animal's disoriented, it's a totally foreign environment.

"A qualified biologist will stake and flag exclusion zones," et cetera. Well, the current survey does not provide the required background information describing these zones so how can they stake them out?

"The flagged areas will be avoided during construction activities to the maximum extent." So I guess construction will continue when it's (unintelligible).

"If a frog is encountered during construction work activities will cease." Okay, well, yeah, okay, I won't even comment on that one.

"No canine or feline pet should be permitted in the project site." Okay, that's a good point and I agree with that during construction, but what about when you've got 70 houses in there and kids and dogs and everything and a path going along the creek, you've really opened up the creek. So I would think they would be a little more worried about just what happens afterwards just as much about what's going on during the construction site.

"Representatives will be appointed by the applicants for any employee," blah, blah. I think the people need to do that.

They're going to put tightly woven netting or similar material for use for erosion control to ensure the frogs don't get trapped. Okay, that's a good idea, it's also good erosion control. Unfortunately, a lot of the project will be done in the summer, summer months, okay. Frogs are out in the heat, these aren't bull frogs, okay, they're down, they're in burrows, they're under things, they're trying to hide. You're going to trap a lot under that netting, too, at least there's a good chance. Just bringing up something to think about.

They say, "While no detailed studied animal movements has been conducted for the project area the biological investigation made predictions about the kinds of movements occurring in the region." I have concerns with that. I think that they should, you asked for things, I think if they say no detailed studied animal movements, you've got a whole bunch of special species animals here, I think they should do some detailed studies of that.

Let's see, I'm trying to run through this fast.

MR. YOUNG: Okay. Oh, the suggestion that other sites be created, such as enhanced -- they talk about enhanced stock pond. Well, the stock pond doesn't have any frogs in it now, the drainage, according to the DEIR, doesn't have any frogs in it now, except Pacific tree frogs. And, by the way, it's chorus frogs now, that was changed about six months ago, it's not Pacific tree frogs. That includes an absence of the red-legged frogs, which is true, chorus frogs are a prey base for them. So if they're not there now and you have houses between the stock pond, which is the southern end, I believe I'm correct, of the project and over here how are the frogs going to get there? They're going to have to go through the houses around, I don't think so.

There's talk about the off-site detention basin being suggested as a source for red-legged frog population for expansion. Okay, except that it's not part of the site, it's off site, that means the project has no control of this feature and can't claim it as a resource.

The DEIR suggests that 300 acres of land will be dedicated as open space which compensates for their habitat loss. Okay, it should be about quality, not the quantity, so when you're reviewing this look at the quality and one-on-one ratios which are given back for it, I think that's important.

Oh, the DEIR recommends that an open space management plan, a habitat mitigation, a monitoring plan should be prepared and submitted to the town for approval. Yeah, since the

application of these plans will directly affect the town's residents, both from a financial standpoint and aesthetic quality of the area, I recommend that the Danville residents here get a chance to review and comment on these plans.

Some of these plans are talking about five to 10 years of monitoring, and you need to know who selects the monitors, what are their exact duties, what authority and accountability do they have, whom are they accountable, what controls or penalties would be put in place to ensure they're doing their job, are records kept and does the public, these people, have access to what's going on in the monitoring. I've seen too many projects where, okay, it's done, it looks good on paper and a year and a half later they're gone and nobody's paying attention.

If you want to see what can go wrong take a look at, I'll blame East Bay MUD for this, at the Grange Hall downstream, that's an area that's been open access to people, dog walkers, et cetera, et cetera. I'm a dog lover, too, but try and take a look at the animal life in that stretch of creek. I don't think we want that up here.

I whipped through this pretty quick, I appreciate your patience. "The U.S. Fish and Wildlife Service, (unintelligible) and Fish and Wildlife were required to issue a series of permits designed to protect the CRLF." One must assume they would be specific to follow very closely. "Issuance of permits does not relieve the town or the developer from litigation, nor does it relieve the issuing agencies from litigation if they fail to enforce their permits." I've been on the back end of that. My former agency has been a losing party in litigation when we failed to enforce or apply the proper standards, and we know this project is being watched very closely by several environmental organizations, some of which this panel has dealt with in the past and who are present in this room right now.

Borrowing a phrase from one of your own, "a generational opportunity," a generational opportunity to do the right thing is here. I believe having a prosperous colony of red-legged frogs is something very special, you can't find it up and down the valley, within your city limits separates this town from all the others up and down the 680 corridor. The frogs belong to everyone, they aren't private property, they can't be discarded for somebody else's personal gain.

Finally, the DEIR talks about highly protected species, the California tiger salamander, which was once a resident of Danville. The exact wording from your own EIR -- or, actually, the one presented to you, "This population is now extinct due to the extensive urban development of the San Ramon Valley within the Town of Danville." Your desire to increase your housing base cost you one very special animal. I urge you not to make the same mistake again. And thank you for your patience.

Response: In making these oral comments, the commenter is reading and/or referring to the letter he submitted as a comment on the DEIR included as Letter 105. Please refer to the responses to Letter 105. The oral comments do not raise any additional concerns that were not already addressed in the responses to Letter 105.

SPEAKER 4: MR. CHRIS SOUTHARD

MR. SOUTHARD: Good evening. My name is Chris Southard and I'm a professional engineer, civil engineer, and I live in the affected area. I'm a part of -- I'm a member of the Save Open

Space steering committee and also a Save Diablo Road committee, and just a couple of items I want to bring up.

S4A Comment: About traffic, in general, it's a very congested corridor, as you've already heard. But the one thing that bothers me is right today as I drive up Diablo Road, I live off -- in a series of small subdivisions off of Diablo Road -- pardon me, Blackhawk Road opposite Hidden Oaks, and to be able to get into my street if I'm going eastbound I have to take a right turn. Traffic is generally supposed to be 40 miles an hour, but it is not 40, it's more like 50 and 60 miles an hour. So when I slow down to get into that street cars are upset, the cars behind me, and what they typically do is they'll cross over the yellow line to get around me for me to slow down, okay.

And the same thing happens when I'm making a left turn if I'm going westbound, cars will go on the right side of me. I'll try to squeeze over towards the center line and they'll go on the right side of me. Both of those actions are illegal, you're not supposed to pass across the yellow line, nor are you supposed to pass on the right line.

So as soon as you put a traffic signal at the Athenian turnoff there or up at Magee Ranch, traffic on a green is going to be going in excess of the 40, they're not doing that now, they're not going 40, so you have a green light situation in there, they're going to be able to speed up or continue their speed. So it's going to be more of a hazard than it currently is right now. And to that end, you know, I don't know what you do to mitigate that other than create a turn lane, or whatever, but the room is not there to do that.

Response. The DEIR analyzed potentially significant traffic impacts in Section 4.12. The DEIR concluded that there will be significant impacts at the intersections of Mt. Diablo Scenic/Diablo Road and Hidden Oaks Drive/Magee Ranch/Blackhawk. Mitigation Measures were identified in the DEIR to mitigate these impacts to insignificance less-than-significant level (see Measures 4.12-1 and 4.12-2). For a more detailed response on traffic, please refer to the Master Response in Section 2.4.2.

S4B Comment: And the last thing I want to talk about is I mentioned that I have an engineering background, one of the things that occurred to me is I used to write Environmental Impact Reports, and one of the things that we always studied was the fact that it's a do nothing approach. And the do nothing to me when I look at this project is whether or not you study the fact that what would it cost us to buy this piece of property from Mr. Magee with a fair price and put that in public trust for us. Save Mt. Diablo has a model of doing this over and over again.

When I lived in Marin we had developers coming in there and carving up the land, and what they did there is they went ahead and bought the property, the public bought the property. And I would like to know if that's a viable option for this particular project and make it available.

Response: The comment suggests that the project site be acquired and placed in public trust. This comment does not raise comments or concerns on the merits of the environmental analysis. No further response is required under CEQA.

S4C Comment: The other thing that I would like to see is I'm really unsure, and I'm watching how this project has initialized and has been brought to us, I don't know what is the cost of this project to the City of Danville? How is the City of Danville benefiting from this and the current

members that are voting on this project, how are they affected by this? Is there -- where is the money going? How is this -- what is the financial aspect that the city gets in putting this project forward? Because I see a lot of initiative in moving towards the project, satisfying Mr. Magee, and to what end? What are we getting out of this as voters? We need to know that. So if you can do that, I don't know how you can do it, but who benefits from this project?

Response: Please refer to Response 25B on this comment regarding the projected revenue from the project.

SPEAKER 5: MR. RAY BRANDT

MR. BRANT: Good evening, Commissioners, and ladies and gentlemen of the audience. I'm here tonight to represent the Diablo Community Service District. We have two areas of concern, the first of which the board of directors has written a letter regarding traffic, and I'll just make it brief, I'll summarize it.

S5A Comment: It's a great problem on Diablo Road, as has been mentioned every person that speaks. One of the issues that we would like to address is we believe that electronic traffic signals would create traffic breaks along Diablo Road which would help our residents get in and out. So we don't believe that removing the stop sign at Mt. Diablo Scenic, as suggested in the EIR, is a great idea, rather put in electric signal.

Response: The commenter submitted written correspondence that is included as Letter 14. Please refer to Response 14C regarding the concerns relating to Mt. Diablo Scenic/Diablo Road. Please refer to the Master Response in Section 2.4.2 regarding the revised mitigation measure at the Diablo Road/Mt. Diablo Scenic Boulevard intersection which removes the stop sign conversion as an option.

S5B Comment: Secondly, we contracted with Sydney Temple of Questa Engineering Corporation to do a hydrology study of Green Valley Creek, and I'll read you segments of his letter, in fact, I'll just read the letter.

"The sediment of Green Valley Creek adjacent to the proposed subdivision has seen numerous examples of bank instability, channel erosion and flooding over the past 20 years. These issues have been documented by the Town of Danville, as well as Contra Costa County Flood Control and Water Conservation District.

"Many of the ongoing problems have been caused by the slow and steady urbanization of the watershed. The Magee Ranch DEIR and supporting documents provide a generally accurate depiction of watershed hydrology and hydraulics. Overall, the hydrology results presented by (unintelligible) for 10-year and 100-year storm events are consistent with flows determined by Questa using an independent model for the study.

"In addition, the detention basin concept utilized for this project appears to mitigate the increased peak flows generated by the proposed subdivision, however, upon reviewing the DEIR and relevant appendices I find that certain potential project impacts are omitted and additional information is necessary to fully evaluate the impacts of the proposed subdivision.

"The DEIR should include a discussion of the proposed project's effect on the storm flow duration and not only peak flows. According to the output hydrology presented in the DEIR, Appendix G, additional storm flow duration within the range of 15 minutes is generated from the proposed detention basins. The exact change and duration is difficult to determine based on the information provided in Appendix G. Considering that channel erosion is often driven by storm flow duration and peak flows, this factor should be closely examined in the DEIR. Based on the output hydrograph, storm flow durations are extended for flows between 300 and 800 cubic feet per second. Flows within this range are likely to cause channel erosion based on our observations following storm events in 2012.

"The diagram describing the outflow structure for the bioretention Area A does not provide sufficient detail to fully evaluate the proposed project. There is no description of the two square foot emergency spillway or location and placement details for the rock scour protection. These are critical aspects of the project that should be included in within the DEIR. There is little mention of how this basin will be managed, its function is dependent upon maintaining its original design. Has sediment accumulation in the basin been modeled? Is there a threshold in which the basin needs to be desilted? Was the basin designed to accommodate some sediment accumulation? A detailed management plan and performance criteria should be analyzed and prepared as mitigation for potential hydrology impacts.

"In summary, I believe the DEIR is inadequate because it does not specifically address the critical nature of storm flow durations in Green Valley Creek. The DEIR also fails to supply adequate, detailed, fully and assess the functionality of the bioretention Area A. Thank you for your consideration, Sydney Temple."

Response: The commenter read the letter from Sydney Temple included as Letter 85. Please refer to the responses to Letter 85.

S5C Comment: Okay, now I'm going to put on my own hat. I'm a retired fire and battalion chief for the City of San Leandro, almost 30 years of service. I've looked at the DEIR and it does not address emergency traffic, emergencies related to fires, earthquakes, or anything like that. So the potential for great fire loss is there, it's similar to the Oakland Hills situation, it's only a matter of time and it will happen.

In fact, there was a fire last summer, to be brief, on Mt. Diablo Scenic. Fortunately, the fire department got there fast and the fire burnt up to Diablo Road, there was an engine on Diablo Road. My son-in-law happens to be a firefighter in San Ramon Valley Fire and he was up there and they stopped the fire. Had it been during traffic hours that wouldn't have happened, the fire would have blown up the mountain, and if the winds would have changed it would have blown back down into the city and there could have been great loss and injury to firefighters and civilians.

A recent study was released that concludes that the San Ramon Valley Fire Protection District has one of the slowest response times in Contra Costa County, and the severe traffic congestion probably alludes to that result. But the SummerHill development is going to exacerbate that problem and possibly make it impossible for fire engines and trucks, ambulances, to get in and out, especially when you consider that in the mornings and in the evenings the traffic is bumper

to bumper both ways, I mean, how can they get through? People can't pull over, it's a two-lane road.

So, in my opinion, if the city is going to go ahead and allow this development I think that the contractor should have some culpability in working on that road and doing something about that. And I also suggest that to help resolve part of that problem that we put stoplights along the way to at least slow the traffic down and put traffic breaks. Thank you.

Response: The comment raises concerns relating to emergency response and access mainly by the SRVFD. Please refer to the Master Response in Section 2.4.3 concerning potential concerns related to emergency access.

The comment makes a general statement about traffic and suggests traffic signals along Diablo road. The DEIR analyzed potential traffic impacts from the project along Diablo Road (and other roadways) in Section 4.12 and recommends mitigation measures for all potentially significant traffic impacts. Refer also to the Master Response in Section 2.4.2 for more detailed information on traffic.

SPEAKER 6: MS. TERRI SUTAK

MS. SUTAK: I'll be brief. My name is Terri Sutak, I'm a member of the Magee Ranch, the real Magee Ranch, Homeowners' Association board of directors.

S6A Comment: Mr. Crompton, could you identify yourself? Dave, I want to thank you very much for a very speedy response to our numerous letters both from the board and from homeowners who were very concerned about the suggestion that a stoplight should be put at Magee Ranch and Hidden Oaks intersection. Traffic flows smoothly and safely east of this proposed development. The traffic problem is westward. So suggesting a stoplight at Magee Ranch would be the same as suggesting a stoplight at every one of those eastbound development corners that now have stop signs that flow smoothly and meter the traffic in the eastbound direction just fine, thank you.

We are concerned that the DEIR recommended some hazardous solution at Mt. Diablo Scenic Boulevard and failed to make any recommendation at all at the McCauley Road intersection where the problem really is.

Thank you, Mr. Crompton, we appreciate your quick response and his assurance that the town did not have any reason to put a stoplight at that intersection at this time and apparently does disagree with the recommendation in the DEIR. Thank you very much, Mr. Crompton.

Response: This same commenter submitted a written comment on the DEIR included as Letter 82. These oral comments are the same or similar to those made in the comment letter. Please refer to the response to Letter 82 for a response to the oral comments made here.

SPEAKER 7: MR. TOM SUTAK

MR. SUTAK: Thank you very much for this opportunity. My name is Tom Sutak, we have lived in Danville for 33 years and in Magee Ranch for the past 20 years.

S7A Comment: I submitted a letter previously, and I won't cover the contents of that, but I did note tonight that traffic was listed as your first key issue. And I wanted to comment that the traffic portion of the DEIR is, in my mind, grossly inadequate. And as a primary example, it completely fails to note the existence of Athenian School, 473 students, 70 faculty members, many staff, parents, and so on, and it's virtually effectively across the street from the project and they don't even refer to it.

A prior speaker mentioned that there were four schools that are fed by the traffic on Blackhawk/Diablo Road. That is not correct, it's seven. Those seven schools are Athenian, as I already mentioned, Monte Vista, Los Cerros, Green Valley, Diablo Vista or View, I'm not sure.

CHAIRWOMAN OVERCASHIER: Vista Grande.

MR. SUTAK: Thank you, plus a number of people who are daily traveling to Community Presbyterian and also St. Isidore, so there are seven schools feeding traffic on that street.

I generally don't support the project at all, but would support it if the homes proposed there were commensurate with other homes in the neighborhood, but they are not. But it appears to me that this deal in one way or another will probably go forward, so I think this presents us with a wonderful opportunity to address that traffic situation to the best we can, and that is primarily at the Diablo Road/McCauley/Green Valley intersection.

Currently there are four lanes of traffic westbound on Diablo for about 100, 150 feet before the stop light. If those could be extended rearwards, eastwards, by another two, 300 feet, it would require some additional land acquisition, some additional space, that, I think, would go an awful long way to moving traffic through that intersection faster, wouldn't stop the problem, wouldn't solve the problem, but it might help. So maybe out of this situation we can find an opportunity to alleviate some of the traffic problem. Thank you very much.

Response: This commenter submitted a written comment on the DEIR and is included as Letter 83. These oral comments are the same or similar to those made in the comment letter. Please refer to the responses to Letter 83 regarding the oral comments made here.

SPEAKER 8: MR. DONALD ANDREAS

MR. ANDRES: Good evening, Commissioners, I am Don, Donald Andres. I have been a resident off of Diablo Road, off Clydesdale Road for the last 46 and a half years.

S8A Comment: I have watched more than a little development on Diablo Road. When I first started commuting off of Diablo Road there was a yield sign where McCauley Road now Ts in and there was nothing else to downtown. I feel like the straw that breaks the camel's back has finally arrived. No single project was large, but mound one on top of another I think we have a major event.

I live almost a half a mile from the intersection of Green Valley/Diablo/McCauley. When I came down here tonight it took me almost three minutes to make that trip going through two stop

signs till I got to the light. If I can get through there in 10 minutes in the morning I'm very fortunate.

Response: The comment is informational in nature and does not pertain to the merits of the environment analysis; no response is required under CEQA.

S8B: Comment: There is no mention in the Draft EIR about side traffic having difficulty getting out onto Diablo Road. I might point out there are some errors in the drawings, it shows that Clydesdale Road links to Cameo Drive, it does not. There is not a circulation available besides Diablo Road. Historically Clydesdale met up with Maiden Lane which met to Cameo. When we became the major thoroughfare to Monte Vista High School the city came through and severed that connection, so we are not a through street any longer, so that entire area must feed out. The Draft EIR drawings do not show all the streets in that neighborhood or the cul-de-sacs, Roan Drive and three courts are missing.

Trying to come out Clydesdale onto Diablo Road in the morning one must wait till the traffic stops flowing in hope that the people on Diablo Road do not close up the keep clear sign and one or two vehicles can slip out. If you happen to be behind someone who's making a left turn and the traffic is now traveling eastbound on Diablo Road they may not get out till traffic starts flowing again and you'll have to wait another cycle. Typically we wait two cycles, sometimes three or four, to get through that intersection coming out of Clydesdale. I don't know how long it takes the people when I look to my left, because there is well over a half a mile, sometimes approaching three quarters to a mile, of backup through that intersection. There's obviously backups further up the area.

When I look at the projected traffic coming from the project overall it's pretty small for what's in the area, but it is, I think, the straw that breaks the camel's back. In our General Plan, as quoted in the EIR, it says that an acceptable level of signalized intersections should be no worse than a low, low service D. We are currently at D and getting worse every day.

The measurements taken in 2010 were taken in good weather. I usually don't have to drive kids to school anymore, but I watch my neighbors. When we've had these heavy frosts, when we've had rain, the children in our neighborhood who usually walk to school do not walk and so we have many, many more vehicles coming out on those days.

Response: The comment generally raises concerns regarding traffic from the project. The DEIR analyzed potentially significant traffic impacts in Section 4.12. Please also refer to the Master Response in Section 2.4.2 for additional information. Response 16F explains the methodology used in determining the intersections studied in the DEIR.

The intersection figures in the TIA and DEIR are presented in an illustrative and conceptual manner. It should be noted that the traffic counts reflect existing conditions (where there is no vehicular connection between Clydesdale Drive and Maiden Lane). In addition, the TIA did not distribute traffic trips through Cameo Acres neighborhood (refer to DEIR Figure 2.12-7, Intersection 4).

S8C Comment: As an aside, there is an issue, I think, between the city and the school district. The school district will not give preference to anyone within walking distance of a school,

therefore, we have to compete. My grandchildren are competing to go to Green Valley School when they can easily walk there, but instead they may be usurped by someone from a greater distance who will drive there and then we will put them in a car and drive somewhere else. The environmental coordination, traffic is a start, but it certainly -- I think the city would be in a position to recommend to the school district that you jointly solve traffic problems through student placement.

Response: The concern raised in this comment relates to school placement policies. The DEIR identifies existing school capacity figures as provided by the SRVUSD (Table 4.11-1) and references SRVUSD's student diversion program (page 4.11-70, footnote 12).

