

Final Initial Study/Mitigated Negative Declaration The Vines at Oakley (Subdivision 9507) City of Oakley, Contra Costa County, California

Prepared for:

City of Oakley

Planning and Zoning Department

3231 Main Street

Oakley, CA 94561

925.625.7000

Contact: Ken Strelo, Principal Planner

Prepared by:

FirstCarbon Solutions

1350 Treat Boulevard, Suite 380

Walnut Creek, CA 94597

925.357.2563

Contact: Jason Brandman, Project Director

Grant Gruber, Project Manager

Date: August 30, 2019

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Table of Contents

Section 1: Introduction	1-1
Section 2: Responses to Written Comments	2-1
2.1 - List of Authors	2-1
2.2 - Responses to Comments	2-1

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SECTION 1: INTRODUCTION

Although not required by the California Environmental Quality Act (CEQA) and CEQA Guidelines, the City of Oakley has evaluated the comments received on The Vines at Oakley Project Draft Initial Study/Mitigated Negative Declaration (Draft IS/MND). The Responses to Comments which are included in this document, together with the Draft IS/MND, Draft IS/MND appendices, and the Mitigation Monitoring and Reporting Program, comprise the Final IS/MND for use by the City of Oakley in its review and consideration of The Vines at Oakley Project.

This document is organized into three sections:

- **Section 1—Introduction.**
- **Section 2—Responses to Written Comments:** Provides a list of the agencies, organizations, and individuals who commented on the Draft IS/MND. Copies of all of the letters received regarding the Draft IS/MND and responses thereto are included in this section.

The Final IS/MND includes the following contents:

- Draft IS/MND (provided under separate cover)
- Draft IS/MND appendices (provided under separate cover)
- Responses to Written Comments (Section 2)
- Mitigation Monitoring and Reporting Program (provided under separate cover)

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SECTION 2: RESPONSES TO WRITTEN COMMENTS

2.1 - List of Authors

A list of public agencies and private parties that provided comments on the Draft IS/MND is presented below. Each comment has been assigned a code. Individual comments within each communication have been numbered so comments can be cross-referenced with responses. Following this list, the text of the communication is reprinted and followed by the corresponding response.

Author	Author Code
State Agencies	
California Department of Fish and Wildlife	CDFW
Local Agencies	
Contra Costa Mosquito & Vector Control District	CCMVCD
Contra Costa County Flood Control & Water Conservation District	FLOOD CONTROL
Private Parties	
Monica Hurney	HURNEY

2.2 - Responses to Comments

2.2.1 - Introduction

In accordance with the California Environmental Quality Act (CEQA) Guidelines Section 15088, the City of Oakley, as the lead agency, evaluated the comments received on the Final IS/MND for The Vines at Oakley Project, and has prepared the following responses to the comments received. This Response to Comments document becomes part of the Final IS/MND for the project in accordance with CEQA Guidelines Section 15132.

2.2.2 - Comment Letters and Responses

The comment letters reproduced in the following pages follow the same organization as used in the List of Authors.

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State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Bay Delta Region
2825 Cordelia Road, Suite 100
Fairfield, CA 94534
(707) 428-2002
www.wildlife.ca.gov

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



CITY OF OAKLEY
Planning Department

AUG - 9 2019

RECEIVED

August 8, 2019

Mr. Ken Strelow, Principal Planner
City of Oakley
3231 Main Street
Oakley, CA 94561
strelow@ci.oakley.ca.us

Subject: The Vines at Oakley (Subdivision 9507), Mitigated Negative Declaration,
SCH #2019079061, City of Oakley, Contra Costa County

Dear Mr. Stelo:

The California Department of Fish and Wildlife (CDFW) received a Mitigated Negative Declaration (MND) from the City of Oakley (City) for The Vines at Oakley (Project) pursuant to the California Environmental Quality Act (CEQA).

CDFW is submitting comments on the MND to inform the City, as the Lead Agency, of our concerns regarding potentially significant impacts to sensitive resources associated with the proposed Project. CDFW is providing these comments and recommendations regarding those activities involved in the Project that are within CDFW's area of expertise and relevant to its statutory responsibilities (Fish and Game Code, § 1802), and/or which are required to be approved by CDFW (CEQA Guidelines, §§ 15086, 15096 and 15204).

