

Appendix B
Responses to Notice of Preparation



Car/Bicycle Accident on Diablo Road at Diablo Entrance 14 Mar 15

Tom Wander from Diablo

I am sad to say there was a car/bike accident this morning about 9:30 am in front of the entrance to Diablo. The bicyclist was taken to the hospital with face, head and, possibly, other injuries. The car driver, who appears to be at fault for inappropriately taken the right of way from the bicyclist, stopped briefly after seeing that the bicyclist had crashed and then continued on into Diablo per an eye witness of the accident. The bicyclist was going west on Diablo Road when the car turning left into Diablo, from Diablo Road onto Alameda Diablo, cut off the bicyclist who had the legal right of way. The bicyclist lost control and crashed into the white Mehran fence breaking two fence rails and sheering off the front fork of his bicycle. The car was reported to be a gray Mercedes. CHP is investigating based on the information provided by the Diablo Deputy Sheriff and the witness. If anyone has any additional information, please contact the CHP.

Edited on 14 Mar 15 · Shared with Diablo + 2 nearby neighborhoods in Crime & Safety

David Crompton

From: Judy Boehm <judithgrace47@yahoo.com>
Sent: Monday, September 18, 2017 6:38 PM
To: David Crompton
Subject: Magee Ranch

Danville has lost most of it's original character. Cars everywhere and over development. It has changed the charm and the character of the town. Developing Magee Ranch would just take the last space out of the once ranching community. Awful! The town and the people should purchase it and keep its wonder and beauty.
Judy Boehm

**DIABLO COMMUNITY SERVICE DISTRICT
DIABLO MUNICIPAL ADVISORY COUNCIL
P.O. Box 321
DIABLO, CA 94528**

David Compton
Senior Planner
Town of Danville Offices
510 La Gonda Way
Danville, CA 94526

Dear Mr. Compton,

September 12, 2017

Please enter this letter as a public comment in response to the Town of Danville's Notice of Preparation/Initial Study for the Magee Ranches project.

The Diablo Community Service District and the Diablo Municipal Advisory Council are asking that the Town of Danville consider the following, in preparation for the upcoming Draft EIR for the "Magee Ranches" project:

It has come to our attention based on new information developed by the Contra Costa County Flood Control Department (attached below) that the Diablo Road culvert (the "culvert") just east of Alameda Diablo is significantly **undersized relative to expected stormwater flows**. The previous EIR determined only that the culvert was significantly damaged. It is our understanding that the now-rescinded project approval required SummerHill Homes to repair the damage.

We cite the below evidence to indicate that the culvert is undersized and will not handle expected flows:

1. A draft hydrology study prepared by a Contra Costa County Flood Control engineer (attached below) indicates that the 100- year, six- hour storm would result in **1879 cubic feet per second ("cfs") peak flows at the culvert entrance**.
2. Danville's City Engineer Steve Lake stated in an April 24th email to Mr. Gary Rich, owner of 1700 Alameda Diablo, that the **12-foot- diameter culvert accommodates only 1700 cfs**.
3. The difference between the culvert's 1700 cfs capacity and the anticipated 1879 cfs flows in a very large storm shows that the culvert is 173 cfs too small. That means that the culvert **would back up and overflow at a rate of approximately 173 cfs for the duration of peak flow and at a lesser level before and after peak flow.**

4. As comments on the draft EIR for the 2013 review of the Magee Ranches project, Questa Engineering submitted evidence on behalf of the Diablo Community Services District that the project would increase the duration of peak flows by about 15 minutes. **That means that the project would worsen flooding at the culvert significantly. That significant negative impact needs to be fully and fairly assessed in the upcoming revised draft EIR for the project.**

In any case, to protect public safety the culvert must be properly sized and repaired, to prevent the water from the creeks over-topping Diablo Road, backing up water to Alameda Diablo and possibly damaging the Alameda Diablo bridge and closing Diablo Road and or Alameda Diablo for an extended period of time.

Thank you for your neighborly cooperation with the community of Diablo.



Ray Brant

President DCSD/DMAC

From: Maryann Cella <maryann.cella@gmail.com>
Sent: Monday, February 05, 2018 2:52 PM
To: hughlouch@altaplanning.com; Leianne Humble
Subject: Fwd: EMAIL #19: MAGEE RANCH MUDSLIDES AND FLOODING ON DIABLO ROAD: COMMENTS AND PHOTOS IN RESPONSE TO THE MAGEE RANCHES NOP/IS

Dear Mr. Louch and Ms. Humble:

Alta Planning is providing a feasibility analysis for the Town of Danville for Capital Improvement Project C-055b. The attached photos and others from winter 2017 that I am sending you attest to the instability of the hillsides where the proposed project will be located and thus the difficulty and expense that would be associated with building and maintaining the project.

If you desire any more information, please contact me. Thank you.

Sincerely,
Maryann Cella
SOS-Danville Group

----- Forwarded message -----

From: **Maryann Cella** <maryann.cella@gmail.com>
Date: Mon, Oct 2, 2017 at 12:53 PM
Subject: EMAIL #19: MAGEE RANCH MUDSLIDES AND FLOODING ON DIABLO ROAD: COMMENTS AND PHOTOS IN RESPONSE TO THE MAGEE RANCHES NOP/IS
To: David Crompton <dcrompton@danville.ca.gov>
Cc: Renee Morgan <rmorgan@danville.ca.gov>, Newell Arnerich <NArnerich@danville.ca.gov>, Robert Storer <RStorer@danville.ca.gov>, Karen Stepper <kstepper@danville.ca.gov>, Lisa Blackwell <lblackwell@danville.ca.gov>

Hi, David. Please enter this email and photo as comments on the Magee Ranches NOP/IS.

Further to Patricia Isom's comments regarding mudslides on Magee Ranch, and my comments sent several days ago on behalf of SOS-Danville Group:

The draft EIR must include an analysis of **the need for repair and maintenance of the approximately one -mile stretch ("the stretch") of hillside adjacent to and south of Diablo Road between Alameda Diablo and Avenida Nueva**. Mudslides every winter (please see photos attached hereto and described below) render the road even more dangerous than it typically is the rest of the year. Mudslides routinely require the road to be closed for cleaning of the road, replacement of sandbags, and digging out of the mud piles adjacent to the road to make way for more mud.

In the NOP/IS, ENGEO was quoted as saying that "the conditions described in the 2013 EIR with respect to potential effects of landslides on the Project have not substantially changed."

That statement misses the important facts that the hillsides adjacent to Diablo Road are part of "the Project" and must be considered as part of any approval of the Project, and that those hillsides have been substantially changed by the rains last winter.

Last winter, the first winter in many years where there was a significant amount of rain (although no single storm was greater than a ten-year storm), showed just how vulnerable Diablo Road is to those hillsides. The mudslides down them, over retaining walls, over sandbags, and across Diablo road brought exceedingly dangerous conditions for drivers and numerous road closures due to dangerous road conditions, and the need to replace sandbags and dig out ditches overflowing with mud. Streams created by insufficient road drainage flowed across the road, flooding spots of it and creating erosive streams along the north side of Diablo Road. Those facts must be considered as part of any traffic analysis, bike safety analysis, hydrology analysis, and geotechnical analysis in the draft EIR. Also needing examination is what will be the responsibilities of any GHAD established as part of the project regarding (1) repair of slides and continuing abatement of slides and their damage to Diablo Road; and (2) monitoring hillside drainage to prevent the creation of seasonal streams that further erode the road, endanger vehicles and bicyclists, and wreak havoc on properties north of Diablo Road.

In sum, the EIR must consider the current dire state of Diablo Road and provide appropriate mitigations in the form of improved road/hillside conditions and a plan for future maintenance of the road and hillside as part of any project that will worsen conditions on the road by significantly increasing traffic.

Thank you.

Maryann Cella
SOS-Danville Group

David Crompton

From: Maryann Cella <maryann.cella@gmail.com>
Sent: Monday, August 28, 2017 2:20 PM
To: David Crompton; Rob Ewing
Subject: Please send the NOP and IS for "Magee Ranches" to the CA Department of Parks and Recreation/Bay Area District office in Petaluma

Follow Up Flag: Follow up
Flag Status: Flagged

Hi, David. Please send the "Magee Ranches" NOP and IS to the California Dept. of Parks & Recreation's Bay Area District office in Petaluma.

Thank you.

Maryann Cella
SOS-Danville Group

David Crompton

From: Maryann Cella <maryann.cella@gmail.com>
Sent: Monday, August 28, 2017 12:56 PM
To: David Crompton; Rob Ewing; dave@BikeEastBay.org; Dave Snyder; Bonnie Powers; stu@stufdash.com
Subject: Notice of Preparation for "Magee Ranches" project Revised Draft EIR
Attachments: Mailing - Notice of Preparation 8-16-17.pdf; 3078_001.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Hi, David. In addition to our previous request regarding sending the Notice of Preparation ("NOP") and Initial Study ("IS") to the Diablo Community Services District and local HOAs in the "Magee Ranches" project vicinity, we request that the Notice of Preparation and Initial Study be sent to Bike East Bay, Cal Bikes, Valley Spokesmen, and all property owners within and around 750 feet of the project.

Pursuant to the Public Records Act, please send me an updated list of those to whom the NOP and IS have been sent.

I note with concern that there was another bicyclist injured on Diablo Road last week. The accident is under investigation but it apparently involved a school bus and an adult bicyclist. Also, several months ago, a bicyclist travelling through the community of Diablo sustained significant injuries when he collided with a car.

Thank you for your assistance.

Sincerely,
Maryann Cella
SOS-Danville Group

----- Forwarded message -----

From: David Crompton <DCrompton@danville.ca.gov>
Date: Thu, Aug 24, 2017 at 11:27 AM
Subject: RE: Notice of Preparation issued for "Magee Ranches" project Revised Draft EIR
To: Maryann Cella <maryann.cella@gmail.com>, Rob Ewing <REwing@danville.ca.gov>

Maryann,

See Attachments. The NOP was also sent to the California State Clearinghouse for distribution to State agencies as required under CEQA.

-David

From: Maryann Cella [mailto:maryann.cella@gmail.com]

Sent: Tuesday, August 22, 2017 1:50 PM

To: David Crompton <DCrompton@danville.ca.gov>; Rob Ewing <REwing@danville.ca.gov>

Subject: Notice of Preparation issued for "Magee Ranches" project Revised Draft EIR

Dear Mssrs. Crompton and Ewing:

Thank you for the copy I received today of the Notice of Preparation (with attached Initial Study/CEQA Environmental Checklist) dated August 16th, 2017, for the revised Draft Environmental Impact Report for Davidon Homes' "Magee Ranches" project. **I note that the public comment period to respond to the Town's limited plans (discussed in the NOP's attachments) for the project's environmental review is from August 17, 2019 [sic] to September 18, 2017.**

Pursuant to the Public Records Act, please provide a list of all persons, government entities, and non-governmental organizations to whom the NOP (including attached Initial Study/Checklist) was sent, in hard copy and/or electronically.

In addition, please provide the NOP (including above-mentioned attachments) in electronic format.

We appreciate your assistance.

Sincerely,

Maryann Cella

SOS-Danville Group

----- Forwarded message -----

From: ShareScan <sharescan@danville.ca.gov>

To: David Crompton <DCrompton@danville.ca.gov>

Cc:

Bcc:

Date: Thu, 24 Aug 2017 18:15:11 +0000

Subject: Attached Image

David Crompton

From: Maryann Cella <maryann.cella@gmail.com>
Sent: Tuesday, September 26, 2017 4:56 PM
To: David Crompton
Subject: COMMENTS ON THE MAGEE RANCHES NOTICE OF PREPARATION/INITIAL STUDY FOR EIR: Mudslide areas, Diablo Road between Alameda Diablo and Avenida Nueva
Attachments: Mud that slid from Magee ranch hillside onto Diablo Road, and crossed onto the north side, behind 1826 Alameda Diablo.jpg; Massive Magee Ranch mudslide adjacent to Diablo Road.jpg

Hi, David. Please enter this email and photos as comments on the Magee Ranches NOP/IS.

Further to Patricia Isom's comments regarding mudslides on Magee Ranch:

1. The draft EIR must include an analysis of **the need for repair and maintenance of the approximately one mile stretch of hillside adjacent to and south of Diablo Road between Alameda Diablo and Avenida Nueva**. Mudslides every winter (please see photos attached hereto and described below) render the road even more dangerous than it typically is the rest of the year. Mudslides routinely require the road to be closed for cleaning of the road, replacement of sandbags, and digging out of the mud piles adjacent to the road to make way for more mud. Those facts must be considered as part of any traffic analysis, bike safety analysis, hydrology analysis, and geotechnical analysis in the draft EIR. Also needing examination is what will be the responsibilities of any GHAD established as part of the project regarding repair and continuing abatement of the slide-prone hillsides adjacent to the one-mile stretch of Diablo Road between Avenida Nueva and Alameda Diablo.

2. Attached is a photo of **the mud from a Magee Ranch hillside slide last winter** that traveled across Diablo Road and collected on its north side, behind a wall stretching along the back of 1826 Alameda Diablo, 1822 Alameda Diablo, and 1810 Alameda Diablo.

Note that a stream created by the lack of proper Diablo Road drainage flows along that wall. The lack of Diablo Road drainage need to be considered in assessing the ability of Diablo Road to accept many hundreds more cartrips per day.

3. Attached is a photo of the largest of many mudslide areas last winter on Magee Ranch adjacent to Diablo Road between Alameda Diablo and Avenida Nueva.