S8D Comment: The Draft EIR suggests that there will be about 50 trips added to that intersection from the project and there would be a return trip of 25 during the peak morning hour. That would mean, in my opinion, approximately 25 ladies driving their children to school and then 25 other people would go through, they're probably going to work. Well, I don't think we can average out going to school, it's not -- when I went, and I think even today, you have to be there on time. And the schools all start at about the same time, so you can't average this load, it's a peak load by design, slightly moderated by 20-minute and 30-minute differences between the starting times. But if you include the zero period and the first period at Monte Vista you've got an hour of peak, another peak and another peak and another peak, and you can't take those and spread them by some of the theoretical models that have been used in the document. I really doubt that in the morning there will only be 25 people driving to school and 25 people going to work if you have 60 some odd houses.

Response: Refer to the Master Response in Section 2.4.2 for an explanation on the methodology used in the traffic analysis.

S8E Comment: The Draft EIR should also go through and check, they occasionally use the word McClosky or McClauley, particularly on drawing 4.12-8, I think you meant to use McCauley Road.

Response: The EIR has been corrected accordingly, as shown in Section 3.0.

S8F Comment: The document talks about the safety. Approximately three weeks ago there was a tree fell on Diablo Road. We chose to leave our home at that time and try to get to Danville, we had an eight-mile detour because Diablo Road was closed, we must go back out to Blackhawk, down Tassajara and either follow into Diablo Road or out to Sycamore. There is one corridor.

The document states that in emergency nearly all are sufficient -- all roads are nearly sufficiently wide to accommodate traffic and emergency vehicles. I think that's true, because they're counting all their new roads, they're counting Blackhawk Road, they're counting lower Diablo Road, and so when you mass enough stuff together that's probably a true statement. If you think that Diablo Road has enough room you're in great error. Since it is the only public corridor going out there for a couple of miles I doubt there's more than five percent of the road where you can pull out and let somebody pass you.

Driving the road when there's a bicyclist in the lane you must go into the other lane to pass. The road has got trees close by, utility poles, open drainage ditches, and this time of year even where it looks fairly flat I don't think I would take a chance of riding my car into the mud.

If that road is as congested in an emergency as it is we see in the morning and occasionally in the afternoon there would be several minutes, maybe even five or 10 minutes, lost in an emergency response. As I understand, those are critical minutes and way beyond what we should tolerate.

I think the same is true if you look up Green Valley Road, it is very narrow. Aside from some driveways there's very little places to pull out, and there is a huge backup there now measuring four or five minutes in the morning because of the Monte Vista traffic and the stop sign that is at the corner of Green Valley and Stone Valley. If an emergency vehicle wanted to go up that road in the morning I think they would be in for a five-minute delay. I think response from the fire station in Alamo would be much faster than the one right at the corner.

I noticed that in the Magee proposal there is an emergency vehicle access to help promote faster access into the subdivision. If that EVA is listed and is thought to be a good use into the subdivision then I think we ought to have something over the other two miles plus of Diablo Road.

Response: Please refer to the Master Responses in Sections 2.4.2 and 2.4.3 for responses to concerns regarding traffic, bicycle safety, and emergency access.

S8G Comment: I think the EIR should explore an alternative to the use of Diablo Road for its sole access. I'll probably make an enemy of friends who live in the area, but if you look at how close McCauley Road comes to the boundary of this site, if you were to leave the development as proposed you could drive faster to the intersection of McCauley and Diablo by taking a new route over the hill connecting to McCauley Road than coming down Diablo, you might be able to divert as much as a third of the current traffic off of Diablo Road and solve several problems. You would also greet a lot of new neighbors if you proposed traffic there as I am, but the fire or the frying pan, your choice.

Response: Please refer to Responses 18D and 23A regarding alternative access to the project site.

S8H Comment: I think, looking at the county's projection for growth, I'm trying to find the exact name, the Contra Costa Transportation Authority talks about a two percent growth, I don't see that there's been the same factor applied to the growth from Magee, from SummerHill traffic.

If Danville is to be exposed to a two percent compounding growth, and if you look at our Draft General Plan we are only growing 10 percent by the year 2030, but if we have two percent compounding growth from 2010 to 2030 that's kind of a lot more. I don't know exactly how to do compounding on compounding anymore, but it's something closer to 50 percent maybe we're looking at.

So the county planning and the city planning and this traffic planning is not exactly put together, and I think the draft document kind of picks and chooses a couple of different ways to get their numbers. So I really believe you need to go back and look at the peak traffic flows and understand that they're generated not in some esoteric way and not by some random distribution,

but by school bells, and that the peaks are greater than shown and the roads as they exist are inadequate by the statement of traffic flow in our General Plan. And so this straw, I think, is not compatible with the General Plan. Thank you.

Response: This comment raises questions regarding the validity of the traffic counts and use of the 2% future growth projection. Please refer to the Master Responses in Section 2.4.2 for responses to these concerns.

SPEAKER 9: MS. KATHERINE ALBERTS

MS. ALBERTS: I'm a resident of Hidden Oaks and I would like to address the stoplight at Hidden Oaks and Magee Ranch and Blackhawk Road.

S9A Comment: I see it causing more traffic problems than it's worth. It will back up traffic into Hidden Oaks at a far greater rate than right now, as moderated by our stop signs. And because we are a gated community and a green light entering into the development the traffic is going to back up dangerously into the intersection because the gate will not be able to handle the flow of an onslaught of cars all the sudden rather than what is regulated by the stop signs.

The problem is west of the development. And I understand there's metering of traffic, but you create a bigger problem east than you mitigate to that to the west. I also think that the impact of traffic – the Draft EIR does not look at the impact of traffic on the west portion of Diablo Road that is west of Scenic Mt. Diablo Road, what is known as the curvy portion, and that doesn't take into account the dangerousness of that section of road that will be compounded by the addition of all these new cars and traffic, especially during peak times, but also during non-peak times when people are allowed to speed.

And the increased traffic on that section of road should be addressed, as should the need to maybe look at some way to increase the safety of that section of road that's being (unintelligible). I also would ask that the Draft EIR consider alternative exit and entrance points from this new development onto other sections of Diablo Road, maybe lower or McCauley Road, which doesn't have the same traffic impact that is right now on Diablo Road.

Response: Please refer to the Master Response in Section 2.4.2 regarding the traffic signal for Hidden Oaks/Magee Ranch/Blackhawk. Please refer to Responses 18D and 23A with respect to alternative access for the project.

S9B Comment: Lastly, I just wanted to make note that I was looking at the notification, the areas that were sent notice of the Draft EIR and of this public hearing, and given the significant impact to the Hidden Oaks development in terms of the traffic light it was interesting to me that the large majority of Hidden Oaks property owners weren't determined to be affected enough to receive notice, that's just a statement that I find very puzzling. But I would like to have some response in the comments to the use of the traffic light and the impact on the gate. Thank you.

Response: State law requires the Town to notify property owners within 300 feet of the project site for all public hearings. The Town has expanded its notification list for this project to all properties within 1,000 feet of the project boundaries, and sent notices to all property owners in the Hidden Valley and Magee Ranch developments. Notices also went out to all persons who

requested noticing. Some of the property owners within Hidden Oaks are not on the mailing list because they are located more than 1,000 feet from the project boundaries. However, if these owners would like to receive notice they can contact the Town and to be added to the notification list. The Town of Danville has maintained a website for the Magee Ranches Development proposal, which includes updates and all project documents including project plans and the DEIR.

With respect to the comment on the proposed traffic light and gate at Hidden Oaks, please refer to the Master Response in Section 2.4.2.

SPEAKER 10: MR. STUART FLASHMAN

MR. FLASHMAN: Stuart Flashman, I'm an attorney from Oakland and I'm representing Save Our Creek. And I submitted a 10-page letter with comments, and I'm not going to go through all of that because, obviously, there's not enough time to do all of that, but I do want to emphasize a couple of things.

S10A Comment: One is that in addition to my letter there was also a letter that was submitted from Save Our Creek from a traffic engineer that looked through and evaluated the traffic study that was done in the EIR and concluded that traffic study is incomplete and inadequate. There are problems with the way the traffic study was done, there are assumptions that are not valid, for example, the two percent increase in traffic per year. Maybe if you apply that across all of Contra Costa County it generally works, but it's not going to work at specific intersections, for example, along Diablo Road.

And what it really needs to have is it needs to have an estimate of what the traffic increase is going to be based on the actual developments that are going on along that road or in that area. Using countywide figures is basically a joke and doesn't give you anything that you can rely on in terms of estimating the actual impacts of this project.

Response: This comment raises the validity of the traffic counts and use of the 2% future growth projection. Please refer to the Master Responses in Section 2.4.2 regarding this issue. As stated above, this commenter submitted a letter on the DEIR that is included as Letter 71. For a response to the same or similar concerns raised orally, please refer to the responses to Letter 71.

S10B Comment: Another problem with the traffic and actually with the entire report is the discussion of cumulative impacts, which is woefully inadequate. The EIR makes the assumption that if the project doesn't have any direct impact, a significant direct impact, there can be no cumulative impact, no significant cumulative impact. That's absolutely wrong. The whole point of cumulative impact analysis is to look at small impacts that add up together where any one particular impact would not be significant but when you put them together you get a significant impact.

And this is exactly what the person was talking about a few speakers back when he talked about the straw that breaks the camel's back. That's what cumulative impact is all about, it's the straw that breaks the camel's back. And the EIR just dismisses all discussion of cumulative impact and saying, "Well, there's no cumulative impact."

The other thing that's a problem with the cumulative impact, several other things, one is that for the most part they limit the cumulative impact analysis to just within the City of Danville. Well, unfortunately, Danville does not exist in a vacuum, there's the rest of the county out there. And I know you might like to be able to keep all those people who aren't living in Danville off of the Danville streets, but they're going to be on the Danville streets anyhow and development outside of Danville is going to have effects on Danville and is going to affect Danville traffic, and to ignore that cumulative impact of the development that goes on outside of Danville is ludicrous.

In addition to the traffic analysis, the biological analysis in terms of cumulative impact is also ridiculous. Again, biology does not respect town boundaries. The red-legged frog is an endangered species in Danville, it's also an endangered species in the unincorporated areas of the county that are near Danville.

And there have been numerous development projects in the area outside of the town limits but within the area near this project that have affected the red- legged frog, and there will be a cumulative impact on the red-legged frog when you add the impact of this project to the impact that has been produced on the red- legged frog from other projects in the area.

Again, as the biology consultant mentioned earlier, there used to be a lot more red-legged frogs around here than there are now, and the reason why there aren't is because of cumulative impacts. And cumulative impact doesn't just mean the future, it means past, present and the future development. And this EIR does not at all look at the cumulative impact from past and present projects, it only looks at a narrow range of future projects. That's totally inconsistent with what CEQA is supposed to be about.

Response: The comment states that the DEIR did not adequately evaluate cumulative traffic and biology impacts and other cumulative impacts. Please refer to Response 71F, which addresses this same comment. Please also refer to the responses to Letter 105 for additional discussion on the biological analysis.

S10C Comment: The last thing I want to mention, and this is following up on the battalion chief, and I want to apologize, in my letter I misidentified where he was a battalion chief, I indicated San Ramon Valley, it's actually, as he mentioned, San Leandro, but his point is very valid, that this project is going to put a lot of people in an area where there's going to be one major access road, a two-lane road that's very congested.

What you are setting up here is something very analogous to what happened in the Oakland Hills fire. I was on the East Bay MUD board when the Oakland Hills fire happened, and we spent a lot of time looking at that fire because of the problems it created for us. And one of the major disasters of the Oakland Hills fire was because you had people trying to evacuate on small roads that were overcrowded and traffic jams resulted and people died in those traffic jams, they were burned to death in those traffic jams. I don't think you want to have that happen.

The other thing that happened at the Oakland Hills fire that could happen here again, you've got people trying to leave the area on one small access road, you've got fire and emergency vehicles trying to get to the area using that same access road, it doesn't work.

And, again, this whole project, the analysis in the EIR was essentially no analysis. They talked to someone, a staff person, at the San Ramon Valley Fire Protection District who said everything's going to be okay. That's not analysis. There needs to be an in- depth analysis that asks about how are you going to get emergency vehicles into this project if there's any emergency, how are you going to get people out of the project if there's an emergency. The analysis in the EIR is totally inadequate. Thank you.

Response: Please refer to the Master Response in Section 2.4.3 regarding emergency access. See also Response 71H that responds to this same comment.

SPEAKER 11: MR. BOB NEALIS

MR. NEALIS: My name is Bob Nealis, and I'm a former candidate for the Town of Danville's town council.

S11A Comment: I'm going to shift gears for a second. We've heard a lot about the biology side, we've heard a lot about the traffic side, but I want to step back to the bigger picture, which is our ability to weigh in on this project in total, and it relates to Measure S.

I've made it clear in past remarks and feedback to this group that I'm opposed to this blatant attempt to circumvent the rights of Danville voters pursuant to Measure S as it relates to this project we're discussing here tonight. I want to begin, and I'll be very brief here, but I want to begin with a statement from leaders of our town on this point. As you will hear, they clearly support our efforts of self-determination for the residents of Danville.

And the statement reads, and I quote, "The open spaces surrounding Danville define our small town character and enhance our outstanding quality of life. Preservation of open space has been a major goal since Danville's incorporation in 1982. Our park standards, open space dedication requirements are the highest in the county. A General Plan, carefully written for today and the future, reflects a broad-based community consensus.

"Measure S, the Danville Open Space Preservation Initiative, is an affirmation of this vision embodied by our General Plan, it designates 4,000 acres, or 40 percent of Danville, which represents almost all of the underdeveloped land within Danville. Measure S preserves Danville's (break in recording) straightforward and legally defensible. Measure S will protect the vision which has defined our community's history since its incorporation. Measure S will enhance safeguards for the protection of open space and agricultural lands within our town. The measure ensures that any change in these areas would have to be supported by the community. Measure S is clear, concise and effective. The voters of Danville deserve a measure that will protect this town. Please join in the preservation of our community by voting yes on Measure S."

Now, that's the end of the quote, that's the end of the statement. That was written in the year 2000, co- authored by the then existing Danville Town Councilmembers who are in this room tonight, which included Newell Arnerich and Mike Doyle, and it was in support of Measure S, which they wrote.

So now what's the dilemma? Today they're on record saying that Measure S simply does not apply in the conversion of agricultural land to a new zoning designation for the purposes of the SummerHill development. Apparently the leaders of yesterday have changed their minds. That is a shameful way to run a town and they should be embarrassed.

I simply would like to close by asking this group, this Planning Commission here, to please demonstrate what leadership is really about and adopt the changes that have been adequately expressed regarding the overall General Plan, particularly with respect to this development proposal that you have in hand, okay. It's not only the fair, but it's the right thing to do and you know it. Thank you.

Response: This comment requests the application of Measure S to the project. Please refer to the Master Response in Section 2.4.1 regarding the Measure S issue.

SPEAKER 12: MS. MARYANN CELLA

MS. CELLA: Thanks for the opportunity to speak tonight.

S12A Comment : I gave you all a copy of what I'm going to be talking about, and I gave you some attachments that are vitally important to understanding what I'm talking about, so if you might refer to those while I'm speaking I would appreciate it, or not, as you wish.

Response: As stated above, the commenter is referring to the letter she submitted on the DEIR, included as Letter 17. Please refer to the responses to Letter 17.

S12B Comment: I've organized my presentation. And, by the way, I'm here tonight on behalf of Save Open Space Danville, I'm on the steering committee for that, and Save Our Creek, I'm on the steering committee for that, as well. And I'm going to be addressing 12 major topics that I've outlined here in what you have in front of you.

And I'm going to be asking questions, because, as you heard from Mr. Crompton earlier, the response to comments document that's part of the Final Environmental Impact Report is responding to comments and questions that were made during these hearings and in the written comments, so I want to make sure that my questions, what I would like to have answered, is fully answered in the response to comments document.

My first point is going to take us back a little bit, it's going to take us back to 1987. And my first point is regarding the failure to comply with mitigations that were conditions of approval for what was then called the Magee Diablo Ranch Final EIR. I doubt that any of you was on the Planning Commission way back then, 25 years ago, but I have copied portions of that EIR so that you can see what it said were the mitigations. These were things that were supposed to be done by various parties. It's listed who's responsible for them, and some of them are of the Town of Danville.

The first item I would like to address is in the Final EIR, 1987, for the existing Magee Ranch subdivision, then called Magee Diablo Ranch. An impact discussed on page 15 was the cumulative increase in housing units and loss of open space and agricultural land in the San Ramon Valley. The mitigation plan was, in part, that Danville not approve projects at the

densities proposed and not approve applications for agricultural land rezoning. Danville was agreeing to be the person, the group, in charge of that mitigation. So my question is, to be answered in the EIR, how is the SummerHill project consistent with Danville's agreement in the 1987 Magee Diablo Ranch EIR not to approve projects at the densities proposed and not to approve applications for agricultural land rezoning? I would like that question to be answered.

Response: Please refer to the Response 17A regarding this same comment.

S12C Comment: No. 2, addressing inconsistency of this project with the 2010 General Plan policy to encourage continued agricultural use of agricultural designated land. Now I've been at all four hearings on the 2030 draft General Plan, and one item that was discussed was these town policies to encourage clustering of homes when there is to be a residential development. It was never discussed the town policy to encourage continued agricultural use of agricultural designated land. And, as you know, the parcel, 200 acres almost, where SummerHill is planning to put almost all its homes is an agricultural use designated parcel.

In fact, the 2010 General Plan states twice in the agricultural land use designation section, and I refer to page 52 of the 2010 General Plan, it states twice that it is the policy of the town to encourage continued agricultural use of agricultural designated lands even after a Williamson Act Agricultural Preserve contract has expired. So my question is, how is the approval of the SummerHill project proposal to place 64 residential lots on the 198 plus acre agricultural designated parcel consistent with the 2010 General Plan's policy to encourage continued agricultural use?

Response: Please refer to Response 17B regarding this same comment.

S12D Comment: No. 3, the 2010 General Plan contemplates a General Plan Amendment to change the use for agricultural designated land to residential use and also requires a planning study. So, in other words, if there is to be residential use on agricultural land the 2010 General Plan contemplates the procedure that will be followed as a General Plan Amendment. And, as you know, SummerHill homes and the EIR is saying that no General Plan Amendment is needed for this project, but yet I'm just telling you what the 2010 General Plan states regarding that.

On page 52, if you will please refer to that again, from the 2010 General Plan, here's the quote, "In the event that Williamson Act contracts for sites with this designation are not renewed, General Plan Amendments to permit other uses," such as residential, I'm adding, "may be requested. Any changes to the agricultural designation shall be based on a comprehensive planning study which identifies all constraints associated with development of the site, as well as opportunities for continued agricultural, resource management and open space use."

Furthermore, in the 1987 Final EIR for the Magee Diablo Ranch subdivision the town states in the response to comments section that, this is a quote and it's attached in one of my attachments there, quote, "The land to the west," that's the land we're talking about SummerHill wants to build on, "is in an agricultural preserve and is designated as such in the new General Plan." That was the 2005 General Plan, the 2010 General Plan continued the agricultural land use designation. "A General Plan Amendment would be required to permit a project to proceed," that's what you said in 1987 in the response to comment documents. Why now in 2012 is the town saying there's no General Plan Amendment needed? That's a contradiction.

Moreover, in its development plan application, which I've reviewed, SummerHill specifically indicated it was planning to change the use from the current agricultural use to a residential one. Indeed, and it's quite obvious to everyone that the proposal is requesting a change in use, so my question is why does the Draft Environmental Impact Report not address page 52 of the General Plan and its requirement for a General Plan Amendment to change the use of the agricultural parcel from agricultural use to residential use? And a second question, where is the comprehensive planning study required by the agricultural land use section of the 2010 General Plan? I would like that answered, as well.

Response: Please refer to the Response 17C regarding this same comment. In direct response to the question regarding the “comprehensive planning study,” the project is currently undergoing a comprehensive evaluation that includes preparation of project plans and various studies (refer to Section 7.1 of the DEIR for a list of project-related studies).

S12E Comment: Item 4, the 2010 General Plan does not allow P-1, planned unit development, zoning on agricultural designated land. On page 52 of the General Plan, Attachment 2 that I gave you, planned unit development, P-1, is not listed as a consistent zoning for agricultural designated land, but state law requires that the zoning for a parcel be one of those listed in the General Plan as a consistent zoning. SummerHill's proposal is to rezone the agricultural designated parcel to P-1.

So my question is, and I would like this specifically addressed, because out of all our discussions with the town between Save Our Creek and Save Open Space Danville this question has never been directly answered, so I would like a direct answer, why does the DEIR not mention page 52 of the General Plan and the fact that P-1 zoning is not listed as a consistent zoning? That has never been answered. Where is the basis in law for defying the state law requiring that zoning be consistent with the land use designation?

Response: Please refer to Response 17D regarding this same comment.