CDFW ROLE

CDFW is a Trustee Agency with responsibility under CEQA (Pub. Resources Code, § 21000 et seq.) pursuant to CEQA Guidelines section 15386 for commenting on projects that could impact fish, plant, and wildlife resources. CDFW is also considered a Responsible Agency if a project would require discretionary approval, such as a California Endangered Species Act (CESA) Permit, a Lake and Streambed Alteration (LSA) Agreement, or other provisions of the Fish and Game Code that afford protection to the state's fish and wildlife trust resources.

1

REGULATORY REQUIREMENTS

Lake and Streambed Alteration

CDFW requires an LSA Notification, pursuant to Fish and Game Code section 1600 et. seq., for Project activities affecting lakes or streams and associated riparian habitat. Notification is required for any activity that may substantially divert or obstruct the natural flow; change or use material from the bed, channel, or bank including associated riparian or wetland resources; or deposit or dispose of material where it may pass into a river, lake or stream. Work within ephemeral streams, washes, watercourses with a subsurface flow, and floodplains are subject to notification requirements. CDFW will consider the CEQA document for the Project and may issue an LSA Agreement. CDFW may not execute the final LSA Agreement until it has complied with CEQA as a Responsible Agency.

2

Mr. Ken Strelow
August 8, 2019
Page 2

PROJECT DESCRIPTION SUMMARY

Proponent: City of Oakley

Description and Location: The Project site is located at 2371 Oakley Road in the City of Oakley, Contra Costa County, California. The Project site is bounded by large-parcel residential uses to the west, Oakley Road to the north, an existing single-family neighborhood to the east, and Holly Oak Park and a single-family residential neighborhood to the south. The Project is proposing to rezone and subdivide the site to allow the development of 63 residential lots, streets, and a bioretention area.

3

COMMENTS AND RECOMMENDATIONS

CDFW offers the below comments and recommendations to assist the City in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources.

4

Swainson's Hawk (*Buteo swainsoni*)

CDFW recommends that a qualified biologist conduct surveys prior to any construction activities that may impact Swainson's hawk in accordance with the Swainson's Hawk Technical Advisory Committee's (TAC) *Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in California's Central Valley* (2000), available on CDFW's webpage at <https://www.wildlife.ca.gov/Conservation/Survey-Protocols#377281284-birds>.

5

Survey methods should be closely followed by starting early in the nesting season (late March to early April) to maximize the likelihood of detecting an active nest (nests, adults, and chicks are more difficult to detect later in the growing season because trees become less transparent as vegetation increases). Surveys should be conducted: 1) within a minimum 0.25-mile radius of the Project area or a larger area if necessary to identify potentially impacted active nests, and 2) for at least the two survey periods immediately prior to initiating Project-related construction activities. Surveys should occur annually for the duration of the Project. The qualified biologist should have a minimum of two years of experience implementing the TAC survey methodology.

Migratory and Nesting Birds

Avoidance and minimization measure *MM BIO-2* (page 47) specifies a 300-foot non-disturbance radius around an active raptor nest and a 50-foot non-disturbance radius around an active migratory bird nest. Depending on the species, nest stage, and site conditions, 50 to 300 feet may not be sufficient to prevent disturbance-related nest failure. If nests are found in or near the Project area, CDFW can provide guidance on establishing appropriate buffers to minimize the potential for take and to reduce potential impacts to less-than-significant. As such, CDFW recommends *MM BIO-2* be revised to require nest buffer approval from the State's trustee for fish and wildlife (CDFW) **prior** to the start of Project construction.

6

CONCLUSION

To ensure significant impacts are adequately mitigated to a level less-than-significant, the feasible mitigation measures described above should be incorporated as enforceable conditions

7

Mr. Ken Strelo
August 8, 2019
Page 3

into the final CEQA document for the Project. CDFW appreciates the opportunity to comment on the MND to assist the City in identifying and mitigating Project impacts on biological resources.

Questions regarding this letter or further coordination should be directed to Ms. Jennifer Rippert, Environmental Scientist, at (707) 428-2069 or Jennifer.Rippert@wildlife.ca.gov; or Ms. Melissa Farinha, Senior Environmental Scientist (Supervisory), at (707) 944-5579.

Sincerely,



Gregg Erickson
Regional Manager
Bay Delta Region

cc: State Clearinghouse

7
CONT

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State Agencies

California Department of Fish and Wildlife (CDFW)

Response to CDFW-1

The agency summarized its statutory responsibilities. No response is necessary.

