

## COMMENTS ON MND AND RESPONSES

The City received thirty-two (32) comment letters on the Initial Study and Proposed Mitigated Negative Declaration dated March, 2014 (March MND) during the public review period. CEQA does not require written responses to comments on a mitigated negative declaration. Nevertheless, the City, prepared responses to the written comments received on the March MND.

The written comments are included in Exhibit B along with responses. Changes to the March MND text resulting from the responses are included in the response and identified with revision marks (underline for new text, ~~strike-out~~ for deleted text). All comments and responses will be considered by the City in their review of the proposed project.

For ease of reference and to assist the decision makers and public, the City prepared a revised version of the March MND to reflect the clarifications and insignificant modifications made in response to the comments. The revisions are attached in Exhibit B ("Final MND")

The comments and responses do not require substantial revisions (as defined in the CEQA Guidelines Section 15073.5) to be made to the March MND. Specifically, the comments and responses did not identify any new, avoidable significant environmental impacts that were not already identified in the March MND or demonstrate that any of the recommended mitigation measures would not adequately mitigate the potentially significant impacts identified in the March MND. As a result, CEQA does not require recirculation of the March MND as revised by the Final MND.

Written comments on the March MND were received from the following:

### LIST OF COMMENTORS

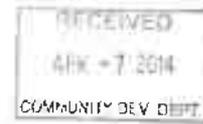
RESPONSE NUMBER	SIGNATORY	AFFILIATION	DATE
A	Diana Solero	Citizen/Neighbor	3-31-14
B	Leslie A. Chernak	Citizen/Neighbor	3-31-14
C	Kara Schuh-Garibay	Contra Costa Flood Control and Water Conservation District	4-2-14
D	Erik Alm, AICP	California Department of Transportation	4-4-14
E	Janice Kelly	Citizen/Neighbor	4-12-14
F	Scott Wilson	California Department of Fish and Wildlife	4-17-14
G	Donna Allen	Citizen/Neighbor	4-17-14
H	Beth Eisman	Citizen/Neighbor	4-19-14
I	Kelly R. Calloun	Citizen/Neighbor	4-19-14
J	Randolf W. Leptien	Mountain View Sanitary District	4-19-14
K	Aimee Durfee	Citizen/Neighbor	4-20-14
L	William Nichols	Citizen/Neighbor	4-20-14
M	Cynthia Price Peters	Citizen/Neighbor	4-20-14
N	Imie Fox	Citizen/Neighbor	4-20-14
O	Jim Hall	Citizen/Neighbor	4-20-14
P	Jim Neu	Citizen/Neighbor	4-20-14
Q	Kerry Kilmer	Citizen/Neighbor	4-20-14

<b>RESPONSE NUMBER</b>	<b>SIGNATORY</b>	<b>AFFILIATION</b>	<b>DATE</b>
<b>R</b>	Marie and Hal Olson	Citizen/Neighbor	4-20-14
<b>S</b>	Robert Rust	Citizen/Neighbor	4-20-14
<b>T</b>	Tamhas Griffith	Citizen/Neighbor	4-20-14
<b>U</b>	Arlene Grimes	Citizen/Neighbor	4-21-14
<b>V</b>	Bill Schilz	Citizen/Neighbor	4-21-14
<b>W</b>	Bill Sharkey III	Citizen/Neighbor	4-21-14
<b>X</b>	Carol Wiley	Citizen/Neighbor	4-21-14
<b>Y</b>	Debbie Oertel	Citizen/Neighbor	4-21-14
<b>Z</b>	Harlan Strickland	Citizen/Neighbor	4-21-14
<b>AA</b>	Karen Najarian	Citizen/Neighbor	4-21-14
<b>BB</b>	Mark Thomson	Citizen/Neighbor	4-21-14
<b>CC</b>	Robin Houdashell	Citizen/Neighbor	4-21-14
<b>DD</b>	Sherida Bush	Citizen/Neighbor	4-21-14
<b>EE</b>	Stephen Lao	Citizen/Neighbor	4-21-14
<b>FF</b>	Tim Platt	Citizen/Neighbor	4-21-14

Diana Solero  
1428 Ashwood Drive  
Martinez, CA 94553

March 31, 2014

Dina Tasini  
Contract Planner  
Martinez City Hall  
525 Henrietta  
Martinez, CA 94553



Dear Ms. Tasini:

First of all I want to thank you for taking the time to talk with me and provide me a basic understanding of the proceedings regarding the Pine Meadows Golf Course/DeNova Homes Inc. development project. As per our conversation, I live directly off Vine Hill and Morello Avenue and therefore have a very vested and personal concern for any project that would add 100 homes and most likely 200 cars to the neighborhood.

My first concern goes to car volume and increased noise. The living room and master bedroom to my home have windows facing Morello Avenue. Current traffic patterns generate so much noise that these windows must remain shut and the television turned up loudly to drown out the sound of cars passing by. Adding no less than 100 cars to these roads would be unbearable and I do not have the means to install double-pane windows as some of my neighbors have been forced to do to and honestly, I have no desire to alter my home to accommodate the noise from new homes being added to this vicinity.

My second concern is Vine Hill having no safe and lighted walking path given the increase in car movement. I am a walker, I walk no less than 3.5 miles each evening. Because there is no true sidewalk, I must walk on Vine Hill, against traffic (so I can see the cars) and dodge around 5-10 cars just to get to the corner of Vine Hill and Morello Avenue. It is a very short walk, but current car travel is already heavy and the cars that do travel this road always speed. Increased traffic means increased risk for me and the many other neighbors who walk our lovely neighborhood.

I am not opposed to growth. It is only to be expected but growth without deference to those who bought in this area based on the neighborhood's size at the time of purchase, would be unfair and only serve the developers who do not live in this area, and whose only interest is profit. My interest, as is the interest of my fellow neighbors, is personal. We've made the largest investments of our lives to live in this rather pastoral section of Martinez and would not want this charming characteristic bulldozed by developers. In the pursuit of balance, I make the following suggestions:

1. Reduce, significantly, the amount of homes to be built in the prospective development.
2. Require DeNova to plant trees/shrubbery along the areas of Morello at Vine Hill as an aesthetic means of barricading noise.
3. Require DeNova to add a safe walking path extending the length of Vine Hill from Center Avenue to Morello Avenue to allow safer passage for its walkers.

Thank you for passing along these concerns to appropriate committee (s) and please keep me alerted to any future public meetings/hearings on this development.

Concerned,

Diana Solero  
Vine Hill Resident

## Response to Comment A

## Diana Solera, Citizen/Neighbor

**Response:** The City recognizes that there are citizen/neighbor concerns with increased traffic and noise. As such, each of these topics was adequately analyzed in the Initial Study. A *Traffic Impact Analysis* (2013) was prepared by Abrams Associates for the proposed project to analyze the traffic impacts, including increased traffic volume. The full report is contained in Appendix K of the Final MND. The Final MND adequately analyzes the traffic impacts from the proposed project on pages 90 through 99. Traffic volume is presented on page 94, and is represented as "Project Trip Generation."

An *Environmental Noise Assessment* (2013) was prepared by JC Brennan Associates for the proposed project to analyze the noise impacts. The full report is contained in Appendix J. The Final MND adequately analyzes the noise impacts from the proposed project on pages 72 through 82. Noise levels under the existing, existing plus project, background, background plus project, cumulative no project, and cumulative plus project conditions. Despite the addition of vehicle trips from the proposed project, the reports and Final MND conclude that with mitigation no significant impacts on noise will result.

The City also recognizes that there are citizen/neighbor concerns that there are no safe and lighted walking paths along Vine Hill on the project frontage. The City has worked with the project applicant to ensure that the project frontage includes walkways and street lighting per the City standards. The tentative map shows a pedestrian decomposed granite path that meanders on the undeveloped frontage portions of Vine Hill and Center Street. This meandering pathway is separated from the roadway, providing increased safety from traffic driving on these roadways. There are existing street lights on Vine Hill and Center Street. The applicant will be required to submit improvement plans, which will include plans for street lighting. The existing street lighting is sufficient to meet the City standards; City staff will further evaluate the applicant's street lighting on their improvement plans to confirm that adequate lighting is provided to meet the City standards, or to enhance safety.

The comment suggests that the number of homes be reduced significantly. The project does not result in any significant environmental impacts so CEQA does not require an alternative plan that reduces the unit count to be prepared or evaluated. The comment also requests the City to require the applicant to plant trees and shrubbery along Morello at Vine Hill as an aesthetic means of barricading noise. The applicant prepared and submitted as part of its application an extensive landscaping plan that identifies such plantings and the City will impose a condition of approval to ensure the landscaping plan is

implemented. The comment also requests the City to require the applicant to add a safe walking path extending the length of Vine Hill from Center Avenue to Morello Avenue. The applicant will be required to make frontage improvements to Morello and Vine Hill Way which includes sidewalks in the conditions of approval. In addition, the project includes a meandering pedestrian path along the undeveloped frontage portions of Center and Vine Hill Way.



Leslie A. Chernak  
922 Meadowvale Court  
Martinez, CA

March 31, 2014

Ms Dina Tasini, Contract Planner  
City of Martinez  
525 Hennetta Street  
Martinez, CA 94553

Dear Ms. Tasini:

Regarding the Intent to Adopt a Mitigated Negative Declaration for the Vine Hill Residential Project, I would like to submit my comments.

I am totally opposed to the development project, to the rezoning of the property, to a General Plan Amendment.

The property in question currently has an OS (Open Space & Recreation, Permanent) General Plan Land Use Designation. What part of Permanent doesn't the City of Martinez understand? The City of Martinez' apparent abandonment of private open space is simply not acceptable.

While the project may not be deemed to have a significant impact on the environment, it will surely have a significant negative impact on the quality of life for all of us in the surrounding homes, and will reduce the value of our homes. The project stands to create substantial financial gain for a single property owner, while damaging hundreds of other taxpayers' largest single investment in untold measure.

Has anyone considered what it will be like getting from Center and Morello onto Highway 4 during the morning commute? "Traffic" is one of several Appendices which are not available on the City's website.

*See also Morello 41*  
Adding some 200 cars to this area is bound to create havoc with getting around. Adding some 3 - 400 people is going to change shopping at neighborhood businesses, attending classes in local schools. There will likely be more school buses and/or parents driving children to school.

A recent presentation on the project clearly stated there would be 99 homes, in order to get around the low income housing requirement attached to projects with 100 or more homes. Both documents I received state that there will be 100 homes. ???

Let us not put the needs/wants of a single property owner in front of the rights of hundreds of property owners who put their faith in the City's covenant for permanent open space in the Pine Meadows subdivision.

Sincerely,  
  
JESSE A. CHEDOK

## **Response to Comment B**

## **Leslie Chernak, Citizen/Neighbor**

**Response B:** The City recognizes that there are citizen/neighbor concerns with the proposal to develop a residential project on a site that is currently designated as OS (Open Space & Recreation, Permanent) General Plan Land Use Designation and M-OS/RF (Mixed Use-Open Space/Recreation Facilities) Zoning Designation. The Final MND adequately analyzes the proposed project's consistency with the General Plan and Zoning on pages 62 through 70.

The Final MND states on pages 62-63 that the project site is designated as an Open Space & Recreation land use with a "Permanent" designation and that a development of a residential subdivision in an area with such a designation is inconsistent with General Plan policy for this use. The Final MND further states that the project applicant has included a General Plan Amendment in the application to amend the language of policy 21.21 from the General Plan Land Use Element (Open Use Area) to exclude the existing golf course and to change the land use designation to enable residential development. If the City Council were to approve the General Plan Amendment and land use change, the proposed project would not be in conflict with this policy.

The City recognizes that some citizens have concerns on how a project may impact values of adjacent properties. Property value is not a topic that is addressed in a mitigated negative declaration pursuant to the California Environmental Quality Act. Citizens have the right and opportunity to present their concerns for property values to the elected officials during hearings for the proposed project.

The City recognizes that there are citizen/neighbor concerns with increased traffic, including along Center and Morello during peak hours. As such, each of these topics were adequately analyzed in the Final MND. See Response to Comment A for additional responses to the comments raised on traffic. After preparation of the March MND, the project application was amended to reflect 99 residential units. Page 68 of the March MND included an analysis of the proposed project (at 100 units) relative to housing policies for low and moderate income residential. The analysis noted that the proposed project does not include any specifications that a minimum of 10% and a maximum of 20% of all the dwelling units would accommodate low and moderate income residents, which is not consistent with the General Plan. The General Plan requires projects of 100 or more units to provide such housing. The March MND recommended Mitigation Measure Land -1 that required a reduction in units below 100 or compliance with the affordable housing standards. Because the project as amended proposes less than 100 units, the project is consistent

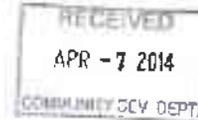
with this City policy. Thus, Mitigation Measure Land -1 is no longer necessary and was eliminated in the Final MND.



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

**Julia R. Doorn,**  
ex officio Chief Engineer  
**Steve Kowalski,**  
Deputy Chief Engineer

April 2, 2014



Dina Tasini, Contract Planner  
City of Martinez  
525 Henrietta St.  
Martinez, CA 94553

RE: Vine Hill Residential Project MND  
Our File: 1002-9358, Vine Hill Residential

Dear Ms. Tasini:

We received the Public Notice of Intent (NOI) to adopt a Mitigated Negative Declaration for the Vine Hill Residential Project, Subdivision 9358, on March 18, 2014. This project is located south of Highway 4 and between Morella Avenue on the west side and Vine Hill Way to the east. We have no comments on the Initial Study (IS) submitted with the NOI. However, we have the following comments on the project in general:

1. This project is located within Drainage Area 57 (DA 57), for which a drainage fee is due in accordance with Flood Control Ordinance Number 88-86. By ordinance, all building permits or subdivision maps filed in this area are subject to the provisions of the drainage fee ordinance. Effective January 7, 1989, the current fee in this drainage area is \$0.35 per square foot of newly created impervious surface. The drainage area fee for this lot should be collected prior to filing the final map.
2. The Contra Costa County Flood Control & 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 tentative map approval. The drainage fees due and payable will be based on the fee in effect at the time of fee collection.
3. The DA 57 fee for this project is estimated to be \$167,755 based on the vesting tentative map included in the IS. Please see the enclosed spreadsheet for our drainage fee calculation.
4. The developer may be eligible for credit against their drainage area fees for existing impervious surface area on the property. The developer's engineer should submit a worksheet, which includes a scalable map, that calculates the deduction of fees for the existing impervious surface and the total amount of credit requested.

Accredited by the American Public Works Association  
255 Glader Drive • Martinez, CA 94553-4825  
TEL: (925) 313-2000 • FAX: (925) 313-2131  
[www.ccpublishworks.org](http://www.ccpublishworks.org)

Dina Tashir, Contract Planner  
 April 2, 2014  
 Page 2 of 2

5. According to the DA 57 Drainage Plan and Hydrology map, the project site should drain east to Elderwood Dr. and then north, under Highway 4 and ultimately to DA 57 Line F, which starts at Midhill Rd near the intersection with Fig Tree Lane. A project Drainage Plan was not included in the IS, and therefore it is not possible to confirm that this project is in conformance with the DA 57 plan. This development should be required to design and construct its drainage facilities in accordance with the DA 57 Drainage Plan.
6. The proposed project density of R-7 is greater than our Drainage Area 57 Hydrology Plan density of R-10 for this area. In general, increased development density leads to increased runoff. According to the DA 57 Hydrology map (attached), the project site makes up the majority of subwatershed A. The downstream DA 57 facilities were designed for adequacy assuming a 10-year storm flow rate (Q10) of 40cfs from this subwatershed. This project should not cause the Q10 from subwatershed A to exceed 40cfs. This development should be required to submit a hydrology and hydraulic report showing that it will meet this requirement. Mitigation Measure Hydro - 2 on page 59 of the IS requires the developer to submit all stormwater runoff calculations with the improvement plan submittal. Please send the FC District a copy of the developer's submittal to address this Mitigation Measure so we may confirm that the DA 57 plan is being followed.
7. Please keep the FC District on the mailing list for this project. We would like to review the Vesting Tentative Map for accordance with the DA 57 plan as well as the hydrology and hydraulic study.

We appreciate the opportunity to review projects that involve drainage matters and welcome continued coordination. If you have any questions, please contact me via e-mail at [kara.schuh@co.colidist.ca.gov](mailto:kara.schuh@co.colidist.ca.gov) or by phone at (925) 313-2179.

Sincerely,

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

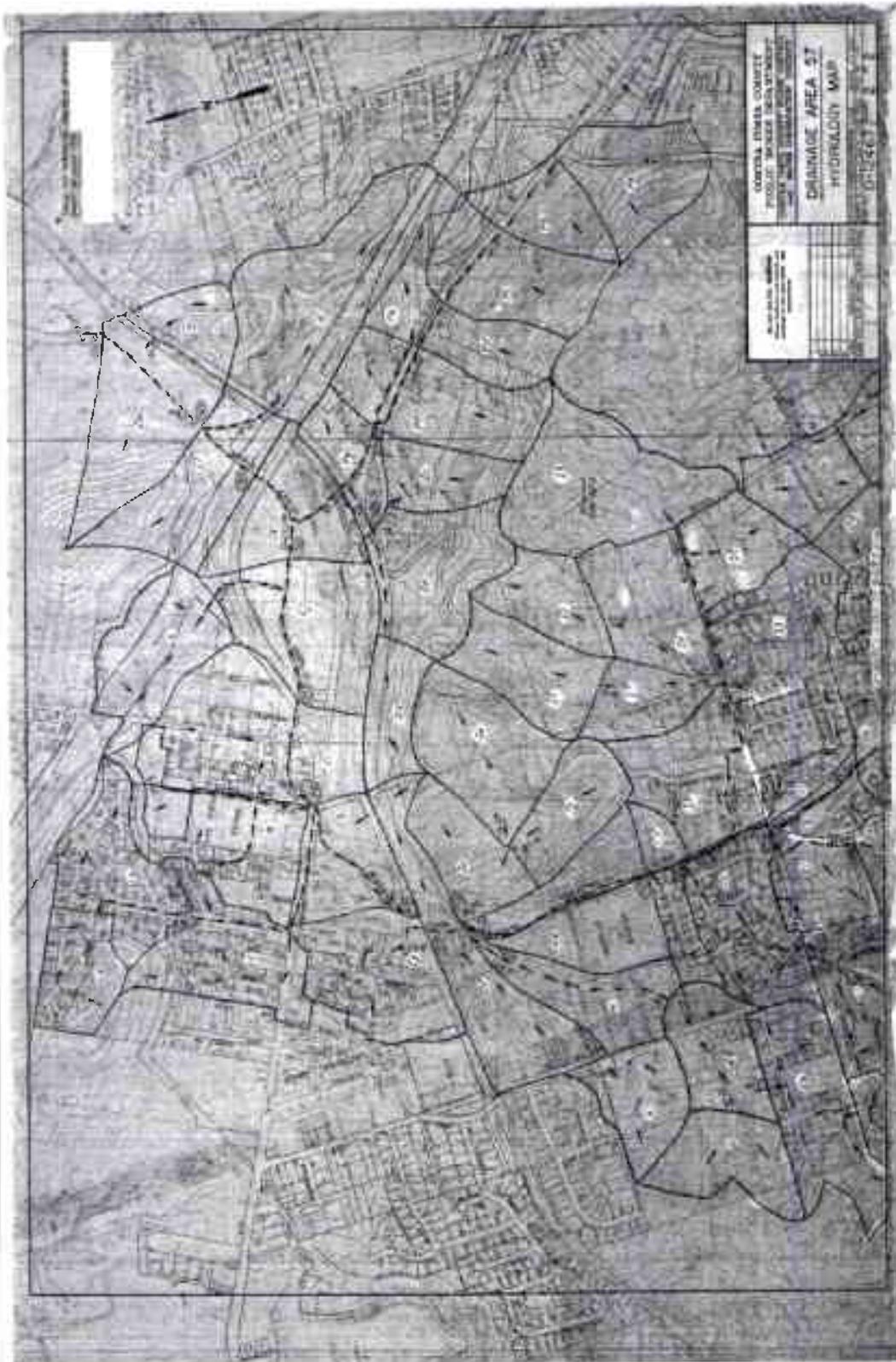
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 Enclosures

c: Mike Carlson, Flood Control  
 Tim Jensen, Flood Control  
 Teri E. Rae, Flood Control  
 c/c: Marsha Brown, Finance  
 Derrick Pompe, DeNova Homes  
 1500 Willow Pass Ct.  
 Concord, CA 94520









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**Response to Comment C****Kara Schuh-Garibay, Contra Costa Flood Control and Water Conservation District**

**Response:** The commenter notes that they have no comments on the March MND and states that the comments relate to the project only. The comments on the project are noted and to the extent they relate to the March MND, responses are provided below.

The applicant will be required to pay all applicable drainage fees and as noted in the comment, the County and developer will work together to determine the amount of credit that may be provided.

The applicant will be required in the conditions of approval to design and construct its drainage facilities in accordance with County Flood Control District standards. In addition, the detention basin(s) design and calculations will be required to meet the County's flood control guidelines, design criteria and parameters.

As requested, the commenter will remain on the mailing list for the project.

STATE OF CALIFORNIA — CALIFORNIA STATE TRANSPORTATION AGENCY

EDMUND G. BRONKHORST, GOVERNOR

**DEPARTMENT OF TRANSPORTATION**  
 111 GRAND AVENUE  
 OAKLAND, CA 94612  
 PHONE: (510) 286-6933  
 FAX: (510) 286-5559  
 TTY: 711



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April 4, 2014

CC004101  
 LC-4-R10-344  
 SCH# 2014032046

Ms. Dina Tansini  
 City of Martinez  
 525 Henrietta Street  
 Martinez, CA 94553

Dear Ms. Tansini:

**Vine Hill Residential Project – Mitigated Negative Declaration**

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

The Traffic Impact Analysis of this project should include the mainline of State Route (SR) 4 and the SR 4/ Interstate 680 interchange.