Additional photos will be forwarded. They will show more areas of mudslides on Magee Ranch hillsides south of Diablo Road between Alameda Diablo and Avenida Nueva; on that same stretch of road, the photos also will show pools of mud creating dangerous driving conditions on Diablo Road; sandbags that cover the white lane lines and further diminish the substandard width of Diablo Road; mudslides that flow over insufficient retaining walls; streams that are created on the northside of the Diablo Road due to the lack of proper drainage. In short, the existing road conditions in the winter are totally unacceptable, particularly for a road that carries over 13,000 cartrips per day. The additional 1000 cartrips from the project cannot be handled by such a road without creating a significant negative impact.

Thank you.
Maryann Cella



David Crompton

From: Maryann Cella <maryann.cella@gmail.com>
Sent: Tuesday, September 26, 2017 4:39 PM
To: David Crompton
Subject: Comment on bicyclist safety for Magee Ranch NOP/IS: information about the 2 bicyclists hit on 6/22/17 by a car on Blackhawk Road near the proposed "Magee Ranches" project entrance

Hi, David. Please enter the following as evidence of the existing dangers to cyclists riding the Diablo/Blackhawk Road corridor and the additional hazards to them of more traffic from the proposed project.

Thank you.
Maryann Cella
SOS-Danville Group

----- Forwarded message -----

From: **Maryann Cella** <maryann.cella@gmail.com>
Date: Fri, Jun 23, 2017 at 5:32 PM
Subject: Additional information about the 2 bicyclists hit by a car on Blackhawk Road near the "Magee Ranches" project entrance
To: Renee Morgan <rmorgan@danville.ca.gov>, Newell Arnerich <NArnerich@danville.ca.gov>, Robert Storer <RStorer@danville.ca.gov>, Karen Stepper <kstepper@danville.ca.gov>, lblackwell@danville.ca.gov, Rob Ewing <rewing@danville.ca.gov>, David Crompton <dcrompton@danville.ca.gov>, Kevin Gailey <kgailey@danville.ca.gov>

Dear Town Council and staff:

Below is additional information (since my earlier email) about the tragic accident involving two bicyclists hit by a car near the proposed "Magee Ranches" project entrance. Such accidents demonstrate why the project's additional traffic (nearly 1000 cartrips per day) will significantly increase the dangers to bicyclists travelling the hazardous Diablo/Blackhawk Road corridor, and why the project should not be approved without the addition of safe bicycle lanes from Green Valley Road to Camino Tassajara Road.

Please enter this email into the comment record for the "Magee Ranches" draft EIR.

Sincerely,
Maryann Cella
SOS-Danville Group

From the Danville San Ramon Updates:

"Two bicyclists injured, one airlifted after being struck by motorist in Danville

06.22.2017.



UNINCORPORATED DANVILLE – Officers arrested a driver after he allegedly struck two bicyclists on Blackhawk Road Wednesday night.

At approximately 9:20 pm Wednesday, Deputies from the Contra Costa County Sheriff's Office were dispatched to a welfare check on Blackhawk Road in which the caller stated he had just hit something in the roadway, then fled the scene.

At the same time, the San Ramon Valley Fire Protection District received a call from a motorist, reporting that two bicyclists were down on Blackhawk Road, just east of Magee Ranch road.

Paramedics arrived at the scene and found two bicyclists with traumatic injuries. The driver of the vehicle reportedly followed an ambulance back to the scene after calling authorities.

One rider was airlifted by a CALSTAR air ambulance at a nearby soccer field. He was conscious and talking with paramedics. The other rider was transported to a hospital via ambulance.

Officers from the California Highway Patrol conducted a field sobriety test and subsequently arrested the driver of the vehicle.

The vehicle that reportedly struck the bicyclists, a red Volkswagen, appeared to have body damage on the left front panel.

Blackhawk Road remained open for the duration of the incident. Both bicycles at the scene appeared to be equipped with rear-facing red lights."

David Crompton

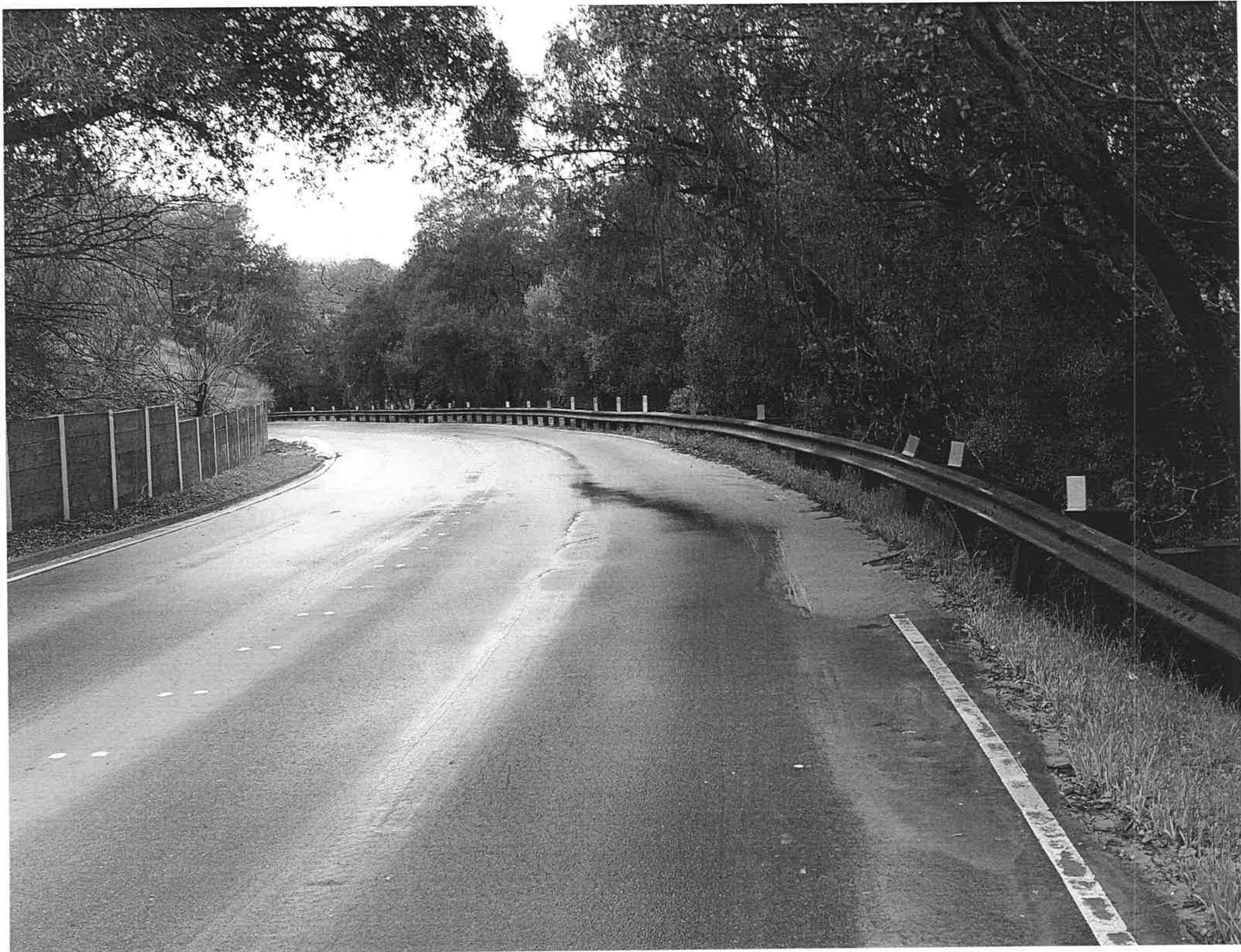
From: Maryann Cella <maryann.cella@gmail.com>
Sent: Friday, September 29, 2017 6:03 PM
To: David Crompton
Subject: #4 ADDITIONAL COMMENTS AND PHOTOS REGARDING MUDSLIDES/DRAINAGE IN RESPONSE TO THE MAGEE RANCHES NOP/IS
Attachments: Insufficient retaining wall;sandbags further narrowing substandard road lane width.jpg; Insufficient retaining wall; sandbags further diminishing substandard lane width.jpg; Dangerous pooling of mud from Magee ranch mudslide onto Northside of Diablo Road.jpg; Crews repairing cascaded fallen power lines from downed tree.jpg

Hi, David. Please enter this email and photos as comments on the Magee Ranches NOP/IS. The photos show more evidence in support of the comments just sent regarding needed mitigations for mudslides and drainage .

Thank you.











David Crompton

From: Maryann Cella <maryann.cella@gmail.com>
Sent: Friday, September 29, 2017 5:58 PM
To: David Crompton
Subject: #2 ADDITIONAL COMMENTS AND PHOTOS REGARDING MUDSLIDES/DRAINAGE IN RESPONSE TO THE MAGEE RANCHES NOP/IS
Attachments: Another view of mudslides that jeopardize oak trees and possibly power cable lines.jpg; How would a multi-modal trail listed as a potential future Capital Improvement Program project cross this slide-riddled hillside.jpg; Erosion-ravaged fallen giant eucalyptus tree that closed Diablo Road for 39 hours.jpg

Hi, David. Please enter this email and photos as comments on the Magee Ranches NOP/IS. The photos show more evidence in support of the comments just sent regarding needed mitigations for mudslides and drainage .

Thank you.
Maryann Cella
SOS-Danville Group





David Crompton

From: Maryann Cella <maryann.cella@gmail.com>
Sent: Friday, September 29, 2017 5:52 PM
To: David Crompton
Subject: ADDITIONAL COMMENTS AND PHOTOS IN RESPONSE TO THE MAGEE RANCHES NOP/IS
Attachments: Fallen eucalyptus tree in erosion-ravaged ravine just west of undersized, failing 12 feet Diablo Road culvert.jpg; Mudslide from Magee Ranch hillside flowed across Diablo Road and pooled on north side above stream created by insufficient road drainage.jpg; PGE crews working on downed power lines and poles caused by falling eucalyptus tree.jpg

Hi, David. Please enter this email and photos as comments on the Magee Ranches NOP/IS.

Further to Patricia Isom's comments regarding mudslides on Magee Ranch, and my comments sent yesterday on behalf of SOS-Danville Group:

1. The draft EIR must include an analysis of **the need for repair and maintenance of the approximately one-mile stretch ("the stretch") of hillside adjacent to and south of Diablo Road between Alameda Diablo and Avenida Nueva**. Mudslides every winter (please see photos attached hereto and described below) render the road even more dangerous than it typically is the rest of the year. Mudslides routinely require the road to be closed for cleaning of the road, replacement of sandbags, and digging out of the mud piles adjacent to the road to make way for more mud.

In the NOP/IS, ENGEEO was quoted as saying that "the conditions described in the 2013 EIR with respect to potential effects of landslides on the Project have not substantially changed."

That statement misses the important facts that the hillsides adjacent to Diablo Road are part of "the Project" and must be considered as part of any approval of the Project, and that those hillsides have been substantially changed by the rains last winter.

Last winter, the first winter in many years where there was a significant amount of rain (although no single storm was greater than a ten-year storm), showed just how vulnerable Diablo Road is to those hillsides. The mudslides down them, over retaining walls, over sandbags, and across Diablo road brought exceedingly dangerous conditions for drivers and numerous road closures due to dangerous road conditions, and the need to replace sandbags and dig out ditches overflowing with mud. Streams created by insufficient road drainage flowed across the road, flooding spots of it and creating erosive streams along the north side of Diablo Road. Those facts must be considered as part of any traffic analysis, bike safety analysis, hydrology analysis, and geotechnical analysis in the draft EIR. Also needing examination is what will be the responsibilities of any GHAD established as part of the project regarding (1) repair of slides and continuing abatement of slides and their damage to Diablo Road; and (2) monitoring hillside drainage to prevent the creation of seasonal streams that further erode the road, endanger vehicles and bicyclists, and wreak havoc on properties north of Diablo Road.

In sum, the EIR must consider the current dire state of Diablo Road and provide appropriate mitigations in the form of improved road/hillside conditions and a plan for future maintenance of the road and hillside as part of any project that will worsen conditions on the road by significantly increasing traffic.

Thank you.

Maryann Cella
SOS-Danville Group







David Crompton

From: Maryann Cella <maryann.cella@gmail.com>
Sent: Monday, October 2, 2017 11:02 AM
To: David Crompton
Cc: Renee Morgan; Newell Arnerich; Karen Stepper; Robert Storer; Lisa Blackwell
Subject: EMAIL #2: MAGEE RANCH MUDSLIDES AND FLOODING ON DIABLO ROAD: COMMENTS AND PHOTOS IN RESPONSE TO THE MAGEE RANCHES NOP/IS
Attachments: Magee Ranch mudslides south of Diablo Road; trees could fall next winter, taking down high-voltage power cables.jpg; Another view of mudslides that jeopardize oak trees and possibly power cable lines.jpg

Hi, David. Please enter this email and photos as comments on the Magee Ranches NOP/IS.

Further to Patricia Isom's comments regarding mudslides on Magee Ranch, and my comments sent several days ago on behalf of SOS-Danville Group:

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In sum, the EIR must consider the current dire state of Diablo Road and provide appropriate mitigations in the form of improved road/hillside conditions and a plan for future maintenance of the road and hillside as part of any project that will worsen conditions on the road by significantly increasing traffic.