S12F Comment: Item 5, SummerHill's project requires a General Plan Amendment to change the land use designation for the agricultural designated parcel to rural residential. The rural residential land use designation in the 2010 General Plan allows P-1, planned unit development, zonings and A-2 zonings. The only distinction between the two designations and their lists of consistent zoning is that P-1 zoning is allowed on the rural residential land and not on the agricultural land.

Prior to Measure S being passed in 2000 no agricultural designated land was ever developed without there first being a General Plan Amendment to change the land use designation to a residential one that allowed planned unit development residential zoning. Question, why is there no General Plan Amendment being required to change the land use designation for the SummerHill proposal for the parcel they want to build on to rural residential, a land use that allows P-1 zoning?

Response: Please refer to Response 17E regarding this same comment.

S12G Comment: Item 6, the SummerHill project requires a public vote of approval pursuant to ballot Measure S. Measure S, which I've attached and you have a copy of, a ballot measure passed with the overwhelming support of 75 percent of Danville voters in 2000 requires a public vote for a change in a parcel's land use designation from agricultural to rural residential or another residential one.

The SummerHill proposal is changing the use of the agricultural designated parcel to residential. As you know, and I've just stated, P-1 zoning is not allowed on agricultural parcels, therefore, a change in land use designation to rural residential or another one which allows P-1 zoning is legally necessary and that is what triggers a Measure S vote requirement. So my question is, in light of the change in use and request for P-1 zoning why is there not a Measure S vote being scheduled for this project should the Town Council approve it?

Response: Please refer to Response 17F regarding this same comment.

S12H Comment: Item 7, a change in zoning from A-4 to A-2 for the agricultural parcel requires a vote of Town Council. The project proposes to rezone A-4 agricultural designated land to P-1. The DEIR states that, quote, "It is the town's practice to calculate the development density on these lands using the A-2 zoning standard as specified by the General Plan of one unit per five acres," but the 2010 General Plan does not specify that the density should be calculated at one unit per five acres.

Here's what the plan says, "Upon Williamson Act contract expiration," quote, "the underlying zoning density, one unit per 20 acres or one unit per five acres, would apply." Please see Attachment 2, quote's right there. The zoning density for A-4 land is one unit per 20 acres, not one unit per five acres. So my question is, why does the DEIR claim that no rezoning to A-2 pursuant to a vote of Town Council is needed before the A-4 land can be considered as having a density of one unit per five acres? I would like that answered, and the answer should respond directly to the language of the General Plan.

Response: Please refer to Response 17G regarding this same comment.

S12I Comment: Item 8, the 2010 General Plan and Measure S require a vote of the people before land designated as general open space can be developed. And I have to say this was quite a surprise to me because we have known for awhile, based on the original papers for this development that were put out to the public, there was a P-1 parcel already as part of this project. So I ask the town, could you tell me about this P-1 parcel, how many acres is it, what's the land use designation, et cetera? Because we couldn't figure out how that could be part of what we thought was the agricultural land.

And I was told, "Oh, that was a mistake in reading some maps, there isn't an existing P-1 parcel that's part of this development right now, everything is something else and it's going to be rezoned," so kind of dropped that issue. Then I see in the Draft Environmental Impact Report suddenly it turns out there's a 5.9 acre project site parcel designated as general open space. And the DEIR states quite correctly, quoting again page 52 of the General Plan, which is extremely important, I hope you all read it very thoroughly, and the DEIR states correctly that, quote, "No development is permitted on general open space." So I'm not clear on where the parcel is and how it's becoming part of this plan.

And the General Plan further states that, quote, "Publicly owned parks and open spaces, recreational uses and agricultural are considered to be appropriate within this land use category." Again, residential development isn't considered to be appropriate for general open space. So my question is, where on the project site is the parcel located? I would like to know the history of that parcel. And, further question, given that no development is permitted on open space and no residential use is permitted, how is this parcel legally available to be part of the SummerHill residential development unless the land use for that parcel is changed to a residential one permitting development? And, again, that's a Measure S vote requirement, so how is this being included?

And this opens a big can of worms, because if general open space can be developed as residential, too, that's a huge part of what was the 4,000 acres that Bob Nealis was just talking about is designated open space, so now you're telling us -- in fact, at one of the four hearings I was at for the General Plan update in the draft General Plan Kevin Gailey said that it was possible that owners of land with the general open space designation would be coming forth and asking for some development on their land.

So I think that is a question for the Planning Commission and I think it's a question that everyone in this room should be told the answer to. How can that be possible that general open space -- and it says right in the General Plan "no development permitted," but now we hear that maybe there can be development.

And, by the way, one of the comments from Stuart Flashman on the 2030 General Plan, the attorney for Save Open Space Danville, is a question to the town of why is there not a zoning category for the general open space land use designation that allows no development, because there's a contradiction there.

Okay. And I note that under the General Plan it says that A-4 zoning and P-1 is consistent with general open space, but yet it also says no development permitted. So please explain this parcel and how it's part of the SummerHill project and whether that requires a public vote, as well, in order to change its land use designation to become part of this project.

Response: Please refer to Response 17H regarding this same comment and to the Master Response in Section 2.4.1 regarding Planning/Zoning/Measure S comments.

S12J Comment: Okay. Now I'm going to turn my attention to a different issue, which is hydrology. And Ray Brant addressed the Questa report that was prepared to evaluate the hydrology section of the General Plan -- or of the DEIR, but I want to talk a little more specifically about the Green Valley Creek watershed.

My conclusion is that the DEIR is legally inadequate in its assessment of flooding and erosion impacts and it fails to address management of, maintenance of and funding for maintenance and operation of the holding pond. The proposed SummerHill project will drain to the east branch of the Green Valley Creek. All of the properties through which that creek and its tributaries flow are in FEMA flood zones.

As the County Flood Control Department has warned Danville, quote, "Properties along Green Valley Creek are subject to flooding during a 25-year event, which is less than the district's standard," and I might add Danville's, "for flood protection of a watershed of this size." And that quote is in a letter that is in your attachments.

My property is located downstream from the proposed development. We, like others downstream, have structures that will be endangered by flooding and erosion that will result from the proposed development. We have a foot bridge and a small garage that are supported by structures within the flood plain, both structures have been in existence for 75 to 100 years.

I attached for your review just a few documents that attest to the lack of accountability for oversight of and failure to understand the Green Valley Creek watershed, particularly the east branch tributary. One example of such failures involves approval of and lack of follow up associated with the existing Magee Ranch development.

The EIR for that development, then called Magee Diablo Ranch, as you know, was approved in 1987. The Town of Danville approved the Magee Diablo Ranch Final EIR without a hydrology report and, thus, without any input about what specific downstream hydrologic mitigation should be undertaken.

Subsequent to the approval of that development, Danville approved other developments just north of the proposed SummerHill project with no environmental impact analysis whatsoever even though those developments all drained to the east branch of Green Valley Creek. On page 16 of my Attachment 6A of the final Magee Diablo Ranch EIR it says that as a mitigation measure, quote, "The applicant should prepare a hydrologic and drainage works design study for submittal to the town and Flood Control District. The study should be responsive to the district's flood control design criteria." The EIR goes on to state that the applicant and the Town of Danville bear responsibility for that mitigation.

On page 17, Attachment 6B, the final Magee Diablo Ranch EIR states the hydrologic study should consider off-site impacts and the responsibility being borne by the Town of Danville, applicant and the Flood Control District. If there was a study prepared the town no longer has it. All that remains are some calculations for two detention basins, one of which was to detain water that would flow into the east branch. That basin was built and is being managed by the Magee Ranch HOA acting as a geological hazard abatement district.

So mitigation for other downstream impacts that should have been done for Magee Diablo Ranch and other developments along Diablo Road, approved by Danville without an EIR being prepared, was never done except for the building of the one detention basin. The approach to hydrologic impacts for the SummerHill proposal appears to be similar, a detention basin is proposed and some on-site erosion controls and little more.

The base conclusion from all this is the DEIR fails in its obligation to review the hydrologic impacts properly. I attach a copy in there of a December 14, 2010 six-page letter from the Contra Costa County Flood Control Department commenting on the notice of preparation for the DEIR for SummerHill's proposal. Many of the recommendations of the flood department have not been followed. Here's some of them.

First, that there be an inventory of Green Valley Creek to identify areas prone to erosion and flooding, and there are many items in that Flood Control Department letter that address this, and that mitigation measures be proposed. And, by the way, that should have been done in connection with Magee Diablo Ranch development, was never done.

Secondly, the DEIR should address a perpetual funding source for maintenance of the new drainage facilities required to serve the subdivision. Now pursuant to their understanding that the flood district's directive would be followed, numerous property owners along the creek downstream of the proposed SummerHill development have sent letters to Danville asking that the hydrologist working on the DEIR contact them. None of them has ever been contacted.

Here's what one of the property owners said. "In the 15 years we've lived here there have been at least three storms which caused water on our property to rise above the banks of the creek and while flowing at a very rapid pace caused flooding, property damage and severe erosion. On one occasion heavy timbers flowing in the creek broke the water line and severely damaged the gas line, both of which cross the creek to get to the house. We subsequently had to build a bridge over both lines to protect them from these damaging water surges during times of heavy rainfall."

Okay. Well, I would just like to highlight a couple of other things, which is, a major creek bank failure along Diablo Road that the Town of Danville had to pay for, major stabilization projects that had to be undertaken by private property owners along the creek, the fact that as an illustrative matter of expense Danville just spent over a million dollars to repair erosion damage to the abutments on Diablo Road and West El Pintado and to replace a bridge across Green Valley Creek.

So Danville has tax money to use to pay for this, but these kind of impacts are exacerbated by approving development after development and private property owners are expected to bear the cost. So there should be mitigation proposed and there needs to be a survey of this creek.

And that's my question, is why has there not been an inventory of Green Valley Creek to identify areas prone to erosion and flooding, a model prepared using the information from the survey and mitigation proposed?

And, secondly, why does the DEIR not address a perpetual funding source for maintenance of the new drainage facilities required to serve the subdivision and identify who will manage the facilities? Why does the DEIR not provide for a process to ensure downstream property owners' complaints about improper maintenance and operation of the pond are addressed? Why is there not a regular program in place for the Town of Danville to inspect detention basins as other jurisdictions have?

Response: Please refer to Response 17I regarding this same comment. Please also refer to Response 11D for an explanation of the Geologic Hazard Abatement District (GHAD) responsibilities, management, and funding. The Responses to Letter 6 provide additional explanation on concerns relating to maintenance and funding for the drainage improvements and concerns relating to stormwater runoff and erosion (specifically, responses 6E, 6F, and 6G). Responses 71F and 85A also respond to concerns relating to storm water runoff and creek erosion.

S12K Comment: Okay, two final points. One is alternatives should be considered that eliminate residential development of the agricultural parcel. Question is, why was the alternative keeping the agricultural parcel in its existing A-4 zoning with no P-1 zoning not considered?

Response: Please refer to Response 17J regarding this same comment.

S12L Comment: Next question and point: There needs to be more analysis regarding the potential loss of the 18 trees in the Diablo Road Scenic area at the Green Valley/McCauley intersection. There is no explanation why those trees are being taken out, which trees, what kind of trees and what the mitigation would be.

Response: Please refer to Response 17K regarding this same comment.

S12M Comment: And, finally, the cumulative impacts need to have an analysis of the impacts of approving the SummerHill proposal on the neighboring 100-acre agricultural designated parcel. And it was mentioned at some of the General Plan hearings that there was a scenic easement possibly precluding some development, but there needs to be documentation presented to establish exactly what the development rights are for that 100-acre parcel contiguous to Magee Ranch because, obviously, all that traffic is going to go in the same area that we're talking about right now. Thank you for the opportunity to speak.

Response: Please refer to Response 17L regarding this same comment.

SPEAKER 13: MR. TODD GARY

MR. GARY: Good evening, Madam Chair, members of the Commission, staff and consultants. My name is Todd Gary, I am a Danville resident. I live at 101 Sunhaven Road. I am speaking on behalf of Save Our Creek, of which I'm a member of the steering committee, Save Open Space Danville, which I'm a member of the steering committee, and myself, my family, a number of my neighbors in our community.

S13A Comment: I wish I could make a fiery speech tonight, but we're talking about a Draft Environmental Impact Report so I'm not going to, but I'm going to start with a joke.

I went to our Magee Ranch board of directors meeting the other night to talk about this project, and for reasons involving scouting I had to bring my sons. My youngest son is 12 and so he heard all of the discussion about the hydrology and the detention basins, and this and that. And we're going home and he says, "Dad, what happens to a water molecule when it misbehaves?" And I said, "Well, I don't know, son." And he said, "Well, geez, dad, it gets sent to the detention basin."

So in November 2010, just over two years ago, I spoke before your Commission at the scoping hearing. Some of you were here, some of you weren't, but I shared some wisdom that bush pilots have had for more than a century, and that wisdom is don't fly up a box canyon. A box canyon is a canyon that once you're in it you can't turn around and you don't know if you can get out. And I ask us not to fly our community up a box canyon. This Draft Environmental Impact Report feels a lot like that box canyon that I feared.

So I want to talk about it. I think it lacks specificity in its bases and its foundations, it is blithely conclusory in area after area. And that lack of foundation and transparency requires rework and redistribution for comment, so I would like to ask that we do that, and I'll tell you why. I'm going to talk mostly about traffic. I did want to talk about General Plan consistency because that's there, but all I'm going to say is "what she said."

Response: These comments are introductory in nature and do not pertain to the merits of the environmental analysis. No further response is necessary under CEQA.

S13B Comment: Visual impacts, really briefly, the report says they're not significant because it merely extends the urban setting and because it's not individually significant it's not cumulatively significant. Well, extending the urban setting cumulatively is significant, this is Danville. Cutting down 18 trees along Diablo Road by Green Valley intersection, that's a significant visual impact.

Response: The comment disagrees with the DEIR's conclusion that no significant visual impacts will result from the project and adds that the removal of 18 trees at the Green Valley/Diablo/McCauley intersection will result in a significant visual impact. Please refer to Responses 71B, which describes the methodology and logic for the findings in Section 4.1 Aesthetics of the DEIR. Please see also Responses 16C and S1F addressing trees.

S13C Comment: Air quality, this type of development is precisely at odds with the changes that the town is proposing in its 2030 General Plan and with SB 375, it is sprawl, it has no transit, it has no (unintelligible).

The hilly nature requires not a lot of pedestrian traffic or bicycle traffic, right, it requires long auto trips traffic. And the DEIR does not analyze cumulative air impacts of this because it pretends that this is not a change in land use designation. We know it's a change in land use designation, it's going from agricultural to rural residential, whether you call it that or not that's what it is, it should analyze air quality.

Response: The DEIR analyzed potential air quality/greenhouse gas emission impacts in Section 4.3 Air Quality. For additional information on the analysis, please refer to Response 71D.

S13D Comment: Okay, traffic. For those of you who haven't done it, I really invite you to come for a drive with me on any given school morning going westbound on Diablo Road. If you haven't done it, please, I'll buy coffee, I'll buy muffins, because we'll have a long wait. Please come join us. I know there's thresholds, I know it's CEQA, but it's also our lives. Come experience it before you add more traffic.

So let's talk about some of these. There's no analysis of the growth-inducing aspects of the proposed 2030 General Plan. Why do I say the proposed 2030 General Plan? I've heard the question, "Aren't we proceeding under the 2010?" Yes, for now, unless we prefer to proceed under the 2030. Mr. Ewing, staff counsel, has said if we approve the 2030 plan the applicant can proceed under the 2030 plan. There's no discussion of that here, nor of the growth-inducing aspects.

Response: Traffic is addressed in Master Response in Section 2.4.2. The project is being processed under the 2010 General Plan since the project application was deemed complete before the proceeding on the 2030 General Plan commenced. Table 4.9-2 provides a detailed analysis of the project's consistency with the 2010 General Plan polices applicable to the project. The 2030 General Plan retained the same or similar polices and criteria that were in the 2010 General Plan that relate to the project site. Thus, the project would also be consistent with the 2030 General Plan.

S13E Comment: We cannot determine if the baselines used for this study in the traffic portion are with or without the Traffix program in place, okay. It should be without. Programs are based on funding. Funding is transient, funding can vanish, funding goes away and the programs go away. Homes and residents, once they're built and they live there, they don't go away, okay.

Probably Danville, and I apologize, I wasn't following closely enough, but along with all the other municipalities in our state have these great redevelopment agencies, right, with all of this funding, and then overnight it was gone, the plug was pulled, the projects were dead, there were budget catastrophes, okay. That can happen with Traffix, but once those buses are gone we're still out there. So we can't tell if the baselines are with Traffix or without. They should assume no buses.

The project itself does not have space within the physical layout of the streets for the Traffix buses to turn around and it hasn't been remediated. How do we serve those residents with a Traffix program when the buses can't get in and turn around?

Response: The DEIR is required to establish existing baseline conditions and evaluate future scenarios that are considered to be reasonably foreseeable. A sensitivity scenario with no TRAFFIX program in place was not conducted, since it would be speculative, and speculative forecasts are not required by CEQA. The traffic study for the DEIR contained an analysis of large vehicle turning templates to determine the adequacy of on-site circulation, including a TRAFFIX bus. The intersections and drive aisles were found to be sufficiently wide to serve this type of vehicle. See pages 4-12-37 – 4.12-38 of the DEIR for an explanation of site access and on-site circulation.

S13F Comment: The traffic demand model used, that of the Contra Costa Transportation Authority, as I understand it, limits streets and intersections to capacity when it makes calculations, so if the addition of cars would take a street or an intersection past capacity, and we're probably talking about streets here, that excess just gets clipped off, we pretend it doesn't exist, we don't reroute it, we don't add it on top of, we just make it go away, hey, presto.

Well, I'll tell you, if I'm the guy going to work and I'm the 101th percent capacity I'm still going to work, I don't stay home that day. So I think we should change that.

It was mentioned earlier there's a two percent annual growth in the peak period volumes that's assumed here from the years 2010 to 2030. And aside from saying we're pulling this from the CCTA there's no analysis and no basis for it. Mr. Flashman talked about this earlier. This growth is applied to all intersections based on the 2010 counts and it's used to conclude that there's no significant impact of this project compared with the cumulative growth, okay.

So, in other words, simple, we're going to take a countywide two percent, we're not going to break it down, we're not going to analyze it by what's going on in this town, in this area, in this geography or in this time of day, okay, we're going to blindly assume, and I think it comes out to 49 percent or almost 50 percent growth in a community that we keep getting told is near build-out, 50 percent growth by 2030, and then because there's so much growth, why, all of this new traffic, it's not really significant from this project, okay.

So why the two percent? What is the basis for that? How does it relate to Danville? How does it relate to this transportation corridor along Diablo Road? Those should be answered.

Response: This comment questions the validity of the traffic counts and use of the 2% future growth projection. Please refer to Master Response 2.4.3 regarding this comment.

S13G Comment: The DEIR excludes certain projects, like the Weber project, in looking at cumulative growth. Why? Why does it exclude some and not others? And if we don't know how do we know what it's including and what it's not including?

It lacks an arterial capacity analysis, all right. Mitigation is required under CEQA for intersections or roadway settings that cause deterioration to unacceptable levels, but there's no arterial capacity analysis. Why not?

Without these foundations laid out we don't even know what our comments are, and so that's what I'm saying, we need to get this foundation put in, we need this basis, we need this transparency on these conclusions so that we can look at it and comment again once we have that information. We can't evaluate this report's conclusion of significance, the significance of impact, because we don't have that.

Response: Please refer to Table 5-1 of the DEIR for a cumulative list of projects. The Weber project is included in this list (nos. 25 and 26). Response 71B also provides additional information on the methodology used for the cumulative analysis. The traffic analysis considered a cumulative scenario with and without the Weber project. The results of the analysis without "Weber" are contained in the DEIR in Figures 4.12-11A – 11C. The results "with Weber" are contained in Chapter 6 of the TIA for Cumulative Scenarios 2, 3, 4 and 5, which is included in Appendix I of the DEIR.

S13H Comment: So what does that mean? Let me get a little bit more concrete. On traffic there's a significant impact if we reduce for signalized intersection, we reduce the level of service from D to E, or for either a signalized or unsignalized intersection we increase the volume to capacity ratio by five percent or more. So this report concludes that several intersections have significant impacts, level of service E or worse, okay. Green Valley at Diablo, right, the McCauley Road intersection, and then Green Valley at Cameo, but that the project trip additions, the additions caused by this project, as a ratio of cumulative growth aren't significant, okay. So the significance of the traffic here depends entirely upon the growth model that you adopt.

Now our organization has submitted a report from a traffic engineer, and they provide an alternative model for growth. And that model shows that but for this project, even with cumulative growth, we would be meeting level of service requirements but for this project.

So what does that mean? The way we pick that two percent figure makes significant impacts vanish, okay. If it were 1.4 percent instead of two percent the Green Valley/Diablo Road intersection would be significantly impacted, it would not be cumulatively, okay, would be with project.

What's this mean? Ninety-one trips during the a.m. peak hour, the school rush hour, okay. There are already 100 cars backed up where this project is proposed and we're going to add 91. That is not insignificant, that's insane. Eighty-three trips during the school p.m. hour.