Should you have any questions regarding this letter, please contact Keith Wayne of my staff by telephone at (510) 286-5757, or by email at [Keith.Wayne@dot.ca.gov](mailto:Keith.Wayne@dot.ca.gov)

Sincerely,

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

c. Scott Morgan, State Clearinghouse

Caltrans represents neither the State of California

## Response to Comment D

## Erik Alm, AICP, California Department of Transportation

**Response:** Based on the project trip generation the proposed project would add less than 35 peak hour trips to any Caltrans facilities in the area including the adjacent segment of State Route 4 (SR 4) which currently operates at LOS C or better during the peak hours. However, it is acknowledged that the segment of SR 4 to the east (between I-680 and SR 242) and portions of the I-680/SR 4 interchange currently operate at LOS F during the PM peak hour.

As the designated Congestion Management Agency for all jurisdictions within Contra Costa County, the Contra Costa Transportation Authority establishes the LOS standards that are used for CEQA analysis of freeway facilities in the project area. In this area SR 4 has an established standard of LOS E and a Multi-Modal Transportation Service Objective to maintain a delay index of 0.5 percent or less.

The segment of SR 4 from I-680 currently carries approximately 5,600 vehicles per hour during the peak periods and about 79,000 vehicles per day. The proposed project would add less than 10 trips per hour to this freeway segment during the peak commute hours which would equate to an increase of less than 0.5 percent to the existing traffic volumes. In addition, the Contra Costa Transportation Authority has already included traffic from build out of the City of Martinez General Plan in future traffic model forecasts that have been used to analyze future operations at the I-680/SR 4 interchange. These forecasts were used to determine the required improvements that are now programmed for SR 4 and the I-680/SR 4 interchange.

The currently programmed (but not fully funded) improvements in the area include the phased reconstruction of the I-680/SR-4 interchange which is estimated at more than \$320 million. To accelerate the reconstruction, TRANSPAC Cities (including Martinez) are working with CCTA to re-phase the project. The City collects fees from developments as part of their Off-Site Street Improvement Program (OSIP) and a portion of these fees go to regional improvements such as the I-680/SR-4 interchange project. The CCTA then leverages these with funds from State and Federal sources to fund their list of projects. It is true that some components of the I-680/I-80 interchange project are still in line for funding from the State Transportation Improvement Program (STIP). However, this project is reasonably foreseeable as the improvements to the I-680 interchange and the adjacent segment of SR 4 have already been programmed by the CCTA and funding has already been secured for the next

phase of the interchange improvement project (completion of the third travel lane on SR-4 from Solano Way/Port Chicago Highway on the east to Morello Avenue).

The City adequately reviewed the potential for project impacts to SR 4 and its interchange with I-680 and no further analysis is necessary. This is, in part, because the proposed project would increase the existing SR 4 traffic volumes by less than 0.5 percent so no significant traffic impact to this segment exists and further, the City is currently collecting fees towards the programmed improvements to address the existing deficiencies on SR 4.

RECEIVED  
APR 16 2014  
COMMUNITY DEV. DEPT.

1651 Ashwood Drive

Martinez, CA 94553

April 12, 2014

Dina Tasini, Contract Planner

City of Martinez

525 Henrietta Street

Martinez, CA 94553

Re: Vine Hill Residential Project (Pine Meadows)

Dear Ms. Tasini;

As a resident of this neighborhood for 24 years, I would like to express my concern over this project. I do not think the area around the intersection of Vine Hill Way and Center Street can manage the traffic that 100 new homes will create both in the surrounding neighborhoods and also on HWY 4 from Morello to 680, which is already overcrowded. This could cause more accidents, especially on the narrow, winding Vine Hill Way.

If we are looking for more city development projects, I'd rather see perhaps a small retail center with a market that people in this neighborhood could walk to easily. Otherwise, I'd like to see us preserve the area as parkland or open space.

Thank you for considering my perspective.

Sincerely,



Janica Kelly

**Response to Comment E      Janice Kelly, Citizen/Neighbor**

**Response:** Please refer to Response to Comment A relating to the traffic comments raised relating to Center and Vine Hill Way. Please refer to Response to Comment D relating to the traffic impacts on Highway 4 from Morello to 680.

The comment also requests a retail center be considered on the site or that the site remain in open space. Please refer to Response to Comment A on the consideration of alternative development plans on the site.

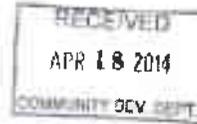


State of California – The Natural Resources Agency  
DEPARTMENT OF FISH AND WILDLIFE  
Bay Delta Region  
7329 Silverado Trail  
Napa, CA 94558  
(707) 944-5500  
[www.wildlife.ca.gov](http://www.wildlife.ca.gov)

EDMUND G. BROWN JR., Governor  
CHARLTON H. BONHAM, Director



April 17, 2014



Ms. Dina Tansini  
City of Martinez  
525 Henrietta Street  
Martinez, CA 94533

Dear Ms. Tansini:

**Subject:** Vine Hill Residential Project, Mitigated Negative Declaration; SCH #2014032046,  
City of Martinez, Contra Costa County

The California Department of Fish and Wildlife (CDFW) has reviewed the documents provided for the Vine Hill Residential Project (Project). The Project proposes to construct 100 residential family units on 25.9 acres; remove 47 trees designated as protected under the Martinez Municipal Code for the Preservation of Trees on Private Property and fill unidentified swales, drainages, and a man-made retention pond. The construction of the Project would include extensive grading, trenching, excavation, and sedimentation and soil compaction. The Project may also have the potential to fill habitat that may be subject to Section 1600 et seq. of the Fish and Game Code and has the potential to impact unidentified fish and wildlife resources, or their suitable habitat present on the Project site. CDFW has the following comments:

**Fish and Wildlife Resources:**

The Biological Resources Section IV of the Mitigated Negative Declaration (MND) notes that suitable habitat for bat foraging may be present but the Biological Resources Section and the Biological Resources Report, Appendix C, do not indicate if suitable roosting habitat assessments were conducted or if focused surveys were conducted to identify the bat species that may have the potential to use the area for foraging. CDFW recommends a habitat assessment for roosting habitat be conducted and, if necessary, focused surveys. Furthermore, if assessments determine that suitable habitat for roosting exists on the Project site, CDFW recommends pre-construction surveys, construction monitoring, avoidance, minimization, and mitigation measures be developed in consultation with CDFW.

**Section 1600 Lake and Streambed Alteration Agreements:**

The Project may affect habitat subject to a Lake and Streambed Alteration Agreement (LSAA), pursuant to Section 1600 et seq. of the Fish and Game Code including unidentified swales, drainages, and a man-made pond. The MND should address the impacts of the project potentially subject to an LSAA in a separate avoidance and minimization measure. Issuance of an LSAA is subject to the California Environmental Quality Act (CEQA).

*Conserving California's Wildlife Since 1870*

Ms. Dina Tansini  
April 17, 2014  
Page 2

CDFW, as a Responsible Agency under CEQA, will consider the CEQA document for the Project. The impacts to the potential areas covered by the LSAA should be mitigated through the development of a conservation area, mitigation plan, or habitat restoration program within the vicinity of the streams, creeks, or tributaries proposed to be impacted by the Project actions. Avoidance of impact and incorporation of the drainages, swales, and pond into the new development would be the preferred alternative. To obtain information about the LSAA notification process, please access our website at <http://www.dfg.ca.gov/habitat/1500/>, or to request a notification package, contact CDFW's Bay Delta Regional Office at (707) 944-5500.

If you have any questions, please contact Mr. Robert Stanley, Environmental Scientist, at (707) 944-5573; or Mr. Craig Weighman, Environmental Program Manager, at (707) 944-5577.

Sincerely,



Scott Wilson  
Regional Manager  
Bay Delta Region

cc: State Clearinghouse

## Response to Comment F

## Scott Wilson, California Department of Fish and Wildlife

**Response:** The commentor stated that *"The Biological Resources Section IV of the Mitigated Negative Declaration (MND) notes that suitable habitat for bat foraging may be present but the Biological Resources Section and the Biological Resources Report, Appendix C, do not indicate if suitable roosting habitat assessments were conducted or if focused surveys were conducted to identify the bat species that may have the potential to use the area for foraging. CDFW recommends a habitat assessment for roosting habitat be conducted and, if necessary, focused surveys. Furthermore, if assessments determine that suitable habitat for roosting exists on the Project sit. CDFW recommends pre-construction surveys, construction monitoring, avoidance, minimization measures be developed in consultation with CDFW."*

The *Biological Resources Report* states that *"bats likely forage over the pond and the golf course during the evening hours,"* but it did not make a determination that bat roosting habitat exists on the project site. Many bat species are common in Contra Costa County, and typically these bats forage in open and urban spaces. Bat foraging habitat is not protected pursuant to CEQA. Roosting habitat, which is protected, can vary for different species of bats, but is commonly found in buildings, trees, and rock outcrops. While a site that is deemed potential habitat may not have roosting bats during a specific survey, it is noted that a previously unoccupied site can become occupied over time. As such, it is important that surveys be conducting within a timeframe that is very close to construction commencement. The comment warrants some additional text on in the Final MND to clarify that no bats were observed during field surveys, even though the Initial Study previous indicated that there is potential foraging habitat on the project site. Additionally, a mitigation measure was added to ensure that there is a preconstruction survey for bat roosting habitat prior to the commencement of construction. The following text is added on page 37 of the Final MND:

The project site provides foraging habitat for bats, and the trees and structures on the project site could be used for roosting, although none were observed during field surveys. The proposed project would require permanent disturbance to the habitat. This is a potentially significant impact. Implementation of the following mitigation measure would reduce the impact to a *less than significant* level.

*Mitigation Measure Bio-2: A tree and building preconstruction survey for bat roosting habitat shall be conducted by a qualified biologist 15 days prior to commencing construction. Tree canopies and cavities and any structures slated for removal shall be examined for evidence of bat roosting. All bat surveys shall be conducted by a biologist with known experience surveying for bats. If no bats are found during the survey,*

structure demolition and tree removal work shall be conducted within one month of the survey.

if a maternity colony is found during the surveys, the project proponent shall consult with CDFW. No eviction/exclusion shall be allowed during the maternity season (typically between April 15 and July 30), and impacts to this tree/structure shall be avoided until the young have reached independence. If a non-reproductive group of bats are found within a building or roost tree, the project proponent will consult with CDFW, and they shall be evicted by a qualified biologist and excluded from the roost site prior to work activities during the suitable time frame for bat eviction/exclusion (i.e., February 20 to April 14, and July 30 to October 15).

This additional mitigation measure does not create a new significant environmental impact. The measure merely clarifies and amplifies the analysis in the MND and the results of the field surveys and confirms that there is no significant impact on foraging habitat. The additional measure requires a preconstruction survey to ensure no significant impact will occur to bat roosting habitat.

The commentor also states that *"The Project may also have the potential to fill habitat that may be subject to Section 1600 et seq. of the Fish and Game Code..."* *"The MND should address the impacts of the project potentially subject to an LSAA in a separate avoidance and minimization measure."*

Page 38 of the Final MND provides an analysis of the potential to fill habitat subject to Section 1600 of the Fish and Game Code and concludes that the proposed project will not result in a significant impact on wetlands/jurisdictional waters. To clarify and amplify this point, the following additional text is added to the Final MND at pages 38-39:

Response c): Monk and Associates (M&A) conducted a formal delineation of waters of the U.S. (which includes wetlands) on the project site on September 24, 2013. M&A used the Corps' 1987 Wetlands Delineation Manual in conjunction with the regional supplement for the Arid West Region. There is a man-made pond feature in the center portion of the golf course. This feature is plastic lined, and filled by groundwater well pumping and city water. The banks of this irrigation detention basin are reinforced with concrete, and the bottom is lined to prevent loss of water via lateral percolation. Two wells are present on the golf course property. Groundwater pumped from the wells to the pond supplies approximately 40% of the water used to irrigate the golf course, with the balance coming from the City of Martinez. The golf course manager reports that it takes approximately 12 hours to fill the pond with pumped water. The purpose of this pond is to hold water for nightly irrigation of the fairways and greens on the golf course, and it would not exist if pumping to this feature were discontinued. A total of 88,000 gallons of water is pumped into the holding pond daily and then dispersed to the 578 sprinklers onsite in the evenings for irrigation. The golf course maintenance crew clears vegetation from the perimeter of the pond twice yearly to maintain open water for irrigation. The crew was clearing vegetation during the May 31 site visit.

The man-made golf course pond was excavated in dry land as an ornamental feature for the golf course, and thus would not be regulated pursuant to Section 1600 et seq. of the Fish

and Game Code. Water is provided to this pond through a piped irrigation system that otherwise supports the golf course. The pond is otherwise completely isolated within turf play areas and would be upland without artificial irrigation. In addition, the pond has no hydrologic connectivity to any tributary that would be regulated by the Department pursuant to Section 1600 et seq. of the Fish and Game Code.

Additionally, there are a series of vegetated swales on site that convey water to the municipal storm drain system. These occur along the northern and eastern boundaries of the site. The swale along the northern boundary likely receives runoff from the pond as well as much of the northern portion of the site during rainy periods. A portion of it is perched against the fences and yards that abut the site. A short section of eroded ditch near the northeast corner of the site drains golf course runoff to the municipal storm drain system. There is a concrete U ditch that conveys water from the western hillside to the northwestern corner of the site. A concrete V-ditch that conveys stormwater to a concrete culvert at the northwestern end of the project site and there are two extended drain inlets that are shaped to collect stormwater for delivery into the City storm drain system. These extended drain inlet basin areas do not support a bed or bank, and therefore are not subject to regulation pursuant to Section 1600 et seq. of the Fish and Game Code. The storm drain inlets will be retained by the proposed project, and thus will not be impacted. Development of the proposed project would not impact features subject to regulation pursuant to Section 1600 et seq. of the Fish and Game Code

Despite the presence of wetland vegetation and the unconfirmed, but likely, presence of hydric soils due to decades of inundated conditions in the irrigation pond, this irrigation feature cannot be considered a jurisdictional wetland by the US Army Corps of Engineers because its hydrology is entirely dependent on pumped groundwater and municipal sources. Additionally, the vegetated swales on site that convey water to the municipal storm drain system, and the concrete V-ditch that conveys water from the western hillside to the northwestern corner of the site cannot be considered a jurisdictional wetland by the US Army Corps of Engineers because they are man-made storm drainage features designed into the golf course to direct stormwater into the municipal storm drainage system.

Development of the proposed project would not have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.), Section 401 of the Clean Water Act, the Section 1600 et seq. of the California Fish and Game Code, and/or the Porter-Cologne Act, through direct removal, filling, hydrological interruption, or other means. Implementation of the proposed project would result in a *less-than-significant* impact relative to this topic.

**Laura Austin**

**From:** Dina Tasini [dinasini@comcast.net]  
**Sent:** Thursday, April 17, 2014 9:16 PM  
**To:** Laura Austin  
**Subject:** Fwd: Pine Meadows

For our comment file

Sent from my iPhone

Begin forwarded message:

**From:** donna allen <donnaallen@pacbell.net>  
**Date:** April 16, 2014 at 10:13:28 AM PDT  
**To:** Dina Tasini <dinasini@comcast.net>  
**Subject:** Re: Pine Meadows  
**Reply-To:** donna allen <donnaallen@pacbell.net>

Dina

Unfortunately I have not had an opportunity to digest the Pine Meadows Initial Study as well as I would like. I went to the City's home page and was unable to find the Initial Study so I must simply submit my concerns as my comments and have them addressed in the response document as I will be out of town.

- 1 Is there a tree survey available?
- 2 On the photos I do not see striped bike lanes. Where are they?
- 3 493 students generated by project???? I must not be reading this right. How is this calculated?
- 4 Is there any written response from MUSD?
- 5 How is the 280 residents generated calculated?
- 6 Does the 226.5 acres of parkland include the Waterfront Park?
- 7 Can you point me to where the IS talks about the wildlife, rodents, etc.?
- 8 Has this been provided to the General Plan Task Force?
- 9 Can at least the GPTF be provided with comments as they relate to the TF's prior concerns? I know they are not adopted, but should certainly be considered.
- 10 What alternatives have been addressed? What alternative housing types have been addressed such as senior housing (to mitigate school impacts and traffic impacts) and possible clustered housing (to mitigate tree removal). I have attached one such type of alternative housing from Port Townsend, WA that was discussed in an AARP Bulletin.
- 11 Since we all know how grossly out of date our current General Plan is, AND there have been recent studies in preparation for the New General Plan, I think it would be negligent to review this project based on the old General Plan. Recent data should be used for the project's evaluation. This should include any Task Force comments made regarding the subject property. It is clearly my recollection that this

property was one of the key sites the Task Force was to address and that NO recommendations as to the type of development that might be appropriate were decided as of our last meetings. This was to be further reviewed and discussed around the time that the consultant left.

Thank you for including my comments.

Donna Allen

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**From:** Dina Tasini <dinasini@comcast.net>  
**To:** donna allen <donnaallen@pacbell.net>  
**Sent:** Friday, April 11, 2014 9:00 AM  
**Subject:** Re: Pine Meadows

Sorry Donna for some reason I thought I had responded. On the web you can find all the appendices to the initial study and a tree survey in the arborist report.

The applicant is working on a plan to eradicate rats that is more environmentally friendly and it will be part of the responses to the initial study and in the conditions of approval. Street design is not complete and I am not sure about bike lanes and their design but will know that for planning commission.

Staff has not shared this directly with task force members but all info is posted on the web and many are aware and have contacted me.

Hope that answers your questions.

Dina

Sent from my iPhone

On Apr 9, 2014, at 6:16 PM, donna allen <donnaallen@pacbell.net> wrote:

I am still waiting for responses and I leave next week on an extended trip. If I could get responses by Friday that would be GREAT.

Thanks

Donna

----- Forwarded Message -----  
**From:** donna allen <donnaallen@pacbell.net>  
**To:** Dina Tasini <dtasini@cityofmartinez.org>  
**Sent:** Wednesday, March 19, 2014 12:43 PM  
**Subject:** Re: Pine Meadows

Thanks Dina.

I have not reviewed the IS in any detail but wanted to know...

1. Is there a tree survey available?
2. On the photos I do not see striped bike lanes. Where are they?

- 3 4 93 students generated by project???? I must not be reading this  
right. How is this calculated?
- 4 Is there any written response from MUSD
- 5 How is the 280 residents generated calculated?
- 6 Does the 226.5 acres of parkland include the Waterfront Park?
- 7 Can you point me to where the IS talks about the wildlife, rodents,  
etc?
- 8 Has this been provided to the General Plan Task Force?
- 9 Can at least the GPTF be provided with comments as they relate to  
the TF's prior concerns? I know they are not adopted, but should certainly  
be considered

Thanks.

Donna

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**From:** Dina Tasini <[dtasini@cityofmadinez.org](mailto:dtasini@cityofmadinez.org)>  
**To:** donna allen <[donnaallen@pacbell.net](mailto:donnaallen@pacbell.net)>  
**Sent:** Wednesday, March 19, 2014 11:43 AM  
**Subject:** RE: Pine Meadows

The initial study is on the web and just so you know we are re-issuing the initial study this week because the study stated the project was in the CCCSD and it is not in Mountain View District so you will get a revised notice and review or circulation time will be extended accordingly. The Initial Study is 100 pages and in color so we did not send it out to all parties, but you can view or download on the City's website. Hope that helps.  
Dina

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**From:** donna allen [<mailto:donnaallen@pacbell.net>]  
**Sent:** Wednesday, March 19, 2014 11:35 AM  
**To:** Dina Tasini  
**Subject:** Pine Meadows

Is the Notice of Intent all that is available? Where is the Initial Study? Where is the map?

Donna



**Response to Comment G Donna Allen, Citizen/Neighbor**

**Response:** The Initial Study can be found on the City's website at the following: [http://www.cityofmartinez.org/depts/planning/pine\\_meadows\\_subdivision\\_9358.asp](http://www.cityofmartinez.org/depts/planning/pine_meadows_subdivision_9358.asp).

A *Preliminary Arborist Evaluation* (Baefsky & Associates 2011) was prepared to evaluate the trees on the project site and to identify the trees that are protected under the City of Martinez Tree Protection Ordinance. The full report is contained in Appendix D of the Final MND. Trees were identified to species and measured four and one-half feet above grade in the field. They were tagged in the field using blue metal tags and located on a map. This is discussed on page 39-41 of the Final MND.

The commentor's statements "*On the photos I do not see striped bike lanes. Where are they?*" It is not clear what photos are being referenced. The City has standards for roadway striping that would be enforced on improvement plans for the proposed project if it were approved. Improvement plans are prepared and submitted to the Public Works department for approved projects only.

As discussed on page 89 of the Final MND, the proposed project would generate population such that there would be an increased demand for school services. Based on the student generation rates for Martinez, the proposed project would generate 22.4 K-5<sup>th</sup> grade students (0.224 students per single family detached unit), 12.8 6-8<sup>th</sup> grade students (0.128 students per single family detached unit), and 14.1 9-12<sup>th</sup> grade students (0.141 students per single family detached unit). The total student generation would be approximately 49.3 students, not 4.93 students as questioned in the comment.

There has not been any written response from MUSD.

As noted on page 89 of the Final MND, the Municipal Code Section 21.46.040 provides that 2.8 people per dwelling unit is the metric to be used to estimate the population generated from projects for calculating park dedication. The proposed project would then result in 280 residents (2.8 times 100 homes). Page 89 also notes that the 2.8 metric does not reflect the California Department of Finance's current estimate of 2.42 people per household in Martinez. If the 2.42 metric was used in accordance with the California Department of Finance's estimates, the project would be estimated to generate 242 people. The City decided to use the larger estimate, to be conservative, and because it is established in the Municipal Code.

The reference to 226.5 acres of parkland does include the Waterfront Park. Below is a list of the parks maintained by the City:

Name	Type	Areaage
Alhambra Park	Plaza	0.55
Cappy Ricks Park	Neighborhood	1.9
Ferry Point Picnic Area	Memorial	3.8
Foothills Park	Linear	2.3
Golden Hills	Neighborhood	9.6
Highland Avenue Park	Neighborhood	0.25
Hidden Lakes Park	Community	24
Hidden Valley Park	Community and School*	17
Hidden Valley Linear Park	Linear	2.3
Holiday Highlands Park	Neighborhood	2
John Muir	School*	7.4
John Muir Memorial Park	Plaza	0.42
<b>Main Street Plaza</b>	Plaza	0.45
Martinez Marina	Community*	60.0
<b>Morello Park</b>	Community and School*	7.1
<b>Mountain View Park</b>	Neighborhood*	4.5
Nancy Boyd Park	Community and Memorial	7.3
<b>Plaza Ignacio Martinez</b>	Plaza	1
<b>Rankin Park</b>	Community	42
Susana Street Park	<b>Neighborhood</b>	1.2
Steam Train Display	Community	0.25
Waterfront Park	Community*	31
Veterans Memorial Park	<b>Memorial</b>	0.2
	Total:	226.52

The Final MND at pages 33 - 41 includes the discussion on Biological Resources. The focus of the discussion is in accordance with the CEQA Appendix G Checklist questions for Biological Resources.