Thank you.
Maryann Cella
SOS-Danville Group





David Crompton

From: Maryann Cella <maryann.cella@gmail.com>
Sent: Monday, October 2, 2017 11:07 AM
To: David Crompton
Cc: Renee Morgan; Newell Arnerich; Karen Stepper; Robert Storer; Lisa Blackwell
Subject: EMAIL #3: MAGEE RANCH MUDSLIDES AND FLOODING ON DIABLO ROAD: COMMENTS AND PHOTOS IN RESPONSE TO THE MAGEE RANCHES NOP/IS
Attachments: Another view of huge slide area that jeopardizes oak trees and possible power cable lines.jpg; How would a multi-modal trail listed as a potential future Capital Improvement Program project cross this slide-riddled hillside.jpg

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Thank you.
Maryann Cella
SOS-Danville Group





David Crompton

From: Maryann Cella <maryann.cella@gmail.com>
Sent: Monday, October 2, 2017 11:16 AM
To: David Crompton
Cc: Renee Morgan; Newell Arnerich; Karen Stepper; Robert Storer; Lisa Blackwell
Subject: EMAIL #2: MAGEE RANCH MUDSLIDES AND FLOODING ON DIABLO ROAD: COMMENTS AND PHOTOS IN RESPONSE TO THE MAGEE RANCHES NOP/IS
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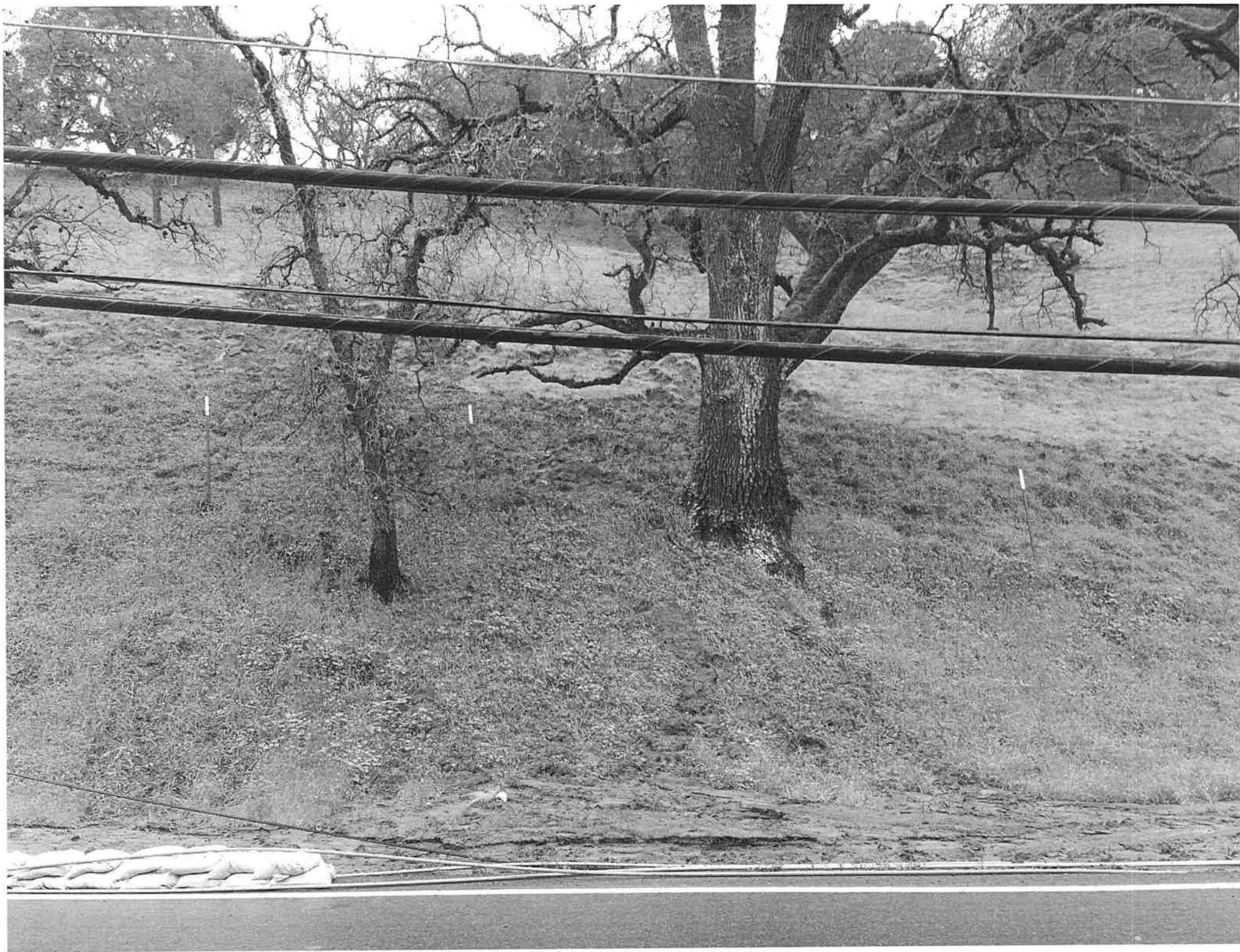
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Last winter, the first winter in many years where there was a significant amount of rain (although no single storm was greater than a ten-year storm), showed just how vulnerable Diablo Road is to those hillsides. The mudslides down them, over retaining walls, over sandbags, and across Diablo road brought exceedingly dangerous conditions for drivers and numerous road closures due to dangerous road conditions, and the need to replace sandbags and dig out ditches overflowing with mud. Streams created by insufficient road drainage flowed across the road, flooding spots of it and creating erosive streams along the north side of Diablo Road. Those facts must be considered as part of any traffic analysis, bike safety analysis, hydrology analysis, and geotechnical analysis in the draft EIR. Also needing examination is what will be the responsibilities of any GHAD established as part of the project regarding (1) repair of slides and continuing abatement of slides and their damage to Diablo Road; and (2) monitoring hillside drainage to prevent the creation of seasonal streams that further erode the road, endanger vehicles and bicyclists, and wreak havoc on properties north of Diablo Road.

In sum, the EIR must consider the current dire state of Diablo Road and provide appropriate mitigations in the form of improved road/hillside conditions and a plan for future maintenance of the road and hillside as part of any project that will worsen conditions on the road by significantly increasing traffic.

Thank you.
Maryann Cella
SOS-Danville Group



David Crompton

From: Maryann Cella <maryann.cella@gmail.com>
Sent: Monday, October 2, 2017 11:35 AM
To: David Crompton
Cc: Renee Morgan; Newell Arnerich; Karen Stepper; Robert Storer; Lisa Blackwell
Subject: EMAIL #4: MAGEE RANCH MUDSLIDES AND FLOODING ON DIABLO ROAD: COMMENTS AND PHOTOS IN RESPONSE TO THE MAGEE RANCHES NOP/IS
Attachments: Mudslide from Magee Ranch hillside flowed across Diablo Road and pooled on north side above stream created by insufficient road drainage.jpg

Hi, David. Please enter this email and photos as comments on the Magee Ranches NOP/IS.

Further to Patricia Isom's comments regarding mudslides on Magee Ranch, and my comments sent several days ago on behalf of SOS-Danville Group:

The draft EIR must include an analysis of **the need for repair and maintenance of the approximately one - mile stretch ("the stretch") of hillside adjacent to and south of Diablo Road between Alameda Diablo and Avenida Nueva.** Mudslides every winter (please see photos attached hereto and described below) render the road even more dangerous than it typically is the rest of the year. Mudslides routinely require the road to be closed for cleaning of the road, replacement of sandbags, and digging out of the mud piles adjacent to the road to make way for more mud.

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In sum, the EIR must consider the current dire state of Diablo Road and provide appropriate mitigations in the form of improved road/hillside conditions and a plan for future maintenance of the road and hillside as part of any project that will worsen conditions on the road by significantly increasing traffic.

Thank you.

Maryann Cella
SOS-Danville Group



David Crompton

From: Maryann Cella <maryann.cella@gmail.com>
Sent: Monday, October 2, 2017 11:41 AM
To: David Crompton
Cc: Renee Morgan; Karen Stepper; Newell Arnerich; Robert Storer; Lisa Blackwell
Subject: EMAIL #5: MAGEE RANCH MUDSLIDES AND FLOODING ON DIABLO ROAD: COMMENTS AND PHOTOS IN RESPONSE TO THE MAGEE RANCHES NOP/IS
Attachments: Another view of mud pooled on Northside of Diablo Road, behind 1810 Alameda Diablo wall.jpg

Hi, David. Please enter this email and photo as comments on the Magee Ranches NOP/IS.

Further to Patricia Isom's comments regarding mudslides on Magee Ranch, and my comments sent several days ago on behalf of SOS-Danville Group:

The draft EIR must include an analysis of **the need for repair and maintenance of the approximately one - mile stretch ("the stretch") of hillside adjacent to and south of Diablo Road between Alameda Diablo and Avenida Nueva**. Mudslides every winter (please see photos attached hereto and described below) render the road even more dangerous than it typically is the rest of the year. Mudslides routinely require the road to be closed for cleaning of the road, replacement of sandbags, and digging out of the mud piles adjacent to the road to make way for more mud.

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Thank you.
Maryann Cella





David Crompton

From: Maryann Cella <maryann.cella@gmail.com>
Sent: Monday, October 2, 2017 11:59 AM
To: David Crompton
Cc: Renee Morgan; Karen Stepper; Newell Arnerich; Robert Storer; Lisa Blackwell
Subject: EMAIL #7: MAGEE RANCH MUDSLIDES AND FLOODING ON DIABLO ROAD: COMMENTS AND PHOTOS IN RESPONSE TO THE MAGEE RANCHES NOP/IS
Attachments: Magee Ranch mudslides pooling dangerously on south side of Diablo Road, further diminishing substandard lane width.jpg

Hi, David. Please enter this email and photo as comments on the Magee Ranches NOP/IS.

Further to Patricia Isom's comments regarding mudslides on Magee Ranch, and my comments sent several days ago on behalf of SOS-Danville Group:

The draft EIR must include an analysis of **the need for repair and maintenance of the approximately one - mile stretch ("the stretch") of hillside adjacent to and south of Diablo Road between Alameda Diablo and Avenida Nueva.** Mudslides every winter (please see photos attached hereto and described below) render the road even more dangerous than it typically is the rest of the year. Mudslides routinely require the road to be closed for cleaning of the road, replacement of sandbags, and digging out of the mud piles adjacent to the road to make way for more mud.

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Thank you.
Maryann Cella



From: Maryann Cella <maryann.cella@gmail.com>
Sent: Monday, February 05, 2018 3:16 PM
To: hughlouch@altaplanning.com; Leianne Humble
Subject: Fwd: EMAIL #8: MAGEE RANCH MUDSLIDES AND FLOODING ON DIABLO ROAD: COMMENTS AND PHOTOS IN RESPONSE TO THE MAGEE RANCHES NOP/IS
Attachments: Insufficient retaining wall; sandbags further diminishing substandard lane width.jpg

Please see message contained in Email #19

----- Forwarded message -----

From: **Maryann Cella** <maryann.cella@gmail.com>

Date: Mon, Oct 2, 2017 at 12:03 PM

Subject: EMAIL #8: MAGEE RANCH MUDSLIDES AND FLOODING ON DIABLO ROAD: COMMENTS AND PHOTOS IN RESPONSE TO THE MAGEE RANCHES NOP/IS

To: David Crompton <dcrompton@danville.ca.gov>

Cc: Renee Morgan <rmorgan@danville.ca.gov>, Karen Stepper <kstepper@danville.ca.gov>, Newell Arnerich <NArnerich@danville.ca.gov>, Lisa Blackwell <lblackwell@danville.ca.gov>, Robert Storer <RStorer@danville.ca.gov>

Hi, David. Please enter this email and photo as comments on the Magee Ranches NOP/IS.

Further to Patricia Isom's comments regarding mudslides on Magee Ranch, and my comments sent several days ago on behalf of SOS-Danville Group:

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In sum, the EIR must consider the current dire state of Diablo Road and provide appropriate mitigations in the form of improved road/hillside conditions and a plan for future maintenance of the road and hillside as part of any project that will worsen conditions on the road by significantly increasing traffic.

Thank you.

Maryann Cella

SOS-Danville Group



David Crompton

From: Maryann Cella <maryann.cella@gmail.com>
Sent: Monday, October 2, 2017 12:07 PM
To: David Crompton
Cc: Renee Morgan; Karen Stepper; Newell Arnerich; Robert Storer; Lisa Blackwell
Subject: EMAIL #9: MAGEE RANCH MUDSLIDES AND FLOODING ON DIABLO ROAD: COMMENTS AND PHOTOS IN RESPONSE TO THE MAGEE RANCHES NOP/IS
Attachments: Insufficient retaining wall;sandbags further narrowing substandard road lane width.jpg

Hi, David. Please enter this email and photo as comments on the Magee Ranches NOP/IS.

Further to Patricia Isom's comments regarding mudslides on Magee Ranch, and my comments sent several days ago on behalf of SOS-Danville Group:

The draft EIR must include an analysis of **the need for repair and maintenance of the approximately one - mile stretch ("the stretch") of hillside adjacent to and south of Diablo Road between Alameda Diablo and Avenida Nueva.** Mudslides every winter (please see photos attached hereto and described below) render the road even more dangerous than it typically is the rest of the year. Mudslides routinely require the road to be closed for cleaning of the road, replacement of sandbags, and digging out of the mud piles adjacent to the road to make way for more mud.

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In sum, the EIR must consider the current dire state of Diablo Road and provide appropriate mitigations in the form of improved road/hillside conditions and a plan for future maintenance of the road and hillside as part of any project that will worsen conditions on the road by significantly increasing traffic.

Thank you.
Maryann Cella
SOS-Danville Group



David Crompton

From: Maryann Cella <maryann.cella@gmail.com>
Sent: Monday, October 2, 2017 12:11 PM
To: David Crompton
Cc: Karen Stepper; Renee Morgan; Newell Arnerich; Lisa Blackwell; Robert Storer
Subject: EMAIL #10: MAGEE RANCH MUDSLIDES AND FLOODING ON DIABLO ROAD: COMMENTS AND PHOTOS IN RESPONSE TO THE MAGEE RANCHES NOP/IS
Attachments: Still another sandbagged area.jpg

Hi, David. Please enter this email and photo as comments on the Magee Ranches NOP/IS.