Response to CDFW-2

The agency summarized Lake and Streambed Alteration Agreement requirements.

The proposed project does not require approval of a Lake and Streambed Alteration Agreement. Thus, these requirements do not apply to the proposed project.

Response to CDFW-3

The agency summarized the project location and description. No response is necessary.

Response to CDFW-4

The agency prefaced its comments. No response is necessary.

Response to CDFW-5

The agency recommended that a qualified biologist conduct surveys for the Swainson's hawk prior to construction activities. The agency summarized its recommendations for survey methodology.

The project site was surveyed for special status plant and wildlife species by a qualified biologist in December 2018. No Swainson's hawk nests were observed; however, the project site provides marginal foraging habitat for the species. In recognition that this species is known to occur in the project vicinity, the Draft IS/MND set forth Mitigation Measure BIO-1, which requires a pre-construction survey for the Swainson's hawk by a qualified biologist. If the species is found to be present, avoidance measures must be implemented until the species has departed. In addition, the applicant may be required to plant trees that would provide suitable nesting habitat to offset the loss of that resource.

Response to CDFW-6

The agency noted that Mitigation Measure BIO-2 identifies a 300-foot non-disturbance radius around an active raptor nest and a 50-foot radius around an active migratory bird nest. The agency stated that these distances may not be adequate and that the measure should be revised to require nest approval from CDFW.

Mitigation Measure BIO-2 identifies 300 feet and 50 feet as the non-disturbance radii to provide clear and unambiguous direction to the parties who will implement the mitigation measure. Moreover, Mitigation Measure BIO-2 states that "USFWS and/or CDFW (as appropriate) shall be notified regarding the status of the nest." As such, the mitigation measure includes a provision for agency consultation, as appropriate, which may include implementation of different non-disturbance radii. For this reason, the mitigation measure does not need to be revised.

Response to CDFW-7

The agency provided closing remarks. No response is necessary.

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155 Mason Circle
Concord, CA 94520
phone (925) 685-9301
fax (925) 685-0266
www.contracostamosquito.com

CITY OF OAKLEY
Planning Department

JUL 24 2019

RECEIVED

July 22, 2019

City of Oakley
Attn: Ken Strelo, Principal Planner
3231 Main Street
Oakley, CA 94561

Re: The Vines at Oakley (Subdivision 9507) Notice to Adopt Mitigated Negative Declaration

Dear Mr. Strelo,

Thank you for the opportunity to express the position of the Contra Costa Mosquito & Vector Control District (the District) regarding the proposed Mitigated Negative Declaration for The Vines at Oakley (Subdivision 9507) located at 2371 Oakley Road (APN 041-100-035) in Oakley.

As a bit of background, the District is tasked with reducing the risk of diseases spread through vectors in Contra Costa County by controlling them in a responsible, environmentally-conscious manner. A “vector” means any animal capable of transmitting the causative agent of human disease or capable of producing human discomfort or injury, including, but not limited to, mosquitoes, flies, mites, ticks, other arthropods, and rodents and other vertebrates. Under the California Health and Safety Code, property owners retain the responsibility to ensure that the structure(s), device(s), other project elements, and all additional facets of their property do not produce or harbor vectors, or otherwise create a nuisance. Owners are required to take measures to abate any nuisance caused by activities undertaken and/or by the structure(s), device(s), or other feature(s) of their property. Failure by the property owner to adequately address a nuisance may lead to abatement by the Contra Costa Mosquito & Vector Control District and civil penalties up to \$1,000 per day pursuant to California Health & Safety Code §2060-2067.

Potential impacts to human health by disease vectors is not properly addressed under CEQA—an oversight that has created problems for mosquito abatement and vector control agencies throughout California. The analysis for a project should consider evidence of potential environmental impacts, even if such impacts are not specifically listed on the Appendix G checklist. [State CEQA Guidelines, § 15063(f)]. To determine whether Public Health & Safety may be significantly impacted, lead agencies should refer to the California Health & Safety Code § 2000-2093 for definitions and liabilities associated with the creation of habitat conducive to vector production and to guidance provided by local mosquito and vector control districts/agencies in their determination of environmental impacts. Would the project:

- a) Increase the potential exposure of the public to disease vectors (e.g., mosquitoes, flies, ticks, and rats)?
- b) Increase potential mosquito/vector breeding habitat (i.e., areas of prolonged standing/ponded water like wetlands or stormwater treatment control BMPs and LID features)?