The March MND was not specifically sent to the General Plan Task Force; however, the document is/was available for review at the City Hall and City website.

The General Plan Task Force, as well as any interested individuals and public agencies, may receive the documents for this project, including the Initial Study, Staff Report (with response to comments), etc. Additionally, General Plan Task Force, as well as any interested individuals and public agencies, may provide comments on the documents for this project in writing or at public hearings.

The Final MND does not include an alternatives analysis, as this is not a required component of a mitigated negative declaration. Also, see Response to Comment A questioning if a reduced unit plan was considered.

It is noted that the City is in the process of updating the General Plan. State law requires a CEQA analysis to be based on existing general plans, not on concepts or recommendations created for a new general plan. . It is noted that a draft document for the General Plan update has not yet been prepared by the City. The General Plan Task Force, as well as any individual, group, or organization, has the right to provide comments on this project both during the public review period and at public hearings. The project however was evaluated by using current data to determine if the project had the possibility of creating a significant environmental impact.

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**Laura Austin**

**From:** Dina Tasini [dinasini@comcast.net]  
**Sent:** Saturday, April 19, 2014 10:11 PM  
**To:** Laura Austin  
**Subject:** Fwd: Vine Hill Project---Pine Meadows

For our file. Thank you

Sent from my iPhone

Begin forwarded message:

**From:** [Jusbeth@aol.com](mailto:jusbeth@aol.com)  
**Date:** April 19, 2014 at 9:12:56 PM PDT  
**To:** [dinasini@comcast.net](mailto:dinasini@comcast.net)  
**Cc:** [rschroder@cityofmartinez.org](mailto:rschroder@cityofmartinez.org)  
**Subject:** : Vine Hill Project---Pine Meadows

To whom it may concern:

What is the purpose of putting housing on every square foot of open space?

Rezoning open space to housing development has a major affect on the environment, on greenhouse gases and climate change, and quality of life. A full EIR is required to change the zoning, and perform the rape of the land.

Your report states this about the site: "mature woodland vegetation"; "nesting and foraging habitat for a variety of birds" including special-status birds protected under the Migratory Bird Treaty Act; "habitat for... The California red-legged frog"—an endangered species; "presence of wetlands" near man-made pond. Forty-seven (47) old protected trees will be killed, including redwoods and many oaks.

An EIR requires looking at alternative uses for this property. It is only reasonable and fair to assess property use. An EIR must be completed before rezoning. Or is this just another way to line the pockets of the "powers that be"???

Consideration must be given to any use that could be used as a positive benefit to the entire community instead of the "privileged few". More environmentally conscious use could help abate environmental and climate change issues we face. Housing development with do just the opposite---"The project would eliminate foraging habitat... and... require removal of all trees."

The current "Open Space and Recreation, Permanent" zoning for this property is one of the highest and best uses of property. Zoning should not be changed without a full EIR.

Additionally, this major change for the proposed General Plan will have a far reaching and detrimental affect on open space. Politicians and "special interests" will find little resistance to continued conversion of open space to housing. That alone requires an EIR due to the magnitude of the changes it would force on Martinez residents.

Respectfully,

Beth Eiselman

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**Response to Comment H****Beth Eisleman, Citizen/Neighbor**

**Response:** The City recognizes that there are citizen/neighbor concerns regarding placing new housing in an area designated for open space, and concerns relating to climate change and greenhouse gases, and biological resources. The Final MND analyzed the project's potential impact on these topics (placing new housing in an area designated for open space see pages 62-70, climate change and greenhouse gases see pages 49-51, and biological resources see pages 33-41).

The comment states that an EIR must be prepared on the project. The comment does not include an adequate basis or evidence to require the preparation of an EIR. The Final MND was prepared to analyze all potentially significant environmental impacts from the project in accordance with the California Environmental Quality Act. After analyzing each topic presented in Appendix G of the CEQA Guidelines, it was found that the proposed project would not have a significant effect on the environment with the implementation of the recommended mitigation measures. As such, a mitigated negative declaration was deemed the appropriate CEQA document for this project.

With respect to the comment on an alternative plan, please see Response to Comment A on this same point.

The comment expresses concern about the loss of open space by this project. Please refer to Response to Comment D relating to the amount of park land/open space in the City and Response to Comment N on this same point.

April 19, 2014

Dina Tasini, Contract Project Manager  
City of Martinez  
525 Hermelita Street  
Martinez, CA 94553

RE: Initial Study and Mitigated Negative Declaration for the Vine Hill Residential Project

This letter is in response to the above referenced document prepared by De Novo Planning Group (Project Applicant). The De Novo Planning Group is requesting a General Plan Amendment, Rezoning and a Vesting Tentative Map along with a tree removal permit to remove 47 trees that are protected by the City of Martinez Tree Protection Ordinance. De Novo Homes is also requesting that the City of Martinez issue a Mitigated Negative Declaration for this project.

The project applicant De Novo Homes is proposing that any significant environmental impacts will be mitigated and as such no additional environmental review of the project will be required. I am concerned about the adequacy of some of the studies that have been prepared, as well as some of the proposed mitigation measures that are being proposed. For example, are two site visits to the site really adequate to determine the impacts of this proposed project on the biological resources that currently exist on this site?

In addition, I do not believe that the Initial Study and Mitigated Negative Declaration provide an adequate environmental review of the impacts of removing a designated permanent open space area of 25.9 acres from the City's general plan, and the removal of all trees on the property including forty-seven trees that are protected under the City's Tree Preservation Ordinance.

When the original Pine Meadows subdivision was approved were there requirements in the City approved entitlements that required the subject property to be a designated permanent open space area as a planned mitigation measure for the original development? If that was the case how can the City now eliminate that requirement and change the general plan designation from permanent open space to residential development without violating California Environmental Quality Act ("CEQA") guidelines, which govern whether, when and how agencies can eliminate mitigation measures previously adopted under CEQA.

Additionally the City's Municipal Code Chapter 22.28.020 clearly states the following:

The purpose of including the open space district in the zoning regulations is to provide an appropriate zoning district for public or privately held lands devoted to open space uses either permanently or by terms of a long term contract. This zoning district may be distinguished from the recreational facilities district in that recreational facilities, while allowed in the open space district are expected to be only incidental to the basic purpose of preserving open space areas for visual and aesthetic relief, conservation and preservation of wildlife habitats and environmental values within and adjacent to an essentially urban environment.

Also Chapter 22.28.070 – No Reduction, Exchange, etc. of Open Space Easement without Vote of People or Four-Fifths Vote of Council.

- A. As used herein, "open space easement" means (a) any right or interest in real property acquired or dedicated to the City of Martinez (1) for the purpose of preserving for public use or enjoyment the natural or scenic or open character of such property or (2) for the purposes of preserving those uses described in California Government Code Section 65560.

The Preliminary Report prepared by Old Republic Title Company dated July 2, 2013 for Property Address 451 Vine Hill Way, Martinez, CA indicates that there is a property easement granted to the City of Martinez for drainage pipelines and incidental purposes.

Drainage pipelines do exist for the purpose of preserving for public use or enjoyment the natural scenic or open character of such property and for preserving those uses.

Furthermore, Chapter 22.28.070 also requires that No open space easement be terminated, vacated, abandoned, released reduced, exchanged, relocated or in any way remitted either in whole or in part, without either the affirmative vote of four of the members of the City Council or the affirmative vote of a majority of people of the City of Martinez voting at a regular or specially called election.

Wouldn't this mean that the City Council must first act on this item or take it to a vote of the people/residents of Martinez prior to certifying the adequacy of the Initial Study/Mitigated Negative Declaration for this project?

Some of the additional concerns that I have related to this project and the adequacy of the Initial Study and Mitigated Negative Declaration include the following:

**Aesthetics**

The proposed project will remove visually important trees and change the view of surrounding neighbors.

**Biological Resources**

The proposed project is expected to remove all trees from the subject property including forty-seven trees that are currently protected under the City's Tree Preservation Ordinance. The removal of all trees on the current designated open space area is proposed to accommodate this development project. How can the removal of all trees on this site not significantly impact the habitat of nesting and foraging birds and/or impact the air quality of the surrounding neighborhood to such an extent that they cannot be mitigated. I do not understand how removal of over 100 mature growth trees on this site will not significantly impact the existing environment and the environment that would exist at the time of build out of this project.

Martinez is designated as a Tree City USA, and as such specifically states that beautification projects are an essential component of quality of life in Martinez. Whether restoring and upgrading tree-lined street medians, or expanding and enhancing landscape areas off the City's major roadways, trees serve to augment the pride citizens take in their scenic locale. The City's recent designation as a "Tree City USA," signifies the value the community places on its history, identity and environment.

How can the City consider the removal of forty-seven trees that are protected in the City of Martinez Tree Preservation ordinance, furthermore how can the removal of forty-seven trees from this designated open space area not have a significant impact on the environment of the surrounding

neighborhood. Furthermore, how can the City decry the current proposed PG&E removal of trees to clear easements on their pipeline and turn their heads and allow forty-seven protected trees to be removed to clear 25.9 acres and remove it from a permanent open space designation. Are there not other areas in the City that this developer could choose to build his housing subdivision that would not impact and require the removal of so many mature growth trees that serve a critical purpose to the environment and the aesthetics of an existing neighborhood?

The City's General Plan Policies clearly indicated under section 32.241 that "Roads and buildings should be located in a manner which minimizes disturbance of the natural terrain and vegetation."

Has there been any consideration given to designing this proposed project in such a way as to save and preserve the trees that are currently protected under the City's Tree Preservation Ordinance, rather than taking a scorched earth, clear-cutting approach to accommodating this proposed housing development?

Of the forty-seven trees that are identified as protected trees on this proposed site, thirty-nine trees are designated as ranging from fair to excellent in condition, and only eight trees are designated as being in poor or fair condition. One of the largest trees identified in the report prepared by Baefsky & Associates measured one hundred and seventy-eight inches in circumference. The average circumference of trees measured fifty-one point four inches. What is the calculated value of that one-hundred seventy-eight inch valley oak tree listed in good condition? What is the value of the environmental and aesthetic benefits that just one of the 47 protected trees provide to the surrounding neighborhood?

#### **Land Use And Planning**

The project site is designated as an Open Space & Recreation land use with a "Permanent" designation. Permanent means continuing or enduring without fundamental or marked change. How does one applicant desiring to build a new subdivision justify the change of a "Permanent" land use designation?

Section 21.22 of the City's General Plan states that "Zoning and other regulatory powers shall be used to maintain open space use where there are substantial threats to life and property or where private open space uses are appropriate. The Pine Meadows Golf Course/Open Space area is in an appropriate open space."

The applicant is currently proposing to add 100 residential units and 290 additional people to the existing neighborhood, while taking away 25.9 acres of designated PERMANENT Open space and he is not proposing any replacement park or dedicated open space area to accommodate this new subdivision or the existing neighborhood. The applicant does indicate that payment of \$760,400 of in-lieu fees will be made but with no specific benefit to the existing neighborhood that has enjoyed the open space area for many decades.

#### **Public Services**

The payment of City park dedication in-lieu fees are noted as serving as adequate compensation for the park and recreational facilities required by the proposed project. However, there will be no proposed park or open space areas in the entire proposed project that will serve the existing neighborhood, and

as such the nearest park facility is the Hidden Lakes park area which is a significant distance away from the existing neighborhood.

#### Transportation/Traffic

While the Initial Study/Mitigated Negative Declaration does not specifically identify existing condition of the roads or neighborhood streets that is something that should be considered as the existing condition of neighborhood roads is very poor and continuing to decline. Identifying this project as having no significant impact on existing or future conditions does not enable the City to collect any traffic mitigation fees which could be used to help improve the quality of the surrounding neighborhood streets. Furthermore, there will be significant impacts on traffic in particular at the intersection of Morello Avenue and Vine Hill Way. There is current no 4-way stop sign or signal at that intersection and vehicles travel significantly over the posted 25mph speed limit as they are coming down that hill. This is a very dangerous street to cross as a pedestrian and in a vehicle. It is just a matter of time before there is a serious accident at that intersection.

I strongly disagree with the findings made by the Initial Study/Mitigated Negative Declaration. I do believe that this proposed project will have a substantial impact on the environment. This proposed project will degrade the quality of the environment and will substantially reduce the number or restrict the range of rare or endangered plants, or animals on the proposed site and will specifically impact the urban forest and the neighborhood aesthetics of the City of Martinez, by removing all of the trees on the project site, forty—seven of which are protected by the City of Martinez Tree Preservation Ordinance. A General Plan is a long term planning document that serves as the land use constitution for all future development within a town or City. Certainly the leadership and decision makers in Martinez designated Permanent Open Spaces in this area because it was the desire of the City and the residents to preserve certain areas of the City for Open Space.

What purpose is served if Ordinances or General plans are enacted and approved at the local government level only to be overturned or ignored at the request of a developer? A developer who elicits or proposes to build homes in an area that will take away a permanent designated open space area that has existed as part of an established neighborhood for over 50 years. Why not require that the zoning laws, ordinances and regulations that were approved and currently exist in the City of Martinez be followed as they were intended to be and require the developer to build a subdivision in an area of the City that is better suited and zoned for residential development. The established residents and citizens in Martinez should not have to carry the burden of losing the open space areas that they have enjoyed for many years in order to accommodate a residential housing development that should be built in an area that is currently zoned for residential development. If we don't work together to preserve the open space that currently exists in the City of Martinez for future citizens and preserve the aesthetic and open space features of the City that attracted us here in the first place, what will attract future residents? It certainly won't be local government leaders that turn their heads and overturn their own regulations to allow development in designated permanent open space areas of the City.

Kindest Regards,

Kelly R. Calhoun,  
Resident of Martinez

CC: Martinez City Council  
CeNova Homes



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## **Response to Comment I Kelly Calhoun, Citizen/Neighbor**

**Response:** The comment raises several issues about the project that are not related to CEQA or the potential environmental impacts from the project. These comments are not required to be addressed in this document. These comments will be considered by the decision makers as part of the deliberations on the project.

There have been numerous technical studies to analyze various topics, including traffic, noise, hazardous materials, geologic hazards, biological resources, and cultural resources. These studies were prepared to a professional standard and are available for review in the appendices of the Final MND.

The comment is requesting the preparation of an EIR but does not state the basis or evidence to support the use of an EIR. Please refer to Response to Comment H on this same request.

The original Pine Meadows subdivision does not have a mitigation measure requiring the golf course to be permanent open space. On its face, a proposal to amend the General Plan does not violate the California Environmental Quality Act. Any proposal to amend a General Plan, however, must undergo the appropriate public review process in accordance with CEQA. The City staff has processed the applications for the proposed project in accordance with CEQA.

The City staff recognizes that there are citizen/neighbor concerns with the proposal to develop a residential project on a site that is currently designated as OS (Open Space & Recreation, Permanent) General Plan Land Use Designation and M-OS/RF (Mixed Use-Open Space/Recreation Facilities) Zoning Designation. The Final MND adequately analyzes the proposed project's consistency with the General Plan and Zoning on pages 62 through 70.

The Final MND states on pages 62-63 that the project site is designated as an Open Space & Recreation land use with a "Permanent" designation and that a residential subdivision in an area with such a designation is inconsistent with General Plan policy for this use. The Final MND further states that the project applicant has included a General Plan Amendment in the application to amend the language of Policy 21.21 from the General Plan Land Use Element (Open Use Area) to exclude the existing golf course and to change the land use designation to enable residential development. If the City Council approves the

General Plan Amendment and land use change, the proposed project would not be in conflict with this policy.

The City recognizes that there is a property easement in its favor for drainage pipelines and incidental purposes on the project site. It should be noted that the City requires a drainage easement on all developed properties so that they can maintain proper drainage in the City. The front yard of almost every residential lot in the City has a drainage easement that is specifically for drainage purposes.

The project site does not have an open space easement. The action that is being taken to the City Council is a general plan amendment, rezoning and tentative subdivision map.

The Final MND analyzed aesthetic concerns on pages 14 through 20, which included photo simulations to illustrate how the project would look from the surrounding properties.

The Final MND analyzed biological resource concerns on Pages 33 through 41, which included an analysis of tree impacts.

The Final MND analyzes the proposed project's consistency with the General Plan and Zoning on pages 62 through 70. See Response above relating to the analysis in the Final MND relating to the land use designation of "Permanent" open space on the property.

The Final MND identifies the park impacts on pages 64 and 65. The City park dedication in-lieu fee (as of September 2013) requires payment of \$5,095 for each single family residential unit constructed in the City. The total project contribution under the current fee schedule would be \$509,500; however, the fees are subject to future changes. The City uses the park dedication in-lieu fees to acquire and develop park facilities based on demands. In addition to the park dedication in-lieu fees, the City charges an Impact/Mitigation Fee for parks and recreation. The current fee for parks and recreation impacts is \$2,509 per single-family residential unit. The total project contribution under the current fee schedule would be \$250,900; however, the fees are subject to future changes.

The Final MND adequately analyzes the traffic impacts from the proposed project on pages 90 through 99. The traffic study focused on the existing conditions at intersections, which were shown to operate at an acceptable LOS (Table 17 on page 93). Traffic volume is presented on page 94, and is

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represented as "Project Trip Generation." The proposed project is subject to all relevant impact fees charged by the City for development projects.

The City also recognizes that there are citizen/neighbor concerns regarding the ordinances and General Plan, and the ability of a developer to apply for changes to ordinances and/or the General Plan. The City (and state planning and zoning law) provides all citizens with the opportunity to apply for amendments and/or changes to ordinances and/or the General Plan. Each application is processed in accordance with CEQA, which requires public review and hearings held by elected officials.



April 18, 2014

City of Martinez  
 Engineering Department  
 525 Henrietta Street  
 Martinez, CA 94553

Attn: Dina Tasini  
 Contract Planner, City of Martinez

Subject Vine Hill Residential Subdivision No. 9358,  
 Initial Study / Mitigated Declaration  
 Revised and Recirculated Notice of Intent (dated 3/21/14)

Dear Mrs. Tasini

Thank you for providing the Mt. View Sanitary District (MVSD) with an opportunity to comment on the Initial Study and Mitigated Negative Declaration for the proposed 100 lot residential subdivision of the existing Pine Meadow Golf Course property.

On March 3, 2014 we sent to Mr. Khali Yowakim, Associate Civil Engineer for the City of Martinez, a letter regarding Mt. View Sanitary District's (MVSD) Conditions of Approval for the subject Development. Our letter is attached hereto, and we request that these conditions be incorporated into your review and findings for the proposed project.

As we indicated in our March 3, 2014 letter, the District does have concerns regarding the ability of the existing downstream sewer system to serve the Development.

Our primary concern(s) is that the existing sanitary sewer mains downstream of the proposed development are 6 inches in diameter, and some of these pipelines are reaching the end of their useful life. The District intends to replace them with 8 inch mains sometime in the future. However, funding is not currently available and the replacement of these lines may not occur for several decades. In order to assure that there is capacity in the downstream collection system, the Developer's Engineer will be required to conduct an evaluation of the facilities downstream of the proposed development, and submit a report to the District Engineer on the ability of the existing system to accept the additional sewage from the proposed residential subdivision. The review shall include a new hydraulic analysis and a review of existing conditions based upon new video inspections. If the existing system does not have the capacity to serve the proposed development or has restrictions / degradations in the mains, the Developer will be required to replace or repair the downstream system such that it will function adequately when the new homes in this development are added.

A second concern has to do with the pipeline in the District's easement(s) at 511 Vine Hill Way and 2049 McMillan Court. The pipeline is also nearing the end of its useful life and was not intended to serve the number of lots proposed to be connected to it. The Developer shall be required to pipe burst or otherwise replace the existing 6 inch sewer with an 8 inch HDPE pipe.

MT. VIEW SANITARY DISTRICT  
 7400 RAYBURN BLVD.  
 P.O. BOX 2752  
 MARTINEZ, CA 94553  
 TEL: 925-355-5533  
 FAX: 925-228-2534



Vine Hill Residential Subdivision No. 9358  
Initial Study / Mitigated Declaration  
Revised and Recirculated Notice of Intent (dated 3/21/14)

April 18, 2014  
Page 2 of 2

We found a few "technical" corrections that we respectfully request be made to the Initial Study / Mitigated Declaration document, which are as follows:

- The District name is Mt. View Sanitary District not Mountain View Sanitary District
- MVSD is located in an unincorporated area of Contra Costa County near the City of Martinez not in the City of Martinez
- MVSD has 8,584 residential connection not 908 (see attached Wastewater MSR letter dated March 25, 2014)
- MVSD collection system includes 72.5 miles of sewer collection lines not 110 miles
- MVSD system also includes 2 miles of force mains
- MVSD primary disposal method is advanced secondary treatment not tertiary treatment
- Please add under response e) page 104: *The collection system serving the proposed project consists of 6 inch sewer mains. The capacity of these downstream mains will be verified by the Developer. Mains requiring upsizing or repairs will be performed by the Developer.*

Please feel free to contact the undersigned at (925) 228-4218 voice, (925) 228-4638 fax, or [pwolfman@lcc-inc.com](mailto:pwolfman@lcc-inc.com) email, should there be any questions.