Further to Patricia Isom's comments regarding mudslides on Magee Ranch, and my comments sent several days ago on behalf of SOS-Danville Group:

The draft EIR must include an analysis of **the need for repair and maintenance of the approximately one - mile stretch ("the stretch") of hillside adjacent to and south of Diablo Road between Alameda Diablo and Avenida Nueva.** Mudslides every winter (please see photos attached hereto and described below) render the road even more dangerous than it typically is the rest of the year. Mudslides routinely require the road to be closed for cleaning of the road, replacement of sandbags, and digging out of the mud piles adjacent to the road to make way for more mud.

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In sum, the EIR must consider the current dire state of Diablo Road and provide appropriate mitigations in the form of improved road/hillside conditions and a plan for future maintenance of the road and hillside as part of any project that will worsen conditions on the road by significantly increasing traffic.

Thank you.



David Crompton

From: Maryann Cella <maryann.cella@gmail.com>
Sent: Monday, October 2, 2017 12:14 PM
To: David Crompton
Cc: Renee Morgan; Karen Stepper; Newell Arnerich; Robert Storer; Lisa Blackwell
Subject: EMAIL #11: MAGEE RANCH MUDSLIDES AND FLOODING ON DIABLO ROAD: COMMENTS AND PHOTOS IN RESPONSE TO THE MAGEE RANCHES NOP/IS
Attachments: Another area of sandbagging.jpg

Hi, David. Please enter this email and photo as comments on the Magee Ranches NOP/IS.

Further to Patricia Isom's comments regarding mudslides on Magee Ranch, and my comments sent several days ago on behalf of SOS-Danville Group:

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Thank you.
Maryann Cella



David Crompton

From: Maryann Cella <maryann.cella@gmail.com>
Sent: Monday, October 2, 2017 12:23 PM
To: David Crompton
Cc: Renee Morgan; Lisa Blackwell; Robert Storer; Karen Stepper; Newell Arnerich
Subject: EMAIL #13: MAGEE RANCH MUDSLIDES AND FLOODING ON DIABLO ROAD: COMMENTS AND PHOTOS IN RESPONSE TO THE MAGEE RANCHES NOP/IS
Attachments: Mud on one side, sandbags on the other.jpg

Hi, David. Please enter this email and photo as comments on the Magee Ranches NOP/IS.

Further to Patricia Isom's comments regarding mudslides on Magee Ranch, and my comments sent several days ago on behalf of SOS-Danville Group:

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Thank you.
Maryann Cella



From: Maryann Cella <maryann.cella@gmail.com>
Sent: Monday, February 05, 2018 3:11 PM
To: hughlouch@altaplanning.com; Leianne Humble
Subject: Fwd: EMAIL #12: MAGEE RANCH MUDSLIDES AND FLOODING ON DIABLO ROAD: COMMENTS AND PHOTOS IN RESPONSE TO THE MAGEE RANCHES NOP/IS
Attachments: Phalanx of sandbags at edge of white lane line.jpg

Please see message contained in Email #19

----- Forwarded message -----

From: **Maryann Cella** <maryann.cella@gmail.com>

Date: Mon, Oct 2, 2017 at 12:16 PM

Subject: EMAIL #12: MAGEE RANCH MUDSLIDES AND FLOODING ON DIABLO ROAD: COMMENTS AND PHOTOS IN RESPONSE TO THE MAGEE RANCHES NOP/IS

To: David Crompton <dcrompton@danville.ca.gov>

Cc: Newell Arnerich <NArnerich@danville.ca.gov>, Robert Storer <RStorer@danville.ca.gov>, Lisa Blackwell <lblackwell@danville.ca.gov>, Karen Stepper <kstepper@danville.ca.gov>, Renee Morgan <rmorgan@danville.ca.gov>

Hi, David. Please enter this email and photo as comments on the Magee Ranches NOP/IS.

Further to Patricia Isom's comments regarding mudslides on Magee Ranch, and my comments sent several days ago on behalf of SOS-Danville Group:

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Thank you.

Maryann Cella

SOS-Danville Group



From: Maryann Cella <maryann.cella@gmail.com>
Sent: Monday, February 05, 2018 3:10 PM
To: hughlouch@altaplanning.com; Leianne Humble
Subject: Fwd: EMAIL #13: MAGEE RANCH MUDSLIDES AND FLOODING ON DIABLO ROAD: COMMENTS AND PHOTOS IN RESPONSE TO THE MAGEE RANCHES NOP/IS
Attachments: Mud on one side, sandbags on the other.jpg

Please see message contained in Email #19

----- Forwarded message -----

From: **Maryann Cella** <maryann.cella@gmail.com>

Date: Mon, Oct 2, 2017 at 12:22 PM

Subject: EMAIL #13: MAGEE RANCH MUDSLIDES AND FLOODING ON DIABLO ROAD: COMMENTS AND PHOTOS IN RESPONSE TO THE MAGEE RANCHES NOP/IS

To: David Crompton <dcrompton@danville.ca.gov>

Cc: Renee Morgan <rmorgan@danville.ca.gov>, Lisa Blackwell <lblackwell@danville.ca.gov>, Robert Storer <RStorer@danville.ca.gov>, Karen Stepper <kstepper@danville.ca.gov>, Newell Arnerich <NArnerich@danville.ca.gov>

Hi, David. Please enter this email and photo as comments on the Magee Ranches NOP/IS.

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The draft EIR must include an analysis of **the need for repair and maintenance of the approximately one -mile stretch ("the stretch") of hillside adjacent to and south of Diablo Road between Alameda Diablo and Avenida Nueva**. Mudslides every winter (please see photos attached hereto and described below) render the road even more dangerous than it typically is the rest of the year. Mudslides routinely require the road to be closed for cleaning of the road, replacement of sandbags, and digging out of the mud piles adjacent to the road to make way for more mud.

In the NOP/IS, ENGEO was quoted as saying that "the conditions described in the 2013 EIR with respect to potential effects of landslides on the Project have not substantially changed."

That statement misses the important facts that the hillsides adjacent to Diablo Road are part of "the Project" and must be considered as part of any approval of the Project, and that those hillsides have been substantially changed by the rains last winter.

Last winter, the first winter in many years where there was a significant amount of rain (although no single storm was greater than a ten-year storm), showed just how vulnerable Diablo Road is to those hillsides. The mudslides down them, over retaining walls, over sandbags, and across Diablo road brought exceedingly dangerous conditions for drivers and numerous road closures due to dangerous road conditions, and the need to replace sandbags and dig out ditches overflowing with mud. Streams created by insufficient road drainage flowed across the road, flooding spots of it and creating erosive streams along the north side of Diablo Road. Those facts must be considered as part of any traffic analysis, bike safety analysis, hydrology analysis, and geotechnical analysis in the draft EIR. Also needing examination is what will be the responsibilities of any GHAD established as part of the project regarding (1) repair of slides and continuing abatement of slides and their damage to Diablo Road; and (2) monitoring hillside drainage to prevent the creation of seasonal streams that further erode the road, endanger vehicles and bicyclists, and wreak havoc on properties north of Diablo Road.

In sum, the EIR must consider the current dire state of Diablo Road and provide appropriate mitigations in the form of improved road/hillside conditions and a plan for future maintenance of the road and hillside as part of any project that will worsen conditions on the road by significantly increasing traffic.

Thank you.

Maryann Cella

SOS-Danville Group



David Crompton

From: Maryann Cella <maryann.cella@gmail.com>
Sent: Monday, October 2, 2017 12:28 PM
To: David Crompton
Cc: Renee Morgan; Karen Stepper; Newell Arnerich; Lisa Blackwell; Robert Storer
Subject: EMAIL #14: MAGEE RANCH MUDSLIDES AND FLOODING ON DIABLO ROAD: COMMENTS AND PHOTOS IN RESPONSE TO THE MAGEE RANCHES NOP/IS
Attachments: Thanks for the Flood warning.jpg

Hi, David. Please enter this email and photo as comments on the Magee Ranches NOP/IS.

Further to Patricia Isom's comments regarding mudslides on Magee Ranch, and my comments sent several days ago on behalf of SOS-Danville Group:

The draft EIR must include an analysis of **the need for repair and maintenance of the approximately one - mile stretch ("the stretch") of hillside adjacent to and south of Diablo Road between Alameda Diablo and Avenida Nueva.** Mudslides every winter (please see photos attached hereto and described below) render the road even more dangerous than it typically is the rest of the year. Mudslides routinely require the road to be closed for cleaning of the road, replacement of sandbags, and digging out of the mud piles adjacent to the road to make way for more mud.

In the NOP/IS, ENGEO was quoted as saying that "the conditions described in the 2013 EIR with respect to potential effects of landslides on the Project have not substantially changed."

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In sum, the EIR must consider the current dire state of Diablo Road and provide appropriate mitigations in the form of improved road/hillside conditions and a plan for future maintenance of the road and hillside as part of any project that will worsen conditions on the road by significantly increasing traffic.

Thank you.
Maryann Cella
SOS-Danville Group



David Crompton

From: Maryann Cella <maryann.cella@gmail.com>
Sent: Monday, October 2, 2017 12:30 PM
To: David Crompton
Cc: Renee Morgan; Newell Arnerich; Karen Stepper; Robert Storer; Lisa Blackwell
Subject: EMAIL #15: MAGEE RANCH MUDSLIDES AND FLOODING ON DIABLO ROAD: COMMENTS AND PHOTOS IN RESPONSE TO THE MAGEE RANCHES NOP/IS
Attachments: Yet another sandbagging area.jpg

Hi, David. Please enter this email and photo as comments on the Magee Ranches NOP/IS.

Further to Patricia Isom's comments regarding mudslides on Magee Ranch, and my comments sent several days ago on behalf of SOS-Danville Group:

The draft EIR must include an analysis of **the need for repair and maintenance of the approximately one - mile stretch ("the stretch") of hillside adjacent to and south of Diablo Road between Alameda Diablo and Avenida Nueva.** Mudslides every winter (please see photos attached hereto and described below) render the road even more dangerous than it typically is the rest of the year. Mudslides routinely require the road to be closed for cleaning of the road, replacement of sandbags, and digging out of the mud piles adjacent to the road to make way for more mud.

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Thank you.
Maryann Cella
SOS-Danville Group



David Crompton

From: Maryann Cella <maryann.cella@gmail.com>
Sent: Monday, October 2, 2017 12:42 PM
To: David Crompton
Cc: Renee Morgan; Karen Stepper; Newell Arnerich; Lisa Blackwell; Robert Storer
Subject: EMAIL #16: MAGEE RANCH MUDSLIDES AND FLOODING ON DIABLO ROAD: COMMENTS AND PHOTOS IN RESPONSE TO THE MAGEE RANCHES NOP/IS
Attachments: Sandbags next to southside retaining wall;site of 1990's road collapse on Northside due to creek bank failure.jpg

Hi, David. Please enter this email and photo as comments on the Magee Ranches NOP/IS.

Further to Patricia Isom's comments regarding mudslides on Magee Ranch, and my comments sent several days ago on behalf of SOS-Danville Group:

The draft EIR must include an analysis of **the need for repair and maintenance of the approximately one - mile stretch ("the stretch") of hillside adjacent to and south of Diablo Road between Alameda Diablo and Avenida Nueva.** Mudslides every winter (please see photos attached hereto and described below) render the road even more dangerous than it typically is the rest of the year. Mudslides routinely require the road to be closed for cleaning of the road, replacement of sandbags, and digging out of the mud piles adjacent to the road to make way for more mud.

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Thank you.
Maryann Cella



David Crompton

From: Maryann Cella <maryann.cella@gmail.com>
Sent: Monday, October 2, 2017 12:45 PM
To: David Crompton
Subject: EMAIL #17: MAGEE RANCH MUDSLIDES AND FLOODING ON DIABLO ROAD: COMMENTS AND PHOTOS IN RESPONSE TO THE MAGEE RANCHES NOP/IS
Attachments: Downed power lines resulting from fallen tree; mudslides.jpg

Hi, David. Please enter this email and photo as comments on the Magee Ranches NOP/IS.

Further to Patricia Isom's comments regarding mudslides on Magee Ranch, and my comments sent several days ago on behalf of SOS-Danville Group:

The draft EIR must include an analysis of **the need for repair and maintenance of the approximately one - mile stretch ("the stretch") of hillside adjacent to and south of Diablo Road between Alameda Diablo and Avenida Nueva.** Mudslides every winter (please see photos attached hereto and described below) render the road even more dangerous than it typically is the rest of the year. Mudslides routinely require the road to be closed for cleaning of the road, replacement of sandbags, and digging out of the mud piles adjacent to the road to make way for more mud.

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Thank you.
Maryann Cella
SOS-Danville Group



David Crompton

From: Maryann Cella <maryann.cella@gmail.com>
Sent: Monday, October 2, 2017 12:48 PM
To: David Crompton
Cc: Renee Morgan; Karen Stepper; Robert Storer; Newell Arnerich; Lisa Blackwell
Subject: EMAIL #18: MAGEE RANCH MUDSLIDES AND FLOODING ON DIABLO ROAD: COMMENTS AND PHOTOS IN RESPONSE TO THE MAGEE RANCHES NOP/IS
Attachments: Downed power lines resulting from fallen tree.jpg

Hi, David. Please enter this email and photo as comments on the Magee Ranches NOP/IS.

Further to Patricia Isom's comments regarding mudslides on Magee Ranch, and my comments sent several days ago on behalf of SOS-Danville Group:

The draft EIR must include an analysis of **the need for repair and maintenance of the approximately one - mile stretch ("the stretch") of hillside adjacent to and south of Diablo Road between Alameda Diablo and Avenida Nueva.** Mudslides every winter (please see photos attached hereto and described below) render the road even more dangerous than it typically is the rest of the year. Mudslides routinely require the road to be closed for cleaning of the road, replacement of sandbags, and digging out of the mud piles adjacent to the road to make way for more mud.