Protecting Public Health Since 1927

BOARD OF TRUSTEES

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Addressing these concerns in the environmental review and project planning phases can not only better protect public health and reduce the need for pesticide applications for vector control efforts, but avoid costly retrofits and fines for property owners in the future. Please don't hesitate to contact the District should you have any questions or need anything further.

1
CONT

Sincerely,



Jeremy Shannon
Vector Control Planner
925-771-6119
jshannon@contracostamosquito.com

Local Agencies

Contra Costa Mosquito & Vector Control District (CCMVCD)

Response to CCMVCD-1

The agency provided background information about its regulatory responsibilities and requested that the Draft IS/MND address the following thresholds of significance:

Would the project:

- Increase the potential exposure of the public to disease vectors (e.g., mosquitos, flies, ticks and rats)?
- Increase potential mosquito/vector breeding habitat (i.e., areas of prolonged/standing water like wetlands or stormwater treatment control BMPs and LID features)?

As discussed on page 2 of the Draft IS/MND, the proposed project would install a storm drainage system consisting of inlets and underground piping that would convey water to a bioretention basin located along the Oakley Road frontage. The basin would detain runoff during peak storm events and meter its release into an existing 54-inch diameter storm drain line.

In the context of the thresholds of significance, the basin would only hold standing water for short periods of time. It is not designed to provide long-term storage capacity for runoff. The basin would be periodically cleaned and maintained by the Homeowner Association's maintenance contractor to ensure it functions properly. For these reasons, it would not increase the potential exposure of the public to disease vectors by creating new areas of prolonged standing water.

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

Brian M. Balbas,
ex officio Chief Engineer
Allison Knapp,
Deputy Chief Engineer

August 14, 2019

Ken Strelo
City of Oakley
Planning Division
3231 Main Street
Oakley, CA 94561

RE: The Vines at Oakley Sub 9507
GPA 05-18, RZ 09-18, TM 06-18, and DR 13-18
Our File: 1002-9507

Dear Mr. Strelo:

We received the Notice of Intent to Adopt a Mitigated Negative Declaration and have reviewed the draft Initial Study/Proposed Mitigated Negative Declaration for the Vines at Oakley Subdivision 9507 located at 2371 Oakley Road (APN 041-100-035) and submit the following comments:

California Environmental Quality Act Initial Study/Mitigated Negative Declaration Comments:

1. Discussion items c thru e of section IX (Hydrology and Water Quality, page 74) states that the storm drain system "would not substantially increase the rate of surface runoff such that downstream flooding would occur." If there was a drainage study or report conducted on the downstream drainage system, prepared by a licensed engineer and reviewed and approved by the City of Oakley, we recommend that the drainage report be referenced or cited in the CEQA document. 1

2. We recommend that the hydrology section of the CEQA document discuss the Drainage Area 29H (DA 29H) mitigation fees. This project is located within DA 29H for which drainage fees are due in accordance with Flood Control Ordinance Number 2006-50. By ordinance, all building permits or subdivision maps filed in this area are subject to the provisions of this drainage fee ordinance. Effective January 1, 2019, the current fee in DA 29H is \$1.22 per square foot of newly created impervious surface. The drainage area fee for this subdivision should be collected prior to recordation of the final map. 2

GENERAL COMMENTS:

3. As shown on the attached worksheet, the DA 29H fee for this project is \$334,602. This drainage fee obligation was based on the Vesting Tentative Map, The Vines at Oakley, Subdivision 9507, prepared by cbg and dated July 2019. The subdivision single-family rate was applied. Parcel C was not charged since this parcel will be used for a detention basin. The project was given a credit of 2,440 sq. ft. of impervious areas for existing buildings to be removed by the project. No drainage fees have been previously paid for the project parcel in the past. 3

Ken Strelou
August 14, 2019
Page 2 of 2

4. The Contra Costa County Flood Control and Water Conservation District (FC District) is not the approving local agency for this project as defined by the Subdivision Map Act. As a special district, the FC District has an independent authority to collect drainage fees that is not restricted by the Subdivision Map Act. The FC District regularly adjusts its drainage fees to reflect increasing construction costs. The drainage fee rate does not vest at the time of project approval. The drainage fees due and payable will be based on the fee in effect at the time of fee collection. 4