Very truly yours,  
LCC, Inc  
Randolph W. Leptien  
District Engineer

By   
Peter J. Williams

Copy w/o encl: Neal Allen

Encl: Revised Conditions of Approval letter (dated March 3, 2014)  
Wastewater MSR letter dated March 25, 2014



March 3, 2014

City of Martinez  
 Engineering Department  
 525 Henrietta Street  
 Martinez, CA 94553

Attn: Khalil Yowakum, P.E.  
 Associate Civil Engineer

Subject: Subdivision 9358, Vesting Tentative Map, Vine Hill  
 Revised Conditions of Approval (letter dated February 28, 2014)

Dear Mr. Yowakum,

Thank you for providing the Mt. View Sanitary District (MVSD) with opportunity to comment on the Vesting Tentative Map for the proposed division of the existing Fire Meadow Golf Course into 100 new residential lots. We have the following comments on this application:

1. The Developer shall design and construct a public sewer system to serve this development in accordance with the Mt. View Sanitary District Code and the District's Standard Specifications for the Design and Construction of Wastewater Collection Facilities (Standard Specifications). Accept where specifically permitted by the District Engineer, sanitary sewer mains shall be centrally located in the street. The Vesting Tentative Map (TM) indicates that several of the proposed sewer mains within Parcel "G" (public streets) of the subdivision will be 6 inches in diameter. The District will allow 6 inch mains in the following instances only:
  - a. A future main extension will not occur.
  - b. The main will have sufficient capacity to carry existing and projected flows.
  - c. The velocity in the main flowing full will exceed 3 feet per second.
  - d. The final planned length of the main shall not exceed 400 feet or serve more than 12 residential units.

An 8" Public Sanitary Sewer is otherwise required. The Vesting Tentative Map should be amended to comply with this requirement.

2. The collection system downstream of the Golf Course may not have the capacity in some cases to accommodate the additional numbers of units proposed on this site. Most of the existing sanitary sewer mains are 6 inches in diameter. As these pipelines reach the end of their useful life, the District intends on replacing them with 8 inch mains. However, funding is currently not available and the replacement of these lines by the District may not occur for several decades. The District recently commissioned a hydraulic modeling and capacity analysis of several of the capacity of several of the mains within the District's system. This study primarily focused on major trunk lines and did not encompass the entire collection system. The District has also performed video inspections of a number of the lines located downstream of the proposed system.

MT. VIEW SANITARY DISTRICT  
 10000 S. FERRY ROAD  
 P.O. BOX 20111  
 MARTINEZ, CALIFORNIA 94553  
 TEL: 925.221.1500



In order to assure that there is capacity in the downstream collection system, the Developer's Engineer will be required to conduct an evaluation of the facilities downstream of the development and submit a report to the District Engineer on the ability of the existing system to accept the additional sewage from the proposed new development. The review shall include a hydraulic analysis and a review of existing conditions based upon video inspections. The Developer's Engineer may include the District's hydraulic analysis and video inspections in the report; however, the District shall not accept any responsibility for any conclusion reached or based upon the use of these documents. If the existing system does not have the capacity to serve the proposed development or has restrictions/degradations in the mains, the Developer will be required to replace or repair the downstream system such that it will function adequately when the new homes in this development are added.

3. The Developer shall be required to pipe burst or otherwise replace the existing 6 inch sewer in the District's easement over 511 Vine Hill Way and 2049 McMillan Court with an 8 inch HDPE pipe.
4. The Developer shall be required to construct and connect each residential building unit shall to the sanitary sewer main with a separate side sewer (lateral plus building sewer). Side sewer design and construction shall conform to the District's District Standards and Specifications.
5. Overflow Protection Devices shall be installed at each dwelling unit or auxiliary building within the new development. When the floor elevations are too low to be protected by an OPD, a check valve shall be installed as set forth in the District's Standard Specifications and Code.
6. The Developer shall dedicate a 15 foot exclusive easement to the Mt. View Sanitary District centered over the proposed sewer main within lot 25 (private lot). The easement will be free of other utilities and trees. Structures and trees are not permitted within District easements. This requirement will severely impact lot 25 and the Developer is encouraged to study the possibility of sewerage the subdivision through the detention basin parcel. If this alternative is pursued, the pipe beneath the basin would require the installation of a joint-less pipe (HDPE) pipe installed in an 18 inch PVC casing. No structures would be permitted within the basin.
7. The existing sewer system serving the Golf Course Facilities shall be demolished, removed, and capped at the main in Center Avenue or Vine Hill Way in accordance with District Standards and Specifications. A credit for the existing connection will be made provided a credit agreement is executed by the Developer and approved by the District Board. The costs to prepare and record the credit agreement will be charged to the Developer.
8. The Vesting Tentative Map should indicate the proposed sewer pipe slopes and depths at critical locations such as storm drain crossings in order to verify that the design is buildable. Note that the proposed sewer is draining the wrong direction in front of lots 24-25, as shown on the TM.

Subdivision 9358, Vine Hill  
 Vesting Tentative Map  
 Revised Conditions of Approval

March 3, 2014  
 Page 3 of 3



9. The Developer shall submit plans prepared by a California Registered Civil Engineer for review by the District Engineer for the new sewer mainline extension and side sewers. Plans shall conform to the District's Standard Specifications and Code.
10. The Developer shall post a deposit for plan review fees to the district, as required by the District Code. Fees for this review and for prior applications and current applications for sewer the service will be earned forward to the permit application, and will be required to be paid prior to the District's plan review
11. The Developer shall enter into the District's standard Owner's Sewer improvement Agreement with the District, and post security for sanitary sewer improvements as required by the Standard Specifications prior to receiving a construction permit.
12. The Developer shall pay any outstanding fees for plan reviews, and mapping, inspection, for sewer construction prior to the construction permit being issued. Also the Developer/Contractor shall provide a cash deposit for construction, and construct all improvements necessary for the development of the project at no cost to the District.
13. The Developer shall submit digital files, and As-Built Mylars of plans for all mainline sewer improvements, and pay all outstanding fees prior to the District's final acceptance of the sewer system.
14. The Developer shall obtain a sewer connection permit and pay permit fees for trunk sewer, plant capacity and connections prior to connecting each building unit to the District's system. The District will not issue individual connection permits until after the Sanitary Board has accepted sewer easements and mainline improvements for maintenance. Building foundations shall have been constructed prior to connection of the sewer system.
15. Fees shall be charged pursuant to the Ordinance in effect at the time that the permit is issued. Fees are subject to revision by the District Board without notice.

We look forward to reviewing the revised Vesting Tentative Map after you receive the final revisions to it, and thank you once again for the opportunity to comment on this project. Please feel free to contact Peter Wollman or me at (925) 228-4218 voice, (925) 228-4638 fax, or [pwollman@lcc-inc.com](mailto:pwollman@lcc-inc.com) email, should there be any questions.

Very truly yours,

Randolph W. Leptien, LCC, Inc.  
 District Engineer

Copy: M. Rue (Neal Allen) w/ no enclosures  
 Lee Rosenblatt for Suzanne Almeida, P.E., Project Engineer, Carlton, Barbee & Gibson, Inc

MT VIEW  
SANITARY  
DISTRICT



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Randolph W. Leptien

LCC, Inc.

March 25, 2014

Lou Ann Teixeira  
Executive Officer  
Contra Costa LAFCO  
651 Pine Street, Sixth Floor  
Martinez, CA 94553

Re: March 2014 Water and Wastewater MSR & SOL Study (2<sup>nd</sup> Round)

Dear Ms. Teixeira,

Thank you for providing the Mt. View Sanitary District with an opportunity to review the draft of the referenced document.

We have the following comments and corrections:

1. On page 246, change the last sentence in the second paragraph to read *"In 1988 MVSD added an ammonia removal unit, and in 1994 a filtration and ultraviolet disinfection system - the first full scale operation in Northern California."*
2. In Table IV-25
  - a) Change the number of dwelling units from 908 to 8,584;
  - b) Change the number of commercial and industrial units to 269
  - c) In addition there are 283 institutional parcels within MVSD that are not included in 1 b) above. The total for 1 b) including institutional parcels would be 552.
3. Please revise the last two sentences on page 248 to read as follows:  
*"Improvements to Pump Station No. 4 are planned for 2014. Major MVSD projects at the District's treatment plant scheduled for 2014 include the construction of a Grease Receiving Station and the Renovation of the Influent Pump Station."*
4. On page 253, under the first bullet, in the second paragraph, change "influence" to "influent"

Please feel free to contact the undersigned at (925) 228-4216 or [randy.leptien@lcc-inc.com](mailto:randy.leptien@lcc-inc.com) should there be any questions.

Sincerely,

Randolph W. Leptien  
LCC, Inc.  
District Engineer

Copy w/ encl.: Michael D. Roe, District Manager

## Response to Comment J Randolph Leptien, Mountain View Sanitary District

**Response:** The City recognizes the commentors concerns regarding downstream capacity, and the condition of the MVSD sanitary lines that would service the project. The comment warrants some additional text on page 104-105 in the Final MND to ensure that improvement plans are designed to ensure capacity for the proposed project, which may require upsizing of downstream mains if necessary. Additionally, a mitigation measure was added to ensure that a final capacity calculations be performed and approved by MVSD prior to approval of Improvement Plans, and if upsizing is deemed necessary, that the design is approved by MVSD before construction. The following text is added to page 104-105 of the Initial Study:

**Response e):** The proposed project would be served by the MVSD, which owns and operates the Mountain Mt. View Sanitary District Wastewater Treatment Plant (hereinafter the Plant) located at 3800 Arthur Road in unincorporated Contra Costa County near the City of Martinez, and its associated wastewater collection system (hereinafter collectively the Facility). The MVSD Plant has a current average dry weather design treatment capacity of 3.2 million gallons per day (MGD), and can treat peak wet weather flows up to 10.94 MGD. The current flow is estimated to be 1.007 MGD.

The MVSD serves approximately 18,253 residents, with ~~908~~ 8,584 residential connections and 280 commercial and industrial connections. The MVSD service area population is expected to grow to between 24,500 and 25,322 over the next 20 to 25 years, an increase of approximately 29 to 33 percent.

Single family residential units in the City of Martinez have an estimated wastewater flow rate of 195 gallons per day per unit. The proposed project would generate an estimated 19,500 gallons per day (0.0195 MGD) to be treated at the Plant. Given that the current permitted capacity of the Plant is 3.2 MGD and the current flow is 1.007 MGD, the Plant has adequate capacity to serve the 0.0195 MGD of wastewater generated by the proposed project in addition to their existing commitments.

The collection system serving the proposed project consists of six inch sewer mains. MVSD may require the upsizing of the existing sewer main to eight inches between Vine Hill Way and McMillan Court. The sewer mains can be expanded by utilizing hydrologic expanding techniques within the existing sewer main.

The capacity of the downstream main to serve the proposed project will be confirmed by the applicant during the improvement plan preparation. This engineering step is not performed until improvement plans are prepared. Implementation of the following mitigation measure would ensure that the proposed project will have a *less than significant* impact relative to this topic.

*Mitigation Measure Utilities-1: Prior to the approval of Improvement Plans, the applicant shall prepare a final report on the capacity of downstream sewer main. If it is found that capacity for the proposed project does not exist in the sewer mains as determined by MVSD, the applicant shall upsize the sewer main to accommodate the capacity needed for the project. All capacity calculations must*

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be verified by the MVSD prior to approval. Additionally, any plans for upsizing must be approved by the MVSD.

The technical corrections noted by the commentor have been made in the Final MND. This includes changing references to the "Mountain View Sanitary District" to "Mt. View Sanitary District", noting that MVSD is in unIncorporated Contra County, correcting the number of residential connections serviced by MVSD, correcting the number of miles of sewer collection lines serviced by MVSD, noting that there are 2 miles of force main served by the MVSD, correcting the reference to the primary disposal method, and adding the recommended text to response e) on page 104.

Laura Austin

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**From:** DINATASINI [dinatasini@comcast.net]  
**Sent:** Sunday, April 20, 2014 9:55 PM  
**To:** Laura Austin  
**Subject:** Fwd: Pine Meadows

---

**From:** "Aimee Durfee" <aedurfee@msn.com>  
**To:** dinatasini@comcast.net  
**Sent:** Sunday, April 20, 2014 9:33:32 PM  
**Subject:** Pine Meadows

I concur with the letter below submitted by Jim Neu on the subject of the Pine Meadows development. I urge the City of Martinez to prepare an EIR on this project.

Sincerely,  
Aimee Durfee  
612 E Street  
Martinez CA 94553

Ms. Tasini,

The Pine Meadows open space with 100 hundred homes proposed on less than 26 acres with the removal of fifty trees should require an Environmental Impact Report (EIR) considering the cumulative effect of several environmental elements, its impact on the existing neighborhood, and the lack of an updated city general plan that properly addresses environmental justice as it pertains to designated open space.

The City of Martinez Tree Protection Ordinance states trees are a vital part of a healthy environment providing soil stability and wildlife habitat while preserving scenic beauty. The removal of 47 oak and redwood trees would have an adverse effect on providing habitat for existing raptors and scenic beauty within the immediate community. Many of these trees slated for removal fall into protection size of the ordinance.

These trees provide canopy and nesting habitat for many species of small and large birds that are protected under the Migratory Bird Treaty. Some of the raptors in the area such as the Cooper's hawk, red tail hawk, and the white tailed kite, feed on the rodents that inhabit the proposed site.

The rodents at the site, should the project be approved, were said to be chemically exterminated which would have a negative effect on the raptors that currently feed on them. This action would need an EIR to determine the air, soil and toxicology effects of the pesticide used or an alternate method of eradication.

This open space is home to many other animals including the protected California Red Legged Frog which falls in the special -status wildlife species which receives regulatory protection.

Considering the recent open space lands that are being developed and others that are proposed for residential construction in Martinez, the cumulative effect of development within the city warrants this project to go before an EIR review.

The Martinez General Plan has not been up for public review since 1972, therefore does not meet California Legislature Guidelines to include environmental justice. Because of this point, any property zoned open space shall have a Comprehensive General Plan that meets California General Plan Guidelines.

The Developer's Initial Study/Negative Declaration Amendment states, " This designation of permanent open space shall not apply to private recreational resources such as the private golf course , or other facilities where the city has no vested ownership ." The city must provide in this report or an EIR a list and map of private recreational resources and other facilities where the city has no vested interest.

A few alternate uses and plans should be considered. There was discussion about a disc golf course at the Hidden Lakes Park. This property would be a natural site and the grounds could be left un irrigated which is a critical issue with the drought. Allowing this property to stay open space and proposing to the owners to enter into a ten year rolling Williamson Act Agreement would be an alternative. The owner would reap the benefit of a 25-75% tax liability savings. The best use of this property surrounded by a large residential area is for it to be left zoned as open space.

Should this discussion fail, it is imperative that an Environmental Impact Report be done to explore the issues discussed in this response to the Initial Study/ Mitigated Negative Declaration before a decision is made to change the zoning of the Pine Meadows property.

Respectfully Submitted,  
Jim Neu  
3334 Ricks Ave  
Martinez, Ca 94553

**Response to Comment K      Aimee Durfee, Citizen/Neighbor**

**Response:**      The commentor notes she concurs with the letter submitted by Jim Neu for this project. This comment is noted. The letter submitted by Jim Neu is Comment P. Please refer to Response to Comment P.



**Laura Austin**

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**From:** Dina Tasini [dintasini@comcast.net]  
**Sent:** Sunday, April 20, 2014 5:48 PM  
**To:** Laura Austin  
**Subject:** Fwd: Pine Meadows Development

Sent from my iPhone

Begin forwarded message:

**From:** William Nichols <[wnichols26@gmail.com](mailto:wnichols26@gmail.com)>  
**Date:** April 20, 2014 at 12:12:54 PM PDT  
**To:** [dintasini@comcast.net](mailto:dintasini@comcast.net)  
**Subject:** Pine Meadows Development

I have been a Park Ranger in the Martinez area for thirty five years. My job is to protect the environment. I cannot believe that in this day and age the city would ignore open space designation, wildlife habitat preservation, and a heritage tree policy covered in the city's own tree ordinances in the name of development. I strongly urge that this proposed development be subject to a full and open Environmental Impact Report. It is the right thing to do. Have we really come to a point in this community where basic environmental concerns are blatantly ignored in the interests of development? Please proceed with the Environmental Impact Report.

Sincerely

Bill Nichols  
Martinez resident



**Response to Comment L****William Nichols, Citizen/Neighbor**

**Response:** The comment is requesting the preparation of an EIR but does not state the basis or evidence to support the use of an EIR. Please refer to Response to Comment H on this same request.

The comment expresses concerns about the loss of biological resources on the site. The Final MND analyzed the project's potential impacts on biological resources at pages 33-41. The Final MND concludes that the project with implementation of the recommended mitigation measures will not have a significant impact on biological resources.

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**Response to Comment M****Cynthia Peters, Citizen/Neighbor**

**Response:** The comment is requesting the preparation of an EIR but does not state the basis or evidence to support the use of an EIR. Please refer to Response to Comment H on this same request. Please refer to Response to Comments I and N relating to the requested change in the land use designation to allow residential uses.

The City also recognizes that some citizens have concerns on how a project may impact values of adjacent properties. Property value is not a topic that is addressed in by the California Environmental Quality Act. Citizens have the right and opportunity to present their concerns for property values to the elected officials during hearings for the proposed project.

**Laura Austin**

---

**From:** DINATASINI [dinasini@comcast.net]  
**Sent:** Monday, April 21, 2014 11:15 AM  
**To:** Laura Austin  
**Subject:** Fwd: Pine Meadows - Public Comment - Jamie Fox

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**From:** "Jamie" <eejfox@yahoo.com>  
**To:** "DINATASINI" <dinasini@comcast.net>, rschroder@cityofmartinez.org  
**Sent:** Sunday, April 20, 2014 2:44:47 PM  
**Subject:** Pine Meadows - Public Comment - Jamie Fox

Hello,

Please find my public review comment below. Can you send me a confirmation email this was received?

Thank you!

Jamie Fox

1) Below is the exact text from the developer's proposed 1972 general plan amendment, it does NOT limit the scope to the golf course, it merely uses the golf course as an example:

Developer's proposed amendment:

*"This designation (permanent open space) shall not apply to private recreational resources such as the private golf course, or other facilities where the City has no vested ownership."*

Therefore, please provide an inventory map of the "private recreational resources" and "or other facilities where the City has no vested interest" currently designated as open space. These areas are 100% effected by the proposed wording of the general plan amendment. Per conversation with the City staff, the staff does not have an inventory map showing the extent of private open space affected by the proposed amendment within the City limits. Please do not approve any General Plan amendments without full disclosure to the public regarding the scope of the amendment. Please provide a GIS map showing all "private recreational resource areas, or other areas where the City has no vested interest"

2) The Martinez General Plan has not been updated for public review since 1972. For example, I testified at a General Plan meeting in 2012 asking for a beautiful hiking trail to be added to the General Plan, you can google "Hulet Hornbeck Trail, Vimeo" to watch the presentation. I still do not have an answer if the trail was added to the General Plan, even though the trail is consistent with the 1986 Specific Plan for the area. The reason is: The Martinez General Plan has never been issued for public review in my lifetime' (I was born in 1980). Therefore, please do not remove any 'permanent open

space' until a comprehensive general plan has been provided for public review, as required by the intent of the California General Plan Guidelines. For example, the 1972 General Plan open space map shows the City of Martinez has already lost a tremendous amount of open space. Large swaths of land have been gobbled up over time. It does not meet the intent of California law to let open space continue to erode one project at a time. The law requires public review of a comprehensive plan for the entire city. It has been over 40 years since the General Plan has been updated, it is not legal to take away more open space without a plan!

3) Please note in 2001, California Legislature required General Plan Guidelines to include "environmental justice" however, because the Martinez General plan has not been issued for public review since 1972 the Martinez General Plan does not meet the California Legislature requirements for environmental justice. Therefore, the citizens, including the animals and wildlife in Martinez, should not be asked to lose ANY open space or sensitive environmental areas until a comprehensive general plan has been provided for public review and fully complies with the latest California General Plan Guidelines.

4) A group of Citizens have applied for a disc golf course at Hidden Lakes Park. Should their application be denied, the Pine Meadows private open space would make for a perfect disc golf course - requiring no water, and significantly less environmental damage than the existing golf course, and access to the outdoors. The location of the disc golf course should be considered in the General Plan update - i.e. where does the Disc Golf course go? Please do not remove any open space until this is resolved fairly. Disc golf is a very popular sport and deserves the same treatment as a regular golf sport. In fact, given the environmental benefits (less water and no fertilizer), it should be encouraged.

5) I'm not against all development. I believe we need a vibrant City and affordable housing, but we need our City to focus on urban infill, maximizing the brownfield, not green field, without loss of more open space. If open space is going to be lost, then we ask the City to participate in mitigating the effect by opening up more open space, such as the Alhambra Hills, which is also yet to be resolved. We need a comprehensive plan before re-zoning open space.

Thank you,  
Jamie Fox  
510 326 0442

**Response to Comment N      Jamie Fox, Citizen/Neighbor**

**Response:** The City recognizes the commentors concerns regarding the proposed General Plan amendment. The intent of the applicant is not to affect any other properties that may have an existing General Plan land use designation that is the same as the existing designation on the project site. To clarify the intent of the proposed General Plan amendment text edits are reflect at page 2 of the Final MND. The edits apply to policy 21.21 from the General Plan Land Use Element. The proposed amendment originally included the addition of a sentence at the end of the policy that read *"This designation shall not apply to private recreational resources such as the private golf course, or other facilities where the City has no vested ownership."* The modified language proposed is now the following: *"This designation shall not apply to the private golf course."* These modifications to policy text are specific to the golf course use, and do not apply to other open space and recreational sites in the City. These edits clarify the intent of the General Plan amendment, but do not increase the impacts of the proposed General Plan amendment as analyzed in the Final MND. The text changes to Page 2 are shown below in track changes:

- 21.21 Land to remain for open uses is designated Public Permanent Open Space or Open Space/Conservation Use Land. These designations shall apply where the following conditions are prevalent: natural conditions such as steep or potentially unstable slope, hazardous geologic conditions, watershed stability and floods hazard, seismic hazard, and fire hazard, which constitute major constraints to development or threats to life and property, where soils, land forms, vegetation, watersheds, creekways, and water bodies combine to provide either a significant habitat for wildlife or agricultural resource and where land forms, vegetation, waterways and surfaces constitute a major scenic and recreational resource which should be preserved either for purposes of public use or protection and shaping of the scenic setting of the community. This designation shall not apply to private recreational resources such as the private golf course, or other facilities where the City has no vested ownership.