Okay, let's look east, Blackhawk Road and Crow Canyon, Camino Tassajara, Safeway, right, McDonald's. This analysis says that the existing plus project brings it extremely close to, extremely close to, not quite, to level of service E, which would be a significant impact, okay. But that's based on assumption that very little traffic from this project will turn east, it will all go west, okay.

Well, I'll tell you what, if you just added 91 more cars out of this project going westbound there's going to be people turning east, I'm one of them. When my son was in elementary school, I live up in Magee Ranch, he went to Montair, so I should go down Diablo Road, I couldn't. Took me 45 minutes to an hour to get him to school.

So what did I do? I went east all the way out then to the border, right, San Ramon border, and then I went south, or whatever that is, south, and then west again and all the way around because I couldn't go that way. So if we're shifting, if we're adding cars westbound and then we're taking and we're shifting traffic we have to reflect that this is going to cause people to divert, to go the other direction, and there's no analysis of that.

And if those cars go the other direction because the backup is now 40 minutes going westbound, then the Crow Canyon/Camino Tassajara intersection just had a significant impact. I would like that addressed.

Response: Please refer to the Master Response in Section 2.4 2 for an explanation of the methodology used in analyzing traffic and on the use of the 2% future growth projection generated by the Countywide Travel Demand Model, consistent with standard engineering practice and the Contra Costa Transportation Authority's Technical Procedures.

S13I Comment: The Magee Ranch Road signal, that won't work, you've heard about it from the Hidden Oaks folks, you've heard about it from the Magee folks. There's 500 Danville residents up in Magee Ranch, I don't know about Hidden Oaks.

Mr. Crompton wrote an e-mail back to our board, and he says, this is just within the last 24/48 hours, "The traffic study for SummerHill application found that there's no current need for this intersection improvement with or without the SummerHill project. As such, the town has no plans to construct this intersection improvement or recommend it be required to be constructed as part of the SummerHill application." Kind of sounds like a non-issue.

Page 31 of the Draft Environmental Impact Report at 4.12, this is the table of summary of significant environmental impacts and mitigation for this project, 4.12, traffic and circulation, the first one, "The project trips added to the intersection of Hidden Oaks Drive, Magee Ranch Road

and Blackhawk Road during the cumulative plus project a.m. peak hour would increase the volume to capacity ratio by 13 percent, which constitutes a significant impact based on the thresholds of significance."

What is the recommended mitigation measure? 4.12-1, quote, "Per the Town of Danville, signalize the intersection of Hidden Oaks Drive/Magee Ranch Road and Blackhawk Road." Why are we getting this discrepancy? Are we really parsing words about timing? Let's be transparent. What are we proposing? Let's not propose it and then say we're not really proposing it but we're kind of proposing it but not really. That signal won't work, okay. If it's used as a metering device to keep people away from the west that's not fair to our development and it's not fair to anyone east.

If the additional traffic causes cars to back up more than the mile that they already do and into our intersection, that's right, that's going to be a problem for us getting in and out. Aside from that, any other time of the day or night we get in and out of our project no problem, no delays, okay, cars whizzing by on Diablo, we get in and out, right. With a traffic signal there maybe it will help for half an hour if that backup gets back there, but for the other 23 and a half hours of the day either we're waiting or every car on Diablo is waiting. That's nuts.

Response: Please refer to the Master Response in Section 2.4.2 for an explanation on the proposed signal at Hidden Oak/Magee Ranch/Blackhawk.

S13J Comment: Okay, Diablo Scenic, the mitigation proposed there is either to remove the stop sign, let's start there, that's crazy, those buses won't be able to turn in. That's the reason the stop sign was put there, we got to have traffic control there, we know that. The fact that the report would even suggest that causes me to lack confidence in it.

So if we have a signal there, I agree, that's a goofy little offset stop sign, right, and I often sit there in frustration going, "Come on, people, time it better, we can get through there." So we put a traffic signal, that improves it. What does it do? Just shifts it down to Green Valley, shifts down McCauley, we've just moved the problem two miles. That shift has not been analyzed, okay.

Taking what's now a mile backup at Diablo Scenic and adding that to the McCauley Road/Green Valley intersection is not in this report, and I think that alone is going to take it to a significant impact. I would like that addressed.

Response: Please refer to the Master Response in Section 2.4.2 and Response 4E addressing the proposed mitigation at the Mt. Diablo Scenic/Diablo Road intersection. The proposed signalization at Mt. Diablo Scenic would create platoons and/or breaks in traffic flow that would allow gaps for the upstream and downstream unsignalized intersections to access Diablo/Blackhawk. At the upstream and downstream signalized intersections, the Town can optimize the signal timing at these signalized intersections to better adapt to the change in arrival characteristics from the new signal. Please also note in the Master Response in Section 2.4.2 that the mitigation measure at the Diablo Road/Mt. Diablo Scenic Boulevard intersection has been revised to remove the stop sign conversion as an option.

S13K Comment: The mitigations to the McCauley Road intersection are striping. I would like to know how and why and where and when that makes a difference. How does that move things? Because, again, so much of that traffic, guess what, is turning right and going up to the next one that's at level of service D, Cameo, we're just shifting it. This time it's, what, a quarter mile? I mean, there's so many bottlenecks in there you can't put a stripe on it and say it didn't happen.

Response: Mitigation Measure 4.12-3 recommends striping in the public right-of-way (McCauley Road) directly adjacent to the three lots proposed off McCauley Road which will mitigate any queuing concerns for vehicles turning into the proposed private drive by creating a queue lane for southbound vehicles headed toward the elementary school and a passing lane for vehicles headed into the subdivision.

While the project does not result in a significant impact to the intersection of Green Valley/Diablo/McCauley Road, the EIR considered an improvement that would result in the extension of two west bound through lanes and the right turn lane. The opportunity for the intersection improvement includes more than restriping; it includes an extension of the through lanes to almost 300' long each as well as the right turn lane to almost 300' long. These improvements are discussed at p. 4.12-35 of the DEIR. These improvements would allow for a significant improvement to queuing at this intersection allowing more cars to be able to pass through the signal. While this was not the baseline used for traffic assumptions for the project, please refer to the TIA for specifics on the traffic scenario that includes this improvement.

S13L Comment: No emergency response time analysis other than taking the word of this unnamed staff person. No analysis of emergency ingress and egress, right, in case of large scale. I'm just going to move on because people have touched on those. Cumulative fire protection, this project, all the other protections, do we have the resources to fight these fires? Not there, it's not in the analysis.

Response: Please refer to the Master Response in Section 2.4.3 regarding emergency access. The analysis of emergency access in the DEIR was based on close consultation with the San Ramon Valley Fire Protection District.

S13M Comment: All right. So I have a pipe metaphor, I love mixed metaphors, so box canyon over here, pipe metaphor over here. We got a pipe, it's Diablo Valley Road, right, it's got a capacity of 100 gallons a minute, so we put in three gallons a minute, we put in another three, we put in another three, we put in another three. Pretty soon this thing's at 98 percent capacity and it's going 98 gallons a minute and somebody says, "Hey, I would like to add three gallons a minute to your pipe." And then we look at this Environmental Impact Report and we say, "Yeah, gosh, that's only three percent, that's not significant." Guess what? The pipe bursts. We are at the point where the straw broke the camel's back, okay.

I would like you to add some of these foundational facts into this report, put these premises in here, justify these conclusions, give us another shot at it so we can look -- because we don't even know what to object to because so much of it is sort of below a transparency level. Please add those back in, please don't fly us up a box canyon. I know you're members of our community, come drive with us. Thank you.

Response: The DEIR evaluated cumulative impacts as described in Section 5.0 of the DEIR. The cumulative analysis relied on a list approach, which is an accepted methodology prescribed in Section 15130(b)(1) of the CEQA Guidelines, unless otherwise indicated in the report. With regards to cumulative traffic, the DEIR considered 2030 cumulative conditions and concluded that the project would cumulatively contribute to impacts at the intersections of Hidden Oaks/Magee Ranch/Blackhawk Road and Mt. Diablo Scenic Boulevard/Diablo Road. Mitigation is identified in the DEIR for these cumulative traffic impacts.

SPEAKER 14: MR. KENT REZOWALLI

MR. REZOWALLI: Thanks. Initially excuse the hat, it does look a lot better than my head. The kind of disadvantage of going after Todd is that -- first of all, I'll probably be very brief because a lot of what I'm going to say is just an echo of what Todd said, so I won't say it, I just want to say that I support what he has said, what Tom and Terri Sutak said, what you said, and what a number of other people have said.

S14A Comment: I live at 2 Sunglen Way, Danville, Magee Ranch. When I first moved into Magee Ranch traffic was very light, it was me and construction crews, and for the last 22 years I've watched the traffic grow. And I'm speaking about the traffic signaling at Magee Ranch, Hidden Oaks and Blackhawk. I've seen the traffic grow, I've driven down Diablo Road bringing two kids to school all the way from kindergarten to high school, and I've seen what's happened during that period of time.

My concern regarding the Environmental Impact Report is that when I'm looking at, and I read 300 something pages of this thing trying to find this information, and I did find it, that it appears that the EIR and SummerHill, looking at the need for traffic signalization, and specifically at that location, looks at it and concludes that without SummerHill the rating, which goes from A to about G, or something, when you get to F you got to look at signalization, it's an A, it's been an A, it's an A in the morning, in the afternoon, after school. With SummerHill it's going to be an A, it's going to be an A in the morning, it's going to be an A in the early afternoon, in peak traffic time it's going to be an A. However, this cumulative result of traffic over the years to, I assume it's 2030, will somehow result in the midday and in the afternoon acceptable without a light, but for some reason we got to an F in the morning. And that's because, I assume, is that two percent cumulative effect of traffic, which I can't quite figure out.

And I just have to refer back to those others who spoke before me, and that's the concern I have about the Environmental Impact Report. I don't believe and I never have believed that we have either a signalization at that intersection. I have been on the homeowner's board for about the first 15, 18 years of its existence, no one's ever brought up the need for a signal. We have discussed the desire not to have a signal year after year after year. I think we're still in that same place in Magee Ranch, the real Magee Ranch, I have to say. And my concern about the EIR, environmental impact, is, again, what is the cumulative, where did they get that?

I do appreciate Mr. Crompton's letter of about a day and a half ago or so which discussed to residents, although I'm not sure exactly who it was addressed to, but I like to just talk a little bit about it, is that the traffic study for SummerHill application found that there is no significant need for an intersection improvement with or without the SummerHill project, which is what I just said, and that's what appears in the report, as well.

The town does not have a need to put in a traffic signal at this time, but we've been paying this through assessments since 1990, I think, or maybe before that, so there was a lot of money put aside for this.

Any future proposed signalization intersection should be fully vetted through public hearing, including notifications to all who are directly affected, so essentially there's no intent to have a signal at that site.

Another concern is that if that's the case and the SummerHill project does not affect the traffic to the point where it needs signalization, it's still there, it's still in that report. And I'm concerned about how it got in that report, the need for it and the fact if, in fact, there is no intent, if that's true, if there's no intent it makes me nervous that it's still sitting in that report. And I would like to see somehow that be addressed in the more finalized report. That's it. Thank you very much.

Response: Please refer to the Master Response in Section 2.4.2 for an explanation of the traffic signal proposed at Hidden Oaks/Magee Ranch/Blackhawk and for additional information on traffic.

SPEAKER 15: MR. ROGER TUMA

MR. TUMA: Hello. My name is Roger Tuma, I'm a member of the SOS and I live in Hidden Valley, really out there, you know, where this is going to be impacted.

S15A Comment: So I would like to ask a question. I know I think Paul -- there was a question that came up about how many of you folks take children to school in the morning, I think Paul is the only one. So have any of you been out on Diablo Road in the morning or right after school and witnessed the traffic, any of it, could you show of hands?

Okay, good. And if you haven't then I would, you know, encourage you to do that, because I'm out there all the time. And then, you know, I'm not on the technical part of it, but on the practical side, and I know I have three grandchildren, they go to school out there.

And the first thing on the report it said that Green Valley School is only 78 percent occupied. And I called them and it's not true, some of the classes are completely full. And what prompted me to do that is because my grandchildren moved there two years ago, and the three of them, between the three of them only one could get into that school. And so why this is important is that when the families move in that area and if they can't get into local school they have to drive, and that just adds -- you know, we're talking about traffic here.

And then another thing, I don't know if people take into account how it's going to impact the schools. Children just don't go to school and just, you know, they come home. My grandchildren, when I take care of them and their parents are out of town it averages seven trips a day, one-way trip, so round trip 14, because they don't all go to the school at the same time even though they go to the same school, they have late readers, early readers, after-school activities, they have chess, they have karate, they have dance, you know, it's nonstop, scouts, you name it, there's a lot of activities, which it's not just go to school and come home. So I just wanted to bring that out.

Response: This commenter submitted written correspondence on this same issue which are included as Letters 88 and 89. With respect to enrollment at Green Valley School, the figures contained in Table 4.11-1 of the DEIR were obtained from the San Ramon Valley Unified School District and represent overall enrollment at the school, not per classroom. Please refer to the responses to Letters 88 and 89.

S15B Comment: And another thing, you know, this, here again, this isn't technical, but on McCauley Road there's a couple of extended care facilities there, I guess they call them senior centers, and often on nice days they're in their wheelchairs, somebody pushes them out and they're sitting along -- there's a sidewalk right there and they're looking at that space where that development would be. There's deer, turkey and all that. And I know those people can't come here, they're probably tucked in bed, but I think that's something we have to think about when we are going to tear down more trees and all that. Thank you for your time.

Response: The DEIR identifies potential tree removal, including along McCauley Road. Mitigation Measures 4.4-14 – 16 recommend measures to mitigate impacts on trees to less-than-significant. This measure includes compliance with the Town's Tree Preservation Ordinance which requires tree replacement.

SPEAKER 16: MR. PAUL TRUSHCKE

MR. TRUSCHKE: My name is Paul Truschke, I've been a resident of Danville for 35 years. And you'll be happy to know I'm a man of few words.

S16A Comment: I'm concerned about the traffic impact, but that's been covered by previous speakers and so I'm not going to go there. The other thing that concerns me is the impact on the schools. Class sizes have been increasing steadily over the last couple of years, and I would like to know what the impact of these homes will have on the class sizes.

I would also like to know what the financial impact of the school district will be and who's going to pay for it. Thank you very much.

Response: As explained in the DEIR on page 4.11-7, state law allows the imposition of school impact fees for mitigation of impacts from new development. The project will be required to pay a one-time school impact fee, currently projected at over \$700,000. Additional property tax revenue will also be created by the construction of this project, of which the school district will receive a share.

SPEAKER 17: MR. WILLIAM WELL

MR. WELL: My name is Bill Well. I've been a resident of Danville for over 40 years, but I'm appearing to you tonight on behalf of the Valley Spokesmen Bicycle Club, of which I'm on the executive board. We have over 500 members. We provide organized rides every Wednesday, Saturday and Sunday all year throughout the Tri-Valley, and last year our members logged 180,000 miles on these organized rides. And you can find our newsletter at any one of the three Danville bike shops.

S17A Comment: With that commercial, what I would like to express is our concern that the Draft EIR for this project is deficient in considering the impact on bicyclists on that portion of Diablo Road between Green Valley Road and Mt. Diablo Scenic Boulevard. This is a major bicycle route to access Mt. Diablo State Park.

Bicycle Magazine rated the ascent of Diablo as one of the top 10 bicycle climbs in the country. Last year Amgen Tour of California had a stage that entered the south entrance and exited the north entrance. This year Amgen Tour of California will have a stage race from Livermore to the summit of Mt. Diablo. In other words, Mt. Diablo is a major attraction for bicyclists, particularly the ones that live in this area.

But, as you know and as you have heard, the portion of Diablo Road which forms the northern boundary of this project has not been modified from its original rural state. It is narrow with many curves and is a major safety concern for bicycle travel. Diablo Road to the west has been updated with bicycle lanes, Blackhawk Road to the east has been updated allowing room for bicycle travel, only this portion of Diablo/Blackhawk Road corridor remains in its original state. Adding additional traffic to this inadequate road will have significant impact on the safety of bicycle travel.

We ask that the Draft EIR recognize the importance of bicycle travel in this corridor and propose mitigating measures for the significant impact this project will have on safe bicycle travel. This could be in the form of bicycle lanes, such as found on Diablo Road, or extra wide shoulders, such as found on Blackhawk Road. This would be consistent with policy 13.02 of the Danville General Plan, which states, "Create and maintain a safe, effective system of bikeways and roadways suitable for bicycle use." Thank you for your time.

Response: Please refer to the Master Response in Section 2.4.2 regarding bicycle safety. With respect to policy 13.02 of the Danville General Plan, the project does provide approximately ½ a mile of path from the project entrance to the EVA terminus, as described on page 3-13 of the DEIR. However, the portion of Diablo Road between Mount Diablo Scenic and Diablo/McCauley Road has numerous encumbrances that preclude the construction of a dedicated bicycle path, including the topography, adjacent creek, and existing structures such as residences.

SPEAKER 18: TONY GEISLER

MR. GEISLER: My name is Tony Geisler, I'm a resident of the Diablo neighborhood. And I'm just going to read a little bit from a letter I wrote to Mr. Crompton. And I want to thank him for all the time and effort that was put into the DEIR, and they have taken the project very seriously and you are to be commended. I'll have to say that it wasn't quite as interesting as Michael Crichton or a Ludlum novel, but got through it anyway.

S18A Comment: I have a few concerns and observations. One is the population estimate. I'm not a clairvoyant, because if I was I would probably be living at the Four Seasons development in Hualalai where I just came from, but I'm not, but I'll venture a guess there is no way, in my opinion, that there will be 2.73 people per household.

The size of the homes, 3,000 to 4,000 square feet, plus the cost estimated at 1.2 million and up, and on very small lots, will attract multi-family or large family buyers who want or will require space to accommodate their needs. And I say that because take Dougherty Valley, everybody was surprised at, "Gee, whiz, there are more people out there than we thought there would be."

I would hazard to say the average could be up to four to five occupants per unit at 70 units plus, up to 16 low rent casitas, 10 are required but I expect that there will be more, this could result in at least 430 or more residents, and please expect that because I'm sure it will happen. And it would not be unreasonable to assume an average of at least three cars per household, generating probably at least 1200 extra car trips per day along Diablo Road.

Response: The commenter also submitted written correspondence on this same issue that is included as Letter 31. Please refer to the responses to Letter 31. The project proposes seven casitas (not 16 as suggested by the commenter). Consistent with standard engineering protocol, the traffic generation rates were derived based on actual field counts collected at local subdivisions with second dwelling units, and were not based on persons per household. Please refer to Master Response in Section 2.4.2 for more information on the traffic analysis and methodology used in the DEIR.

S18B Comment: I also agree on traffic. Very quickly, it was proposed that the stop sign be removed from Mt. Diablo Scenic. You can't do that, you just can't. Try to make a left turn on Avenue Nueva or Mt. Diablo Scenic onto Diablo Road, someone will get impatient, they'll turn left and get killed.

Response: Please refer to the Master Responses in Section 2.4.2 for a discussion on the recommended mitigation for the intersection of Mt. Diablo Scenic Boulevard/Diablo Road. Please also note in the Master Response in Section 2.4.2 that the mitigation measure at the Diablo Road/Mt. Diablo Scenic Boulevard intersection has been revised and removes the stop sign conversion as an option.

S18C Comment: People may take a little offense on my view on aesthetics because beauty is in the eye of the beholder, but use Weber Ranch as an example. I had heard about Weber Ranch but I never bothered going up Matadera to look at it. These are massive, boxy structures all so chock-a-block onto one another, and I think it's really changed what was -- it really changed the nature of the Danville neighborhood right near it. To me there's nothing wrong with these homes that double the acreage and landscaping couldn't cure. I mean, I'm looking at it prematurely, but the landscaping is not up at Weber.

After going through -- and I ask everybody here to go through the SummerHill homes website. To me, SummerHill or Magee will be Weber on steroids, it will only fill a need to house as many people as possible, leaving the existing neighborhoods to be adjacent to a crowded urban setting that was once a charming bucolic area. This doesn't affect me, I live in Diablo, but I feel for the people that will be immediately adjacent to it.

Response: The visual impacts of the project are evaluated in Section 4.1 Aesthetics of the DEIR. Based on the rationale provided in the DEIR, the visual effects of the proposed development were determined to be less-than-significant with mitigation. Please note that the proposed lot sizes and setbacks for the project are consistent with those of residential

subdivisions near the project site (e.g., Hidden Valley and the existing Magee Ranch). See also responses to Letter 31.

S18D Comment: And, lastly, obviously, to me, it's in conflict with Measure S. I can't see where Jed Magee taking his property out of the Williamson Act miraculously made it an A-2 rural residential, thus, making it eligible for P-1 clustered homes. P-1 is not an acceptable land use for A-4, thus, making it a simple zoning change to be done at will by the Danville Town Council. If SummerHill is not under the jurisdiction of Measure S I ask what is, what was the intent originally? The town should put it on the ballot. The town put Measure S on the ballot, so my question is what was its intent in doing so? Was Measure S some sort of measure to hold off something else, only to leave the town to do what it pleased regardless of the desire of its voters?