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Thank you.
Maryann Cella
SOS-Danville Group



David Crompton

From: Maryann Cella <maryann.cella@gmail.com>
Sent: Monday, October 2, 2017 12:50 PM
To: David Crompton
Cc: Renee Morgan; Newell Arnerich; Karen Stepper; Robert Storer; Lisa Blackwell
Subject: EMAIL #18: MAGEE RANCH MUDSLIDES AND FLOODING ON DIABLO ROAD: COMMENTS AND PHOTOS IN RESPONSE TO THE MAGEE RANCHES NOP/IS
Attachments: PGE crews working on downed power lines and poles caused by falling eucalyptus tree.jpg

Hi, David. Please enter this email and photo as comments on the Magee Ranches NOP/IS.

Further to Patricia Isom's comments regarding mudslides on Magee Ranch, and my comments sent several days ago on behalf of SOS-Danville Group:

The draft EIR must include an analysis of **the need for repair and maintenance of the approximately one - mile stretch ("the stretch") of hillside adjacent to and south of Diablo Road between Alameda Diablo and Avenida Nueva.** Mudslides every winter (please see photos attached hereto and described below) render the road even more dangerous than it typically is the rest of the year. Mudslides routinely require the road to be closed for cleaning of the road, replacement of sandbags, and digging out of the mud piles adjacent to the road to make way for more mud.

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Thank you.
Maryann Cella



David Crompton

From: Maryann Cella <maryann.cella@gmail.com>
Sent: Monday, October 2, 2017 12:53 PM
To: David Crompton
Cc: Renee Morgan; Newell Arnerich; Robert Storer; Karen Stepper; Lisa Blackwell
Subject: EMAIL #19: MAGEE RANCH MUDSLIDES AND FLOODING ON DIABLO ROAD: COMMENTS AND PHOTOS IN RESPONSE TO THE MAGEE RANCHES NOP/IS
Attachments: PGE crews working on downed power lines and poles caused by falling eucalyptus tree.jpg

Hi, David. Please enter this email and photo as comments on the Magee Ranches NOP/IS.

Further to Patricia Isom's comments regarding mudslides on Magee Ranch, and my comments sent several days ago on behalf of SOS-Danville Group:

The draft EIR must include an analysis of **the need for repair and maintenance of the approximately one - mile stretch ("the stretch") of hillside adjacent to and south of Diablo Road between Alameda Diablo and Avenida Nueva.** Mudslides every winter (please see photos attached hereto and described below) render the road even more dangerous than it typically is the rest of the year. Mudslides routinely require the road to be closed for cleaning of the road, replacement of sandbags, and digging out of the mud piles adjacent to the road to make way for more mud.

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Thank you.
Maryann Cella



David Crompton

From: Maryann Cella <maryann.cella@gmail.com>
Sent: Monday, October 2, 2017 12:58 PM
To: David Crompton
Cc: Renee Morgan; Newell Arnerich; Karen Stepper; Robert Storer; Lisa Blackwell
Subject: EMAIL #20: MAGEE RANCH MUDSLIDES AND FLOODING ON DIABLO ROAD: COMMENTS AND PHOTOS IN RESPONSE TO THE MAGEE RANCHES NOP/IS
Attachments: Fallen eucalyptus tree in erosion-ravaged ravine just west of undersized, failing 12 feet Diablo Road culvert.jpg

Hi, David. Please enter this email and photo as comments on the Magee Ranches NOP/IS.

Further to Patricia Isom's comments regarding mudslides on Magee Ranch, and my comments sent several days ago on behalf of SOS-Danville Group:

The draft EIR must include an analysis of **the need for repair and maintenance of the approximately one - mile stretch ("the stretch") of hillside adjacent to and south of Diablo Road between Alameda Diablo and Avenida Nueva**. Mudslides every winter (please see photos attached hereto and described below) render the road even more dangerous than it typically is the rest of the year. Mudslides routinely require the road to be closed for cleaning of the road, replacement of sandbags, and digging out of the mud piles adjacent to the road to make way for more mud.

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Thank you.
Maryann Cella



David Crompton

From: Maryann Cella <maryann.cella@gmail.com>
Sent: Monday, October 2, 2017 1:05 PM
To: David Crompton
Cc: Renee Morgan; Karen Stepper; Newell Arnerich; Lisa Blackwell; Robert Storer
Subject: EMAIL #21: MAGEE RANCH MUDSLIDES AND FLOODING ON DIABLO ROAD: COMMENTS AND PHOTOS IN RESPONSE TO THE MAGEE RANCHES NOP/IS
Attachments: Erosion-ravaged fallen giant eucalyptus tree that closed Diablo Road for 39 hours.jpg

Hi, David. Please enter this email and photo as comments on the Magee Ranches NOP/IS.

Further to Patricia Isom's comments regarding mudslides on Magee Ranch, and my comments sent several days ago on behalf of SOS-Danville Group:

The draft EIR must include an analysis of **the need for repair and maintenance of the approximately one - mile stretch ("the stretch") of hillside adjacent to and south of Diablo Road between Alameda Diablo and Avenida Nueva**. Mudslides every winter (please see photos attached hereto and described below) render the road even more dangerous than it typically is the rest of the year. Mudslides routinely require the road to be closed for cleaning of the road, replacement of sandbags, and digging out of the mud piles adjacent to the road to make way for more mud.

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Thank you.
Maryann Cella
SOS-Danville Group



David Crompton

From: Maryann Cella <maryann.cella@gmail.com>
Sent: Monday, October 2, 2017 1:55 PM
To: David Crompton
Subject: Comments on the revised Magee Ranches NOP/IS

Hi, David. I am resending our initial comments on the NOP/IS for the Magee Ranches project EIR as comments on the revised NOP/IS. The revised NOP/IS did not correct significant false statements (items 2.A. and 2.B.). The rest of our comments have been disregarded as well. Please accept these comments into the record.

Thanks.

Maryann Cella

SOS-Danville Group

----- Forwarded message -----

From: **Maryann Cella** <maryann.cella@gmail.com>

Date: Thu, Aug 24, 2017 at 2:31 PM

Subject: Omissions on "Request for Comments" list; significant misstatements in the Initial Study

To: David Crompton <DCrompton@danville.ca.gov>, Sabbs@davidonnewhomes.com

Cc: Rob Ewing <REwing@danville.ca.gov>

Thank you, David. Following are a few initial comments on the Notice of Preparation ("NOP") for the "Magee Ranches" draft EIR and the Initial Study ("IS"):

(1) The Diablo Community Services District is not on the list of "concerned agencies, organizations, and individuals" to whom the Town sent requests for comments on the Notice of Preparation/Initial Study. I suggest that you send a request for comments to Richard Breitweiser, General Manager, Diablo Community Services District, P.O. Box 321, Diablo, CA 94528.

I also suggest you send requests for comments to the Magee Ranch HOA; the Hidden Oaks HOA; the Blackhawk HOA; the Diablo Creek HOA; the other HOAs for the subdivisions between Creekledge Court and Magee Ranch Road; and the Hidden Valley HOA.

(2) There are two significant misstatements on page 2 of the Initial Study:

(A) The Study states that the project initially was a proposal to build 85 homes. The first applicant, SummerHill Homes, never proposed to build more than 78 homes because doing so would have required changing the land use designations----something that was studiously avoided to circumvent Measure S's public vote requirement and other complications. The engineering study of how many five-acre lots could be placed on the 410 acre site concluded that only 78 legal lots were possible.

Wrongly stating that the first application requested to build 85 homes gives the false impression that a 16-unit home reduction is reflected in the current 69-unit application, when in fact the project has only been reduced by 9 units. Please correct that misstatement.

(B) The Study wrongly states that the Superior Court ruled in favor of the Town on the rezoning issue. To the contrary, in SOS-Danville Group v. Town of Danville, et al, Judge Austin held *in favor of SOS-Danville Group* that "the rezoning [to P-1, Planned Unit Development] was improper without first a GP [General Plan]

amendment to change the agricultural land use designation" of the Magee ranch 200-acre Agricultural-designated parcel to a designation that allows P-1 zoning. Please correct that misstatement.

(3) No where does the Initial Study state that Superior Court Judge Goode ordered that the Town rescind its approvals of the project and the Environmental Impact Report, and that the Town Council has done so. Not mentioning that the approvals have been rescinded gives the distinct impression that those approvals still stand and that the court only required the Town to perform a bicycle safety impact study. Please correct that significant omission.

In that same regard, I note that the Town's website lists the "Magee Ranches" project as an approved and pending development. Please correct that false information.

Finally, I note that I was unable to open the "noname.eml" attachment to your 8/24 email to me. Please resend in a readable format.

We will be sending additional comments on the NOP/IS before the deadline.

Thank you once again for your assistance.

Sincerely,
Maryann Cella
SOS-Danville Group

On Thu, Aug 24, 2017 at 11:27 AM, David Crompton <DCrompton@danville.ca.gov> wrote:

Maryann,

See Attachments. The NOP was also sent to the California State Clearinghouse for distribution to State agencies as required under CEQA.

-David

From: Maryann Cella [mailto:maryann.cella@gmail.com]
Sent: Tuesday, August 22, 2017 1:50 PM
To: David Crompton <DCrompton@danville.ca.gov>; Rob Ewing <REwing@danville.ca.gov>
Subject: Notice of Preparation issued for "Magee Ranches" project Revised Draft EIR

Dear Mssrs. Crompton and Ewing:

Thank you for the copy I received today of the Notice of Preparation (with attached Initial Study/CEQA Environmental Checklist) dated August 16th, 2017, for the revised Draft Environmental Impact Report for Davidon Homes' "Magee Ranches" project. **I note that the public comment period to respond to the**

Town's limited plans (discussed in the NOP's attachments) for the project's environmental review is from August 17, 2019 [sic] to September 18, 2017.

Pursuant to the Public Records Act, please provide a list of all persons, government entities, and non-governmental organizations to whom the NOP (including attached Initial Study/Checklist) was sent, in hard copy and/or electronically.

In addition, please provide the NOP (including above-mentioned attachments) in electronic format.

We appreciate your assistance.

Sincerely,

Maryann Cella

SOS-Danville Group

----- Forwarded message -----

From: ShareScan <sharescan@danville.ca.gov>

To: David Crompton <DCrompton@danville.ca.gov>

Cc:

Bcc:

Date: Thu, 24 Aug 2017 18:15:11 +0000

Subject: Attached Image

David Crompton

From: Maryann Cella <maryann.cella@gmail.com>
Sent: Monday, October 2, 2017 4:15 PM
To: David Crompton
Cc: Renee Morgan; Newell Arnerich; Karen Stepper; Robert Storer; Lisa Blackwell
Subject: COMMENTS ON THE "MAGEE RANCHES" NOTICE OF PREPARATION/INITIAL STUDY FOR ENVIRONMENTAL IMPACT REPORT
Attachments: Upper Green Valley Creek Hydrology Study.pdf; Mailing - Notice of Preparation 8-16-17.pdf; Revised NOP JS.PDF; DIABLO ROAD MEASUREMENTS between ALAMEDA DIABLO AND AVENIDA NUEVA.docx; Vehicle Code bicycle sections.docx; Questa comments on Magee Rancho Draft EIR.pdf; BICYCLE ACCIDENT POST ON NEXTDOOR DIABLO WEBSITE.docx; ADDITIONAL Diablo Road Width measurements.pdf

Dear Mr. Crompton:

Please accept these SOS-Danville Group comments on the revised Notice of Preparation/Initial Study for the "Magee Ranches" 69+ unit development.

1. POTENTIALLY SIGNIFICANT FLOODING IMPACTS MAY REQUIRE A MUCH LARGER CULVERT AT DIABLO ROAD/ALAMEDA DIABLO INTERSECTION. The Contra Costa County Flood Control Department has recently issued a draft Hydrology Study for Green Valley Creek (attached hereto). The engineer that prepared the Study has stated that the flows are not expected to change when the Study is finalized. The flows predicted for large storms (1879 cubic feet per second during a 100-year, 6-hour storm) would significantly exceed the estimated 1700 cubic feet per second capacity of the Town's failing 12 -foot culvert underneath Diablo Road just east of the Diablo Road/Alameda Diablo intersection (please see email reprinted below from Town of Danville Engineer, Steve Lake, to Gary Rich). As a result, during large storms severe flooding would occur both upstream of the culvert and downstream in the Calle Arroyo area and beyond to the St. Timothy's Church neighborhood. **If the Magee Ranches project were built, the peak flows during large storms would last even longer, increasing floods upstream and downstream.** Please see the attached Questa Engineering study, submitted as comments on the previous Magee Ranches EIR (2013).

Accordingly, we respectfully request that the Town undertake in its draft EIR for the Magee Ranches project a full assessment of the potentially significant additional flooding risks the project would create at the Town's Diablo Road/Alameda Diablo apparently undersized, failing culvert, and condition any approval on installing an appropriately-sized culvert.

As part of any plan for replacing the culvert and repairing it in the interim, there needs to be in place a plan, agreed to by the Diablo Community Services District, for handling traffic during the time Diablo Road is blocked in whole or in part. The private residential community of Diablo, whose entrance is just west of the culvert has narrow, no- shoulder roads, and limited sightlines in many places. The 13,000+ cartrips per day that Diablo Road carries, including school buses and large construction and service vehicles, should never again be diverted for any substantial length of time through that community.

Last winter a fallen tree near the culvert blocked both Diablo Road and Alameda Diablo in Diablo. Traffic was a nightmare for 39 hours as the 13,000+ cartrips per day were diverted onto the extremely narrow, winding road called Calle Arroyo in Diablo. One pedestrian was hit, the road edges were damaged, and a culvert was two weeks later found to have failed. The traffic moved at a snail's pace as cars sought to avoid hitting each other, and wait at intersections. During the replacement of the failed culvert, the entire entrance to the Diablo County Club and nearby homes had to be closed for about 2 weeks. Clearly, the road and the culvert were not designed for huge traffic loads and should never carry such loads again.