Additionally, the proposed General Plan amendment to policy 21.22 from the General Plan Land Use Element and policy 32.31 from the Hidden Lakes Specific Area Plan, are no longer proposed. The text changes to Page 2 are shown below in track changes:

***General Plan Land Use Element***

~~21.22 Zoning and other regulatory powers shall be used to maintain open space use where there are substantial threats to life and property or where private open space uses are appropriate. Appropriate private open space uses include agricultural, grazing, open space recreational uses such as camp facilities or residential uses where such uses and related facilities such as roads and parking areas constitute less than two percent of the entire land area where the balance of the land is retained in a natural state or agricultural state. (Note: This Policy was originally proposed to be amended, but has been removed from the proposed General Plan Amendment)Hidden Lakes Specific Area Plan~~

~~32.31 The major portion of the site area shall be retained for open space use, primarily preserved as public open space, with a portion preserved in private ownership. (Note: This Policy was originally proposed to be amended, but has been removed from the proposed General Plan Amendment)~~

The deletion of Hidden Lakes Specific Area Plan policy 32.32 is still proposed for deletion. This policy is specific to the golf course and does not apply to other Open Space and Recreation uses in the City.

The City recognizes that the current General Plan is in the process of being updated. State law requires a CEQA analysis to be based on existing General Plans, not proposed General Plans. Any individual, group, or organization, has the right to provide comments on this project both during the public review period and at public hearings.

The commentor has the opportunity to provide their recommendation for open space uses on the project site, as well as other sites, or to provide alternatives to the project, at the hearings for this project. The Final MND is an analysis of what was proposed by the project Applicant. Also, please refer to Response to Comment A regarding the request to analyze alternative plans for the site.

**Laura Austin**

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**From:** Dina Tasini [dinasini@comcast.net]  
**Sent:** Sunday, April 20, 2014 5:47 PM  
**To:** Laura Austin  
**Subject:** Fwd: Pine Meadows

Sent from my iPhone

Begin forwarded message:

**From:** Jim Hall <[JimSkyFlyer@comcast.net](mailto:JimSkyFlyer@comcast.net)>  
**Date:** April 20, 2014 at 4:06:16 PM PDT  
**To:** [dinasini@comcast.net](mailto:dinasini@comcast.net)  
**Cc:** Mayor Rob Schroder <[rschroder@cityofmartinez.org](mailto:rschroder@cityofmartinez.org)>, Councilman Mark Ross <[mross@cityofmartinez.org](mailto:mross@cityofmartinez.org)>, Councilwoman Delaney <[ldelaney@cityofmartinez.org](mailto:ldelaney@cityofmartinez.org)>, [amafarias@cityofmartinez.org](mailto:amafarias@cityofmartinez.org), [mmenesmi@cityofmartinez.org](mailto:mmenesmi@cityofmartinez.org)  
**Subject:** Pine Meadows

As a long-time resident of Martinez, I strongly disapprove of re-zoning Pine Meadows to accommodate the greed of developers. Martinez needs more open space to preserve our quality of life - not less. Our civic leaders, with their questionable values, have already cursed this town with re-zoning schemes like Berrellessa Palms and Cascara Canyon. Without an EIR, expect another rubber-stamped nightmare from this bunch. This mayor and city council seems to know the price of everything and the value of nothing!

Fellow Martnezites let your voices be heard.

Sadly,

Jim Hall

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**Response to Comment O****Jim Hall, Citizen/Neighbor**

**Response:** This comment does not pertain to the merits of the environmental analysis so a detailed response cannot be provided. To the extent it is helpful to better understand the request of the applicant for the General Plan amendment, please see Response to Comment I and N on this point. The comment mentions that an EIR should be prepared but does not state the basis or provide adequate evidence to require the preparation of an EIR. Please refer to Response to Comment H on this same request.

**Laura Austin**

**From:** Dina Tasini [dinasini@comcast.net]  
**Sent:** Sunday, April 20, 2014 5:46 PM  
**To:** Laura Austin  
**Subject:** Fwd: Pine Meadows - Initial Study/ Mitigated Negative Declaration Response

Sent from my iPhone

Begin forwarded message:

**From:** [mmenesini2@gmail.com](mailto:mmenesini2@gmail.com)  
**Date:** April 20, 2014 at 5:24:53 PM PDT  
**To:** "dinasini@comcast.net" <dinasini@comcast.net>  
**Cc:** Rob Schroder <[rschroder@cityofmartinez.org](mailto:rschroder@cityofmartinez.org)>, Mark Ross <[mross@cityofmartinez.org](mailto:mross@cityofmartinez.org)>, Lara DeLaney <[ldelaney@cityofmartinez.org](mailto:ldelaney@cityofmartinez.org)>, Anamarie Avila Farias <[amafarias@cityofmartinez.org](mailto:amafarias@cityofmartinez.org)>, Mike Menesini <[mmenesini@cityofmartinez.org](mailto:mmenesini@cityofmartinez.org)>  
**Subject:** Pine Meadows - Initial Study/ Mitigated Negative Declaration Response

Ms. Tasini,

The Pine Meadows open space with 100 hundred homes proposed on less than 26 acres with the removal of fifty trees should require an Environmental Impact Report (EIR) considering the cumulative effect of several environmental elements, it's impact on the existing neighborhood, and the lack of an updated city general plan that properly addresses environmental justice as it pertains to designated open space.

The City of Martinez Tree Protection Ordinance states trees are a vital part of a healthy environment providing soil stability and wildlife habitat while preserving scenic beauty. The removal of 47 oak and redwood trees would have an adverse effect on providing habitat for existing raptors and scenic beauty within the immediate community. Many of these trees slated for removal fall into protection size of the ordinance.

These trees provide canopy and nesting habitat for many species of small and large birds that are protected under the Migratory Bird Treaty. Some of the raptors in the area such as the Cooper's hawk, red tail hawk, and the white tailed kite, feed on the rodents that inhabit the proposed site.

The rodents at the site, should the project be approved, were said to be chemically exterminated which would have a negative effect on the raptors that currently feed on them. This action would need an EIR to determine the air, soil and toxicology effects of the pesticide used or an alternate method of eradication.

This open space is home to many other animals including the protected California Red Legged Frog which falls in the special -status wildlife species which receives regulatory protection.

Considering the recent open space lands that are being developed and others that are proposed for residential construction in Martinez, the cumulative effect of development within the city warrants this project to go before an EIR review.

The Martinez General Plan has not been up for public review since 1972, therefore does not meet California Legislature Guidelines to include environmental justice. Because of this point, any property zoned open space shall have a Comprehensive General Plan that meets California General Plan Guidelines.

The Developer's Initial Study/Negative Declaration Amendment states, " This designation of permanent open space shall not apply to private recreational resources such as the private golf course , or other facilities where the city has no vested ownership." The city must provide in this report or an EIR , a list and map of private recreational resources and other facilities where the city has no vested interest.

A few alternate uses and plans should be considered. There was discussion about a disc golf course at the Hidden Lakes Park. This property would be a natural site and the grounds could be left un irrigated which is a critical issue with the drought. Allowing this property to stay open space and proposing to the owners to enter into a ten year rolling Williamson Act Agreement would be an alternative. The owner would reap the benefit of a 25-75% tax liability savings. The best use of this property surrounded by a large residential area is for it to be left zoned as open space.

Should this discussion fail, it is imperative that an Environmental Impact Report be done to explore the issues discussed in this response to the Initial Study/ Mitigated Negative Declaration before a decision is made to change the zoning of the Pine Meadows property.

Respectfully Submitted,  
Jim Neu  
3334 Ricks Ave  
Martinez, Ca. 94553

Sent from my iPad

**Response to Comment P      Jim Neu, Citizen/Neighbor**

**Response:**      The comment mentions that an EIR should be prepared but does not state the basis or provide adequate evidence to require the preparation of an EIR. Please refer to Response to Comment H on this same request.

The comment expresses concerns about the loss of biological resources on the site. The Final MND analyzed the project's potential impacts on biological resources at pages 33-41. The Final MND concludes that the project with implementation of the recommended mitigation measures will not have a significant impact on biological resources.

The comment questions regarding the applicant's request to amend the General Plan to allow residential development to occur on the site. Please see Response to Comments I and N on this same point.

With respect to the comment on an alternative plan, please see Response to Comment A on this same point.

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**Laura Austin**

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**From:** Dina Tasini [dinasini@comcast.net]  
**Sent:** Sunday, April 20, 2014 5:47 PM  
**To:** Laura Austin  
**Subject:** Fwd: Time to ReThink This Plan

Sent from my iPhone

Begin forwarded message:

**From:** kerry kilmer <[kkilmer16@hotmail.com](mailto:kkilmer16@hotmail.com)>  
**Date:** April 20, 2014 at 2:46:31 PM PDT  
**To:** "dinasini@comcast.net" <[dinasini@comcast.net](mailto:dinasini@comcast.net)>, "rschroder@cityofmartinez.org" <[rschroder@cityofmartinez.org](mailto:rschroder@cityofmartinez.org)>  
**Subject:** Time to ReThink This Plan

Good afternoon,

I am a 22-year Martinez resident and love this city because of its open space, rural, small town qualities. It is why I live, shop, dine and recreate here, not in Walnut Creek, not in Concord. I am also a wildlife rehabilitator.

I understand there is a proposed 100 new housing development planned for the Pine Meadows Golf Course? I am flatly opposed to this idea particularly when an Environmental Impact Report has not been done. This is presently zoned "Open Space and Recreation, PERMANENT" and should stay as such.

We need more business opportunities in our downtown, NOT more housing in what little remaining open space we have. Let's, please, not make the same mistakes that our surrounding cities have made where their citizens have only little shreds of parks for open space. Martinez can truly do better and, today, we have that opportunity.

As a wildlife advocate and rehabilitator, I can tell you first-hand the horrors that development brings to our native animals, birds and mammals. This meager 26 acres is a necessary, critical safe haven for all wildlife including old and mature trees.

A FULL Environmental Impact Report is ABSOLUTELY the prudent and POLITICALLY CORRECT step. As your constituent and as our city leaders, I trust that you will approach the use of the 26 acres in a sensible, well thought out, BIG PICTURE approach. It shouldn't be just about the money, but, more importantly the dwindling open space people and animals need and love. An EIR is absolutely essential.

Thank you,  
Kerry Kilmer  
2151 Tacoma Ave.  
Martinez, CA  
925.370.0668

Kerry

A country or civilization can be judged by the way it treats  
its animals - Gandhi

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**Response to Comment Q      Kerry Kilmer, Citizen/Neighbor**

**Response:**      The City staff recognizes the commentors concerns and recommendations regarding open space, wildlife, trees, and the proposed rezoning of the project site. Please refer to Response to Comments B, F and N on these same points.

Please be advised that after the March MND was released, the applicant amended its application to reflect 99 units as opposed to 100 units.

The comment expresses concerns about the loss of biological resources on the site. The Final MND analyzed the project's potential impacts on biological resources at pages 33-41. The Final MND concludes that the project with implementation of the recommended mitigation measures will not have a significant impact on biological resources.

The City also recognizes that some citizens have concerns for more business opportunities in our downtown, and other political topics within the City. Citizens have the right and opportunity to present their concerns for concerns for more business opportunities in our downtown, and other political topics, to the elected officials during hearings. Because this portion of the comment does not pertain to the merits of the environmental document no further responses is required.

Please refer to Response to Comment H explaining why an EIR was not required for this project.

**Laura Austin**

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**From:** Dina Taelni [dinetasini@comcast.net]  
**Sent:** Sunday, April 20, 2014 5:48 PM  
**To:** Laura Austin  
**Subject:** Fwd: Pine Meadows

Sent from my iPhone

Begin forwarded message:

**From:** Marie Olson <marieolson@earthlink.net>  
**Date:** April 20, 2014 at 12:26:04 PM PDT  
**To:** dinetasini@comcast.net  
**Subject:** Pine Meadows

Hi, Dina,

Hope all is well with you. It's been some time since we've gotten together, but I notice the Alhambra Highlands are still in the news. Times have changed, but they haven't changed.

Please register our opposition to any open space change to Pine Meadows.

Many thanks,

Marie and Hal Olson  
AVIA

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**Response to Comment R**

**Marie and Hal Olson, Citizen/Neighbor**

**Response:** The commentor's opposition to the Pine Meadows project is noted. No further response is required since the comment does not pertain to the merits of the environmental document.

**Laura Austin**

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**From:** Dina Tasini [dinasini@comcast.net]  
**Sent:** Sunday, April 20, 2014 7:26 PM  
**To:** Laura Austin  
**Subject:** Fwd: Pine Meadows

Sent from my iPhone

Begin forwarded message:

**From:** Robert Rust <rjrust@hotmail.com>  
**Date:** April 20, 2014 at 7:10:05 PM PDT  
**To:** "dinasini@comcast.net" <dinasini@comcast.net>  
**Cc:** "rschroder@cityofmartinez.org" <rschroder@cityofmartinez.org>,  
"tim\_mart2001@yahoo.com" <tim\_mart2001@yahoo.com>  
**Subject:** Pine Meadows

To all concerned,

I am strongly opposed to adding 100 new homes at Pine Meadows. It is often nearly impossible to get in and out of Hidden Valley Park with the traffic that is there now. The same is true for Hidden Valley Elementary School.

The quality of life in the area is already much diminished by the addition of relatively high density housing at the former Farmers Shopping Center and the old Pacheco school.

I think that a much wiser use of the area would be open space. Please open the golf course to the public as soccer fields, baseball diamonds, bike path or wildlife area.

Save this socially valuable open space now while it is still available.

Sincerely,  
Robert Rust  
Martinez, Ca



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**Response to Comment S****Robert Rust, Citizen/Neighbor**

**Response:** The commentor's opposition to the Pine Meadows project is noted. Be advised the application was amended to reflect 99 homes. With respect to the comment on traffic, please refer to Response to Comment A on the same point. The remainder of the comment does not pertain to the merits of the environmental document so no further response is required.

**Laura Austin**

**From:** Dina Tasini [dinetasini@comcast.net]  
**Sent:** Sunday, April 20, 2014 9:07 PM  
**To:** Laura Austin  
**Subject:** Fwd: Pine Meadows - Initial Study/ Mitigated Negative Declaration Response

Another one

Sent from my iPhone

Begin forwarded message:

**From:** Tamhas Griffith <tamhas@gmail.com>  
**Date:** April 20, 2014 at 9:04:00 PM PDT  
**To:** dinetasini@comcast.net  
**Subject:** Pine Meadows - Initial Study/ Mitigated Negative Declaration Response

The following email sent by James Neu expertly expresses my personal concerns as well:

Ms. Tasini,

The Pine Meadows open space with 100 hundred homes proposed on less than 26 acres with the removal of fifty trees should require an Environmental Impact Report (EIR) considering the cumulative effect of several environmental elements, it's impact on the existing neighborhood, and the lack of an updated city general plan that properly addresses environmental justice as it pertains to designated open space.

The City of Martinez Tree Protection Ordinance states trees are a vital part of a healthy environment providing soil stability and wildlife habitat while preserving scenic beauty. The removal of 47 oak and redwood trees would have an adverse effect on providing habitat for existing raptors and scenic beauty within the immediate community. Many of these trees slated for removal fall into protection size of the ordinance.

These trees provide canopy and nesting habitat for many species of small and large birds that are protected under the Migratory Bird Treaty. Some of the raptors in the area such as the Cooper's hawk, red tail hawk, and the white tailed kite, feed on the rodents that inhabit the proposed site.

The rodents at the site, should the project be approved, were said to be chemically exterminated which would have a negative effect on the raptors that currently feed on them. This action would need an EIR to determine the air, soil and toxicology effects of the pesticide used or an alternate method of eradication.

This open space is home to many other animals including the protected California Red Legged Frog which falls in the special -status wildlife species which receives regulatory protection.

Considering the recent open space lands that are being developed and others that are proposed for residential construction in Martinez, the cumulative effect of development within the city warrants this project to go before an EIR review.

The Martinez General Plan has not been up for public review since 1972, therefore does not meet California Legislature Guidelines to include environmental justice. Because of this point any properly zoned open space shall have a Comprehensive General Plan that meets California General Plan Guidelines.

The Developer's Initial Study/Negative Declaration Amendment states, " This designation of

permanent open space shall not apply to private recreational resources such as the private golf course or other facilities where the city has no vested ownership." The city must provide in this report or an EIR, a list and map of private recreational resources and other facilities where the city has no vested interest.

A few alternate uses and plans should be considered. There was discussion about a disc golf course at the Hidden Lakes Park. This property would be a natural site and the grounds could be left un-irrigated which is a critical issue with the drought. Allowing this property to stay open space and proposing to the owners to enter into a ten year rolling Williamson Act Agreement would be an alternative. The owner would reap the benefit of a 25-75% tax liability savings. The best use of this property surrounded by a large residential area is for it to be left zoned as open space.

Should this discussion fail, it is imperative that an Environmental Impact Report be done to explore the issues discussed in this response to the Initial Study/Mitigated Negative Declaration before a decision is made to change the zoning of the Pine Meadows property.

Respectfully Submitted,  
Jim Neu  
3334 Ricks Ave  
Martinez, Ca 94553

Tamhas "Tom" Griffith  
California Naturalist  
BSc. Environmental Systems and Resource Management  
510-610-7005

**Response to Comment T      Tamhas Griffith, Citizen/Neighbor**

**Response:**      This comment is the same comment as Letter P submitted by Jim Neu. Please refer to the Response to Comment P.

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**Laura Austin**

**From:** DINATASINI [dinatasini@comcast.net]  
**Sent:** Monday, April 21, 2014 2:14 PM  
**To:** Laura Austin  
**Subject:** Fwd: Pine Meadows

another one

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**From:** "Arlene Grimes" <abcaskie@att.net>  
**To:** dinatasini@comcast.net  
**Sent:** Monday, April 21, 2014 12:16:25 PM  
**Subject:** Pine Meadows

What's the point of having areas defined as Permanent Open Space if City Council is going to ignore it ?????

I don't think you need any more source of revenue when what we already have is so poorly spent or wasted!!

Arlene Grimes

**Response to Comment U****Arlene Grimes, Citizen/Neighbor**

**Response:** The City recognizes the commentor's concerns regarding land designed as permanent open space. Please see Response to Comments I and N on the points regarding the conversion of the open space designation to residential uses.

**Laura Austin**

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**From:** Dina Tasini [dinasini@comcast.net]  
**Sent:** Monday, April 21, 2014 10:16 AM  
**To:** Laura Austin  
**Subject:** Fwd: Pine Meadows Golf Course

Another one

Sent from my iPhone

Begin forwarded message

**From:** "Bill S" <bill\_s\_online@comcast.net>  
**Date:** April 21, 2014 at 10:04:51 AM PDT  
**To:** "Dina Tassini" <dinasini@comcast.net>, <rschroder@cityofmartinez.org>  
**Subject:** Pine Meadows Golf Course

Dear Dina & Rob,

100 houses are proposed on the 26 acres of land that comprises the Pine Meadows Golf Course, which is now zoned 'Open Space and Recreation, Permanent'. It is proposed to change the zoning of this land to build these houses, yet the zoning says that it is **permanently** open space and recreation.

I had to take a look to see if somehow the word 'permanent' had changed from my understanding my entire life, but the Merriam-Webster Dictionary confirmed what I had thought...

**per·ma·nent**

**adjective** (-rə-nənt)

- : lasting or continuing for a very long time or forever ; not temporary or changing
- : continuing or enduring without fundamental or marked change

So I have to ask you how or why would you want to change something that was zoned by our City to be permanent Open Space & Recreation, and relied on by residents for at least 25 years or more?

Rezoning open space to housing development has a major effect on the environment, on greenhouse gases and climate change, on our property values and our quality of life. A full EIR is required before any such consideration is given to this idea.

Your report states this about the site: "mature woodland vegetation"; "nesting and foraging habitat for a variety of birds" including special status birds protected under the Migratory Bird Treaty Act; "habitat for... The California red-legged frog —an endangered species; "presence of wetlands" near man-made pond; forty-seven (47) old protected trees will be killed, including redwoods and many oaks.

Think of what this land could be. The EIR requires looking at alternative uses for this property. That is a major reason why an EIR must be done before you decide to rezone.

if. This property could be used to be a positive benefit to the community and help solve environmental and climate change issues we face. Housing development will do the opposite--' The project would eliminate foraging habitat ...and...require removal of all trees.'

The current "Open Space and Recreation, Permanent" zoning for this property is one of the highest uses of property and the zoning should not be changed without a full EIR. Additionally, the major General Plan change you propose will have a City-wide effect on open space, as it will allow you to easily convert more open space to housing. That alone requires an EIR due to the extent of the changes it would force on Martinez residents.

All the best

Bill Schitz

*"Lord, help me be the person my dog thinks I am"*

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**Response to Comment V****Bill Schilz, Citizen/Neighbor**

**Response:** The City staff recognizes the commentors concerns regarding land designed as permanent open space. Please see Response to Comments I and N on the points regarding the conversion of the open space designation to residential uses.

The City staff also recognizes the commentors concerns regarding greenhouse gases and climate change, biological resources, and other environmental topics. The Final MND adequately analyzes the project in accordance with the California Environmental Quality Act and found that although the proposed project would not have a significant effect on the environment, with implementation of the mitigation measures recommended in the Final MND. As such, a mitigated negative declaration was deemed the appropriate CEQA document for this project.

The City staff also recognizes that some citizens have concerns on how a project may impact values of adjacent properties. Property value is not a topic that is addressed in environmental documents under pursuant to the California Environmental Quality Act. Citizens have the right and opportunity to present their concerns for property values to the elected officials during hearings for the proposed project.

**Laura Austin**

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**From:** DINATASINI [dinatasini@comcast.net]  
**Sent:** Monday, April 21, 2014 2:15 PM  
**To:** Laura Austin  
**Subject:** Fwd: Pine MeadowsProposal

another one

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**From:** "Bill Sharkey" <bjsharkeyiii36@gmail.com>  
**To:** rschroder@cityofmartinez.org, dinatasini@comcast.net  
**Sent:** Monday, April 21, 2014 12:16:42 PM  
**Subject:** Pine MeadowsProposal

Greetings, Rob and Dina

Is there any relevance to the term 'permanent'? If 'we' really don't mean what we say in zoning matters, should that term be scratched from our codes? The use of it is misleading and a sham.

I hope that due consideration will be given to suggested other uses for Pine Meadows and a rush to judgement not be reached. Once any piece of property is turned over to other uses there is no turning back and the property is lost forever.