5. The proposed project connects to Line B of DA 29H. However, the Preliminary Grading Plan, The Vines at Oakley, Subdivision 9507, prepared by CBG and dated July 2019, show that the existing Line B, on the east side of the project parcel, is to be relocated inside the right-of-way of a proposed road of Subdivision 9507. The proposed layout of Line B is longer than the existing section of Line B that runs north toward Oakley Road. We recommend the applicant be conditioned to provide hydrology and hydraulic calculations that demonstrate that the proposed DA 29H Line B relocation works with adequate freeboard, or mitigate the project impacts on-site so that the peak flows of post-project conditions do not exceed the peak flows assumed for DA 29H Line B. If line B does not have adequate freeboard, the CEQA document should include mitigation measures. 5

We appreciate the opportunity to comment on this project in regards to drainage matters. Should you have any questions, please contact me at (925) 313-2308.

Sincerely,



Bradley Olazo
Engineering Technician
Contra Costa County Flood Control
& Water Conservation District

BO:cw

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Enclosure

c: Tim Jensen, Flood Control
Michelle Cordis, Flood Control
Teri E. Rie, Flood Control
c/enc: Jeff Carlton, Finance
Chris Zaballos, MLC Holdings, Inc.
2603 Camino Ramon, Suite 140
San Ramon, CA 94583
Colt Alvernaz — Carlson, Barbee & Gibson, Inc.
2633 Camino Ramon, Suite 350
San Ramon, CA 94583

Summary of Drainage Fees

Development #: Sub 9507
 APN: 041-100-035
 Drainage Area: 29H

Date: 7-Aug-19
 Ordinance: 2006-50

Fee Schedule: 2019

Commercial/Industrial/Downtown
 Office (Medium)
 Office (Light)

Building			Subdivision		
Unit Price	QTY	Amount	Unit Price	QTY	Amount
\$ 50,166		-	\$ 53,887		-
42,993		-	48,044		-
35,978		-	40,553		-

Multifamily Residences

Less than 2,500 square ft of land
 2,500-2,999 (square feet per unit)
 3,000-3,999
 4,000-4,999
 5,000-5,999
 6,000-6,999
 7,000-7,999
 8,000 +

Building			Subdivision		
Unit Price	QTY	Amount	Unit Price	QTY	Amount
\$ 39,528		-	\$ 39,528		-
2,342		-	2,342		-
2,684		-	2,684		-
3,123		-	3,123		-
3,575		-	3,575		-
4,014		-	4,014		-
4,441		-	4,441		-
4,660		-	4,660		-

Single Family Residential

4,000-4,999 (square feet per unit)
 5,000-5,999
 6,000-6,999
 7,000-7,999
 8,000-9,999
 10,000-13,999
 14,000-19,999
 20,000-29,999
 30,000-39,999
 40,000 +

Building			Subdivision		
Unit Price	QTY	Amount	Unit Price	QTY	Amount
\$ 3,282		-	\$ 5,258	47	247,126.00
3,428		-	5,478	12	65,736.00
3,575		-	5,697	1	5,697.00
3,721		-	5,917	1	5,917.00
3,941		-	6,234	1	6,234.00
4,380		-	6,869	1	6,869.00
5,112		-	7,906		-
6,320		-	9,479		-
7,845		-	11,322		-
9,406		-	13,042		-

Amount of impervious surface to account for:	Sqr Ft.	Unit Price	Amount
	0	1.22	\$ -

TOTAL: \$337,579

Eligible credits: \$2,977
Net fees due: \$334,602

Calculate DA 130 fee if checked.

Mark box to add mitigation fee. n/a

Comments:

This drainage fee obligation was based on the Vesting Tentative Map, The Vines at Oakley, Subdivision 9507 dated July 2019. The Subdivision family rate was applied. Parcel C was not charged since this will be used as a bioretention basin.

The project was given a credit of 2,440 sq ft. of existing impervious areas for existing building structures. No drainage fees have been previously paid for this parcel in the past.