So my request is please let the voters decide whether they want clustered homes on what is A-4 agricultural land. If they approve it with resulting problems, in my opinion, so be it, at least you will be filling the needs of your residents. Thank you.

Response: Please refer to the Master Response in Section 2.4.1 regarding Measure S.

SPEAKER 19: MS. JOAN HINES

MS. HINES: Thank you. I live out also on Diablo Road on the left side, and my thing tonight is two things, the traffic and the fire danger. And everybody has pretty much said the same thing about the traffic in the afternoon, in the morning. If I'm going to go someplace in the morning I try to make my appointments so I leave earlier and take my newspaper and my coffee, or I go later.

S19A Comment: Now last week I came down Stone Valley Road around 3:30, thinking probably it would be okay with the high school, and then Green Valley and then onto Diablo Road. Most of the cars were gone but I was surprised at the number of bicyclists, probably students, on Green Valley Road and then on Diablo Road probably riding home. So as you're coming up there, and it is true, as somebody said, if there's a bicyclist along Diablo Road you have to pull out around them because there's no room for them there.

And another problem, you're coming home, there is the cars, there is the bicyclists and there is the wild turkeys. And they kind of be a little problem for traffic because you think, "Is that turkey going to run out in front of me or is he going to run out in that car in front of me and they're going to stop?" And that complicates things, as well. So it is a problem out there for traffic.

And another thing with the bicyclists, in looking at the Draft EIR it seems like they were just kind of minimized that there's not a lot of problems, but there are student bicyclists. And on the weekends there are a lot of bicyclists that go up the mountains, it's a very curvy road. A lot of them go down through Diablo, but a lot of them don't, and there's no place to go.

And I also think with the traffic, on December the 29th, 2010 my electricity was off for eight hours, and that's because of the tree falling across Diablo Road. So it happened early in the afternoon and we went out a little bit later in the afternoon, and there was a policeman with a

patrol car at the corner of Clydesdale by the church and everybody was turning around and going all the way back.

So when we came back shortly after 9:00 o'clock there was a policeman at the corner of McCauley and Green Valley and Diablo Road, police car, still closed. Now we went on around, and I clocked it for about 10 miles. And I came around there today just to see, and it's about 10 miles and it does take you about 15 or 20 minutes.

Then I was surprised because I was here last week and a gentleman made the comment that Diablo Road was closed, it was either Monday morning or Tuesday morning, there were police cars out there and it was closed. And I think that really hit home to me that there is so much traffic and everything, and the tree was not because of the traffic, but the Diablo Road has actually been completely closed twice in one month.

And, unfortunately, the fire station is on the other side and so, therefore, if there had been a big fire or if somebody had called 911 because of an emergency they would not have been able to get through. And as you add more and more cars there's going to be more and more opportunity for accidents, so that's a big problem.

Response: Please refer to Master Responses in Section 2.4.2 regarding traffic and Section 2.4.3 regarding emergency access.

S19B Comment: And so I guess I would just like -- the question is -- and also what time were the surveys done for the traffic on these roads? Were they done in the morning and in the afternoon and on Saturdays where there's a lot of bicyclists? And it seemed like for the bicyclists it didn't take much -- it was like they were just inconsequential. And so I would think under the Questa it requires that there be a survey done on the bicycle traffic.

Response: Please refer to the Master Responses in Section 2.4.2 regarding bicycle safety. As noted in that response, while the project would add traffic to Diablo/Blackhawk Road, it would not significantly change existing conditions for cyclists.

S19C Comment: Then the second thing would also be on the fire. And in that area -- well, one other thing, I live on a very sharp turn off Diablo Road, and there's several of those, so when I'm turning left I make sure that I slow down, put on my turning light far enough that people know I'm going to turn. Now if there's a lot of traffic coming west on Diablo Road there's maybe five or six cars behind me because there's no place to go when I'm making my left turn. And there's several places like that, and that adds to the possibility of accidents.

Now as far as fire, I think that really hit me when I found out there were two closings within one month. The other people have commented on it tonight, and I don't know what it's like in the rest of Danville and the area, but we get some big winds out there, I call it the big blow, and they come down through that mountain and there's really big winds at certain times of the year, so I guess the cumulative effect on everything.

And I guess I remember, and most of you would probably remember, the Oakland fire, and that's been mentioned before. And I think the big problem there was the wind, the really narrow, curvy

roads, the people having accidents trying to get out, in that way the fire and the fire equipment could not get to them. So I hope that we don't repeat that out here. Thank you.

Response: Please refer to the Master Response in Section 2.4.3 regarding emergency access.

SPEAKER 20: MR. CHARLES WAITMAN

MR. WAITMAN: My name is Charles Waitman, I've lived in Danville approximately 25 years. Thank you, Madam Chairman, Commissioners, members of staff and the public for being here tonight.

S20A Comment: In response to the 230 megabytes of materials in the Draft EIR and appendices, I've submitted 5.7 megabytes of material I would like you to review. And in that material I address 10 areas that I believe to be inadequate in the Draft EIR. One is site preservation and restoration of the site (unintelligible) of a small or unsuccessful project. Two, preservation of artifacts of the county's ranching heritage, this comes to cultural issues. Light pollution, from the standpoint of astronomers, which are heavy populators of Mt. Diablo and Athenian School. Density, calculations, which would logically include the casitas as dwelling units.

Response: This commenter also submitted written correspondence raising these same issues, which is included as Letter 92. Please refer to the responses to Letter 92.

S20B Comment: Aesthetics around Diablo Road and Mt. Diablo Scenic Boulevard, in the visual simulations the pictures in that section are absolutely comical, it's how much can you put in the foreground versus how can we illustrate the impact. They really are disgraceful. The specific use of my property, I am adjacent to it.

Response: The commenter submitted a second written correspondence included as Letter 93 that identifies the same concerns. Please refer to the responses to Letter 93.

S20C Comment: Preservation of wildlife corridors, I think somebody else identified the fact -- I mean, I know where they are because I live there and I watch them, they aren't addressed in there. There's deer, fox, coyote that work through that area. And, in particular, with wildlife corridors there's a precious mile of free access to that creek by wildlife with no fences and no roads adjacent to this site. All the fencing in this project is going to eliminate that. And all along Green Valley Creek this is nearly the only mile left.

Response: Please refer to Master Comment in Section 2.4.4 regarding biological resources. The creek itself is not proposed to be fenced. Private residences will have fences for the rear and side yards. On the Magee East portion of the site, sections along the western portion and eastern portion (near the EVA and detention basin) will not have residential lots, which may provide a wildlife corridor between the open space and the creek. In addition, the applicant revised the project plans after the release of the DEIR to remove the three custom lots along Diablo Road on Magee West (see section 1.3 re a discussion of the revised plans) thereby providing additional open space. No fencing or residences are now proposed along the creek corridor in Magee West. The DEIR concluded that the project, with mitigation, will reduce significant impacts on biological resources to a less-than-significant level.

S20D Comment: Traffic, which has been addressed and tonight in many ways pointing to the inadequacies of the Draft EIR. The instability of the south bank of Green Valley Creek just north of the proposed cord F, and really getting to cumulative impact, just the overall preservation of Danville's character. So please take these identified inadequacies into serious consideration. Thank you.

Response: Please refer to the Master Response in Section 2.4.2 relating to traffic comments. Please see also Responses 4G, 6E, 6F, 6G, 71F, and 85A regarding stormwater runoff and creek bank stability.

SPEAKER 21: MS. CELIA BEARD

MS. BEARD: Hello, my name is Celia Beard. My parents moved to Danville almost 48 years ago. We've been active members of the community, my dad taught at San Ramon High. I'm the youngest of five kids that all went to Monte Vista and I can say back then there was traffic problems.

S21A Comment: We all walked to school, even to Monte Vista. And I still to this day see all of the kids walk down my street. By the way, I live on Clydesdale Drive, which is at the heart of this. And the kids all walk down my street to go to school, whether it be Green Valley, Los Cerros or Monte Vista, and I'll tell you when I leave in the morning the kids that I see when I leave my house in the morning beat me to school because it takes so long for me to get out my street and down Diablo Road that they actually can walk faster than it can take me to get down Diablo Road to the stoplight.

I have the privilege of working downtown Danville, and it can take me upwards of 20 minutes to go four miles to work downtown. And, again, I'm sorry if it's repetitive, but I agree with many of the speakers that have gone before me.

Response: The DEIR analyzed potential traffic impacts from the project in Section 4.12. Refer also to the Master Response in Section 2.4.2 for additional discussion of the traffic impact analysis.

S21B Comment: But with the downed tree that happened earlier this month, that's me, I also experienced that. I was fortunate enough to hit that downed tree at a certain time of day where I could not get to my house, and to go around to Crow Canyon, go up Crow Canyon and back up around Blackhawk, I couldn't get through that way either because nobody knew that the street had been closed up ahead. My daughter couldn't get out to go to work.

And when Mr. Andres spoke earlier about the barrier that's not listed on the map in the paperwork, that, too, is me, that barrier is in front of my house. So there is no through street, there was no way for me to get home and no way for us to get out, so it will be a disaster should another emergency take place.

Response: Please refer to the Master Response in Section 2.4.3 regarding emergency access.

S21C Comment: I feel that I've been to many of these town meetings lately with the General Plan and this SummerHill project, and it seems to me that if we give in you guys -- we give you

an inch you guys are going to take a mile and that the town can seem as though they are acting like a bunch of spoiled children, they want, want, want. They want us to give you, you know, all of the considerations and the percentages to do whatever you want to this town and at some point we have to say enough is enough.

And I don't know at what point you guys think that this all should just end, I mean, seriously, it gets so out of hand, you guys are running amuck.

(Break in recording) significant impact in all of these areas, and for us to have to believe that is ignorant, and for you to think that we're going to believe that, we are not ignorant, you're ignorant to think that we're going to believe it and you're ignorant to think that you do. I'm not talking about you, the people who drafted this.

Response: This comment expresses an opinion on the project and does not provide specific comments on the potential environmental impacts of the project or the analysis in the DEIR; no further response is required under CEQA.

S21D Comment: Personally, I think that the noise issue will be a problem, it will be a problem. Don't think for a minute that to have to listen to the construction going on, you know, all day long Monday through Friday is not a problem, it's a problem, it's going to be a problem.

Response: The DEIR analyzed potential noise impacts of the project in Section 4.10. The DEIR concluded that the potential noise impacts can be mitigated to a less-than-significant level with the implementation of Mitigation Measures 4.10-1 – 4.10-3 (see DEIR pages 4.10-10 -4.10-14).

S21E Comment: Personally, I like the animals, I like the cows and the turkeys. The turkeys are better traffic control on Diablo Road than any of the streetlights you guys want to put in, they keep the people from speeding and they keep people from passing one another on a solid yellow line. And, personally, I would prefer to listen to the cows and the turkeys than the trucks and the construction.

I'm sorry, I just want to make sure that I have said everything that I wanted to come and say because, again, I've sat through many of these meetings and I've never once spoken and wanted to at least make my voice heard for once. I want you guys to do what's in the best interest of this town, I want you to do what's in the best interest of us. We are here at every meeting to tell you what we feel, and I want you guys just to -- I want you guys to hear us out. I think that's all I have to say, thank you.

Response: This comment expresses an opinion the project and does not provide specific comments on the potential environmental impacts of the project or the analysis in the DEIR; no further response is required under CEQA.

SPEAKER 22: MS. NICOLLA PLACE

MS. PLACE: Hi. I'm Nicolla Place, I am not related to John Place, but I'm here.

S22A Comment: Couple of things. I live on Mt. Diablo Scenic, and I would like to express serious opposition to the conversion of a stop control. I was part of the group that got that stop sign put in because I feared for my life, so that's not an option, a traffic signal.

The thing I would like to add to the conversation and hear a response on is that intersection is badly aligned. Blackhawk and Diablo are in a straightaway, but then there's a private short driveway on Scenic that come in at different points. There's some open property there, and I wonder if aligning that driveway and Scenic so it's actually a true four way, that all four (unintelligible) might help in improving that intersection in some way, whether it's a stop sign or a signal, I don't know, but seems like that's part of the problem with that intersection. Even today it's quite unsafe, because people don't see you. Coming in from Scenic you're pretty far from where the stop sign is and it's still quite a hairy kind of thing to go through there.

Response: Please refer to the Master Response in Section 2.4.2 regarding the intersection of Mt. Diablo Scenic/Diablo Road. Please also note in Master Response in Section 2.4.2 that the mitigation measure at the Diablo Road/Mt. Diablo Scenic Boulevard intersection has been revised to remove the stop sign conversion as an option.

S22B Comment: And then I was listening to all these safety considerations. It sort of makes me wonder if there's any piece of this that needs to talk to the State Park. On the advice of a private consultant I've been told if there's a fire I need to go out through the park, I'll never get down Scenic.

So it would be interesting and maybe of value to consider have we talked to the park, is that an escape route that they're prepared to honor and work with the community on? That gate is closed at night, so if there's a fire situation where people want to evacuate out that way we would need the cooperation and the understanding of the park to do that. So it's food for thought.

Response: Please refer to Master Response in Section 2.4.3 regarding emergency access.

S22C Comment: And I would like to particularly hear about aligning the intersection to clean it up and make it safer, signalized or otherwise. Thanks.

Response: Please refer to the Master Response in Section 2.4.2 regarding intersection improvements at Hidden Oaks/Magee Ranch/Blackhawk and Mt. Diablo Scenic/Diablo Road.

SPEAKER 23: MS. SUZANNE COWING

MS. COWING: Hi. My name is Suzann Cowing, I live in Magee Ranch, and I just have a couple of quick, concise comments.

S23A Comment: First of all, I believe a Measure S vote is required on this project. I understand that that's not the position of the town at this point, so my question would be what other land that is currently undeveloped would actually trigger a Measure S vote if it's not this project?

Response: Please refer to the Master Response in Section 2.4.1 regarding Measure S.

S23B Comment: My second point is in regard to the school buses that Todd talked about briefly. The DEIR is flawed, in that it states that only four buses, GV-8 and 9 and LC- 8 and 9, travel the Diablo corridor. In fact, there are seven buses, GV-8 and 9, LC-8 and 9, GB-5 and Monte Vista 10-A and 10-B that travel that corridor and have reduced traffic dramatically. And I think that, as Todd mentioned, we can't rely on that funding forever, and if that is something that the SummerHill DEIR is taking into consideration as a traffic mitigation measure, that the Traffix bus needs to be able to get in and out of the SummerHill development.

I looked at section 4.12 of the DEIR briefly, and it says, quote, "Large vehicles could present a challenge," end quote, and, quote, "Large vehicles may require some off tracking into oncoming travel lanes," end quote. If this is referring to the Traffix bus coming into oncoming traffic I would suggest that most parents would not be okay with that. And those streets need to be widened or the cul-de-sacs need to be widened so that the buses can easily get in and easily get out of there.

Response: Please refer to the Master Response in Section 2.4.2 regarding traffic as well as Response S13C. The area is currently served by seven bus routes: GV-5, 8 and 9; LC-8 and 9; and MV 10A and 10B. The Monte Vista High School bus routes (MV 10A and 10B) were recently added to the TRAFFIX fleet in fall 2012. With regard to bus turn-around accommodations, the proposed project incorporates a turn-around on Street B designed specifically to accommodate the maneuvers of a school bus. The roadway network within the proposed project meets all Danville engineering design standards for public streets.

S23C Comment: The other thing that I would request that the DEIR address is that Traffix, like I had mentioned before, can physically service this area, but not only that, that there are available resources, both buses and funds, to do so. If there aren't anymore buses or funds to service this area then that's a problem.

Response: The baseline assumptions of the traffic analysis for the DEIR did not include additional buses. The traffic analysis completed a sensitivity analysis that included the addition of one bus to the corridor (Section 6 of the TIA included as Appendix I to the DEIR); however, this was not the scenario used for the traffic study baseline or DEIR assumptions.

S23D Comment: I would also suggest that, as many builders are required to subsidize school construction/infrastructure, and the like, I would like to suggest that SummerHill should be required, as part of the traffic mitigation plan, to pay for all student bus riders who commute past the proposed development site and will be impacted by greater school commute times.

So currently right now Measure J, which funds traffic, is funded by parents, a sales tax and maybe one other group, and I don't see why SummerHill -- they're not being required to build a school in this instance as a lot of the Dougherty Valley builders were required to do or set aside parkland or really do any infrastructure, as far as I can tell, I think they could easily pick up the tab for the buses.

Lastly, I should mention that I have a bachelor of science degree from U.C. Berkeley in environmental studies and a law degree, as well, and I can say definitively and with a certain degree of expertise that the best environmental impact for this parcel of land is to maintain its agricultural designation. So if there is any possibility that the town could purchase this land or

work with Mt. Diablo to do so we could save all of ourselves a lot of time and be done with this. Thank you.

Response: As explained in the DEIR on page 4.11-7, state law only allows the imposition of school impacts fees on new development for full mitigation of any impacts that may be caused by the development. Mitigation for the project's impacts on the local roadway network is identified in the DEIR in Section 4.12. Additional traffic related conditions of approval may be considered by the Town when the project's conditions of approval are drafted (e.g., contributions to future bus service).

SPEAKER 24: MR. BOB OXENBURGH

MR. OXENBURGH: Thank you, Commissioners. I'm Bob Oxenburgh, I'm the director of business operations at the Athenian School.

S24A Comment: I applaud the wonderful eloquence of all the prior speakers, I'll use brevity instead, brevity because, in fact, I'm not sure that those who are not in the town of Danville, those who are in unincorporated Contra Costa, were actually notified about the impact or the existence of the DEIR. I heard about it only very recently.

Response: Please refer to Response S9B regarding the Town's notification procedures for the project.

S24B Comment: Nicolla Place just spoke on behalf of just one of the residents on Mt. Scenic, I didn't hear yet anybody from Dambler Ranch Estates, and I'm here to speak on behalf of the Athenian School's 500 students and 70 faculty, 40 boarding students and 17 other residential families. And I want to just, as I said, keep it brief and say I think we ought to be properly involved in this process because I'm concerned with two things, one, about traffic, enough has been said about that, about the stop sign or signals proposed at Mt. Scenic and Diablo/Blackhawk. And then there's safety, there are 500 children at Athenian School during the school year on any day. That's it, thank you.

Response: Please refer to the Master Response in Section 2.4.2 on the improvements recommended for Mt. Diablo Scenic/Diablo Road. The Athenian School was specifically noticed, as shown on the project notification list. Please also note in the Master Response in Section 2.4.2 that the mitigation measure has been revised to remove the stop sign conversion as an option in response to the County's concerns.

SPEAKER 25: MS. NANCY WOLTERING

MS. WOLTERING: Good evening. Chair, and members of the Planning Commission, my name is Nancy Woltering and I represent the organization Save Mt. Diablo.

S25A Comment: Save Mt. Diablo has not taken a position on this project, but for projects that do move forward we do support development that is clustered, development that supports a high degree of open space, development that sets aside ridge lines, significant trees. And in looking at the document I think there's been an effort to do a number of these items and I think they've done a reasonably good job.

We do have a number of concerns about aesthetics. In looking at Diablo Road we feel that there should not be any homes up on, particularly single lot homes, up on the ridge above Diablo Road, that those homes should not be part of the project, there should be an alternative that eliminates them.

Regarding biological resources, the mitigation values, the mitigation ratios are low. They're suggesting one-to-one mitigation for riparian, for jurisdictional waters and wetlands, and we feel that they should be a minimum of two-to-one for mitigation ratios.

Also, the blue oak woodland is part of the mixed oak forest up on the western portion of this site, and we feel that that should be completely preserved.

Response: The commenter represents Save Mt. Diablo (SMD). SMD submitted a letter commenting on the DEIR, which is included as Letter 70. The comments presented orally are the same as those contained in Letter 70. Please refer to the responses to Letter 70.

S25B Comment: And if the project moved forward Save Mt. Diablo would suggest that the trails be open and that the open space be fully connected. You know, obviously you've had a lot of testimony tonight, this will not be an easy one for you, but we appreciate the opportunity to provide comments.

Response: The project proposes to provide an easement to the East Bay Regional Park District for trail purposes that would allow the opportunity for connectivity to Sycamore Valley Open Space and the existing trail along Blackhawk Road.

SPEAKER 26: MR. CLENEN TANNER

MR. TANNER: I'm Clelen Tanner. I think tonight we've all heard the story about the frog in the terrarium, and you increase the temperature a little bit very slowly and the frog literally cooks. And this whole DEIR is kind of like that.

The Town of Danville has done the original Magee Ranch development, then you did a little Hidden Valley Ranch development, you did a little Diablo Ranch development, and now you've got that east side. Well, based on what's been happening these last meetings the frog has jumped and now we're trying to deal with it.