Thanks you for your consideration,

Bill Sharkey III  
4551 Alhambra Way  
Martinez, CA 94553-4405

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**Response to Comment W****Bill Sharkey III, Citizen/Neighbor**

**Response:** The City staff recognizes the commentor's concerns regarding land designed as permanent open space. Please see Response to Comments I and N on the point regarding the conversion of the open space designation to residential uses.

**Laura Austin**

**Subject:** FW: Vine Hill Project--Pine Meadows

**From:** Carol Wiley <[cwiley23@comcast.net](mailto:cwiley23@comcast.net)>  
**Date:** April 21, 2014 at 4:48:14 PM PDT  
**To:** "dinasini@comcast.net" <[dinasini@comcast.net](mailto:dinasini@comcast.net)>, "[rschroder@cityofmartinez.org](mailto:rschroder@cityofmartinez.org)" <[rschroder@cityofmartinez.org](mailto:rschroder@cityofmartinez.org)>  
**Subject:** Fwd: Vine Hill Project--Pine Meadows

I too oppose this project. Rezoning will have a major negative impact for those living close by and Martinez in general. We can't undo yet more development.

It is critical to save what is left of our vanishing natural habitat. Our leaders need to think ahead in terms of open space, community parks, and quality of life for generations after us.

Respectfully,  
 Carol Wiley

Sent from my iPhone

Begin forwarded message:

**From:** Harlan Strickland <[hstrickla@comcast.net](mailto:hstrickla@comcast.net)>  
**Date:** April 21, 2014, 4:11:39 PM PDT  
**To:** "Wiley, Carol" <[cwiley23@comcast.net](mailto:cwiley23@comcast.net)>  
**Subject:** Fwd: Vine Hill Project--Pine Meadows

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**From:** "Harlan Strickland" <[hstrickla@comcast.net](mailto:hstrickla@comcast.net)>  
**To:** [dinasini@comcast.net](mailto:dinasini@comcast.net), [rschroder@cityofmartinez.org](mailto:rschroder@cityofmartinez.org)  
**Sent:** Monday, April 21, 2014 3:30:51 PM  
**Subject:** Re: Vine Hill Project--Pine Meadows

Ms. Tasini, Mayor Schroder,

I oppose this project for the reasons listed below, and feel that a full EIR is in order. Additionally, I do not feel it is proper to make no provision for jobs within Martinez for the proposed new residents - the City seems to be following the Antioch model: all housing, no jobs, major commute headaches for new residents.

Respectfully,  
 Harlan Strickland

Rezoning open space to housing development has a major effect on the environment, on greenhouse gases and climate change, on our property values and our quality of life. A full EIR is required.

Your report states this about the site: "mature woodland vegetation", "nesting and foraging habitat for a variety of birds" including special-status birds protected under the Migratory Bird Treaty Act; "habitat for ... The California red-legged frog"—an endangered species; "presence of wetlands" near man-made pond. Forty-seven (47) old protected trees will be killed, including redwoods and many oaks.

Think of what this land could be. The EIR requires looking at alternative uses for this property. That is a major reason why an EIR must be done before you decide to rezone it. This property could be used to be a positive benefit to the community and help solve environmental and climate change issues we face. Housing development will do the opposite---"The project would eliminate foraging habitat ... and ... require removal of all trees."

The current "Open Space and Recreation, Permanent" zoning for this property is one of the highest uses of property and the zoning should not be changed without a full EIR.

Additionally, the major General Plan change you propose will have a City-wide affect on open space, as it will allow you to easily convert more open space to housing. That alone requires an EIR due to the extent of the changes it would force on Martinez residents.

**Response to Comment X Carol Wiley, Citizen/Neighbor**

**Response:** The commentor's opposition to the Pine Meadows project is noted. Please see Response to Comment I and N on the point regarding the conversion of the open space designation to residential uses. Please refer to Response to Comment G park space in the City. The remainder of the comment does not contain specific comments on the merits of the environmental document so no further response can be provided.

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**Laura Austin**

**From:** Dina Tasini [dinasini@comcast.net]  
**Sent:** Monday, April 21, 2014 7:20 AM  
**To:** Laura Austin  
**Subject:** Fwd: Pine Meadows golf course

Sent from my iPhone

Begin forwarded message:

**From:** Debbie Oertel <[debbieoertel@gmail.com](mailto:debbieoertel@gmail.com)>  
**Date:** April 21, 2014 at 7:17:45 AM PDT  
**To:** [dinasini@comcast.net](mailto:dinasini@comcast.net), [rschroder@cityofmartinez.org](mailto:rschroder@cityofmartinez.org)  
**Subject:** Pine Meadows golf course

Re: Vine Hill Project--Pine Meadows

Rezoning open space to housing development has a major affect on the environment, on greenhouse gases and climate change, on our property values and our quality of life. A full EIR is required.

Your report states this about the site: "mature woodland vegetation"; "nesting and foraging habitat for a variety of birds" including special-status birds protected under the Migratory Bird Treaty Act, "habitat for ... The California red-legged frog"—an endangered species; "presence of wetlands" near man-made pond. Forty-seven (47) old protected trees will be killed, including redwoods and many oaks.

Think of what this land could be. The EIR requires looking at alternative uses for this property. That is a major reason why an EIR must be done before you decide to rezone it. This property could be used to be a positive benefit to the community and help solve environmental and climate change issues we face. Housing development with do the opposite---"The project would eliminate foraging habitat ... and ... require removal of all trees."

The current "Open Space and Recreation, Permanent" zoning for this property is one of the highest uses of property and the zoning should not be changed without a full EIR.

Additionally, the major General Plan change you propose will have a City-wide affect on open space, as it will allow you to easily convert more open space to housing. That alone requires and EIR due to the extent of the changes it would force on Martinez residents.

.....

Help protect our open space The Council has already approved 3 major high density projects in Martinez that are being built now. There is no need for this project, and it will make open space a target forever more.

--  
Debbie Aloha Oertel



Future Exec. Sr. Sales Director and-  
Future National Sales Director of our Pink Caddy unit!  
Maui Bound Circle of Excellence Unit 2014  
925 752-1447  
shop my website [www.marykay.com/debbieoertel](http://www.marykay.com/debbieoertel)  
Building our hive to 155!  
Looking for some fun and cash?  
Give me a call!

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**Response to Comment Y****Debbie Oertel, Citizen/Neighbor**

**Response:** The City staff recognizes that there are citizen/neighbor concerns regarding placing new housing in an area designated for open space, the greenhouse gas concerns, and biological resource concerns, and numerous other citizen concerns. Please refer to Response to Comment H explaining why an EIR was not required for this project. This Response also addresses the points raised regarding biology and climate change. Please Refer to Response to Comment A explaining why alternative plans were not required. Please refer to Response to Comment B regarding the open space and General Plan points. Also refer to Response to Comments I and N regarding the proposed change in land use to allow residential uses.

**Response to Comment Z      Harlan Strickland, Citizen/Neighbor**

**Response:**      The comment contains the same points as in Comment Y. Please refer to the Response to Comment Y. The commenter's opposition to the project is noted.

**Laura Austin**

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**From:** Dina Tasini [dinataini@comcast.net]  
**Sent:** Monday, April 21, 2014 10:17 AM  
**To:** Laura Austin  
**Subject:** Fwd: Pine Meadows Golf Course

FYI

Sent from my iPhone

Begin forwarded message:

**From:** Karen Najarian <[sierramaclure@sbcglobal.net](mailto:sierramaclure@sbcglobal.net)>  
**Date:** April 21, 2014 at 9:39:24 AM PDT  
**To:** "dinataini@comcast.net" <[dinataini@comcast.net](mailto:dinataini@comcast.net)>, "rschroder@cityofmartinez.org" <[rschroder@cityofmartinez.org](mailto:rschroder@cityofmartinez.org)>  
**Subject:** Pine Meadows Golf Course  
**Reply-To:** Karen Najarian <[sierramaclure@sbcglobal.net](mailto:sierramaclure@sbcglobal.net)>

About the proposed rezoning for development of the Pine Meadows Golf Course, I ask that you require a full EIR so that we can explore alternatives that will better benefit the citizens of Martinez.

The current "Open Space and Recreation, Permanent" zoning for this property is one of the highest uses of property and the zoning should not be changed without a full EIR.

- Karen Najarian  
Martinez resident since 1982

**Response to Comment AA      Karen Najarian, Citizen/Neighbor**

**Response:** Please refer to Response to Comment H explaining why an EIR was not required on the project. Also refer to Response to Comments I and N regarding the proposed change in the land use designation to allow residential uses.

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## **Response to Comment BB      Mark Thomson, Citizen/Neighbor**

**Response:**      The City staff recognizes the commentor's concerns regarding the proposed General Plan amendment. Please refer to Response to Comments B, I and N on this same point.

The Final MND adequately analyzes the aesthetic impacts on pages 14 through 20. The Final MND indicates that the proposed project will not significantly disrupt middle ground or background views from public viewpoints, but that it would result in changes to the foreground views from the public viewpoint by adding residential homes to a site that is largely open and vegetated. The Final MND included two visual simulations to assess the changes in the foreground view from public viewpoints. View 1 illustrates an existing view of the golf course with a chain link fence and frontage landscaping (mature trees) that are moderately blocking views across the course. The topography rolls slightly down and then back up. The visual simulation illustrates a foreground with frontage landscaping that largely maintains the existing topography. This foreground area also maintains the openness of the existing foreground view. The developed residential subdivision is visible in the background view of this simulation. The landscaping buffer provides visual relief through separation from the public right-of-way. View 2 illustrates an existing view of the golf course with a chain link fence and frontage landscaping (mature trees) that are moderately blocking views across the course. The topography rolls slightly down. The visual simulation illustrates a foreground with frontage landscaping and modified topography that slopes sharply upward toward the back yard of proposed residential housing. This landscaping area provides some visual relief through separation from the public right-of-way; however, the slope up to the residential backyards combined with the two story building is a potential impact. There is no background view from this view point because of the residential structures that are elevated by the topography modification.

The Final MND identifies 23 lots that back up to existing residences along the northern property line (Lots 1-23) and one along the southern property line (Lot 47). It also indicates that a two story building with 25-foot minimum setbacks on these lots pursuant to the City's development standards for this zoning district could be intrusive to the existing property owners living on the adjacent properties because the project site slopes upward causing the new homes to be elevated above the existing homes. It also identified this as a potentially significant impact, but identified a mitigation measure that would reduce the impact to a less than significant level (Mitigation Measure Vis-1).

The Final MND also states that there is a potential for the proposed project to create new sources of light and glare. Examples would include construction lighting, street lighting, security lighting along walkway, exterior building lighting, interior building lighting, automobile lighting, and reflective building materials. The Martinez Municipal Code Chapter 21.28, Section 21.28.020 states that the subdivider shall provide a street lighting system that shall conform to City specifications. The locations of street lights shall be prescribed by the City Engineer. (Ord. 1103 C.S. § I (part), 1987; Prior code § 4522.) The Final MND states that the City Engineer reviews street lighting plans with improvement plan submittals to ensure that the street lighting is designed to meet minimum safety and security standards and to avoid spillover lighting to sensitive uses. To avoid a potential impact, residential building lighting must be consistent with the surrounding residential areas and must include luminaries that cast low-angle illumination to minimize incidental spillover of light onto adjacent residences. Fixtures that project light upward or horizontally would cause a potential impact. Additionally, luminaries must be shielded and directed away from areas adjacent to the project site. The City also reviews building plan submittals to ensure that the reflective building materials are minimized to avoid glare. To avoid a potential impact, residential building materials must be consistent with the surrounding residential areas and must include materials that minimize incidental glare. Materials such as metal siding are an example of building materials that could cause a potential impact. The Final MND identified three mitigation measures that would reduce the potential impact to a less than significant level (Mitigation Measure Vis-2, Vis-3, and Vis-4).

Please refer to Response to Comment A regarding the traffic points raised. The City staff recognizes that there are citizen/neighbor concerns regarding the type of environmental document that is appropriate for this project. Please refer to Response to Comment H explaining why an EIR was not prepared for the project.

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**Laura Austin**

**Subject:** FW: Pine Meadows Project

**From:** Robin Houdashell (<mailto:rhoudashell@cityofmartinez.org>)  
**Sent:** Monday, April 21, 2014 4:59 PM  
**To:** 'rschroder@cityofmartinez.org'; 'mmenesini@cityofmartinez.org'; 'amafarias@cityofmartinez.org'; 'mross@cityofmartinez.org'; 'Lara DeLaney -'  
**Cc:** 'Mercy Cabral'  
**Subject:** Pine Meadows Project

April 21, 2014

Good Afternoon Mayor Schroder & Councilmembers,

It is my understanding that we are to send comments regarding the Pine Meadows project in by today, Monday, April 21, 2014. I have went to two meetings put on by De Novo and have looked over the report that was sent out for our review called The Initial Study and Mitigated Negative Declaration.

I must admit that I have sentimental fond memories of this golf course and surrounding land. I grew up in this area and fed the horses that were directly across the street from the golf course, as well as fed the ducks at the pond, also across the street from the golf course, both areas are now covered with houses. I also know that in our city, the destroying of land to building houses, is quite a passionate one, as you all know in dealing with the Alhambra Hills area, in which I am also against the building of homes there.

We live in a suburban area, which in our minds is homes and open land space not crowded together with dwellings, which is the way it is in larger cities, like San Francisco.

I live around the corner from the golf course, which many of us enjoying living next to. We enjoy the open space, the birds, the trees, the frogs, we enjoy not having the wall to wall houses.

In looking over the report there are a few concerns I have:

1. Section 21.21... This 25.9 acre golf course is designaed as open space - have heard the statement from Dean and DeNovo that this was wrongly designated as such. However, the original owner is no longer with us, and it was designated that way originally. It was designated as open space to be enjoyed by the residents of Martinez, and particularly our track of houses, called Pleasant View. As a girl I lived in the only two story on Rolling Hill way, which backs right up against the golf course. We had a "pleasant view" of the golf course, with a barbed wire fence we could see it clearly, we were one of the original model homes. To remove this is designated as open space, needs a 4-5 vote by city council or it needs to go to the voters.
2. 47 protected trees under protection ordinance - There are numerous protected trees on this acreage, protected under the City's Tree Preservation ordinance, that should not be removed.
3. There is wildlife on this property - birds, frogs, raccoons, possums that will lose their habitat and will either be killed or they will flee to nearby suburban homes. The frog study was only done 2 days in June to look for the protectec red-legged frog. I don't think that is a thorough enough study.

- 4) **Aesthetics**.. We would lose our beautiful open space golf-course that many of our Martinez families enjoy using; to be filled with houses, more traffic, more people.
- 5) **Money**.. (Always the bottom line in our society ) Lots of money to be made on this project, but Martinez will lose their only golf course, will lose this beautiful open space, and the environmental impact of loss of trees and biological impact upon the animals is unconscionable

Please do your due diligence to weigh the problems and concerns with the building on this land and keep our beautiful open space!

Respectfully Submitted,

Robin Houdashell  
Pleasant View homeowner

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**Response to Comment CC      Robin Houdshell, Citizen/Neighbor**

**Response:**      Please refer to Response to Comments B, I and N regarding the proposed change in land use from open space to residential uses on the project site.

The Final MND adequately analyzes the proposed project's impacts to Biological Resources on pages 33 to 41. This analysis includes protected trees and wildlife impacts.

The City staff recognizes that some citizens have concerns on how a project may impact the economics of a project, neighboring site, or the City itself. The economics of a project are not a topic that is addressed in a mitigated negative declaration pursuant to the California Environmental Quality Act. Citizens have the right and opportunity to present their concerns regarding economic impacts to the elected officials during hearings for the proposed project.

**Laura Auslin**

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**From:** DINATASINI [dinatasini@comcast.net]  
**Sent:** Monday, April 21, 2014 2:47 PM  
**To:** Laura Auslin  
**Subject:** Fwd: Comments on the Vine Hill Project

one more

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**From:** "Sherida Bush" <rscribe@pacbell.net>  
**To:** dinatasini@comcast.net  
**Sent:** Monday, April 21, 2014 2:41:03 PM  
**Subject:** Comments on the Vine Hill Project

Dear Ms. Tasini, [Dina, could you please acknowledge receipt of this? Thanks.]

Re: Vine Hill Project—Pine Meadows

I am calling for an EIR for this project. A Negative Declaration insufficiently weighs the citywide impacts of this 100-house development on what is now zoned as Open Space & Recreation, Permanent.

Re-zoning this property calls for a General Plan Amendment and is not only a bad precedent, it lessens the opportunity to add much-needed park land city wide (see discussion below). Contrary to popular belief, the city does not own all of the areas currently used for parks. Much of it is used by agreement with the property owners.

Given the optimal calculations per person for park space needed per capita in the city (according to national standards), Martínez has less than half of the parkland standard, even with the "borrowed" land.

Back to the EIR: Developing what is now basically open land has widespread impact. What is stated as suitable habitat on the land for numerous native and special-status species is not mitigatable in Martínez. We are not manufacturing open space. Habitat loss is the primary reason species such as the mentioned red-legged frog are disappearing from the area, if not the earth. Development of this land without the proper assessment in an EIR of the resources there (e.g., native or special-status species) is unacceptable. In addition, habitat for special-status species could be created if the land remains as currently zoned; this would not be possible if developed.

The grading needed for this project, along with the removal of 47 heritage, protected (under current code) trees is unacceptable. Both will contribute to climate change, reduced air quality, reduced water quality, air pollution, water pollution, increased CO<sub>2</sub> in the atmosphere (not only through carbon release and lack of carbon sequestration, but also the addition of concrete and other substance that outgas CO<sub>2</sub>).

The report statement that the project will “result in estimated operational GHG emissions of 1,487.6 metric tons per year of GHGs” (or 3,271,400 pounds of Greenhouse Gas per year) is its own argument for an EIR. Martinez can do better and needs to look at its contribution to climate change. An EIR is necessary to look at alternative uses.

Habitat loss, threats to native and special status species and contributions to climate change, none of which can adequately be mitigated in the area, call for a full EIR.

As a former Chair and member of the Park and Recreation Commission (15 years), I am very familiar with the Martinez Park System. The much-needed addition of park space has not happened in the past 23 years. The Pine Meadows property is zoned as recreation and open space and should remain so.

A dozen years ago, Martinez failed the standards of service for parkland as follows:

**COMPARATIVE PARK STANDARDS AND LEVELS OF SERVICE**

Governmental Agency	Mini-Parks/ Plazas	Neighborhood Parks/Playground	Community Parks	Total Acreage
National Standard	1 ac, 1/4-1/2 1/2ac/1000 1/4-1/2 mi.rad.	2-15+ac, 1-2 ac/1000 1/4-1/2 mi rad	25+ ac, 5-8 ac/1000 1-2 mi rad	
Martinez (37,000)	2.45 ac total 0.6ac/1000 18 ac ideal	45.9 ac total 0.8 ac/1000 74 ac ideal	121.7 ac total 3.2 ac/1000 296 ac ideal	171 ac parkland

In 1991, the neighborhood park ratio of land to population is 0.8 acre per 1,000 population, which falls below the recommended national standard of 1 to 2 acres per 1,000 people. To accommodate a projected population increase of more than 12,000 people, the City of Martinez should add at least acres to the park system—25 acres would be closer to what is needed, in accordance with the national standards.

No new parks have been added to the park system since Mt. View Park and Morello School Park over 20 years ago. Yet the population keeps increasing, creating an even lower park-to-population

**Response to Comment DD Sherida Bush, Citizen/Neighbor**

**Response:** Please refer to Response to Comments B, I and N regarding the proposed change in land use from open space to residential uses on the project site.

With respect to the comment on park standards, please refer to Response to Comment I on this same topic.

Also refer to Response to Comment G for a list of the parks in the City

The proposed project impacts to Biological Resources are analyzed in the Final MND on pages 33 to 41. This includes an analysis of special status species, habitat, and trees.

The proposed project impacts to Air Quality are analyzed in the Final MND on pages 22 to 32, and Greenhouse Gas and Climate Change impacts are analyzed on pages 49 to 51.

The proposed project impacts to Parks are analyzed in the Final MND on pages 86 to 87. The City currently meets their overall standard with 226.5 acres of parkland, which is equivalent to 6.22 acres of parkland per 1,000 people. The project site is not a designated park site. The proposed project would add 100 residential units, which is expected to generate a population of 280 people according to the Municipal Code Section 21.46.040 formula for calculated park dedication. This increase in people would result in an increased demand for 1.4 acres of parkland under the Municipal Code Chapter 21.46 – Park Dedication (five acres of parkland per 1,000 people). The City park dedication in-lieu fee (as of September 2013) requires payment of \$509,500; however, the fees are subject to future changes. The City uses the park dedication in-lieu fees to acquire and development park facilities based on demands. In addition to the park dedication in-lieu fees, the City charges an Impact/Mitigation Fee for parks and recreation. The total project contribution under the current fee schedule would be \$250,900; however, the fees are subject to future changes. The payment of the City park dedication in-lieu fees and the Impact/Mitigation Fee for park and recreation by the project proponent would serve as adequate compensation for the park and recreational facilities required by the proposed project.

**Laura Austin**

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**Subject:** FW: Pine Meadows Golf Course---Open Space Attack SIMPLE ACTION NEEDED BY MONDAY DEADLINE---PLEASE HELP

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**From:** "Stephen Lao" <stephenlao@hotmail.com>  
**To:** dinatasini@comcast.net, rschroder@cityofmartinez.org, "Gay Gerlack" <ggerlack@aol.com>  
**Sent:** Monday, April 21, 2014 3:38:14 PM  
**Subject:** FW: Pine Meadows Golf Course---Open Space Attack SIMPLE ACTION NEEDED BY MONDAY DEADLINE---PLEASE HELP

If the city already designated as Open Space, why changing to develop it? Regulations and ordinances are to be broken for a group of people? I strongly oppose it

Stephen Lao

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**To:** [ggerlack@aol.com](mailto:ggerlack@aol.com)  
**Subject:** Fwd: Pine Meadows Golf Course---Open Space Attack SIMPLE ACTION NEEDED BY MONDAY DEADLINE---PLEASE HELP  
**From:** [ggerlack@aol.com](mailto:ggerlack@aol.com)  
**Date:** Mon, 21 Apr 2014 06:10:47 -0400

**FYI - Important - Deadline for input is Monday at 5:00 PM...**

**Subject:** Re: Pine Meadows Golf Course---Open Space Attack SIMPLE ACTION NEEDED BY MONDAY DEADLINE---PLEASE HELP

Friends and neighbors,

100 houses are proposed on this 26 acres of land that is now zoned "Open Space and Recreation, Permanent". Comment period ends Monday at 5PM.