Lot Closure

LOT #	(square feet)				
1	7,136	35	4,916	69	-
2	5,410	36	4,250	70	-
3	4,662	37	4,250	71	-
4	4,455	38	4,916	72	-
5	4,452	39	4,916	73	-
6	4,452	40	4,250	74	-
7	4,452	41	4,250	75	-
8	4,452	42	4,916	76	-
9	4,452	43	4,916	77	-
10	4,452	44	4,589	78	-
11	4,452	45	6,903	79	-
12	4,452	46	5,503	80	-
13	4,452	47	5,439	81	-
14	4,452	48	5,435	82	-
15	4,452	49	4,750	83	-
16	4,452	50	4,735	84	-
17	4,452	51	4,719	85	-
18	5,293	52	4,703	86	-
19	4,752	53	5,342	87	-
20	5,090	54	4,669	88	-
21	5,090	55	4,653	89	-
22	4,400	56	4,637	90	-
23	4,400	57	4,621	91	-
24	5,090	58	5,250	92	-
25	5,090	59	8,100	93	-
26	4,400	60	10,437	94	-
27	4,400	61	4,288	95	-
28	5,090	62	4,243	96	-
29	4,400	63	4,589	97	-
30	4,404	64	-	98	-
31	4,701	65	-	99	-
32	4,551	66	-	100	-
33	4,254	67	-		
34	4,250	68	-		

Total Area (ft²): 308,379
Total Area (Acres): 7.079

Comments:

AREA (SF)	QTY
<2,500	-
2,500-2,999	-
3,000-3,999	-
4,000-4,999	47
5,000-5,999	12
6,000-6,999	1
7,000-7,999	1
8,000-9,999	1
10,000-13,999	1
14,000-19,999	-
20,000-29,999	-
30,000-39,999	-
40,000 +	-

Contra Costa County Flood Control & Water Conservation District (FLOOD CONTROL)

Response to FLOOD CONTROL-1

The agency inquired whether a drainage study or report was prepared and, if so, recommended that it be referenced or cited in the CEQA document.

The Draft IS/MND's description of the proposed storm drainage system was based on the civil engineering plan set; no report was used. Thus, there is no basis to reference one.

Response to FLOOD CONTROL-2

The agency recommended that the Draft IS/MND's hydrology section discuss the Drainage Area 29H mitigation fees. The agency noted that the current fee is \$1.22 per square foot of new impervious surface and the fee should be collected prior to the recordation of the final map.

The Draft IS/MND's hydrology section described how the proposed project's storm drainage system would function, and that it would not inundate downstream drainage facilities with uncontrolled runoff. The Draft IS/MND concluded that impacts would be less than significant. Payment of the Drainage Area 29H fee would not alter this conclusion.

Response to FLOOD CONTROL-3

The agency stated that the Drainage Area 29H fee for the project would be \$334,602 and explained the basis for the fee calculations. No response is necessary.

Response to FLOOD CONTROL-4

The agency provided a disclaimer about fee adjustments. No response is necessary.

Response to FLOOD CONTROL-5

The agency noted that the proposed project would need to relocate Line B and recommended that the applicant be conditioned to provide hydrology and hydraulic calculations to demonstrate that the Line B relocation works with adequate freeboard. The agency stated that if Line B does not have adequate freeboard, the Draft IS/MND should include mitigation measures.

The Line B relocation is part of the proposed project. As with all improvements constructed by the project, the applicant will be required to construct them in accordance with the adopted engineering standards in effect. Improvements will be inspected prior to project occupancy. This includes the Line B relocation. As such, there is no legal basis to include the aforementioned mitigation measure.

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4929 Beldin Lane
Oakley, CA 94561

August 14, 2019

City of Oakley
3231 Main St.
Oakley, CA 94561

To Whom It May Concern:

My name is Monica Hurney and my husband Keith Hurney and I live with our two teenage boys at 4929 Beldin Lane. We moved here in 2007 and love the quiet, country atmosphere and neighboring vineyard with no side neighbors. We also own the property at 4921 Beldin Lane as well adjacent to our home.

1

We are saddened to hear about the "The Vines at Oakley" proposed project which plans to build 63 homes next to our home. We will not only lose our privacy but also our view of Mt. Diablo and open fence. Currently there is no fence along the vineyard and our property and we enjoy the view and the openness. We purchased this home as well as the adjacent lot so that no one could build there and we could continue to have no neighbors. In looking at the plan we could potentially have 6 homes neighboring our properties with at least 3 of them being two stories that will look down on our private backyard. We will have a wall of two stories bordering our home which is very disappointing.