2. SIGNIFICANT BICYCLIST SAFETY IMPACTS REQUIRE DIABLO ROAD IMPROVEMENTS INCLUDING SAFE BICYCLE LANES. As a result of the Court of Appeal's ruling against the Town Council in SOS-Danville Group v. Danville Town Council, the draft EIR must contain a full and fair assessment of the negative impact on bicyclists' safety of the nearly 1000 more cartrips per day from the project.

In discussions with Town staff in the last months, an SOS-Danville member was told that the Town relies on plans specified in the 1994 Diablo Road Improvements Capital Improvement Project C-55 to make evaluations about Diablo Road. Those C-55 road improvements were to be accomplished as part of the Conditions of Approval for the original Magee Ranch development, and were paid for by an assessment on the homeowners of that development, and accepted as completed by the Town Council in 1994. The plans show Diablo Road's most dangerous 1 1/2 mile segment between Green Valley/McCauley Roads and Mt. Diablo Scenic Blvd. as having lanes that are uniformly 12' wide, with 2' wide compressed aggregate shoulders on each side.

To the contrary, however, the lanes in that segment of Diablo Road vary in width from 10+ feet to just over 12 feet (please see attachments labeled as Diablo Road Measurements and Additional Diablo Road measurements; and clarifications printed below of hand-written descriptions on the Additional Diablo Road measurements attachment). Moreover, it is apparent to anyone driving the road that there are no or nearly no shoulders on that length of road. In fact, the road improvements specified in the plans for the 1994 Diablo Road Improvements Capital Improvement Project C-55 were never completed as specified. The Magee Ranch homeowners did not get what they paid for, and the public did not get what was supposed to be part of the Magee Ranch development approval.

Accordingly, any traffic and bicyclist safety analyses in the draft EIR must specifically discuss the ACTUAL road conditions, and not rely on 23-year-old never -completed plans.

The actual road conditions, plus the highly limited sightlines, make it impossible for a **car/truck/school bus to safely pass a bicyclist with the legally -required 3' space between them in almost the entire road segment between Green Valley Road and Mt. Diablo Scenic Blvd.** That entire segment already has double yellow lines due to the risks of passing. The dangers on the road are underscored by the numerous bicyclist accidents on that stretch of road in the last decade, including one in 2015 (see Nextdoor description attached hereto). In the last year, another bicyclist was hit just off Diablo Road on Calle Arroyo in Diablo; Calle Arroyo and other narrow, winding private roads with no shoulders in the community of Diablo are used to avoid the even more dangerous conditions on Diablo Road. And right near the project's proposed main entrance, two bicyclists were hit in the same accident in June of 2017 (see reprinted newspaper article below).

Under California Vehicle Code Section 21202 (a) (3) (attached hereto), a road such as Diablo Road is considered to have *substandard width lanes*, and a bicyclist does not have to ride as close as possible to the edge of pavement, but may legally take up the entire lane. Because the existing conditions provide **extremely limited safety** to the tens of thousands of bicyclists that travel Diablo Road every year, as mitigation for further endangering bicyclists by adding nearly 1000 more cartrips per day from the Magee Ranches project, ***the road must be brought to standard conditions of at least a uniform 12' feet width per lane (per the 1994 C-55 contract), and safe 4' bicycle lanes must be added to each side.***

Until such time as the road is improved with safe bicycle lanes, "NO PASSING BICYCLISTS" signs should be added at reasonable intervals from Green Valley Road to at least Mt. Diablo Scenic Blvd. The confusing "Share the Road" signs should be removed. The road is too narrow for "sharing"---i.e., cars and bicyclists can never travel side-by-side; cars must ride behind or in front of cyclists.

3. MEASURE S PUBLIC VOTE REQUIRED. The Town must revisit its planned rezoning to P-1, Planned Unit Residential Development, for the project, and provide the Measure S vote that was clearly intended for a project such as this on Agricultural Open Space land.

In its lawsuit, SOS-Danville Group argued, and the trial judge agreed, that the rezoning without a change in land use from Agricultural Open Space to Residential was in violation of the Town's General Plan with the purpose of circumventing the Danville publically- approved Open Space Protection Ballot Measure S requirement for a public vote on the project. (Note that the Town wrongly states in the NOP/IS that the trial court ruled against SOS-Danville on that issue.) The Court of Appeal reversed the trial judge, but only held that the Town Council had not "abused its discretion" in doing the "problematic" P-1 rezoning without a land use change and public vote. The Court of Appeal made it very clear that the Council could reasonably agree with the trial judge and SOS-Danville Group and require a change in land use and a Measure S public vote on the project.

Thank you for your assistance.

Maryann Cella
SOS-Danville Group

From: Steve Lake <SLake@danville.ca.gov>
Subject: RE: DP 404-15, 1700 Alameda Diablo - Pedestrian Bridge
Date: April 24, 2017 at 12:55:45 PM PDT
To: Gary Rich <garylrich12@gmail.com>

Hi Gary,

Culvert velocity is based on the diameter, type and slope of the pipe and the depth of flow. For example, a 12-foot diameter culvert at a 1% slope (1 foot fall in 100 feet), flowing 90% full, will have a velocity of about 16 feet per second and a capacity of about 1,700 cubic feet per second. The culvert can carry higher velocities than the ditch.

The maximum ditch velocity is generally based on the type of material from which the ditch is made. For dirt ditches (creeks) the maximum velocity is 5 to 8 feet per second. Weed lined ditches will have a higher resistance to erosion and could carry a higher velocity. A trapezoidal ditch (creek) with a bottom width of 8 feet, a longitudinal slope of 1%, side slopes of 2.5H to 1V, and flowing 8 feet deep will have a capacity of about 1,700 cubic feet per second at a velocity of about 8 feet per second.

Remember that the upstream detention basins will reduce peak flows.

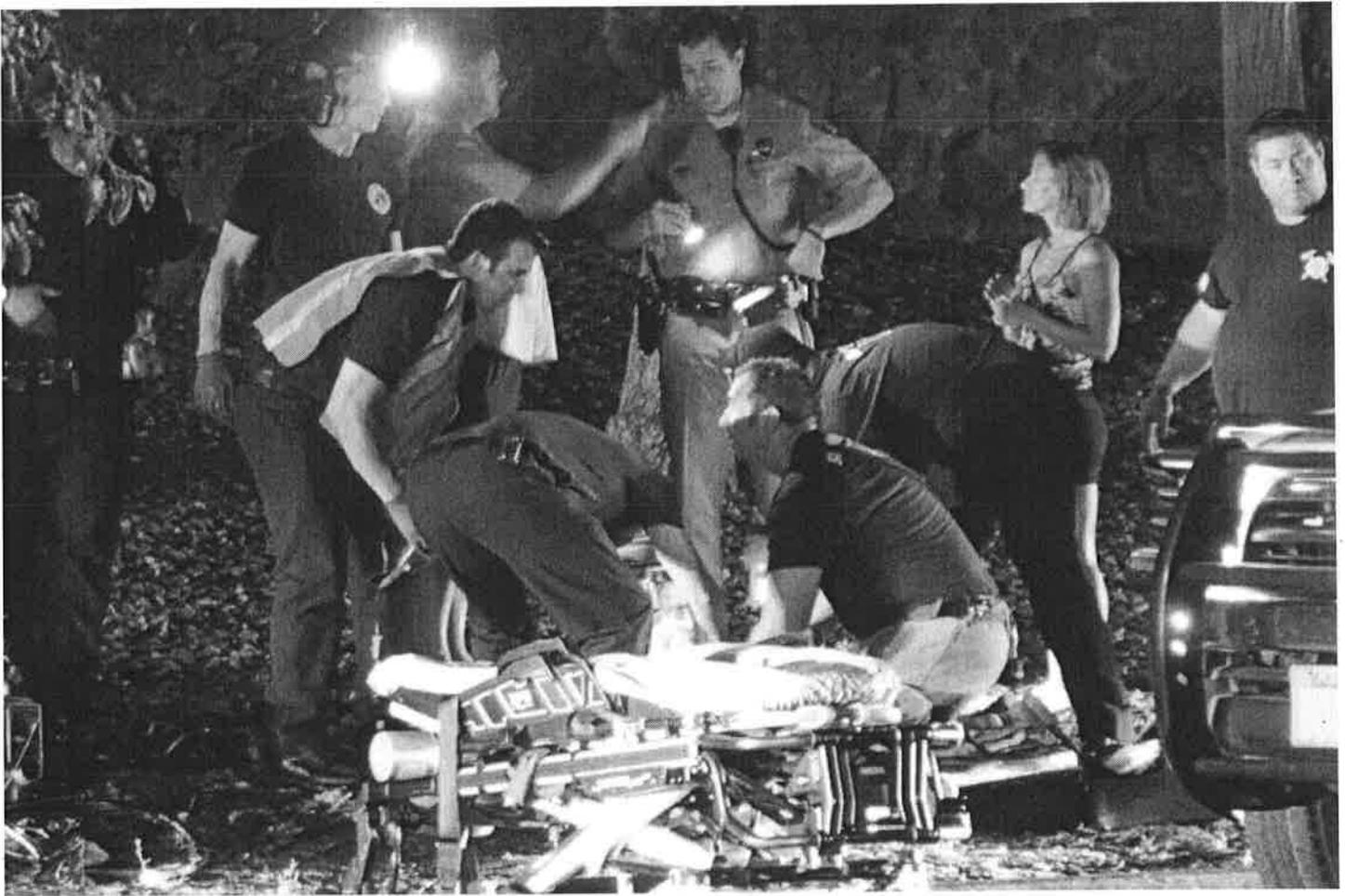
Steve

From the Danville San Ramon Updates:

"Two bicyclists injured, one airlifted after being struck by motorist in Danville

06.22.2017.

Author: mac



UNINCORPORATED DANVILLE – Officers arrested a driver after he allegedly struck two bicyclists on Blackhawk Road Wednesday night.

At approximately 9:20 pm Wednesday, Deputies from the Contra Costa County Sheriff's Office were dispatched to a welfare check on Blackhawk Road in which the caller stated he had just hit something in the roadway, then fled the scene.

At the same time, the San Ramon Valley Fire Protection District received a call from a motorist, reporting that two bicyclists were down on Blackhawk Road, just east of Magee Ranch road.

Paramedics arrived at the scene and found two bicyclists with traumatic injuries. The driver of the vehicle reportedly followed an ambulance back to the scene after calling authorities.

One rider was airlifted by a CALSTAR air ambulance at a nearby soccer field. He was conscious and talking with paramedics. The other rider was transported to a hospital via ambulance.

Officers from the California Highway Patrol conducted a field sobriety test and subsequently arrested the driver of the vehicle.

The vehicle that reportedly struck the bicyclists, a red Volkswagen, appeared to have body damage on the left front panel.

Blackhawk Road remained open for the duration of the incident. Both bicycles at the scene appeared to be equipped with rear-facing red lights."

CLARIFICATIONS OF HAND-WRITTEN DESCRIPTIONS ON THE ADDITIONAL DIABLO ROAD MEASUREMENTS ATTACHMENT:

On Green Valley Rd., Danville shows the road width to be 12'. The actual width is 10'4". Further, on the plans where it shows the road width to be 10' is correct. And that's where kids are walking and riding to school. Also, the lane closest to the sidewalk on Diablo Rd. in front of Green Valley School is 10'4" wide. Measurements are circled and arrows are in approximate area where road width was taken.

Clarification of handwritten notes:

- Where under tar wire for traffic monitor and gate (Wire that is embedded under road surface to monitor traffic)
- at driveway with gate 1400 (The private residence driveway at 1400 Diablo Rd.)
- where galvanized bumper/guard rail
- where telephone (TP) (at location of telephone pole)
- where wood fence accident (previous car accident that destroyed fence)
- at telephone pole (at location of telephone pole)



Upper Green Valley Creek Hydrology Study

April 28, 2017 – PRELIMINARY

By: Mark Boucher

Background

The Green Valley Creek flow rates have not been reviewed for many years. The first evidence of flows being calculated were in a report entitled “Hydrology Report, San Ramon Watershed” dated August in 1997 by the the Contra Costa County Flood Control and Water Conservation District (FC District).

Several developments have been constructed in the watershed since that study was done. Several phases of development installed detention basins to mitigate their peak flows (and possibly to capture debris from the open spaces so that the debris would not block the storm drain systems). In all there are currently four (4) detention basins in the upper watershed.

A newer proposed subdivision named “Magee Ranches” prepared a “Regional Hydrologic Analysis” (Engeo Inc., Revised April 17, 2011). This development is not be confused with the older Magee Ranch development. The Magee Ranches development proposed a detention basin to mitigate its expected increase in peak flows and prepared a regional hydrology model under some guidance of the FC District and was reviewed and approved by the FC District. This development has not been constructed at the writing of this report.

Recently, a resident proposed a private foot bridge on his property which straddles Green Valley Creek (GVC). For this bridge, the resident needed to know the freeboard the bridge would have over the 100-year water surface. Several attempts at finding or determining the correct flow rate to make sure the bridge would not encroach in the freeboard over the creek were fruitless. The location of the proposed foot bridge is just upstream of the GVC culvert under Diablo Road near Alameda Diablo.

After some consideration, the FC District Hydrology Section decided to use the new Graphic Information System (GIS) software module Arc Hydro to extract the watershed an land use data needed to model the watershed using the HEC-HMS software (HMS). There was some software

process development needed to do this work, and after many months the Hydrology Section completed a working HMS model.