Please send a simple e-mail to [dinatasini@comcast.net](mailto:dinatasini@comcast.net) and [rschroder@cityofmartinez.org](mailto:rschroder@cityofmartinez.org) to oppose this project, unless an Environmental Impact Report is done

Here are simple facts to state. Use any of these words you want or use your own, but SAY SOMETHING please

Re: Vine Hill Project---Pine Meadows

Rezoning open space to housing development has a major affect on the environment, on greenhouse gases and climate change, on our property values and our quality of life. A full EIR is required.

Your report states this about the site: "mature woodland vegetation"; "nesting and foraging habitat for a variety of birds" including special-status birds protected under the Migratory Bird Treaty Act; "habitat for ... The California red-legged frog" -- an endangered species; "presence of wetlands" near man-made pond. Forty-seven (47) old protected trees will be killed, including redwoods and many oaks.

Think of what this land could be. The EIR requires looking at alternative uses for this property. That is a major reason why an EIR must be done before you decide to rezone it. This property could be used to be a positive benefit to the community and help solve environmental and climate change issues we face. Housing development will do the opposite---"The project would eliminate foraging habitat ... and ... require removal of all trees."

The current "Open Space and Recreation, Permanent" zoning for this property is one of the highest uses of property and the zoning should not be changed without a full EIR.

Additionally, the major General Plan change you propose will have a City-wide affect on open space, as it will allow you to easily convert more open space to housing. That alone requires and EIR due to the extent of the changes it would force on Martinez residents.

Here is a link to all the reports on this project on the City website

[http://www.cityofmartinez.org/depts/planning/pine\\_meadows\\_subdivision\\_9358.asp](http://www.cityofmartinez.org/depts/planning/pine_meadows_subdivision_9358.asp)

Please send something NOW to the City to get our concerns in the official record.

If you can, send me a copy of anything you send, so I can make sure the City includes it in the report.

Help protect our open space. The Council has already approved 3 major high density projects in Martinez that are being built now. There is no need for this project, and it will make open space a target forever more.

Tim Platt

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**Response to Comment EE      Stephen Lao, Citizen/Neighbor**

**Response:**      The commentator's opposition to the Pine Meadows project is noted. Please refer to Response to Comments B, I and N regarding the proposed change in land use to allow residential uses. The comment does not contain any specific comments on the merits of the environmental document so no further response is required.

**Laura Austin**

**From:** Dina Tasini [dintasini@comcast.net]  
**Sent:** Monday, April 21, 2014 10:19 AM  
**To:** Laura Austin  
**Subject:** Fwd: Comments on Vine Hill Project—Pine Meadows

Another one

Sent from my iPhone

Begin forwarded message:

**From:** Tim Platt <tim\_mart2001@yahoo.com>  
**Date:** April 21, 2014 at 8:40:24 AM PDT  
**To:** dintasini090110 <dintasini@comcast.net>  
**Subject:** Comments on Vine Hill Project—Pine Meadows  
**Reply-To:** Tim Platt <tim\_mart2001@yahoo.com>

4/201/14

**Attn:** Dina Tasini  
**Re:** Comments on Vine Hill Project—Pine Meadows

Dina,

General

The Mitigated Negative Declaration/Initial Study is deficient in several particulars in my opinion, but the main deficiency that affects all of the environmental factors is that all analysis and comparisons are made to the additional impact the 100 house development would have over current use. The proper comparison should include looking at alternative, best-uses of the site based upon the existing zoning of "Open Space & Recreation, Permanent". The 100 house impacts should be compared to best-use impacts which will be less than the impacts from current use.

Comparing alternative uses to a proposed project is one of the functions of a complete EIR, and therefore an EIR is necessary for this project.

These alternative uses need to be studied in an EIR before rezoning from Open Space to housing is allowed.

Additionally, the General Plan amendments that the project proposes require a separate EIR and analysis, as the amendments have a city-wide affect that could be much more significant on every one of the environmental factors. These General Plan amendments will potentially affect a large number of open space and recreation areas throughout the city and her sphere of influence.

Pushing a major General Plan change through like this should not be allowed and is poor public policy. It is unfair to the public. A full and separate EIR for these General Plan amendments is necessary.

Up-zoning this property from "Open Space & Recreation, Permanent" to housing use will certainly benefit the developer and land owner. Other alternative uses that will benefit the community, or reduce impacts on the community should be rigorously explored before granting this boon to the developer and land owner. This is an additional reason a separate FIR that will look at best-use alternatives needs to be done.

All comparisons in the Negative Declaration should not be to current site conditions and uses, but to best use alternatives. The findings in the Negative Declaration are therefore not valid. An EIR is necessary to look at other alternatives, some of which can be very beneficial to the community. These alternatives should be the basis for all comparisons and analysis of impacts. Therefore the Negative Declaration comparisons are understated, and falsely rate the 100 house project higher than it should be.

I believe there are deficiencies in this Negative Declaration and reports, and that a full EIR is required.

The EIR is also needed because of the widespread effects of the project's General Plan amendments can have on the extensive open space areas in Martinez and her sphere of influence.

Analyzing only the proposed 100 house project gives a totally false understanding of what the best use of this land is BEFORE IT IS REZONED. That best use may not require rezoning. The negative Declaration findings will change, if best-use alternatives are used as the basis for comparison.

Following are additional comments on the analysis of various environmental factors. These comments are in addition to the general comments I have made above which pertain to every one of the environmental factors. All comparisons in the Negative Declaration should not be to current site conditions and uses, but to best-use alternatives. The findings in the Negative Declaration are therefore not valid.

#### IV. Biological Resources

The report points out the site's potential for being a home to flora and fauna that are native to the area. Several are endangered species. Also certain natural and man-made features of note already exist, including many mature trees, a man-made pond with wetlands and a rolling topography.

"nesting birds may utilize the trees and open areas"

"Suitable habitat for one species, the California red-egged frog (*Rana draytonii*, CRLF) is present."

"A total of 65 rare plants are listed as occurring within a nine-quadrangle area surrounding the project site."

"The project site does provide suitable nesting and foraging habitat for a variety of birds, both special-status and non-special-status, but protected under the Migratory Bird Treaty Act (MBTA). The trees on the project site might provide nesting habitat for special-status birds, including Cooper's hawk (*Accipiter cooperii*) and white-tailed kite (*Elanus leucurus*). Shrubs and small trees on site also provide nesting habitat for a variety of birds protected under the MBTA, including western bluebird (*Sialia mexicana*), American goldfinch (*Carduelis tristis*), oak titmouse (*Baeolophus inornatus*) and others.

There are a variety of raptors and/or birds protected by the MBTA that could utilize this habitat for nesting or foraging. The project would eliminate foraging habitat on the project site and would require the removal of all trees."

"the presence of wetland vegetation"

"The largest tree measured 178 inches in circumference. 47 trees protected under the Martinez Municipal Code"

The project will severely degrade the site's current and potential value as a natural resource.

"The proposed project would include alteration of the topography on the entire project site"

"The proposed project would result in the loss of 47 trees protected under the Martinez Municipal Code Title 8 Health and Safety Chapter 8.12 Preservation of Trees on Private Property - Preservation, Protection and Removal."

When compared to best use of this site while retaining existing zoning, the proposed 100 house project would have significant impacts on all sections of this environmental category. Section a, and b, and e, are significantly affected. The reuse of the pond and wetlands in a best-use alternative would make c, an impact section.

Section e, is also directly affected, and would be much more severely affected, if alternative uses were explored.

Our community unfortunately currently has no Habitat Conservation Plan, Natural Community Conservation Plan, or other approved habitat conservation plan, to the best of my knowledge. Also none is proposed in the update to the General Plan which is in process now.

An EIR is necessary to look at other alternatives, some of which can be very beneficial to the community. These alternatives should be the basis for all comparisons and analysis of impacts. Therefore the Negative Declaration comparisons are understated, and falsely rate the 100 house project higher than it should be.

The EIR is also needed because of the widespread effects of the project's General Plan amendments can have on the extensive open space areas in Martinez and her sphere of influence.

Analyzing only the proposed 100 house project gives a totally false understanding of what the best use of this land is BEFORE IT IS REZONED. That best use may not require rezoning. The Negative Declaration findings will change, if best-use alternatives are used as the basis for comparison.

### II. Agriculture and Forest Resources

There are forested areas on the property. A potential use for the property were it to remain open space, could include tree planting. This would POSITIVELY impact air quality and global warming/climate change.

Instead the project will remove 47 heritage trees and an unknown quantity of other oxygen-producing plant life. Their removal will have a measureable NEGATIVE impact on air quality and global warming/climate change.

An EIR is necessary to look at other alternatives, some of which can be very beneficial to the community. These alternatives should be the basis for all comparisons and analysis of impacts. Therefore the Negative Declaration comparisons are understated, and falsely rate the 100 house project higher than it should be.

The EIR is also needed because of the widespread effects of the project's General Plan amendments can have on the extensive open space areas in Martinez and her sphere of influence.

Analyzing only the proposed 100 house project gives a totally false understanding of what the best use of this land is BEFORE IT IS REZONED. That best use may not require rezoning. The Negative Declaration findings will change, if best-use alternatives are used as the basis for comparison.

### III. Air Quality

The project area has the potential to reduce even the current air quality impact of the site, and actually have a positive effect on the environment, were it to be retained and enhanced as an open space area.

This 100 house project when completed is predicted by the report to generate approximately 3,271,400 pounds of Greenhouse Gas per year.

"...proposed project operations would result in estimated operational GHG emissions of 1,487.6 metric tons per year of GHGs."

Potential other uses of this property could actually REDUCE the GHG production of this area below what it is now, and have a positive effect on our community.

The 100 house project unmitigated Reactive Organic Gas (ROG) level exceeds air quality standards. Mitigation reduces that affect, but alternative use such as the current zoning encompasses could lead to a reduction in ROG to below the current levels and therefore to below the predicted mitigated levels.

An EIR is necessary to look at other alternatives, some of which can be very beneficial to the community. These alternatives should be the basis for all comparisons and analysis of impacts. Therefore the Negative Declaration comparisons are understated, and falsely rate the 100 house project higher than it should be.

The EIR is also needed because of the widespread effects of the project's General Plan amendments can have on the extensive open space areas in Martinez and her sphere of influence.

Analyzing only the proposed 100 house project gives a totally false understanding of what the best use of this land is BEFORE IT IS REZONED. That best use may not require rezoning. The Negative Declaration findings will change, if best-use alternatives are used as the basis for comparison.

#### IX Hydrology/Water Quality

The proposed development will dramatically increase the amount of impervious surface on the property, with resultant problems of run-off and degradation of the site capability to filter pollutants out of the water.

"The proposed project would increase impervious surfaces throughout the project site. The proposed project would require the installation of storm drainage infrastructure to ensure that storm waters properly drain from the project site."

Alternative uses could enhance the earth's natural ability to both filter natural water flow, and protect against flooding from excess runoff. Additionally, the lack of housing will reduce the toxic components that will enter the water stream from accumulation of toxic substances, oil/fertilizers/paint/etc., in the streets and at house sites.

The use of the property as open space will also reduce the fertilizer usage that occurs on the property now.

This entire section should be analyzed against alternative uses which could actually improve the site's ability to be hydrologically important.

An EIR is necessary to look at other alternatives, some of which can be very beneficial to the community. These alternatives should be the basis for all comparisons and analysis of impacts. Therefore the Negative Declaration comparisons are understated, and falsely rate the 100 house project higher than it should be.

The EIR is also needed because of the widespread effects of the project's General Plan amendments can have on the extensive open space areas in Martinez and her sphere of influence.

Analyzing only the proposed 100 house project gives a totally false understanding of what the best use of this land is BEFORE IT IS REZONED. That best use may not require rezoning. The Negative Declaration findings will change, if best-use alternatives are used as the basis for comparison.

X. Land Use/Planning

Section b.

"The project site is designated as an Open Space & Recreation land use with a "Permanent" designation. The development of a residential subdivision in an area with such a designation is inconsistent with this policy."

This requires a finding of "Potentially Significant Impact"

This policy change of rezoning open space for housing, both for this project and for other projects through the on going effects of the project's General Plan amendments, would have dramatic effects on ALL the environmental factors of this Negative Declaration, and must be reviewed via EIR for impact

The policy change poses a "Potentially Significant Impact", not a "Less Than Significant with Mitigation Incorporation". This applies to both this project and to the proposed General Plan amendment.

This policy change sets a horrible precedent. It would allow City Council conversion of other open space areas, and would be a precedent to allow the City Council to change other sections of the General Plan pertaining to Open Space.

Open space has never been successfully attacked this way before in Martinez. Opening this door would allow more extensive conversion of other categories of open space.

We have a proud history of protecting and enhancing open space. John Muir would be appalled at our change in direction, I believe. As would those citizens who fought to protect Hidden Lakes, the Westair tree lane, the Franklin Hills, the numerous open spaces in southwest Martinez, the Alhambra Hills, to name a few.

This policy change of the General Plan amendments would have dramatic affects on ALL the environmental factors in this Negative Declaration, and should be reviewed for impact via an EIR.

Additionally, this is a major deviation in the land use for this parcel. This type of deviation also has never been done before in our town. The major nature of is change makes it an impact that cannot be mitigated, and demands an EIR.

An EIR is necessary to look at other alternatives, some of which can be very beneficial to the community. These alternatives should be the basis for all comparisons and analysis of impacts. Therefore the Negative Declaration comparisons are understated, and falsely rate the 100 house project higher than it should be.

The EIR is also needed because of the widespread effects of the project's General Plan amendments can have on the extensive open space areas in Martinez and her sphere of influence.

Analyzing only the proposed 100 house project gives a totally false understanding of what the best use of this land is BEFORE IT IS REZONED. That best use may not require rezoning. The Negative Declaration findings will change, if best-use alternatives are used as the basis for comparison.

#### XIII. Population and Housing

##### Section a.

This project and the General Plan amendments it incorporates are growth inducing. This project must be considered with the other housing projects in process now.

The proposed General Plan amendments themselves are growth inducing, and their growth inducing affects must be analyzed separately. When the potential affects of rezoning open space to housing development are reviewed, the Franklin Hills, Costanza open space, Freitas open space and other protected areas may be wholly or partially susceptible to housing development that would have serious impacts.

An EIR is necessary to look at other alternatives, some of which can be very beneficial to the community. These alternatives should be the basis for all comparisons and analysis of impacts. Therefore the Negative Declaration comparisons are understated, and falsely rate the 100 house project higher than it should be.

The EIR is also needed because of the widespread effects of the project's General Plan amendments can have on the extensive open space areas in Martinez and her sphere of influence.

Analyzing only the proposed 100 house project gives a totally false understanding of what the best use of this land is BEFORE IT IS REZONED. That best use may not require rezoning. The Negative Declaration findings will change, if best-use alternatives are used as the basis for comparison.

#### XVIII. Mandatory Findings of Significance

This environmental factor can only be answered when the 100 house project is compared with best-use alternatives that fit within the existing zoning.

Additionally, the possibility of "Potentially Significant Impacts" needs to be determined separately for the proposed General Plan amendments that will potentially have a much greater and broader impact on our community.

This environmental factor can only be determined based on separate EIRs for both the General Plan amendments and the 100 house project.

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An EIR is necessary to look at other alternatives, some of which can be very beneficial to the community. These alternatives should be the basis for all comparisons and analysis of impacts. Therefore the Negative Declaration comparisons are understated, and falsely rate the 100 house project higher than it should be.

The EIR is also needed because of the widespread effects of the project's General Plan amendments can have on the extensive open space areas in Martinez and her sphere of influence.

Analyzing only the proposed 100 house project gives a totally false understanding of what the best use of this land is BEFORE IT IS REZONED. That best use may not require rezoning. The Negative Declaration findings will change, if best-use alternatives are used as the basis for comparison.

Sincerely,

Tim Platt

**Response to Comment FF Tim Platt, Citizen/Neighbor**

**Response:** The City recognizes that there are citizen/neighbor concerns with the proposal to develop a residential project on a site that is currently designated as OS (Open Space & Recreation, Permanent) General Plan Land Use Designation and M-OS/RF (Mixed Use-Open Space/Recreation Facilities) Zoning Designation. Please refer to Response to Comments B, I and N regarding the proposed change in land use from open space to residential uses on the project site.

We recognize that citizen/neighbors have various recommendations for alternatives; however, the Final MND does not include an alternatives analysis, as this is not a required component of the document. The commentor has the opportunity to provide its recommendation for open space uses on the project site, as well as other sites, or to provide alternatives to the project, at the hearings for this project. The Final MND is an analysis of what was proposed by the project Applicant.

Please refer to Response to Comment H explaining why an EIR was not prepared for the project.

After preparation of the March MND, the applicant revised the project to reflect 99 units as opposed to 100.

The CEQA guidelines require the analysis of the proposed project to the existing conditions. The CEQA guidelines do not require the analysis to be a comparison of the proposed project to "best-use alternatives" as suggested by the commentor. There is no requirement for an alternatives analysis to be performed in an initial study. Additionally, an initial study does not "rate" a project, it simply analysis the proposed project for each topic presented in Appendix G of the CEQA Guidelines. The commentor has the opportunity to provide their recommendation for the project site, as well as other sites, or to provide alternatives to the project, at the hearings for this project. The Final MND is an analysis of what was proposed by the project Applicant.

The proposed project impacts to Biological Resources are analyzed in the Final MND on pages 33 to 41. The proposed project impacts to Agricultural and Forest Resources are analyzed in the Final MND on page 21. The proposed project impacts to Air Quality are analyzed in the Final MND on pages 22 to 32. The proposed project impacts to Hydrology/Water Quality are analyzed in the Final MND on pages 58 to 61. The proposed project impacts to Land Use/Planning are analyzed in the Final MND on pages 62 to 70. The proposed project impacts to Population and Housing are analyzed in the Final MND on

page 83. The Mandatory Findings of Significance are presented in the Final MND on pages 107 to 108.

April 30, 2014

DeNova Homes, Inc  
1500 Willow Pass Court  
Concord, California 94520

Attention: Mr. Dave Sanson

**RE: Response to Public Comment Letters**  
**Mitigated Negative Declaration for the Pine Meadows/Vine Hill Residential Project**  
**City of Martinez, Contra Costa County**  
**(SCH # 2014032046)**

Dear Mr. Sanson

Monk & Associates, Inc. (M&A) is submitting the following responses to the public comment letters received regarding the *Initial Study and Mitigated Negative Declaration (IS/MND)* for the Vine Hill Residential Project. Below we endeavor to address the biological resources comments in correspondence submitted to the City of Martinez regarding this project. No comment letter from any party identifies any new potentially significant adverse biological impact not originally addressed/considered in the previous biological analyses and in the IS/MND. In our responses below, we address the public's comments. Out of an abundance of caution, M&A presents measures that will be implemented by the applicant that will continue to ensure that the proposed project will not result in significant adverse impacts to biological resources. M&A's responses are numbered by comment letter below:

### **1. CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE**

In a letter dated April 17, 2014, Mr. Robert Stanley, Environmental Scientist, California Department of Fish and Wildlife (the Department), provided several comments regarding the IS/MND for the Vine Hill Residential Project.

Department Comment 1) "The Project may also have the potential to fill habitat that may be subject to Section 1600 et seq. of the Fish and Game Code..." "The MND should address the impacts of the project potentially subject to an LSAA in a separate avoidance and minimization measure."

Prior to responding to this comment we present an excerpt from the *Biological Resources Report for the Pine Meadows Golf Course* prepared by Mosaic Associates LLC dated June 24, 2011. This excerpt is also presented in the IS/MND: "There is a man-made pond feature in the center portion of the golf course. This feature is unlined, and filled by groundwater well pumping and city water. Two wells are present on the golf course property. Groundwater pumped from the wells to the pond supplies approximately 40% of the water used to irrigate the golf course, with the balance coming from the Martinez Municipal Water District. The golf course manager reports that it takes approximately 12 hours to fill the pond with pumped water. The purpose of this pond is to hold water for nightly irrigation of the fairways and greens on the golf course, and it would not exist if pumping to this feature were discontinued. The golf course maintenance

crew clears wetland vegetation from the perimeter of the pond twice yearly to maintain open water for irrigation. The crew was clearing vegetation during the May 31 site visit.” The *Biological Resources Report* states that ... “this feature would probably not be considered to be a jurisdictional wetland by the US Army Corps of Engineers because its hydrology is entirely dependent on pumped groundwater and municipal sources.” The *Biological Resources Report* also states that ... “The grassy swales could potentially meet the three technical parameters of a wetland, as defined in the *Corps of Engineers Wetlands Delineation Manual* (“Corps Manual”) (Environmental Laboratory 1987), but a wetland delineation was not conducted during the present effort.”

In response to the findings presented in the Mosaic Associates biology report, on behalf of the applicant, M&A wetland biologists conducted a formal delineation of waters of the U.S. (which includes wetlands) the project site on September 24, 2013. M&A used the Corps’ 1987 *Wetlands Delineation Manual*<sup>1</sup> in conjunction with the regional supplement for the Arid West Region<sup>2</sup>. M&A identified a *plastic lined*, man-made irrigation pond (irrigation water detention basin) located in the center of the golf course. The banks of this irrigation detention basin are reinforced with concrete, and the bottom is lined to prevent loss of water via lateral percolation. The purpose of this pond is to detain water for nightly irrigation of the fairways and greens on the golf course. Groundwater is pumped to the pond from two nearby wells. This water is supplemented by the City of Martinez municipal water system that is also pumped into the pond during the day. A total of 88,000 gallons of water is pumped into the holding pond daily and then dispersed to the 578 sprinklers onsite in the evenings for irrigation.

The man-made golf course pond *was excavated in dry land as an ornamental feature for the golf course*, and thus would not be regulated pursuant to Section 1600 et seq. of the Fish and Game Code. Water is provided to this pond through a piped irrigation system that otherwise supports the golf course. The pond is otherwise completely isolated within turf play areas *and would be upland without artificial irrigation*. In addition, the pond has no hydrologic connectivity to any tributary that would be regulated by the Department pursuant to Section 1600 et seq. of the Fish and Game Code.