2

In addition to losing our privacy, we are concerned about traffic. As it is there is high traffic during school start and dismissal with the nearby Orchard Park School. Locals know do not try to turn left on Oakley road any time near when school starts and gets out as that stop sign gets backed up and bottlenecks. Adding 63 more homes that will potentially attend that school will definitely increase traffic and I foresee those homeowners having a difficult time getting to their school of attendance. Having Thomas drive extended will also create a "shortcut" through the neighborhood for Holly creek residents to get to school in the morning which will also create a nuisance.

3

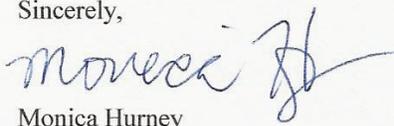
Lastly, the homes being presented in "The Vines at Oakley" don't match the rural area and similar homes such Neroly estates and bordering neighborhoods which brought us here. We understand that progress needs to be made but feel a high density homes are not the answer. There are approximately 8 properties (over 1 acre parcels) neighboring the project to the west off of Live Oak and to the East the properties average 10k sq. ft. lots. The average lot size in the proposed project seem to average just 5,000 square foot. Shoving 63 homes into a small area with 5 foot side yards are not comparable. This project will also drive down the value of the homes in the area as it will not be as desired as before and it will make it more difficult to sell.

4

I ask that the city council as well as the planning and building departments will take into consideration the points I have brought before you and reconsider the plans for this beautiful space. Thanks for your consideration.

5

Sincerely,


Monica Hurney

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Private Parties

Monica Hurney (HURNEY)

Response to HURNEY-1

The author disclosed that her family owns two single-family residential properties on Beldin Lane adjacent to the eastern boundary of the proposed project. No response is necessary.

Response to HURNEY-2

The author expressed concern about losing views of the adjoining vineyard and Mt. Diablo, as well as the loss of privacy from having two-story homes on the other side of the property line.

The Draft IS/MND evaluated the potential loss of views of Mt. Diablo on page 14. The analysis noted that the existing fence along the property boundary obstructs ground level views and that all of the residences are two stories, which affords unobstructed views of Mt. Diablo. The proposed project's structures would be set back a minimum of 10 feet from the rear property line, with minimum 5-yard setbacks on either side. Thus, the combination of rear and side yard setbacks would create view corridors.

Regarding the loss of the vineyards, the City of Oakley General Plan designates the project site for low density residential development. Moreover, the project site is regarded as an infill site within the Oakley city limits. Thus, the conversion of the project site from agricultural to residential use is consistent with the planning objectives of the General Plan. As such, the change in the visual attributes of the site (including views) is also contemplated by the General Plan.

Lastly, from a planning perspective, residential land uses are considered compatible with each other in a number of contexts (e.g., health, safety, welfare, and visual). For these reasons, the Draft IS/MND concluded that development of the proposed project's residential uses on the project site would have a less than significant impact on the visual character of the project site and surroundings.

Response to HURNEY-3

The author expressed concern about traffic at the intersection of Oakley Road/Live Oak Avenue, particularly during school drop-off and pick-up. The author also expressed concern about the project's streets providing a through connection to Thomas Drive.

The intersection of Oakley Road/Live Oak Avenue was evaluated in the traffic analysis (Draft IS/MND Pages 93 to 95). The intersection operates at Level of Service (LOS) C during the AM peak period (7 a.m. to 9 a.m.), which coincides with school drop-off under existing conditions. The intersection is projected to deteriorate to unacceptable LOS E during the PM peak period (4 p.m. to 6 p.m.) with the addition of project-related trips. Mitigation Measure TRANS-1 requires the applicant to contribute funds towards the planned installation of a signal at this intersection, which would improve operations to LOS B. In sum, the Draft IS/MND evaluated this intersection and determined that it would require improvements in the future to maintain acceptable LOS.

The Draft IS/MND states on page 2 that an Emergency Vehicle Access (e.g., bollards) would be installed where the project streets connect to Thomas Drive. This would prevent cut-through traffic, while also allowing bicycle and pedestrian access.

Response to HURNEY-4

The author expressed concern that the density of the project was not compatible with the larger residential lots to the west and south.

The Draft IS/MND evaluated compatibility of the project with surrounding land uses in terms of aesthetics, hazards and hazardous materials, land use, noise, and traffic. From a planning perspective, residential land uses are considered compatible with each other in a number of contexts (refer to Response to HURNEY-1), and the Draft IS/MND concluded that development of the proposed project's residential uses on the project site would not have any significant impacts in these categories.

Response to HURNEY-5

The author provided closing remarks. No response is necessary.