This draft report is being prepared to produce the results for the pedestrian bridge design. A more thorough report will be prepared at a later time. This modeling does not assume the presence of the yet to be constructed Magee Ranches subdivision. We assume that the Magee Ranches project will mitigate its runoff so that the peak flows at the culvert mentioned above will be at or below the levels we modeled here.

Model Overview

An image of the modeled watersheds is provided below. The point of interest for the private bridge is the “X” point on far east (left) of the watersheds that are outlined in green. The red lines on the image represent the main flow paths. The four “X” points at the upstream ends of the red lines are the locations of the four (4) existing detention basins.



Figure 1 - Upper Green Valley Creek Watershed upstream of the Diablo Road/Alameda Diablo intersection.

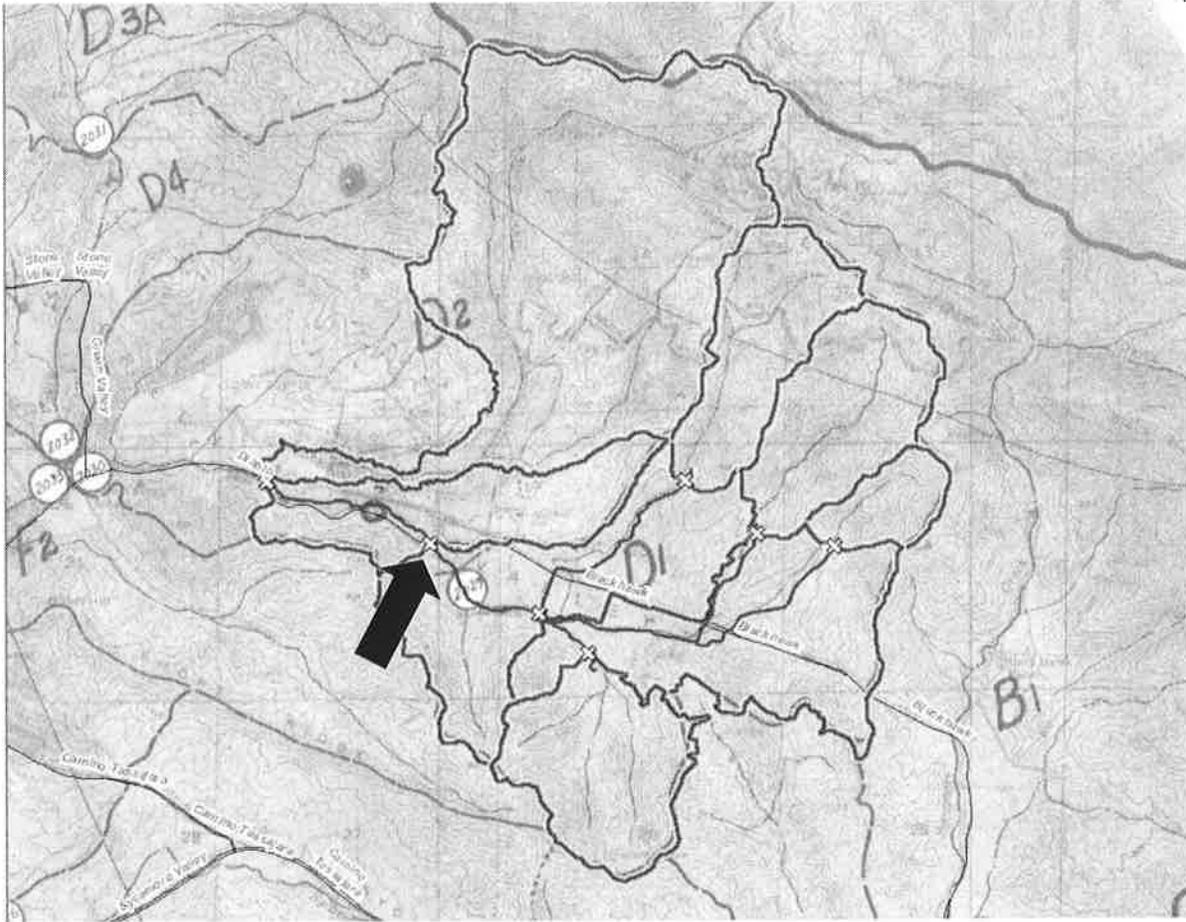


Figure 2 - Watershed overlaid on the 1977 study hydrology map.

Flow Rates

The next image is the same area overlaid on the hydrology map from the 1977 hydrology study. We can see two “points” on the old map, that are near the point of interest (the proposed pedestrian bridge). These are points 2029 and 2030. The 100-year 6-hour storm flow rates from the report for these points are shown in the table below.

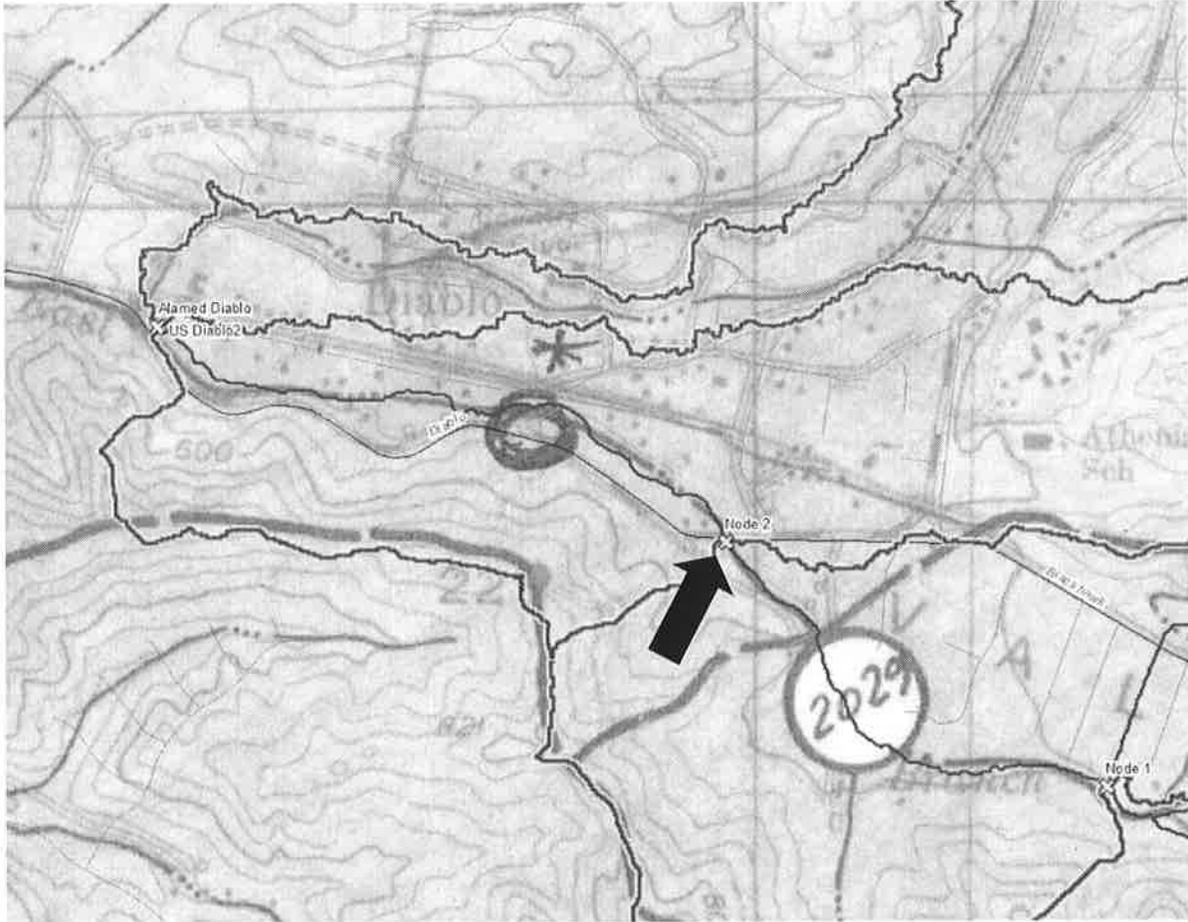


Figure 3 – Close up map image of point of interest.

The 2011 hydrology study done by Engeo, Inc. for Magee Ranches produced a flow rate for the 100-year 6-hour storm of 1,133 cfs at the point labeled “Node 2” in the images above. This point is also marked by a black arrow in the images above. This is a crossing of Diablo Road over GVC upstream of the point of interest. For that point, the Engeo, Inc. report calculated 1,133 for the 100-year 6-hour storm and 1,558 cfs for the 100-year 24-hr storm. The Engeo, Inc. report had an area at that point of 2.268 square miles

Plotting these three 100-year 6-hour flow rates, which are summarized in the table below, against their respective areas results in the following plot. The thin black line is a linear regression plot for the data. This plot is one way to compare the flows even though the locations are not the same. This shows relatively good correlation for the three flow rates.

Design Storm

The past studies used design storms of 100-year frequency and 6-hour duration (100-year 6-hour). To compare the past studies, this design storm will be used. Other design storms had different peaks. The FC District's 100-year 24-hour duration storm had a higher peak. Criteria of choosing the duration of the design is not established yet for Contra Costa County. Other standards state that the design storm should be four to five times the time of concentration (Tlag). In this case, the longest Tlag is just over one hour. Based on general standards, the 6-hour storm should suffice.

Table 1 - Flow rates from studies sorted by area

Point Number	Area (square miles)	100 year 6 hour Flow Rate (Q in cfs)
1977 study point 2029	2.21	1,400
Engeo, Inc. Point	2.268	1,133
1977 study point 2030	5.06	2,470

100-year 6-hour Flow vs Area

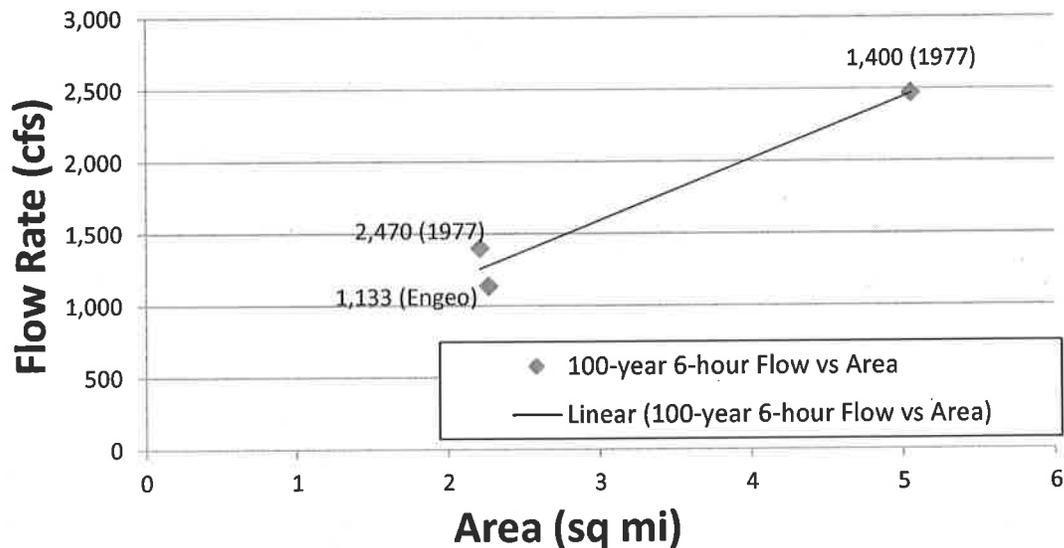


Figure 4 – Plot of 100-year 6-hour flow rates from studies

2017 Modeling Overview

The GIS software was used to delineate the watersheds and to convert the land use and zoning layers the County has into two parameters need for the modeling effort. These are the infiltration rate (I) and the watershed N-value (N). Though some work had been done on developing a process to convert the land use designation to I and N, this process had not been perfected. It was developed more extensively during this modeling effort. These values are crucial in determining the most accurate representation of the land use effect on loss of rainfall due to infiltration and the speed of which the storm water flows off the land.

The general approach is to delineate watersheds for each of the detention basins and then to find junctions in the watershed where flows from these detention basins will combine with the other areas downstream of the the junctions. Also, the characteristics of the pipes and creeks that convey the flows from a junction down to another junction must be used to approximate the lag time as the flows travel downstream. There is also an attenuation (lowering) of the peak flows while they travel along the channels. The HMS model has several options for performing these modeling tasks.

2017 Modeling Results

The following table is a summary of the 6-hour flow rates for the design storms at all the points in the model. The values highlighted in yellow represent the design storm that is required based on the area of the watershed. In summary, the 10-year design storm is required for areas 1.0 square miles and less, the 25-year design storm is required for areas over 1.0 square miles up to 4.0 square miles, and the 100-year design storm is required for areas over 4.0 square miles.

Peak Flow Results: US to DS Hydrologic Order of Points				
Model Points	Area at Point	010y 06h	025y 06h	100y 06h
Node 1	0.53	208.0	256.0	332.0
McGee Ranch Basin	0.36	139.0	172.0	222.0
Magee Detention Basin	0.36	116.0	139.0	171.0
Reach-4	0.36	115.0	138.0	169.0
Junction-4	0.89	314.0	383.0	483.0
Node 2	0.55	211.0	260.0	338.0
MiddleBasin	0.35	136.0	170.0	221.0
Middle Detention Basin	0.35	81.0	116.0	207.0
Reach-2	0.35	81.0	112.0	200.0
EastBasin	0.11	56.0	68.0	88.0
East Detention Basin	0.11	13.0	14.0	55.0
Reach-1	0.11	13.0	14.0	48.0
Junction-5	0.46	93.0	125.0	248.0
Reach-3	0.46	93.0	114.0	220.0
WestBasin	0.32	126.0	157.0	203.0
West Detention Basin	0.32	85.0	176.0	210.0
Reach-5	0.32	72.0	149.0	193.0
Reach-6	0.32	68.0	140.0	186.0
Junction-3	2.22	624.0	777.0	1,137.0
Reach-7	2.22	578.0	765.0	1,062.0
US Diablo2	0.35	133.0	164.0	213.0
Junction-2	2.57	711.0	887.0	1,275.0
Reach-8	2.57	667.0	887.0	1,231.0
Alameda Diablo	1.45	397.0	497.0	648.0
Junction-1 (point of interest)	4.02	1,064.0	1,383.0	1,879.0

Comparison of flows

Below is repeat of the table and plot above with the Junction-1 and Junction-2 flows added with the list is sorted by Area. We can see that the results are very similar. The latest results are a bit lower in general. The Engeo, Inc. value is very consistent with the 2017 study results. This is not surprising as the detention four basins are included in the model and the general program was used in both the Engeo, Inc. study and the 2017 study.