S26A Comment: I want to just briefly, on the traffic again, last meeting Diablo Road was closed, it was Monday, and fortunately it was Martin Luther King Day so there was no school traffic, but the road was closed. I had to go through Diablo. My understanding is that's private property. I'm not sure that the DEIR addresses the issue if they close that off and become like Blackhawk, where it becomes gated, and how are you going to get traffic around that? I think that needs to be addressed.

I went and drove by the accident site that closed that road. You know, there's those steal I-beams there with the wood that keeps the mud from sliding down, and it's about a 6 X 6, 8 X 8 inch steel I-beam, and it's really badly bent and the wood all broken. And I asked my son, who's an

engineer, I says, "How do you bend a 6 X 6 or an 8 X 8 I-beam?" And he looked at me and said, "You don't."

Looking at that, not only that dent, but there's about, oh, 20 to 30 feet where I guess some vehicle – I guarantee you had a bike rider been on that road he would have been a dead bike rider, to have bent that I- beam to that extent that would have been a fatal accident. Putting the SummerHill project in is going to add to the traffic. Again, you've been very fortunate there hasn't been a death yet, but there will be, it's going to happen sooner rather than later, it's going to increase the frequency of it and, God forbid, we have a cluster of accidents that happen along Diablo Road.

When I first moved to Danville there were no turkeys, that's happened since then. There is a problem with turkeys crossing the road and traffic. One of the problems I have is when I drive you don't see those turkeys. I have a smaller car, a Honda Fit, and so if there is an SUV in front of me there's no reason for me to believe that SUV is going to slow down or stop, and it does, and it's turkeys trying to cross the road. The SUV sees it, I don't. I don't think the DEIR addresses the traffic problem of turkeys crossing the road. I would like to make an analogy out of that, but I won't. Thank you.

Response: This comment raises issues related to emergency access into the Diablo corridor. Please refer to the Master Response in Section 2.4.3 regarding emergency access. CEQA does not require the consideration of minor safety hazards (e.g., animal crossings) in evaluating the performance of the traffic system with project implementation. .

SPEAKER 27: MS. PAT ISOM

MS. ISOM: My name is Pat Isom and I live on 310 Matadera Court. And I'll be very brief, but my question is addressing traffic again.

S27A Comment: The counts that were taken were all taken in October, they were taken the week of October 7th, the week of October 21st and the week of October 28th on a Thursday. I want absolute confirmation that none of these counts were taken during the week of parent/teacher conferences, which I suspect that they were.

Response: The traffic counts used for the TIA were not taken during a week of parent/teacher conferences. The commenter submitted written correspondence on the DEIR included as Letter 38; please refer also to the responses provided to Letter 38.

S27B Comment: Secondly, I have a Traffic Analysis Toolbox Volume II Decision Support Methodology for selecting traffic analysis, and it's Appendix A, limitations of HCM, which is the method that they have chosen to use on the traffic methodology. And it says, "Any one of these conditions might have a significant impact on the speed of through traffic, the analyst should modify the methodology to incorporate the effects as well as possible because of certain conditions."

And I'll just name three of them, which certainly apply in this case. Turning movements that exceed 20 percent of the total volume on the street, you know that that applies. Cues at one intersection backing up to and interfering with the operation of an upstream intersection, we

know that that applies. Cross street congestion blocking through traffic. Anyway, these are all limitations of the highway capacity manual methodology. I want to know that that has been addressed within the EIR.

Response: Please refer to Response 39A regarding use of the HCM methodology.

S27C Comment: And, thirdly, regarding threshold of significance, it is my understanding that the city actually has to choose a standard to address threshold of significance, and I would like to know about that also. Thank you.

Response: The lead agency has the discretion to formulate standards of significance for use in an EIR. These can be based on sources including reliance on the judgment of the experts who prepare the EIR and accepted by the lead agency; policies adopted and implemented by the lead agency; thresholds of significance created by the lead agency; performance standards adopted and implemented or recommended by regulatory agencies; or significance standards in the CEQA Guidelines' Appendix G checklist or otherwise set forth in the CEQA Guidelines. The DEIR identified applicable thresholds of significance within each topic section. With respect to traffic and circulation, the EIR utilized the thresholds of the CEQA Guidelines' Appendix G Environmental Checklist along with specific significance criteria for the project based on policies set forth in the Danville General Plan consistent with Town practice regarding the treatment of signalized and unsignalized intersections. The DEIR also utilized quantitative thresholds reflecting the established standards in the Tri-Valley Transportation Action Plan. For a more complete explanation of traffic and circulation thresholds, please refer to the DEIR pages 4.12-17 and 4.12-18.

COMMISSIONER COMMENTS

SPEAKER 28: COMMISSIONER HABERL

Comment S28A: COMMISSIONER HABERL: Yes. Can you hear me, is this on? It was brought up about the intersection at McCauley Road and the removal of the 18 trees. Is there a little more specific knowledge of those trees or plan on that? I didn't see that when I was reading through it.

Response: Although the project does not result in a significant impact to the intersection of Green Valley/Diablo/McCauley Road, the DEIR considered improvements to this intersection. The improvements include the extension of two through lanes and right turn lane (refer to page 4.12-35 of the DEIR). In order to complete these improvements, the DEIR concluded on page 4.4-33 that 18 trees would require removal. The types and sizes of these trees can be found on page 6 of the Supplemental Tree Report in Appendix D of the DEIR. Please refer to the tree assessment map in the above referenced report for the location of the right-of-way improvements and trees. Please also refer to Mitigation Measures 4.4-15 – 4.4-17 of the DEIR, which set forth measures to reduce the potential impact on the loss of trees to a less-than-significant level.

SPEAKER 29: CHAIRWOMAN OVERCASHIER

Comment S29A: CHAIRWOMAN OVERCASHIER: That would be something to be addressed as far as additional detail in the specifics of those 18 trees and their status and which ones would

actually be, so if you can put it in a frame and a context so that the response could come back and actually address what your concerns are.

Response: See Response to S28A.

Comment S29B: Others? I don't want to monopolize, but I'll go. And if there's anything that I've brought up that others have other comments, please weigh in. Many of the comments by the audience tonight were among my comments already so I won't belabor them. A couple of things though.

On the air quality chart, 4.3-3, page 4.3-8, I'm just interested, I would assume there has to be more recent information because it says 2009 is the latest year of that chart and that's now three-year-old information. So with the particulate matter especially I would be interested in seeing if there's more recent data, more recent information that could be included, because now that we've had, I think, nine spare-the-air days this winter, among the mitigations that wasn't mentioned as far as any consideration would be perhaps mitigation of no wooden stoves, just no wood burning stoves, perhaps, only considering other options.

Response: The monitoring results included in the DEIR were based on data available at the time the air quality study was initially prepared. More current monitoring data is provided below. This information does not change the conclusions or mitigations identified in the DEIR. Please note that the project is not proposing any wood burning fireplaces; all fireplaces will be required to be gas.

Highest Measured Air Pollutant Concentrations (Concord) 2009-2011				
Pollutant	Average Time	Measured Air Pollutant Levels		
		2009	2010	2011
Ozone (O ₃)	1-Hour	0.106 ppm	0.103 ppm	0.099 ppm
	8-Hour	0.088 ppm	0.087 ppm	0.079 ppm
Carbon Monoxide (CO)	1-Hour	1.8 ppm	1.2 ppm	1.6 ppm
	8-Hour	1.1 ppm	0.94 ppm	1.24 ppm
Nitrogen Dioxide (NO ₂) ^a	1-Hour	0.040 ppm	0.042 ppm	0.042 ppm
	Annual	0.009 ppm	0.008 ppm	0.009 ppm
Respirable Particulate Matter (PM ₁₀)	24-Hour	33 ug/m ³	41.3 ug/m ³	58.8 ug/m³
	Annual	14.7 ug/m ³	13.7 ug/m ³	15.7 ug/m ³
Fine Particulate Matter (PM _{2.5})	24-Hour	39.0 ug/m³	36.4 ug/m³	47.5 ug/m³
	Annual	8.3 ug/m ³	7.0 ug/m ³	7.8 ug/m ³

Source: California Environmental Protection Agency Air Resources Board for 2009, 2010, and 2011. Treat Boulevard monitoring station in Concord.
 Note: ppm = parts per million and ug/m³ = micrograms per cubic meter
 Values reported in **bold** exceed ambient air quality standard

Comment S29C: Green Valley Creek is also a concern, I raised my family behind Green Valley School, I know this intersection very well. I'm concerned because I used to walk all along there, and the degradation of the creek banks and the downstream effects of any other development that would be upstream, especially from the Diablo Road area farther south.

Response: The hydrology of East Branch Green Valley Creek is comprehensively evaluated in Section 4.8 Hydrology and Water Quality of the DEIR. Please refer to Responses 4G, 6E, 6F, 6G, 71F, and 85A for additional discussion of stormwater runoff and erosion.

Comment S29D: The traffic study, again, was done now two plus years ago. And I would assume, because the town's very judicious about this, so I'm very proud of our town, I would assume, but I don't know for sure, that we have more recent traffic counts, and I would be interested to see, I realize this process started sometime ago, but perhaps there's more updated traffic count information that could enlighten us on some of the intersections especially.

Response: Please refer to the Master Response in Section 2.4.2 regarding the traffic counts. While the traffic counts for the DEIR were obtained in 2010 these counts are still accurate and valid for determining traffic impacts as there is no evidence that the traffic counts have increased since the traffic study was performed. Additionally, no new projects have been constructed in the study area that would appreciably increase traffic counts. This is supported by the Town's biannual accounts obtained in 2012. Staff compared the most recent 2012 biennial counts to the October 2010 counts collected for the project. At the project study intersections, the 2012 counts were shown to have lower overall traffic volumes. Two new TRAFFIX buses to serve Monte Vista High School have been added in the study area since the 2010 counts were conducted, which contributed to the lower 2012 counts. Because the 2010 intersection counts were higher than the more recent 2012 intersection counts, the use of the 2010 counts provides the more conservative analysis.

Comment S29E: I, too, am concerned about the cumulative effects of traffic. Some of it Danville has had some control over and some we have not, so it's not laying blame in any one place. I do believe cumulative impacts do need to be considered.

Response: As described in Section 5.0 of the DEIR, the cumulative analysis relies on a list approach, which is an accepted methodology prescribed in Section 15130(b)(1) of the CEQA Guidelines, unless otherwise indicated in the report. The list of cumulative projects included projects within the Town of Danville, since most of the impacts of the project would be relatively localized (e.g., effects from construction, visual changes, lighting, noise/dust emissions, disruptions to biological resources). Impacts with less localized, more regional effects are evaluated accordingly (e.g., traffic, air quality) as noted in the DEIR. With regards to cumulative traffic, the DEIR concluded that the project will cumulatively contribute to impacts at the intersections of Hidden Oaks/Magee Ranch/Blackhawk Road and Mt. Diablo Scenic Boulevard/Diablo Road.

Comment S29F: I think the arterial capacity analysis needs to be expanded. I'm concerned about the levels that are referenced there. The unmonitored intersection at the project entrance, page 4.12-40, is of concern to me for many reasons, primarily the safety issues. The discussion earlier about bicyclists, one of the mitigation measures is a lighted pedestrian crossing at the entrance to the project site, and I would be very concerned about safety for anybody crossing even with a lighted intersection. So I don't know that that adequately addresses access and safety for bicyclists or pedestrians to be able to access the trails to the north.

Response: The project entrance is proposed along a relatively straight section of Blackhawk Road. While full traffic signalization is not warranted at the project entrance location, the line of sight from this proposed entrance was determined to be adequate as described on page 4.12-37 of the DEIR. The project would provide pedestrian pathways that would connect the homes within the new development and the existing residential areas to an existing trail on the north side of

Blackhawk Road at the project main entrance. As a way of enhancing visibility of the proposed pedestrian crossing, a new pedestrian safety enhancement device is included as Mitigation Measure 4.12-4 in the DEIR. A number of options for pedestrian warning devices are available at this time with various advance markings and signage to clearly warn the motorists of an upcoming pedestrian crossing. A detailed assessment of various options will be conducted prior to project construction to determine the applicability and effectiveness of the new device at this specific location.

Comment S29G: I would be interested in a more thorough analysis of the connectivity to the bike trails and the pedestrian trails and have more description or other mitigations.

Response: The addition of the East Bay Regional Park District easement would provide opportunity for connectivity between Sycamore Valley Open Space, the new EBRPD easements, the project trails, and the existing trail along Blackhawk Road, which eventually links to Mount Diablo.

Comment S29H: I don't know that this is a horribly inadequate traffic analysis, but I'm a transportation planner and I'm hard-pressed to know how to mitigate the traffic on Diablo Road so that it doesn't back up and affect other intersections. So I understand that, I understand way too well, so it's not something you can just slap up a signal. Or, conversely, I would be very concerned with the analysis of taking away a stop sign at Diablo and Diablo Scenic, I can't -- anyway, that's a concern. And maybe the realignment consideration could be a consideration.

Response: As an overall response on the adequacy of the traffic analysis, please refer to the Master Response in Section 2.4.2, which contains an explanation of the methodology used for the analysis. This Master Response also discusses the proposed mitigation and its effectiveness at the intersection of Mt. Diablo Scenic/Diablo Road. Please also note in the Master Response in Section 2.4.2 that the mitigation measure at the Diablo Road/Mt. Diablo Scenic Boulevard intersection has been revised to remove the stop sign conversion as an option.

Comment S29I: I did read with great interest the section on the California red-legged frog because it does talk about its access and its being able to go to other areas, but, again, there's not much of a description of the preservation of the wildlife corridors, whether it be for the red-legged frog or some of the other affected wildlife in the area. So I believe expanded description of access in those wildlife corridors and how they would go would be beneficial.

Response: Impacts to wildlife movement is addressed on page 4.4-31 of the DEIR. Please also refer to the Master Response in Section 2.4.4 and Responses 70B, 71E and S20B regarding biological resources. A Mitigation Monitoring Plan and Conservation Management Plan (MMP/CMP) has been prepared for the project that identifies measures to ensure mitigation implementation to protect biological resources (refer to Attachment C). Please also note that the project plans have been revised since release of the DEIR to remove the three custom lots along Diablo Road, thus increasing the amount of permanent open space from 302 acres to 372 acres.

Comment S29J: As was mentioned earlier, a traffic diversion analysis under the circumstances I think should be a consideration. Emergency access, you know, I lived back in that neighborhood, I don't know if many of you lived here about 25 years ago when the fire on Mt. Diablo happened and went all the way up the mountain, and I don't necessarily worry about fire specifically, but I

do worry about emergency access and fire protection for north and south of Diablo Road. So to have a flushed out, very thorough emergency access plan I think, above and beyond relying upon Diablo Road, I think should be a consideration in the analysis.

Response: Please refer to the Master Response in Section 2.4.3 regarding emergency access.

Comment S29K: School adequacy and capacity, we face this all the time. We rarely ever hear from the school district, we have these public hearings. So, yes, it would be ideal if the people who live in proximity to Green Valley School could attend, but the town has very little opportunity to do anything about that or mitigate it.

Response: Commissioner Overcashier is correct in stating that the Town has little discretion in creating measures that mitigate impacts on schools. As explained in the DEIR on page 4.11-7, state law only allows the imposition of school impacts fees on new development for full mitigation of any impacts that may be caused by the development. The project will pay a one-time school impact fee, currently projected at over \$700,000. Additional property tax revenue will also be created by the construction of this project, of which the school district will receive a share.

Comment S29L: I believe that the community has addressed almost -- oh, one other. 4.3-15, again, it was the air quality section, and it has to do with the mitigation for construction equipment. And I guess I just question, you know, to make it less than significant, I personally don't know of alternative fuel vehicles for construction equipment, and I think that would be very expensive and I don't even know of any that exist. So as a mitigation measure I guess if there can be examples, or something. I mean, a lot of my business funding comes from air quality funds.

Response: Alternative fuel vehicles and/or equipment identified in the DEIR refers to those powered by gasoline (non-diesel) or liquid propane gas. This would apply to forklifts used during building construction.

Comment S29M: And then the last thing was the analysis talks about Traffix but it doesn't mention anything specific about the routes, how many children currently travel on those routes, where those buses come or go from. So from the analysis with respect to either the benefits or lack of same for the Traffix program along this corridor, Diablo Road and Blackhawk Road, I would like a more expansive description of the current status of the Traffix program. And, as was said, that could go away without funding, as well, but at least in the analysis of the here and now I think that would be helpful.

So that concludes my comments and recommendations or concerns. If there's anything above and beyond what the public has given or -- Commissioner Combs?

Response: The TRAFFIX program currently serves the area with seven bus routes. As of March 2013, 328 passes have been sold for these seven routes combined. Each year, the routes are subject to adjustment based on location of the ridership demand. The routes for the 2012-13 school year can be found at: www.rideTRAFFIX.com Refer also to Response S23C.

SPEAKER 30: COMMISSIONER COMBS

Comment S30A: COMMISSIONER COMBS: Yeah, I'm also concerned that the traffic study was done two years ago, too, and I think that that's a long time and a lot has happened since then. We've had a build-out in Alamo Creek and there's a lot of cut-through traffic going that way. And we've had a lot more cut-through traffic coming back off of Camino Tassajara cutting through to the freeway and going different ways, so I would really think that that's kind of an old thing.

Response: Please refer to the Response to S29D regarding the traffic study.

Comment S30B: And I also think that the mitigation, I think we also need to really take a look at that mitigation, even if you're adding another 100 trips on there that's a lot more cars. I drove my kids to Monte Vista for eight years and that's a lot of traffic, a lot of traffic.

And then the second thing is that I'm a bicycle rider and I go up Mt. Diablo almost every weekend, and I'm not sure we've done a good job of mitigating bicycling. And I think that there is some nexus here that we should be able to draw upon for both traffic and cycling.

Response: Please refer to the Master Responses in Section 2.4.2 regarding traffic and bicycle safety.

SPEAKER 31: COMMISSIONER HEUSLER

Comment S31A: COMMISSIONER HEUSLER: Hi. So my comments, to second Randy, I wanted more information about the 18 trees at the intersection of Diablo Road. Under what condition would the town require removal of those trees?

Response: The 18 trees would be removed if the project is conditioned to complete the extension of two west bound through lanes and one turn lane at the intersection of Green Valley/Diablo/McCauley Road. Refer also to Response to S28A regarding tree removal.

Comment S31B: I wanted to find out what role the DEIR has in addressing the police/fire response times. I would like to see us address emergency access further. For the Traffix program, I believe this is funded through 2034 with Measure J. Does the town have any plans to expand the Traffix program in this project area?

Response: Please refer to Master Response in Section 2.4.3 regarding emergency access. The TRAFFIX program is operated by an independent joint powers authority, which has expanded bus service to this area during the 2012-13 school year with two additional buses that serve Monte Vista High School (MV 10A and 10B). Measure J will provide funding for TRAFFIX through 2034.

Comment S31C: I wanted to second Chair Overcashier's request for more information about the traffic counts. I think we would benefit from conducting a more recent study to include Weber and more recent conditions.

Response: Please refer to the Response to S29D regarding the traffic study and traffic counts.

Comment S31D: And then my question about the current conditions at Green Valley Road and Blemer Road and Cameo and Green Valley Road and Stone Valley where there are levels of service at F, I wanted some information about the town's responsibility to address these levels of service without development and then just a little bit more -- or just to express concern about this with future development.

Response: In the absence of new development, the Town makes every effort to improve traffic conditions wherever possible, within budgetary and other constraints. In certain areas, such as Green Valley Road, the lack of additional right-of-way imposes physical constraints on potential improvements, while on Stone Valley Road, any improvements require approval by both the Town and Contra Costa County.

Comment S31E: And then for 4.12-36, the intersections of Mt. Diablo Scenic Boulevard and Diablo Road, have we heard anything from the county on their thoughts about removing the all-way stop? I know we talk about their role, but do we have any feedback?

Response: The County's Department of Conservation and Community Development submitted a letter on the DEIR that is included as Letter 4. The County states that it does not support the conversion of the stop sign, but does support "the installation of improved traffic controls at this intersection that are in keeping with the unique and rural character of Diablo Road..." The County suggests that the applicant conduct a study of appropriate traffic control options for this intersection (and the option should include either a traffic signal or roundabout). The DEIR conducted an analysis of the appropriate measures for this location and determined that the removal of the stop control on Diablo Road or the installation of a signal were feasible measures (see Mitigation Measure 4.12-2 in the DEIR and the Master Response in Section 2.4.2). Please note in the Master Response in Section 2.4.2 that the measure has been revised to remove the stop sign conversion as an option in response to the County's position.

The DEIR did not identify a roundabout as a feasible measure, since it would require the acquisition of private property located outside of the Town boundaries for this improvement. The Town acknowledges that these mitigation measures would occur on property within the County's jurisdiction and the Town cannot require the County to implement these measures. It is ultimately up to the County to determine if any improvements are necessary or can be made to this intersection. The Town is required by CEQA to identify feasible mitigation for this significant impact, as was conducted in the DEIR.