A concrete V-ditch that conveys stormwater to a concrete culvert at the northwestern end of the project site and there are two extended drain inlets that are shaped to collect stormwater for delivery into the City storm drain system. These extended drain inlet basin areas do not support a bed or bank, and therefore are not subject to regulation pursuant to Section 1600 et seq. of the Fish and Game Code. The storm drain inlets will be retained by the proposed project, and thus will not be impacted. **Development of the proposed project would not impact features subject to regulation pursuant to Section 1600 et seq. of the Fish and Game Code.**

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<sup>1</sup> U.S. Army Corps of Engineers. 1987. *Corps of Engineers Wetlands Delineation Manual*. Technical Report, Y-87-1. US Army Engineer Waterways Experiment Station, Vicksburg, Mississippi. 100 pp.

<sup>2</sup> U.S. Army Corps of Engineers. 2008. *Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Arid West Region* (Version 2). Ed. J.S. Wakeley, R.W. Lichvar, and C.V. Noble. ERDC/EL TR-06-16. Vicksburg, MS: U.S. Army Engineer Research and Development Center. September 2008.

Department Comment 2) The Project has "...potential to impact unidentified fish and wildlife resources, or their suitable habitat present on the Project site."

The golf course project site does not support natural habitats that would be expected to support native fish and wildlife species. However, the man-made irrigation pond does support mosquito fish (*Gambusia affinis*) that are typically placed into ponded features by the Contra Costa County Mosquito Abatement District. As is typical in recreational areas, it is also likely that a few "pets" have been released into the golf pond. As such, the applicant will take precautions to ensure that aquatic wildlife is not stranded by dewatering of the pond.

While the federal listed California red-legged frog is not expected to be present in the man-made irrigation pond within the golf course setting, out of an abundance of caution and as a precautionary measure, a diurnal and nocturnal survey will be conducted for this frog in the 24 hour period prior to draining this pond. The biologist will have a valid Scientific Collectors Permit from the Department and a 10(a)(1)(A) federal red-legged frog permit. If the California red-legged frog is detected during the survey, the pond will not be drained until appropriate permits are acquired from the U.S. Fish and Wildlife Service. Also see Houdashell Comment 2 below for more about California red-legged frogs.

A biologist will also be present when the golf course pond is drained. If any special-status animal species are detected, the pond draining will be halted pending consultation with the Department. If no special-status species are detected, stranded aquatic wildlife species will be salvaged. California native species will be released to the wilds. Non-native exotic fish will be euthanized humanely. A complete salvage report will be provided by the salvaging biologist to the City of Martinez upon completion of the pond drainage.

The project site is isolated within a densely developed landscape and does not serve as a wildlife corridor, or nursery site, and has no connectivity to other open space areas. As such, the overall project site provides marginal wildlife habitat given the extent of the manicured golf course greens and fairways, and the well maintained landscaping associated with this facility. Wildlife species that use the golf course are typically common species that are well acclimated to high levels of human disturbance.

The IS/MND stated that nesting birds may utilize the trees and open areas, and nesting raptors and other birds are protected under the California Fish and Game Code and the Migratory Bird Treaty Act. The Migratory Bird Treaty Act of 1918 (16 U.S.C. §§ 703-712, July 3, 1918, as amended 1936, 1960, 1968, 1969, 1974, 1978, 1986 and 1989) makes it unlawful to "take" (kill, harm, harass, shoot, etc.) any migratory bird listed in Title 50 of the Code of Federal Regulations, Section 10.13, including their active nests, eggs, or young. Migratory birds include geese, ducks, shorebirds, raptors, songbirds, wading birds, seabirds, and passerine birds (such as warblers, flycatchers, swallows, etc.). California Fish and Game Code §§3503, 3503.5, 3511, and 3513 prohibit the "take, possession, or destruction of birds, their nests or eggs." Disturbance that causes nest abandonment and/or loss of reproductive effort (killing or abandonment of eggs or young) is considered "take." Mitigation Measure Bio-1 of the IS/MND addresses this potential impact to nesting birds. This Mitigation Measure follows:

**Mitigation Measure Bio-1:** *If project construction activities, including vegetation clearing, are to occur during the nesting season for birds protected under the California Fish and Game Code and Migratory Bird Treaty Act (approximately March 1-August 31) the project applicant shall retain a qualified biologist to perform preconstruction surveys for protected birds, including nesting raptors, on the project site and in the immediate vicinity. At least two surveys shall be conducted no more than 15 days prior to the initiation of construction activities, including vegetation clearing. In the event that protected birds, including nesting raptors, are found on the project site, offsite improvement corridors, or the immediate vicinity, the project applicant shall:*

- *Locate and map the location of the nest site. Within 2 working days of the surveys prepare a report and submit to the City and CDFW;*
- *A no-disturbance buffer of 250 feet shall be established,*
- *On-going weekly surveys shall be conducted to ensure that the no disturbance buffer is maintained. Construction can resume when a qualified biologist has confirmed that the birds have fledged.*

Implementation of this mitigation measure would reduce impacts to nesting raptors and other birds to a level considered *less than significant* pursuant to CEQA.

Department Comment 3) “The Biological Resources Section IV of the Mitigated Negative Declaration (MND) notes that suitable habitat for bat foraging may be present but the Biological Resources Section and the *Biological Resources Report*, Appendix C, do not indicate if suitable roosting habitat assessments were conducted or if focused surveys were conducted to identify the bat species that may have the potential to use the area for foraging. CDFW recommends a habitat assessment for roosting habitat be conducted and, if necessary, focused surveys. Furthermore, if assessments determine that suitable habitat for roosting exists on the Project site, the Department recommends pre-construction surveys, construction monitoring, avoidance, minimization measures be developed in consultation with the Department.”

The *Biological Resources Report* states that “bats likely forage over the pond and the golf course during the evening hours.” That report did not make a determination that bat roosting habitat exists on the project site, only that the project site provides bat foraging habitat which is not protected pursuant to CEQA. Many bat species are common in Contra Costa County, and typically these common bats forage in open spaces. Below we provide a mitigation measure to address the Department’s comments and that out of an abundance of caution will ensure that there will be no impacts to special-status bat roosting habitats.

**Mitigation Measure Bio-2: Special-Status Bat Roosting Habitat**

*A qualified biologist will conduct an assessment to determine if suitable habitat for bat roosting exists on the Project site. In order to avoid impacts to roosting special-status bats, a tree and building preconstruction survey shall be conducted 15 days prior to commencing with tree or structure removal. Tree canopies and cavities and any structures slated for removal shall be examined for evidence of bat roosting. All bat surveys will be conducted by a biologist with*

*known experience surveying for bats. If no bats are found during the survey, structure demolition and tree removal work shall be conducted within one month of the survey.*

*If a maternity colony is found during the surveys, the project proponent will consult with CDFW. No eviction/exclusion shall be allowed during the maternity season (typically between April 15 and July 30), and impacts to this tree/structure shall be avoided until the young have reach independence. If a non-reproductive group of bats are found within a building or roost tree, the project proponent will consult with CDFW, and they shall be evicted by a qualified biologist and excluded from the roost site prior to work activities during the suitable time frame for bat eviction/exclusion (i.e., February 20 to April 14, and July 30 to October 15).*

Implementation of this mitigation measure would ensure that there are no impacts to special-status bats roosting habitat.

## **2. ROBIN HOUDASHELL**

In an email dated April 21, 2014, Robin Houdashell provided several comments regarding the MND and the proposed project.

Houdashell Comment 1): There are numerous protected trees on this acreage, protected under the City's Tree Preservation ordinance that should not be removed.

The proposed project would result in the loss of 47 trees protected under the Martinez Municipal Code Title 8 Health and Safety Chapter 8.12 Preservation of Trees on Private Property - Preservation, Protection and Removal. Section 8.12.020 of the Municipal Code requires a Permit prior to the removal of any protected tree. Under the Municipal Code, the Community Development Director or his/her designee shall grant or deny tree permits in accordance with Chapter 8.12. If a permit is granted, the Director may attach conditions to ensure compliance with this Chapter. These conditions may include a requirement to replace any or all trees on a comparable ratio of either size or quantity.

The proposed project includes a tree planting plan that provides extensive tree plantings along the internal streets, as well as the perimeter streets. The project applicant will request a tree removal permit as part of the City application package. The Mitigation Measure below in the IS/MND addresses proposed impacts to trees.

***Mitigation Measure Bio-3:*** *If a tree removal permit is granted for the removal of the 47 trees on the project site that are protected under the Martinez Municipal Code (Title 8 Health and Safety Chapter 8.12 Preservation of Trees on Private Property - Preservation, Protection and Removal), the project applicant shall re-plant at a 3:1 ratio (141 trees) on the project site. The trees shall be indigenous tree species (i.e. Quercus agrifolia (cost live oak), Quercus douglasii (blue oak) and Quercus lobata (valley oak)) and shall be 24 inch box at a minimum. The 141 trees shall be planted in the landscape buffer area located along Vine Hill Way, Center Avenue, and Morello Avenue so that they also function to provide visual relief from adjacent properties.*

Implementation of this mitigation measure would reduce the project's impact to trees to a level considered *less than significant* pursuant to CEQA.

Houdashell Comment 2): There is wildlife on this property... birds, frogs, raccoons, possums that will lose their habitat and will either be killed or they will flee to nearby suburban homes. The frog study was only done 2 days in June to look for the protected red-legged frog. I don't think that is a thorough enough study.

Please see response above to Department Comment 2.

The California red-legged frog (*Rana draytonii*) was federally listed as threatened on May 23, 1996 (Federal Register 61: 25813-25833) and as such is protected pursuant to the Federal Endangered Species Act. This frog is also a California "species of special concern." California "species of special concern" are species in which their California breeding populations are seriously declining and extirpation from all or a portion of their range is possible. This title affords no legally mandated protection for this species; however, pursuant to CEQA (14 CCR §15380), any project related impacts to this species would be regarded as significant.

The nearest California red-legged frog occurrence is located 3.3 miles southwest from the site in Briones Regional Park (CNDDDB Occurrence No. 375). The developed nature of the surrounding suburban landscape (see Figure 2), and the isolation of the site from known populations of California red-legged frogs makes the presence of this species on the project site highly unlikely.

Mosaic Associates conducted two surveys of the pond feature undertaken after sunset on warm, still nights to survey for amphibian life using the methods described in the California red legged frog survey protocol (USFWS 2005). These surveys were conducted on June 14 and June 23, 2011. Only Sierran treefrogs (*Pseudacris sierra*) were observed in this pond during the two nighttime surveys. In addition, M&A biologists Ms. Hope Kingma conducted a survey of project site on September 24, 2013 and no California red-legged frogs were observed in the irrigation detention pond. Ms. Kingma is a USFWS-approved 10(a)(1)(A) permitted California red-legged frog biologist. M&A concurs that the project site is highly unlikely to support California red-legged frogs.

While the federal listed California red-legged frog has not been found in the man-made irrigation pond within the golf course setting, to further confirm that it is not present in the pond at the time of project construction, a diurnal and nocturnal survey will be conducted for this frog in the 24 hour period prior to draining this pond. The biologist will have a valid Scientific Collectors Permit from the Department and a 10(a)(1)(A) federal red-legged frog permit. If the California red-legged frog is detected during the survey, the pond will not be drained until appropriate permits are acquired from the U.S. Fish and Wildlife Service.

### **3. KERRY KILMER**

In an email dated April 20, 2014, Kerry Kilmer provided several comments regarding the MND and the proposed project.

Kilmer Comment 1): This meager 26 acres is a necessary, critical safe haven for all wildlife including old and mature trees.

Please see response above to Department Comment 2 and Houdashell Comment 1.

#### 4. TIM PLATT

In an email dated April 21, 2014, Tim Platt provided several comments regarding the MND and the proposed project.

Platt Comment 1): The report points out the site's potential for being a home to flora and fauna that are native to the area. Several are endangered species. Also certain natural and man-made features of note already exist, including many mature trees, a man-made pond with wetlands and a rolling topography... "nesting birds may utilize the trees and open areas." Suitable habitat for one species, the California red-legged frog (*Rana draytonii*, CRLF) is present..."

Please see responses above to Department Comment 2 and Houdashell Comments 1 and 2.

Platt Comment 2) "The project site does provide suitable nesting and foraging habitat for a variety of birds, both special-status and non-special-status, but protected under the Migratory Bird Treaty Act (MBTA). The trees on the project site might provide nesting habitat for special-status birds, including Cooper's hawk (*Accipiter cooperii*) and white-tailed kite (*Elanus leucurus*). Shrubs and small trees on site also provide nesting habitat for a variety of birds protected under the MBTA, including western bluebird (*Sialia mexicana*), American goldfinch (*Carduelis tristis*), oak titmouse (*Baeolophus inornatus*) and others. There are a variety of raptors and/or birds protected by the MBTA that could utilize this habitat for nesting or foraging. The project would eliminate foraging habitat on the project site and would require the removal of all trees."

Please see responses above to Department Comment 2.

Platt Comment 3) "the presence of wetland vegetation"

M&A biologists conducted a formal wetland delineation of the project site on September 24, 2013. M&A used the Corps' 1987 Wetlands Delineation Manual<sup>3</sup> in conjunction with the regional supplement for the Arid West Region<sup>4</sup>. M&A identified a lined, man-made irrigation pond (irrigation water detention basin) located in the center of the golf course. The banks of this irrigation detention basin are reinforced with concrete, and the bottom is lined to prevent loss of

<sup>3</sup> U.S. Army Corps of Engineers. 1987. *Corps of Engineers Wetlands Delineation Manual*. Technical Report, Y-87-1. US Army Engineer Waterways Experiment Station. Vicksburg, Mississippi. 100 pp.

<sup>4</sup> U.S. Army Corps of Engineers. 2008. *Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Arid West Region* (Version 2). Ed. J.S. Wakeley, R.W. Lichvar, and C.V. Noble. ERDC/EL TR-06-16. Vicksburg, MS: U.S. Army Engineer Research and Development Center. September 2008.

water via lateral percolation. The purpose of this pond is to detain water for nightly irrigation of the fairways and greens on the golf course.

The man-made golf course pond was excavated in dry land as an ornamental feature for the golf course, and thus would not be regulated pursuant to Section 404 of the Clean Water Act. To be classified as a wetland, the Corps Wetland Delineation Manual states that in addition to a dominance of hydrophytic vegetation, an area must also exhibit hydric soils and hydrology. The irrigation pond is the only feature onsite that meets all three criteria. However, this man-made artificial feature receives groundwater via a pump from two wells, and from the City domestic water system on a daily basis. Thus the hydrology of this pond is completely artificial and as such it would not meet wetland criteria. This pond was constructed for the sole purpose to hold water for irrigation purposes to be distributed throughout the site via the irrigation system. The pond is lined to prevent water loss to the surrounding area or the groundwater. The irrigation pond is actively maintained by cleaning out the sediment and vegetative debris, therefore, this feature has not been "abandoned" since it has been regularly maintained since its construction.

The Corps has long regarded certain types of man-made water features not to be waters of the United States regulated under the Clean Water Act. In its 1977 regulations, 42 Fed. Reg. 37,144 (1977), former 33 C.F.R. § 323.2, the Corps expressly defined waters of the United States unequivocally to exclude certain such features. The man-made golf course pond was excavated in dry land as an ornamental feature for the golf course, and thus would not be considered a "water of the United States." Water is provided to this pond through a piped irrigation system that otherwise supports the golf course. The pond is otherwise completely isolated within turf play areas and would be upland without artificial irrigation. In addition, the pond has no hydrologic connectivity to any tributary. The preamble to the Corps' 1986 regulations (51 FR 41217) states that the Corps generally will not consider "waters of the United States" to include "[a]rtificial lakes or ponds created by excavating... dry land to collect and retain water and which are used exclusively for such purposes." Thus this pond is not a water of the U.S. (or State).

The concrete V-ditch that ephemerally conveys stormwater during large storm events to the concrete culvert at the northwestern end is not a jurisdictional feature. Impacts to this ditch would not require a permit. Also, there are three enlarged drainage inlet features on the edges of the project site that convey surface sheet flows into the City storm drain system. These storm drain inlets will be retained for the proposed project. The Corps generally will not assert jurisdiction over the following features:

- Swales or erosional features (e.g., gullies, small washes characterized by low volume, infrequent, or short duration flow); and
- Ditches excavated wholly in and draining only uplands and that do not carry a relatively permanent flow of water.

Thus, the drain inlet features remain outside of the Corps' likely jurisdiction pursuant to Section 404 of the Clean Water Act. Regardless these storm drain inlets will be retained by the proposed project. As no likely waters of the United States (or water of the State) would be impacted by the proposed project, authorization pursuant to Section 404 of the Clean Water Act would not be necessary under the current project design.

Platt Comment 4) "The largest tree measured 178 inches in circumference... 47 trees protected under the Martinez Municipal Code" "The proposed project would result in the loss of 47 trees protected under the Martinez Municipal Code Title 8 Health and Safety Chapter 8.12 Preservation of Trees on Private Property - Preservation, Protection and Removal."

Please see responses above to Houdashell Comment 1.

## **5. SHERIDA BUSH**

In an email dated April 21, 2014, Sherida Bush provided several comments regarding the MND and the proposed project.

Bush Comment 1): What is stated as suitable habitat on the land for numerous native and special-status species is not mitigatable in Martinez. We are not manufacturing open space.

See Department Comment 2 above for more on the wildlife habitat value of the project site. The overall project site provides marginal wildlife habitat given the extent of the manicured golf course greens and fairways and the well maintained landscaping associated with this facility. The golf course is isolated within a densely developed landscape. As such wildlife species that are associated with the golf course are those species that are acclimated to high levels of human disturbance. The project site does not serve as a wildlife corridor, or nursery site, and is not connected to other open space areas. Implementation of Mitigation Measures Bio-1 and Bio-2 would reduce potential impacts to nesting birds and to special-status bats roosting habitat to a level considered less than significant pursuant to CEQA.

Bush Comment 2) Habitat loss is the primary reason species such as the mentioned red-legged frog are disappearing from the area, if not the earth.

Please see responses above to Houdashell Comment 2.

Bush Comment 3) Development of this land without the proper assessment in an EIR of the resources there (e.g., native or special-status species) is unacceptable. In addition, habitat for special-status species could be created if the land remains as currently zoned; this would not be possible if developed.

The level of significance of the potential environmental impacts does not warrant preparation of an Environmental Impact Report. The land is designated as "permanent Open Space & Recreation" which is considered by the resource agencies to be incompatible with protected/preserved habitat for special-status species.

Bush Comment 4): The grading needed for this project, along with the removal of 47 heritage, protected (under current code) trees is unacceptable.

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Please see responses above to Houdashell Comment 1.

#### **6. JIM NEU, TAMHAS GRIFFITH AND AIMEE DURFEE**

In emails dated April 20, 2014, Aimee Durfee and Tamhas Griffith concur with the comment letter submitted by Jim Neu regarding the MND and the proposed project.

Neu Comment 1) The City of Martinez Tree Protection Ordinance states trees are a vital part of a healthy environment providing soil stability and wildlife habitat while preserving scenic beauty. The removal of 47 oak and redwood trees would have an adverse effect on providing habitat for existing raptors and scenic beauty within the immediate community. Many of these trees slated for removal fall into protection size of the ordinance.

Please see responses above to Department Comment 2 and Houdashell Comment 1.

Neu Comment 2): These trees provide canopy and nesting habitat for many species of small and large birds that are protected under the Migratory Bird Treaty. Some of the raptors in the area such as the Cooper's hawk, red tail hawk, and the white tailed kite, feed on the rodents that inhabit the proposed site.

Please see response above to Department Comment 2.

Neu Comment 3): The rodents at the site, should the project be approved, were said to be chemically exterminated which would have a negative effect on the raptors that currently feed on them. This action would need an EIR to determine the air, soil and toxicology effects of the pesticide used or an alternate method of eradication.

The IS/MND states that "The subject property has been used as a golf course since 1970 and agricultural land/orchard since at least 1939. The nature of use at the subject property involves the application, storage, and mixing of pesticides and herbicides at the subject property." "Soil sampling would be recommended prior to any redevelopment of the subject property to determine whether the application of pesticides and herbicides has adversely impacted the subject property." There is no mention of the use of pesticides to control rodents in the IS/MND.

Neu Comment 4): This open space is home to many other animals including the protected California Red Legged Frog which falls in the special -status wildlife species which receives regulatory protection.

Please see response above to Houdashell Comment 2.

#### **7. KELLY R. CALHOUN**

Kelly R. Calhoun provided several comments regarding the MND and the proposed project in a letter dated April 19, 2014.

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Calhoun Comment 1) I am concerned about the adequacy of some of the studies that have been prepared, as well as some of the proposed mitigations measures that are being proposed. For example, are two site visits to the site really adequate to determine the impacts of this proposed project on the biological resources that currently exist on this site?

Please see response above to Department Comment 2 and Houdashell Comment 2.

Calhoun Comment 2) I do not believe that the Initial Study and Mitigated Negative Declaration provide an adequate environmental review of the impacts of removing ... all trees on the property including forty-seven trees that are protected under the City's Tree Preservation Ordinance.

Please see responses above to Department Comment 2 and Houdashell Comment 1.

Calhoun Comment 3): How can the removal of all trees on this site not significantly impact the habitat of nesting and foraging birds.

Please see response above to Department Comment 2.

#### **8. BILL SCHILZ**

In an email dated April 21, 2014, Bill Schilz provided several comments regarding the MND and the proposed project.

Schilz Comment 1): Your report states this about the site: "mature woodland vegetation"; "nesting and foraging habitat for a variety of birds" including special-status birds protected under the Migratory Bird Treaty Act; "habitat for... The California red-legged frog"—an endangered species; "presence of wetlands" near man-made pond. Forty-seven (47) old protected trees will be killed, including redwoods and many oaks.

Please see responses to comments above.

#### **9. CONCLUSION**

We appreciate the opportunity to provide the City with proposed resolution to the correspondence received concerning this project. We respectfully submit this response to the comments received.

If you have questions or need other information, please call me at (925) 947-4867 ext. 212. Thank you for your consideration.

Sincerely,



Hope Kingma

Associate Biologist