Comment S31F: And then also wanted to add that we've heard a lot of feedback from past meetings and tonight about the cyclists that use Diablo Road to access Mt. Diablo, I think we have an obligation to consider this use and impact in our EIR. And then wanted to find out if we needed to include Athenian School, as well, I didn't see that in here.

Response: Please see the Master Response in Section 2.4.2 regarding bicycle safety and traffic counts.

SPEAKER 32: COMMISSIONER BOWLES

Comment S32A: COMMISSIONER BOWLES: Yes. I think in addition to your comments about the emergency services maybe contact the Fire District to see if they have an official response. Having driven 17 of my 30 years that section of Diablo it just is not possible to pull over enough to get an apparatus through there, and just addressing that, because it clearly, in 4.12, it doesn't address that.

Response: Please refer to Master Response in Section 2.4.3 regarding emergency access.

SPEAKER 33: COMMISSIONER RADICH

Comment S33A: COMMISSIONER RADICH: I guess just from -- we have a lot of bright, articulate people here in the Town of Danville, and I think I took notes on 27 people and there's a lot of questions I look forward to seeing answered, so there's not much I can add to it. But one thing, you know, safety, I keep hearing about safety and traffic, that doesn't need to be beat up anymore, but I'm concerned that we don't have an adequate analysis from the San Ramon Valley Fire Department, I'm hearing that, and what input they had maybe is inadequate. So I would like to understand their input and to what level of analysis they had, so that's a concern.

Response: Please refer to the Master Responses in Section 2.4.3 regarding emergency access.

Comment S33B: And one other thing that somebody brought up I thought was kind of interesting, I wrote a little note, about fencing off of wildlife. Will this development kind of fence them off and prohibit wildlife from the creek? I just caught that and I just wrote a little note there what that was all about.

Response: Please refer to Response S20B on this same comment.

3.0 REVISIONS TO THE DRAFT EIR

The following section provides revisions to the text of the DEIR, in amendment form, pursuant to CEQA Guidelines Section 15088(d). The revisions are listed by page number. All additions to the text are presented in underline, and all deletions are shown in ~~strike out~~. These revisions are made to the text in response to comments offered during public circulation of the DEIR and to provide minor corrections as needed. These changes might be considered important clarifications or amplifications, but are not significant modifications to the text or conclusions of the DEIR.

Pages 1.2 and 1.3, the text under “1.3 Relation to 2030 General Plan Update,” is revised as follows to reflect the status of the Town’s recent approval of the 2030 General Plan update:

The Town of Danville ~~is currently updating~~ is updating its 2010 General Plan with the 2030 General Plan (“Draft 2030 General Plan”). The major changes in the ~~Draft 2030 General Plan~~ include 1) an update to the Land Use Map and Land Use designations to reflect additional housing sites as shown in the recently adopted 2007- 2014 Housing Element (~~located primarily located in the downtown area~~); 2) factual updates to reflect current conditions and changes that occurred since the 2010 General Plan was adopted; 3) new language relating to sustainability, greenhouse gas reduction, ~~priority development areas~~, and emergency preparedness; and 4) an expansion of the Town's Sphere of Influence (SOI) to include the portion of the Alamo Creek community lying east of the current SOI and the essentially built out communities north of Alamo Creek and across Camino Tassajara (i.e., the Bettencourt Ranch, Shadow Creek, and the Hansen Lane areas). A Sustainability Action Plan (SAP) ~~was has also been prepared~~ adopted by the Town but is not part of the ~~Draft 2030 General Plan~~. The SAP is intended to reduce greenhouse gas emissions and improve other aspects of the Town's sustainability. The SAP will be used in tandem with the ~~Draft 2030 General Plan~~.

The ~~proposed 2030~~ 2030 General Plan carries forward the designation of certain parts of Danville as "Special Concern Areas." The 2010 General Plan designated 14 Special Concern Areas. Since the adoption of the 2010 Plan in 1999, four of the 14 areas have been built out or are committed to development. In acknowledgement of this, the ~~Draft 2030 General Plan~~ no longer identifies the four areas as Special Concern Areas. One of the Special Concern Areas in the ~~Draft 2030 General Plan~~ is the Magee Ranch property. The Special ~~Area of Concern~~ Area language contained in the 2010 General Plan remains applicable to the project site and was carried forward in the ~~Draft 2030 General Plan~~. The planning goals and polices relating to the proposed project site set forth in the ~~Draft 2030 General Plan~~ are either the same or are substantially similar to with the goals and policies set forth in the 2010 General Plan.

~~While the Town is currently in the process of updating its 2010 General Plan,~~ The analysis in this EIR evaluates the project's consistency with the applicable polices and goals in the 2010 General Plan since that plan was in effect at the time of EIR preparation and circulation. However, because the policies and goals in the Draft 2030 General Plan are the same or similar to those in the 2010 General Plan as they relate to the proposed project site, the consistency analysis herein applies to both the 2010 General Plan and the Draft 2030 General Plan.

~~The Draft 2030 Plan is tentatively scheduled for adoption in early 2013. A Draft Environmental Impact Report for the Draft 2030 Plan was released for public review and comment on October 15, 2012. The comment period on the DEIR for the Draft 2030 Plan is scheduled to end on December 5, 2012.~~

Page 2-20, the summary table is updated under “4.12 Traffic and Circulation,” as follows:

<p>The project trips added to the intersection of Mt. Diablo Scenic Boulevard and Diablo Road during the cumulative plus project <u>AM and school PM</u> peak hour would increase the v/c ratio by <u>more than 0.050-0.076</u>, which constitutes a significant impact based on the thresholds of significance.</p>	<p>4.12-2 The intersection of Mt. Diablo Scenic Boulevard/Diablo Road should be converted to stop control on the minor street only or be considered for signalization. Because of the existing poor operation at this intersection, the project is not the sole cause of the impact. For this reason, the mitigation for this impact shall be the project applicant’s fair share contribution towards 1) the conversion to stop control on the minor street approach as part of a corridor wide mobility improvement project, or 2) the installation of a traffic signal. With the removal of stop control along Diablo Road/Blackhawk Road, the overall average delay would be LOS D or better under all scenarios. With signalization, the intersection would operate at LOS C or better under all scenarios.</p>
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Page 3-17, the following bullet item is added to the second list under “3.5 Required Permits and Approvals.”

- Contra Costa County (Large Road Encroachment Permit)

Page 4.2-2, the following text is inserted after the third paragraph under “Regulatory Environment”:

Cortese-Knox-Hertzberg Local Government Reorganization Act. The Cortese-Knox-Hertzberg Local Government Reorganization Act (CKH) of 2000 grants the Local Agency Formation Commission (LAFCO) the power and duty to review annexations into service districts. The project includes annexation of portions of the site into the East Bay Municipal Utility District (EBMUD) and the Central Contra Costa Sanitary Sewer District (CCSSD). Among the purposes of the LAFCO review is the protection of prime agricultural lands.

Page 4.2-3, the following text is inserted after the first paragraph:

Implementation of the project would require annexation of portions of the site into the EBMUD and CCSSD, triggering LAFCO review. Among the purposes of the LAFCO review is the protection of prime agricultural lands. Section 56668 of the CKH requires LAFCO to make determinations regarding the loss of agricultural lands in considering service boundary changes. Specifically, Section 56064(c) defines “prime agricultural land” as land that supports livestock used for the production of food and fiber that has an annual carrying capacity equivalent to at least one animal per acre as defined by the USDA in the National Range and Pasture Handbook Revision 1, December 2003. The project site would not meet any of the criteria for prime or important agricultural land. The project site contains grazing land; however, this land does not qualify as prime land for livestock production per the USDA Handbook criteria (one animal unit per acre), since the average stocking rate for grazing operations on the project site is one cow per 10 acres.

Page 4.3-21, Table 4.3-6 is revised as follows:

Table 4.3-6 Greenhouse Gas Annual Emissions in Metric Tons (CO ₂ e)	
Source Category	2020 5 Emissions
Area	0
Energy	206
Mobile	689
Solid Waste	37
Water	9
Total	941
<i>BAAQMD threshold</i>	<i>1,100</i>

Page 4.4-9, the third paragraph is revised as follows:

The structural and animal diversity of riparian zones provide an abundant food sources for and attract a variety of mammalian species including deer mouse (*Peromyscus maniculatus*), muskrat (*Ondatra zibethicus*), brush rabbit (*Sylvilagus bachmani*), ~~western gray~~ eastern fox squirrel (*Sciurus ~~niger~~ griseus*), and raccoon (*Procyon lotor*).

Page 4.10-13, Mitigation 4.10-3 is revised to correct the numbering to Mitigation 4.10-2

Page 4.11-5 to 4.11-6, the text is revised as follows:

Fire

Project development would incrementally increase demands for fire protection services due to the introduction of new urban uses on a site historically used for ranching/agricultural purposes. Several existing structures are located on-site and fire protection services are currently provided to the site, although the introduction of new urban uses and the corresponding increase in residential population would increase demands for these services beyond historical levels. Increased demands would be associated with a variety of issues, including, but not limited to, structural fires, medical emergencies, and wildland fire hazards due to the project's proximity to undeveloped open space, which is recognized by the Town of Danville 2010 General Plan as being subject to wildland fire hazards.¹ For the purposes of the following analysis, the project would have a significant effect if it would cause changes in existing response times (7:34 minutes to urban emergency and 8:12 minutes to suburban incident, 90 percent of the time)² or result in the exposure of site occupants and/or structures to significant wildland fire hazards such that new or expanded fire facilities would need to be constructed, which could potentially result in a significant impact to the environment.

The San Ramon Valley Fire Protection District ("District") is responsible for providing fire protection services to the project site. The nearest fire station to the project site is Station No. 33, which is located immediately west of the site. The project site is located in a moderate fire severity zone according to the District, although portions of the site are considered a high fire severity zone according to Cal Fire. High fire severity zones are located in areas abutting adjacent areas located in high to very high fire severity zones. The surrounding area is classified as high to very high fire severity zones according to Cal Fire. High to very high fire severity

¹ Town Danville, 1999, 2010 General Plan, pg. 155; see also Figure 21, Environmental Hazards, pg. 153.

² Best practices recommend a response time of seven (7) minutes from the receipt of the call.

zones are characterized as consisting of areas with steep slopes with high quantities of wildland fuel types. The project site is located the urban wildland interface area according to the District.

The ability of the District to respond to a medical emergency or fire is a function of a variety of factors, including the nature of emergency (first alarm, second alarm, etc.), proximity of the emergency in relation to responding unit/station, and size of incident among other factors. Response times to the project site and surrounding area are within the District's five (5) minute standard (personal communication, Ian Hardage, February 27, 2013). The ability of the District to provide emergency services to the periphery of the District's service area is constrained due to the remote nature of rural areas in relation to existing facilities, existing roadway network, and size of the service area. As a result, response times to rural areas can exceed District standards. The project site and surrounding area are not located in a rural part of the District; the project site is located in a suburban area that is served by multiple stations, including Station No. 33, Station No. 35 and Station No. 36. Multiple stations are available to respond to a medical or fire related emergency in the project vicinity.

As part of maintaining appropriate coverage, the District implements a local needs based system that considers community risk and vulnerability in addition to the range of potential emergencies, including wildland fire hazards. As a result, the District's facilities and responses have been designed to provide the right mixture of fire apparatus and personnel to address potential structural and wildland fires. In addition, the District implements a standard response dispatching plan to coordinate responses and ensure that emergencies are prioritized based on the nature of the emergency. The size of an incident largely determines the level of response (e.g. number of responding units) to an emergency; as a result, response times can vary depending on the nature of emergency. For instance, EMS/medical responses typically require a smaller response unit than a larger incident (e.g. first alarm). The District has identified that critical response to a medical emergency is between 8 and 10 minutes. In severe EMS situations response times should be 5 to 7 minutes. The standard response dispatching plan prioritizes responses based on the nature of the emergency to ensure adequate responses to severe EMS emergencies. Response times to the project site and surrounding area are within the District's five (5) minute standard.

The District also implements a number of other programs to address potential fire-related hazards, including wildland fire hazards. These programs range from requiring defensible space around structures located in rural areas to regulating construction-methods and building materials. The District has identified that regulating building materials and construction methods significantly reduce potential fire hazards by increasing building survivability and reducing the spread of fires. In addition, the District also implements an Exterior Hazard Abatement Program, which requires that properties within the urban wildland interface area implement certain land management practices during the fire season to minimize wildland fire hazards. As identified above, the project site is located in the urban wildland interface area and would be subject to the requirements of the Exterior Hazard Abatement Program. Applicable requirements include maintaining vegetation within 15 feet of all structures during the fire season (June 1 through October) in order to provide adequate defensible space. These standards have been developed to reduce potential wildland fire hazards during the fire season. Properties are inspected during the fire season to confirm compliance; properties not in compliance with the requirements of the Exterior Hazard Abatement Program are placed on an abatement list and are assessed fees.

The Diablo Fire Safe Council has also identified that fuel management can significantly reduce the rate of ignition, rate of spread, and the intensity of fires in the urban wildland interface area (see *Community Wildfire Protection Plan*, Diablo Fire Safe Council). Fire hazards within the urban wildland interface area can be further minimized through the implementation of structural controls (e.g. infrastructure improvements) and building code requirements. The Diablo Fire Safe Council identified that reducing sources of ignition through building design, vegetation management, and construction methods would reduce potential hazards due to development in the urban wildland interface. Specific recommendations included requiring homes to have Class-A rated, fire resistant roofs, maintaining defensible spaces around all structures, and maintaining site access. As described below, the project would be required to be constructed with Class-A rated, fire resistant roofs pursuant to Town of Danville policy, provide adequate site access to accommodate emergency vehicles, and provide on-site infrastructure (e.g. hydrants and fire flow). In addition, the project would also be required to implement applicable vegetation management requirements in accordance with the District's Exterior Hazard Abatement Program.

The District was consulted during the course of preparing this Draft EIR to determine whether the proposed project would: a) adversely affect target response times, b) necessitate the construction of new facilities, or c) otherwise adversely affect the District's ability to provide fire protection services to the surrounding area. In addition to consulting directly with District staff regarding potential fire protection considerations, the District also provided written comments on the Notice of Preparation (NOP). Copies of the District's comments are contained in Appendix A.

Based on consultations with District staff, the proposed project is not anticipated to significantly affect existing responses times, require the construction or expansion of existing facilities, or otherwise adversely affect the District's abilities to provide fire protection services to the surrounding area (e-mail correspondence, Ian Hardage, Fire Plans Examiner, August 25, 2011 and January 24, 2012). The District has identified that typical response times to suburban areas, including the project site and surrounding area, are within approximately 5 minutes. As a result, the District determined that the project would not significantly affect fire protection services.

While the proposed project is not anticipated to result in a significant increase in demands for fire protection services such that new or expanded facilities would be necessary, the construction of new residences and associated infrastructure could be exposed to potential fire-related hazards, including wildland fire hazards. As identified above, the project site is located in an area that is identified in the 2010 Danville General Plan as being subject to potential wildland fire hazards. In addition, the project site is also located within proximity to areas identified by the State of California Department of Forestry and Fire Protection as being subject to moderate and high fire hazards.³ The project site is located in an area that is considered a urban wildland interface area that could be subject to potential wildland fire hazards. In order to address potential wildland fire hazards, all new residential structures will be required to comply with the Town's Fire-Safe Roofing Ordinance (see General Plan Policy 21.01) and all applicable fire and building safety codes (Uniform Building Code and Uniform Fire Code). In addition, the project would be required to be constructed with all applicable District conditions of approval related to access, roadway widths, turning radii, fire flow requirements, fire hydrant locations, and other requirements to ensure that the project is able to safely accommodate emergency response apparatus (see Appendix A for more information concerning District conditions). The project would also be required to comply with the District's Exterior Hazards Abatement Program, which requires that properties located within the urban wildland interface area implement vegetation management to reduce potential fire hazards during the fire season. Compliance with existing regulatory requirements and adherence to District conditions, in addition to project-specific

³ California Department of Forestry and Fire Protection, Contra Costa County Fire Hazard Severity Zones in State Responsibility Areas, November 7, 2007.

improvements (e.g. emergency vehicle access on Diablo), would ensure that potential impacts to fire protection services would be less-than-significant. The District has determined that the project would not substantially affect existing levels of service and no new facilities would need to be constructed in order to accommodate the project's incremental increase for service. In addition, the District has also identified that the implementation of vegetation management activities would minimize potential wildland fire hazards. Further, the Diablo Fire Safe Council also determined that the implementation of structural controls, vegetation management, and compliance with applicable building and fire code requirements are appropriate for addressing potential fire-related hazards in urban wildland interface areas. The project would be required to comply with these requirements as described above. Moreover, the project is provided a ½ mile road (from the project entrance to the EVA) that can be used as an alternative route to Diablo Road in case of an emergency. These measures have been determined by others to be appropriate for mitigating potential impacts due to wildland fire hazards. As a result, the project would not result in a significant impact for the purposes of CEQA. Impacts would be minimized through the compliance with existing regulatory requirements, including applicable fire safety requirements. This is a less-than-significant impact.

Page 4.12-23, Figure 4.12-8 is revised to correct the spelling from McCowley to McCauley Road at driveway D, as shown on the following pages.

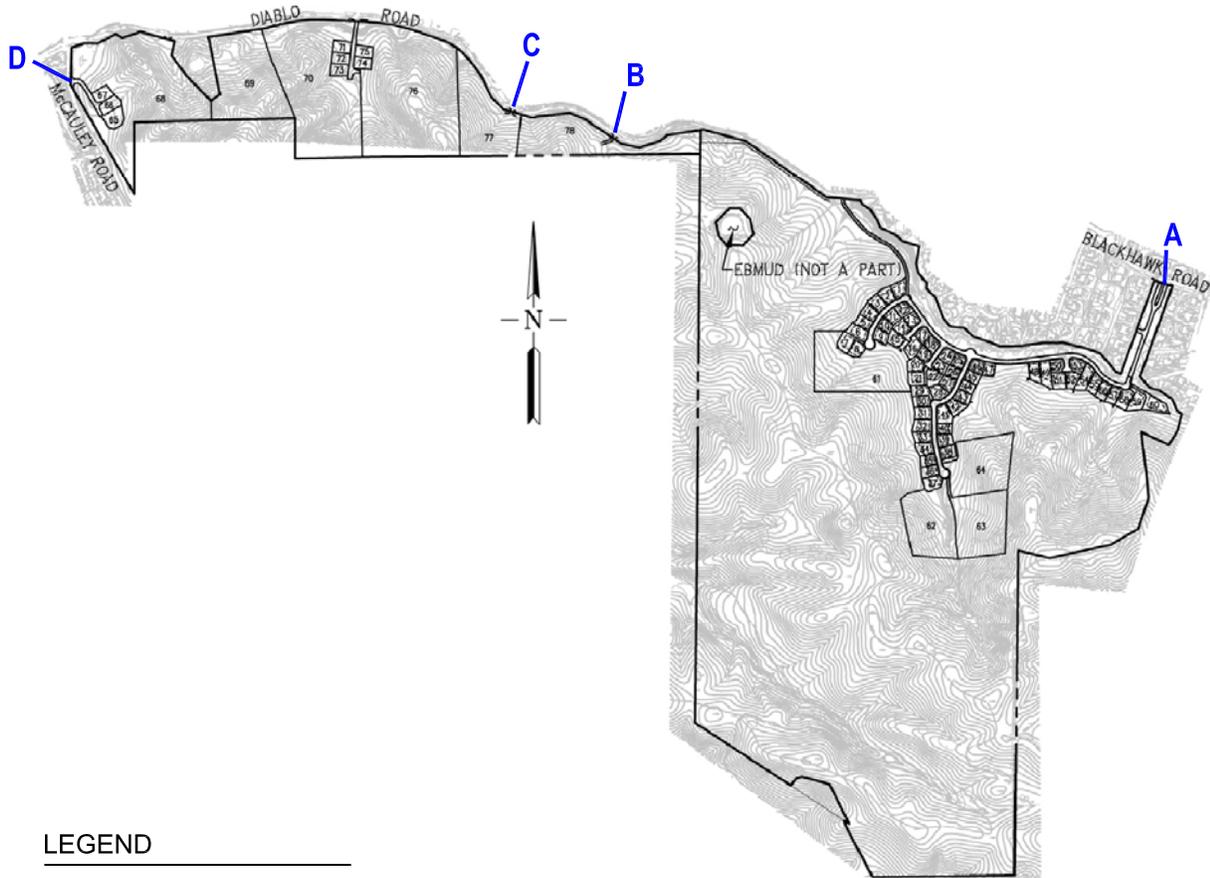
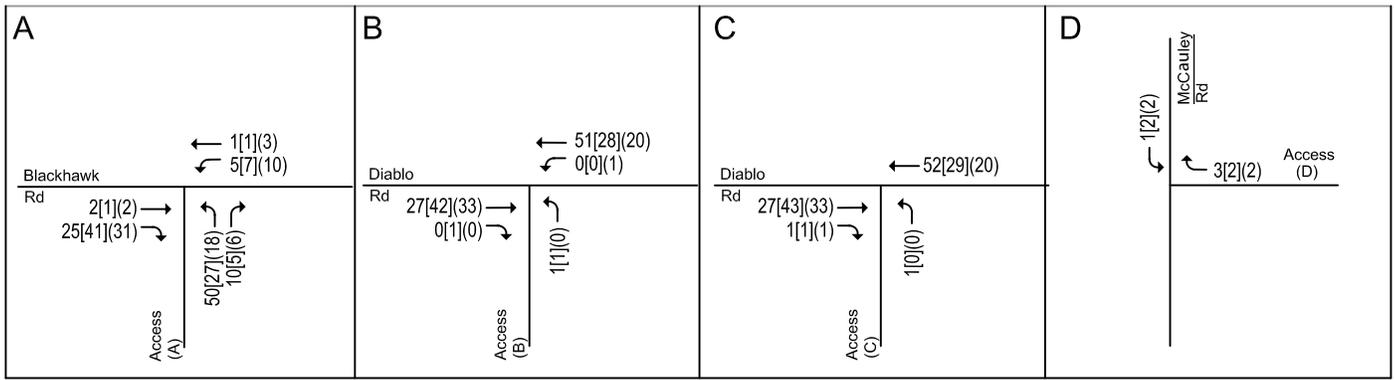
Pages 4.12-27 through 4.12-29, Figures 4-12-11A, B, and C are revised as shown on the following pages.

Page 4.12-36, the last paragraph is revised as follows:

Intersection of Mt. Diablo Scenic Boulevard/Diablo Road. This intersection is located within the jurisdiction of Contra Costa County. Project trips added to this intersection during the cumulative plus project AM peak hour and the cumulative plus project school PM peak hour would increase the v/c ratio by 0.05 or more. Based on the thresholds of significance, this would constitute a significant impact. While the overall average delay is LOS C under existing conditions, the intersection intermittently experiences long eastbound and westbound vehicle queues of 300 feet and ½ mile, respectively. The long vehicle queues on Diablo Road/Blackhawk Road are due to the all-way stop. ~~If the all-way stop were to be removed and only the minor street was stop controlled, the overall average delay would be improved. However, if the removal of the all-way stop is not allowed by the County, then signalization of the intersection is also an option as described in the mitigation below.~~

Page 4.12-37, the first paragraph is revised as follows:

Impact	The project trips added to the intersection of Mt. Diablo Scenic Boulevard and Diablo Road during the cumulative plus project <u>AM and</u> school PM peak hour would increase the v/c ratio by <u>more than 0.050-076</u>, which constitutes a significant impact based on the thresholds of significance. <i>This is a significant impact that can be reduced to a less-than-significant level with implementation of the following mitigation.</i>
---------------	--



LEGEND

XXXX = AM[School PM](PM) Peak Hour Volumes

Source: Hexagon, 2012

Project Driveways & Driveway Trips



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Revised Figure
4.12-8

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The proposed project would have a significant environmental impact related to traffic and circulation if it would cause any of the following conditions:

- **Condition #1:** Cause a signalized intersection along a Basic Route to **fall** from **LOS D (or better) to LOS E (or worse)**^{1,2}; or
- **Condition #2:** Cause a signalized intersection along a Route of Regional Significance to exceed the Multi-modal Transportation Service Objectives (MTSOs) established by the Tri-Valley Transportation Plan/Action Plan for Routes of Regional Significance; or
- **Condition #3:** Cause an increase in the volume-to-capacity ratio (v/c) of 0.05 or more at a signalized or unsignalized intersection which is **already, and projected to continue to**, operate at **LOS E (or worse)**^{1,2}; or
- **Condition #4:** Cause unsafe conditions for pedestrians or bicyclists; or
- **Condition #5:** Cause a substantial increase in hazards due to a design feature(s) (e.g., sharp curves, dangerous intersections, etc.) or incompatible use; or
- **Condition #6:** Cause conflict with adopted policies, plans, or programs

Note 1: Based on HCM planning methodology

Note 2: LOS D/E threshold is defined as an average control delay of more than 55 seconds

	Jurisdiction	CEQA SCENARIOS – EXISTING CONDITIONS (w/o Weber)									CEQA SCENARIOS – CUMULATIVE CONDITIONS (w/o Weber)									Significant Impact? (Which Scenario is Triggered?)	Mitigation
		AM Peak Comparison		Increase in V/C	Thresholds of Significance (Any of Conditions Triggered?)						AM Peak Comparison		Increase in V/C	Thresholds of Significance (Any of Conditions Triggered?)							
		Existing	Existing + Project		1	2	3	4	5	6	Cumulative	Cumulative + Project		1	2	3	4	5	6		
Signalized Intersections																					
1. Diablo/El Cerro	Danville	LOS C/31.0 V/C=0.492	LOS C/31.0 V/C=0.504	0.012	N	N	N	N	N	N	LOS D/36.3 V/C=0.730	LOS D/36.6 V/C=0.742	0.012	N	N	N	N	N	N	No	-
2. Matadera/Diablo	Danville	LOS A/4.0 V/C=0.312	LOS A/4.2 V/C=0.320	0.008	N	N	N	N	N	N	LOS A/4.1 V/C=0.464	LOS A/4.3 V/C=0.471	0.007	N	N	N	N	N	N	No	-
3. Green Valley/Diablo	Danville	LOS D/51.8 V/C=0.832	LOS D/54.2 V/C=0.862	0.030	N	N	N	N	N	N	LOS F/114.5 V/C=1.237	LOS F/121.8 V/C=1.266	0.029	N	N	N	N	N	N	No	-
4. Green Vly/Blemer/Cameo	Danville	LOS E/59.9 V/C=0.712	LOS E/61.5 V/C=0.722	0.010	N	N	N	N	N	N	LOS F/171.1 V/C=1.059	LOS F/174.2 V/C=1.068	0.009	N	N	N	N	N	N	No	-
5. Monte Vista HS/Stone Vly	Danville/CCC	LOS C/22.4 V/C=0.514	LOS C/22.5 V/C=0.519	0.005	N	N	N	N	N	N	LOS C/34.1 V/C=0.763	LOS C/34.6 V/C=0.767	0.004	N	N	N	N	N	N	No	-
6. Blackhawk/CC/CamTass	Danville/CCC	LOS D/39.1 V/C=0.584	LOS D/39.2 V/C=0.587	0.003	N	N	N	N	N	N	LOS D/47.8 V/C=0.867	LOS D/47.9 V/C=0.870	0.003	N	N	N	N	N	N	No	-
Unsignalized Intersections																					
7. Green Valley/Stone Valley	Danville/CCC	LOS F/254.2 V/C=2.214	LOS F/260.4 V/C=2.234	0.020	N	N	N	N	N	N	LOS F/625.5 V/C=3.752	LOS F/633.4 V/C=3.775	0.023	N	N	N	N	N	N	No	-
8. Mt. Diablo Scenic/Diablo	CCC	LOS C/15.3 V/C=0.741	LOS C/18.8 V/C=0.823	0.082	N	N	Y	N	N	N	LOS F/61.9 V/C=1.165	LOS F/81.4 V/C=1.257	0.092	N	N	Y	N	N	N	YES (Exist & Cum)	Signal or 1-Way STOP
9. Hidden Oaks/Magee	Danville/CCC	LOS A/7.6 V/C=0.623	LOS A/8.0 V/C=0.648	0.025	N	N	N	N	N	N	LOS F/97.2 V/C=2.820	LOS F/102.5 V/C=2.950	0.130	N	N	Y	N	N	N	YES (Cumulative)	Signalization
10. Blackhawk Rd/Blackhawk	CCC	LOS C/16.3 V/C=0.757	LOS C/16.4 V/C=0.759	0.002	N	N	N	N	N	N	LOS F/60.1 V/C=1.226	LOS F/60.4 V/C=1.228	0.002	N	N	N	N	N	N	No	-
11. Project Main/Blackhawk	CCC	-	LOS A/1.7 V/C=0.323	N/A	N	N	N	N	N	N	-	LOS A/1.4 V/C=0.311	N/A	N	N	N	N	N	N	No	-

Source: Hexagon, 2012

AM Summary of Analysis & Thresholds of Significance



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Revised
 Figure
 4.12-11A

The proposed project would have a significant environmental impact related to traffic and circulation if it would cause any of the following conditions:

- **Condition #1:** Cause a signalized intersection along a Basic Route to **fall from LOS D (or better) to LOS E (or worse)**^{1,2}; or
- **Condition #2:** Cause a signalized intersection along a Route of Regional Significance to exceed the Multi-modal Transportation Service Objectives (MTSOs) established by the Tri-Valley Transportation Plan/Action Plan for Routes of Regional Significance; or
- **Condition #3:** Cause an increase in the volume-to-capacity ratio (v/c) of 0.05 or more at a signalized or unsignalized intersection which is **already, and projected to continue to**, operate at **LOS E (or worse)**^{1,2}; or
- **Condition #4:** Cause unsafe conditions for pedestrians or bicyclists; or
- **Condition #5:** Cause a substantial increase in hazards due to a design feature(s) (e.g., sharp curves, dangerous intersections, etc.) or incompatible use; or
- **Condition #6:** Cause conflict with adopted policies, plans, or programs

Note 1: Based on HCM planning methodology

Note 2: LOS D/E threshold is defined as an average control delay of more than 55 seconds

	Jurisdiction	CEQA SCENARIOS – EXISTING CONDITIONS (w/o Weber)						CEQA SCENARIOS – CUMULATIVE CONDITIONS (w/o Weber)						Significant Impact? (Which Scenario is Triggered?)	Mitigation						
		School PM Peak Comparison		Increase in V/C	Thresholds of Significance (Any of Conditions Triggered?)						School PM Peak Comparison		Increase in V/C			Thresholds of Significance (Any of Conditions Triggered?)					
		Existing	Existing + Project		1	2	3	4	5	6	Cumulative	Cumulative + Project				1	2	3	4	5	6
Signalized Intersections																					
1. Diablo/El Cerro	Danville	LOS C/32.8 V/C=0.485	LOS C/32.8 V/C=0.492	0.007	N	N	N	N	N	N	LOS D/37.7 V/C=0.720	LOS D/37.9 V/C=0.727	0.007	N	N	N	N	N	N	No	-
2. Matadera/Diablo	Danville	LOS A/4.3 V/C=0.318	LOS A/4.5 V/C=0.328	0.010	N	N	N	N	N	N	LOS A/4.4 V/C=0.473	LOS A/4.6 V/C=0.483	0.010	N	N	N	N	N	N	No	-
3. Green Valley/Diablo	Danville	LOS D/50.2 V/C=0.826	LOS D/52.1 V/C=0.853	0.027	N	N	N	N	N	N	LOS F/115.4 V/C=1.227	LOS F/121.8 V/C=1.254	0.027	N	N	N	N	N	N	No	-
4. Green Vly/Blemer/Cameo	Danville	LOS C/30.6 V/C=0.454	LOS C/31.0 V/C=0.463	0.009	N	N	N	N	N	N	LOS E/67.9 V/C=0.675	LOS E/69.6 V/C=0.684	0.009	N	N	N	N	N	N	No	-
5. Monte Vista HS/Stone Vly	Danville/CCC	LOS C/22.4 V/C=0.500	LOS C/22.4 V/C=0.501	0.001	N	N	N	N	N	N	LOS C/28.2 V/C=0.744	LOS C/28.3 V/C=0.744	0.000	N	N	N	N	N	N	No	-
6. Blackhawk/CC/CamTass	Danville/CCC	LOS D/42.2 V/C=0.592	LOS D/42.3 V/C=0.594	0.002	N	N	N	N	N	N	LOS D/52.1 V/C=0.880	LOS D/52.3 V/C=0.882	0.002	N	N	N	N	N	N	No	-
Unsignalized Intersections																					
7. Green Valley/Stone Valley	Danville/CCC	LOS E/41.4 V/C=1.079	LOS E/44.7 V/C=1.104	0.025	N	N	N	N	N	N	LOS F/180.9 V/C=1.938	LOS F/187.1 V/C=1.968	0.030	N	N	N	N	N	N	No	-
8. Mt. Diablo Scenic/Diablo	CCC	LOS C/17.8 V/C=0.831	LOS C/21.6 V/C=0.852	0.021	N	N	N	N	N	N	LOS F/81.1 V/C=1.228	LOS F/100.0 V/C=1.304	0.076	N	N	Y	N	N	N	YES (Cumulative)	Signal or 1-Way STOP
9. Hidden Oaks/Magee	Danville/CCC	LOS A/3.2 V/C=0.229	LOS A/3.3 V/C=0.235	0.006	N	N	N	N	N	N	LOS B/11.2 V/C=0.860	LOS B/11.6 V/C=0.884	0.024	N	N	N	N	N	N	No	-
10. Blackhawk Rd/Blackhawk	CCC	LOS B/14.0 V/C=0.615	LOS B/14.2 V/C=0.631	0.016	N	N	N	N	N	N	LOS E/39.1 V/C=1.034	LOS E/40.8 V/C=1.052	0.018	N	N	N	N	N	N	No	-
11. Project Main/Blackhawk	CCC	-	LOS A/0.7 V/C=0.117	N/A	N	N	N	N	N	N	-	LOS A/0.7 V/C=0.179	N/A	N	N	N	N	N	N	No	-

Source: Hexagon, 2012

School PM Summary of Analysis & Thresholds of Significance



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Revised
 Figure
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The proposed project would have a significant environmental impact related to traffic and circulation if it would cause any of the following conditions:

- **Condition #1:** Cause a signalized intersection along a Basic Route to **fall** from **LOS D (or better) to LOS E (or worse)**^{1,2}; or
- **Condition #2:** Cause a signalized intersection along a Route of Regional Significance to exceed the Multi-modal Transportation Service Objectives (MTSOs) established by the Tri-Valley Transportation Plan/Action Plan for Routes of Regional Significance; or
- **Condition #3:** Cause an increase in the volume-to-capacity ratio (v/c) of 0.05 or more at a signalized or unsignalized intersection which is **already, and projected to continue to**, operate at **LOS E (or worse)**^{1,2}; or
- **Condition #4:** Cause unsafe conditions for pedestrians or bicyclists; or
- **Condition #5:** Cause a substantial increase in hazards due to a design feature(s) (e.g., sharp curves, dangerous intersections, etc.) or incompatible use; or
- **Condition #6:** Cause conflict with adopted policies, plans, or programs

Note 1: Based on HCM planning methodology

Note 2: LOS D/E threshold is defined as an average control delay of more than 55 seconds

	Jurisdiction	CEQA SCENARIOS – EXISTING CONDITIONS (w/o Weber)									CEQA SCENARIOS – CUMULATIVE CONDITIONS (w/o Weber)									Significant Impact? (Which Scenario is Triggered?)	Mitigation
		PM Peak Comparison		Increase in V/C	Thresholds of Significance (Any of Conditions Triggered?)						PM Peak Comparison		Increase in V/C	Thresholds of Significance (Any of Conditions Triggered?)							
		Existing	Existing + Project		1	2	3	4	5	6	Cumulative	Cumulative + Project		1	2	3	4	5	6		
Signalized Intersections																					
1. Diablo/El Cerro	Danville	LOS C/33.4 V/C=0.501	LOS C/33.6 V/C=0.516	0.015	N	N	N	N	N	N	LOS D/38.7 V/C=0.745	LOS D/39.2 V/C=0.760	0.015	N	N	N	N	N	N	No	-
2. Matadera/Diablo	Danville	LOS A/4.2 V/C=0.295	LOS A/4.4 V/C=0.310	0.005	N	N	N	N	N	N	LOS A/4.2 V/C=0.438	LOS A/4.4 V/C=0.453	0.015	N	N	N	N	N	N	No	-
3. Green Valley/Diablo	Danville	LOS D/36.3 V/C=0.734	LOS D/36.8 V/C=0.749	0.015	N	N	N	N	N	N	LOS E/73.1 V/C=1.091	LOS E/75.8 V/C=1.106	0.015	N	N	N	N	N	N	No	-
4. Green Vly/Blemer/Cameo	Danville	LOS C/30.2 V/C=0.498	LOS C/30.3 V/C=0.499	0.001	N	N	N	N	N	N	LOS F/95.1 V/C=0.732	LOS F/95.4 V/C=0.732	0.000	N	N	N	N	N	N	No	-
5. Monte Vista HS/Stone Vly	Danville/CCC	LOS C/21.6 V/C=0.404	LOS C/21.5 V/C=0.405	0.001	N	N	N	N	N	N	LOS C/25.1 V/C=0.600	LOS C/25.1 V/C=0.601	0.001	N	N	N	N	N	N	No	-
6. Blackhawk/CC/CamTass	Danville/CCC	LOS D/41.3 V/C=0.595	LOS D/41.3 V/C=0.598	0.003	N	N	N	N	N	N	LOS D/51.6 V/C=0.884	LOS D/51.8 V/C=0.887	0.003	N	N	N	N	N	N	No	-
Unsignalized Intersections																					
7. Green Valley/Stone Valley	Danville/CCC	LOS C/16.3 V/C=0.720	LOS C/16.4 V/C=0.722	0.002	N	N	N	N	N	N	LOS F/64.0 V/C=1.249	LOS F/64.5 V/C=1.252	0.003	N	N	N	N	N	N	No	-
8. Mt. Diablo Scenic/Diablo	CCC	LOS B/12.5 V/C=0.580	LOS B/13.6 V/C=0.622	0.042	N	N	N	N	N	N	LOS D/27.6 V/C=0.888	LOS D/33.9 V/C=0.945	0.057	N	N	N	N	N	N	No	-
9. Hidden Oaks/Magee	Danville/CCC	LOS A/3.3 V/C=0.169	LOS A/3.3 V/C=0.175	0.006	N	N	N	N	N	N	LOS A/7.2 V/C=0.512	LOS A/7.5 V/C=0.532	0.020	N	N	N	N	N	N	No	-
10. Blackhawk Rd/Blackhawk	CCC	LOS C/22.6 V/C=0.892	LOS C/24.6 V/C=0.920	0.028	N	N	N	N	N	N	LOS F/109.0 V/C=1.505	LOS F/115.3 V/C=1.536	0.031	N	N	N	N	N	N	No	-
11. Project Main/Blackhawk	CCC	-	LOS A/0.5 V/C=0.066	N/A	N	N	N	N	N	N	-	LOS A/0.5 V/C=0.194	N/A	N	N	N	N	N	N	No	-

Source: Hexagon, 2012

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Revised
 Figure
 4.12-11C

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Page 4.12-37, second paragraph, Mitigation Measure 4.12-2 is revised as follows:

- 4.12-2 The intersection of Mt. Diablo Scenic Boulevard/Diablo Road should be converted to stop control on the minor street only or be considered for signalization. ~~Because of the existing poor operation at this intersection, t~~The project is not the sole cause of the impact. For this reason, the mitigation for this impact shall be the project applicant's fair share contribution towards ~~1) the conversion to stop control on the minor street approach as part of a corridor wide mobility improvement project, or 2) the installation of a traffic signal. With the removal of stop control along Diablo Road/Blackhawk Road, the overall average delay would be LOS D or better under all scenarios. With signalization, the intersection would operate at LOS C or better under all scenarios.~~

Page 4.13-19, the last two paragraphs are revised as follows:

Water Supply Infrastructure

The extension of water supply infrastructure to the project site is necessary in order to serve the proposed residential subdivision. These improvements include the construction of new 8-inch and 10-inch water distribution mains that would intertie into existing EBMUD infrastructure within McCauley Road, Diablo Road, and Blackhawk Road. EBMUD owns and operates an existing 12-inch water main in McCauley Road and an 8-inch and 16-inch water main in Diablo Road. New water supply infrastructure would be constructed within the roadway right-of-ways for the proposed access roads. Magee East would connect to existing 8-inch and 16-inch water mains in Blackhawk Road and Diablo Road, as shown in Figure ~~4.11-5A and Figure 4.11-5B~~ 4.13-5A and 4.13-5B. Magee West would connect to existing 8-inch water mains located in Diablo Road and McCauley Road, as shown in Figure ~~4.11-5C~~ 4.13-5C.

Water supply improvements proposed to serve Magee East include the construction of new 8-inch water mains and a 10-inch water main. These mains would be extended through the project site within the roadway alignment for the proposed new internal roadway network. A series of 8-inch mains would also be constructed to connect with the proposed 10-inch main, which would subsequently connect with the existing EBMUD 16-inch water main located within Diablo Road (see Figure ~~4.11-5a~~ 4.13-5A). The proposed project also includes the construction of a new 8-inch water main within the proposed access road. This water main would interconnect with an existing 8-inch main located in Blackhawk Road (see Figure ~~4.11-5b~~ 4.13-5B). The Magee West portion of the site would intertie with existing water distribution infrastructure in Diablo Road and McCauley Road, as shown in Figure ~~4.11-5c~~ 4.13-5C.