Table 3 - Flow rates from studies sorted by area

Point Number	Area (square miles)	100 year 6 hour Flow Rate (Q in cfs)
1977 study point 2029	2.21	1,400
Engeo, Inc. Point	2.268	1,133
2017 study Junction-1	2.57	1,275
2017 study Junction-2	4.02	1,879
1977 study point 2030	5.06	2,470

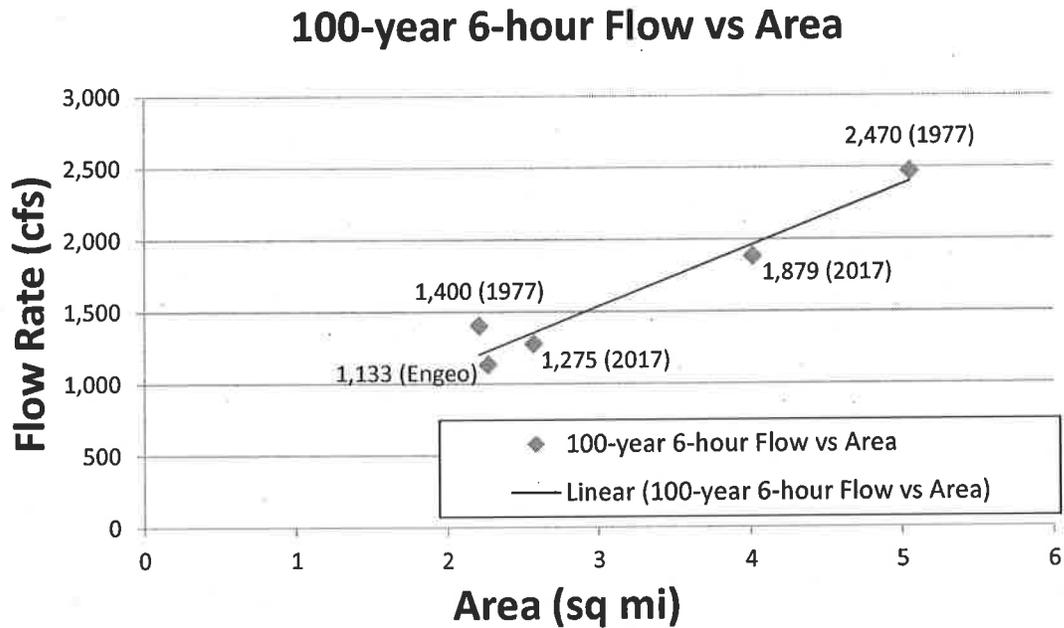


Figure 5 – Plot of 100-year 6-hour flow rates from studies

Preliminary Conclusion

For the purpose of analyzing culvert under Diablo Road at Alameda Diablo for the freeboard criteria for the pedestrian bridge, a flow rate of 1,879 cfs should be used. Because the proposed bridge is right next to the culvert, the 100-year flow rates should be used for determining the water surface at the propose bridge site. Therefore, the creek under the pedestrian bridge is to be modeled to have a flow rate of 1,231 cfs and the culvert coming out from the Alameda Diablo (road) direction is to be modeled to have a flow rate 648 cfs.

MB:

C:\GIS\DA36GVC\Upper Green Valley Creek Hydrology Study.docx



*"Small Town Atmosphere
Outstanding Quality of Life"*

Date of Mailing: August 16, 2017

Notice of Preparation

Town of Danville (Lead Agency)
510 La Gonda Way
Danville, CA 94526
(925) 314-3349

Subject: Notice of Preparation (NOP) for the Revised Draft Environmental Impact Report for the Magee Ranches Project

Project Applicant: Davidon Homes

Public Review Period: NOP response period is from August 17, 2019 to September 18, 2017

The Town of Danville will be the Lead Agency and will prepare a Revised Draft Environmental Impact Report (EIR) for the Magee Ranches Project. This Notice of Preparation is provided pursuant to Section 15082 of the California Environmental Quality Act (CEQA) Guidelines to announce the initiation of the EIR process and to solicit comments from responsible and trustee agencies and interested parties concerning the scope of issues to be addressed in the Revised Draft EIR. Refer to the Probable Environmental Effects listed below and the attached Initial Study Checklist to determine whether your concerns have already been identified. Please focus your comments on the project's potential environmental impacts and recommendations for methods of avoiding, reducing or otherwise mitigating those impacts. If you are a governmental agency with discretionary authority over initial or subsequent aspects of this project, please describe that authority and provide comment regarding potential environmental effects that are germane to your agency's area of responsibility.

Due to the time limits mandated by State law, your response must be submitted at the earliest possible date, **but not later than 30 days after receipt of this notice**. Please include in your response the name of a contact person in your agency (if applicable). Please send your written responses to the attention of David Crompton, Principal Planner, at the address identified above.

510 LA GONDA WAY, DANVILLE, CALIFORNIA 94526

Administration
(925) 314-3388

Building
(925) 314-3330

Engineering & Planning
(925) 314-3310

Transportation
(925) 314-3310

Maintenance
(925) 314-3450

Police
(925) 314-3700

Parks and Recreation
(925) 314-3400

Project Location: The Project site is located in the Town of Danville, approximately 20 miles east of San Francisco in Northern California (see Figure 1 within the Initial Study). The site is bounded by Diablo Road and Blackhawk Road to the north and McCauley Road to the west. The property is comprised of 10 legal parcels totaling approximately 410 acres, and is generally characterized by open grass-covered hills with scattered trees (see Figure 2 within the Initial Study).

Project Description: The Project proposes to develop approximately 30 acres of the 410-acre project site with 69 single family homes and seven attached secondary dwelling units. Approximately 380 acres of the project site would be permanent open space used for ongoing cattle grazing operations, habitat preservation and enhancement, storm water treatment, and public trails. The Project would rezone the approximately 410 acre property from A-4 (Agricultural Preserve District), A-2 (General Agricultural District), and P-1 (Planned Unit Development District) to a new P-1 (Planned Unit Development District). In addition, a Vesting Tentative Map is proposed to create the 69 single family lots on the site. The lots would be clustered and located primarily on the flatter portions of the property. The Project plans are on file and available for review at the Town of Danville Planning Division. The Project applicant is Davidon Homes.

Probable Environmental Effects. An Initial Study has been prepared for the Project in accordance with CEQA and the CEQA Guidelines. This Initial Study is posted on the Town of Danville's website at <http://www.ci.danville.ca.us/Services/Planning-Services/Development-Activities/Magee-Ranch-Project/>. CEQA identifies that when a lead agency has determined that it will prepare an Environmental Impact Report ("EIR"), the lead agency may use an initial study to focus the EIR on a project's significant environmental impacts, identify impacts determined to be not significant, and explain why potentially significant impacts were determined to be not significant (CEQA Guidelines Section 15063).

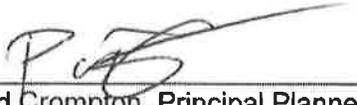
As explained in the Initial Study, the Town approved a slightly larger version of the Project (the same number of lots, but on a larger footprint) in 2013, but the Town's approvals and EIR certification were challenged in litigation. The courts rejected the lawsuit's challenges to the 2013 EIR's adequacy regarding vehicular traffic, pedestrian safety, California red-legged frogs, emergency access, safe evacuation, flooding, erosion, siltation, responses to public comments, project alternatives, recirculation, and land use. The courts determined, however, that the EIR did not adequately address impacts to bicycle safety.

As explained in the Initial Study, the Revised Draft EIR will focus on the following topics:

- **Air Quality:** The EIR will re-quantify criteria air pollutant emissions and quantify human health risk from Project construction activities.
- **Greenhouse Gas (GHG) Emissions:** The EIR will update and analyze the GHG emissions from the Project.
- **Noise:** The EIR will evaluate noise and groundborne noise/vibration impacts on nearby sensitive uses (residences) during Project construction.
- **Transportation:** The will include a traffic analysis that addresses all aspects of transportation and circulation effects of the Project, including bicycle safety.

- Energy: The EIR will re-analyze the energy impacts of the Project.
- Growth Inducement: The EIR will address the potential growth inducement effects of the Project.
- Cumulative Impacts: The EIR will evaluate the potential cumulative impacts of the Project when combined with past, present and reasonably anticipated projects in the region in the areas of air quality, transportation, and construction noise.
- Alternatives: The EIR will consider a range of reasonable alternatives to the proposed Project that have the potential to feasibly obtain most of the basic objectives of the Project.

Date: August 16, 2017

Signature: 
David Crompton, Principal Planner

Attachment:

Initial Study/CEQA Environmental Checklist for the Magee Ranches Development

CEQA Environmental Checklist for Magee Ranches Development

Introduction

This document is an Initial Study prepared pursuant to the California Environmental Quality Act ("CEQA") for the proposed Magee Ranches Project ("Project").¹ It has been prepared in accordance with CEQA and the CEQA Guidelines. The lead agency is the Town of Danville.

Where, as here, a lead agency has determined that it will prepare an Environmental Impact Report ("EIR"), the lead agency may use an initial study to focus the EIR on the Project's significant environmental impacts, identify impacts determined to be not significant, and explain why potentially significant impacts were determined to be not significant. That is the function of this Initial Study.

This Initial Study concludes that the following topics require further analysis in a Revised Draft EIR:

- Air Quality: criteria air pollutant emissions during construction and health risk from emissions during construction
- Greenhouse Gas Emissions
- Noise: Noise and groundborne noise/vibration during construction
- Energy

PROJECT LOCATION AND AREA

The Project site is located in the Town of Danville, approximately 20 miles east of San Francisco in Northern California (see Figure 1). The site is bounded by Diablo Road and Blackhawk Road to the north and McCauley Road to the west. The property is comprised of 10 legal parcels totaling approximately 410 acres, and is generally characterized by open grass-covered hills with scattered trees (see Figure 2). The elevation of the property ranges from approximately 425 feet along the Project's frontage at Diablo Road near McCauley Road to about 860 feet at its highest point. The site is currently used for beef cattle operations.

The property is surrounded by single-family residential neighborhoods, including the Belgian Drive/Clydesdale Drive/Fairway Drive neighborhoods, the unincorporated community of Diablo, and single family homes located between Green Valley Creek and Diablo Road/Blackhawk Road to the north, the Hidden Valley development to the west, the existing Magee Ranch subdivision to the east, and residential uses located on the south side of Short Ridge to the south. Public and private open space areas are also

¹ Throughout this Initial Study, the current version of the proposed Project is referred to as "Project" and earlier, larger versions analyzed in 2013 are referred to as "project."

located in the project vicinity, including Sycamore Valley Regional Open Space Preserve, which adjoins the property to the south, and Mt. Diablo State Park.

Project Background

In October 2010, SummerHill Homes submitted an application for a Preliminary Development Plan – Rezoning and Final Development Plan – Vesting Tentative Map/Major Subdivision to allow for development of 85 residential lots on the project site. In March 2011, SummerHill Homes reduced the number of residential lots from 85 to 78. The Town began preparation of an EIR for the project and several technical studies were conducted based on a 78-unit project. These studies generally were not updated when the project was subsequently reduced in size, because the reduced proposals would cause reduced environmental impacts compared to the 78-lot proposal.

SummerHill Homes reduced the project to 70 lots before the Draft EIR was issued; most of the Draft EIR's analysis was based on the 70-lot project description. In February 2013, in response to comments on the Draft EIR, SummerHill Homes reduced the project from 70 to 69 units. This change reduced the proposed developed area by 70 acres and eliminated three custom lots fronting on Diablo Road. The Final EIR issued in April 2013 took this reduction into account, noting that the 69-unit project would reduce some environmental impacts evaluated in the DEIR. (2013 FEIR, p. 2.) The Town of Danville approved the 69-lot proposed project.

A lawsuit was filed to challenge the project approvals, alleging that the project's EIR inadequately addressed impacts to traffic, bicycle safety, pedestrian safety, the California red-legged frog, emergency access, safe evacuation, flooding, erosion, and siltation. The lawsuit further alleged that the EIR failed to adequately respond to public comments, failed to consider project alternatives that would have eliminated traffic impacts, and should have been recirculated for public comment. Finally, the lawsuit alleged that the project was inconsistent with the Town's General Plan and with other land use restrictions. The Superior Court and the Court of Appeal rejected all of these allegations except for the claim that the EIR did not adequately address impacts to bicycle safety. *SOS-Danville Group v. Town of Danville*, Contra Costa County Superior Court Case No. MSN13-1151 (filed 7/25/2013); Order Re: Petition for Writ of Mandate (CEQA) (7/28/2014); Opinion, First District Court of Appeal Case No. A143010 (9/11/2015). As to bicycle safety, further CEQA analysis is required before the Town considers project approval.

In February 2017, Davidon Homes became the project applicant. The current site plan proposes a total of 69 residential lots. It differs from the project described in the 2013 EIR in two primary respects:

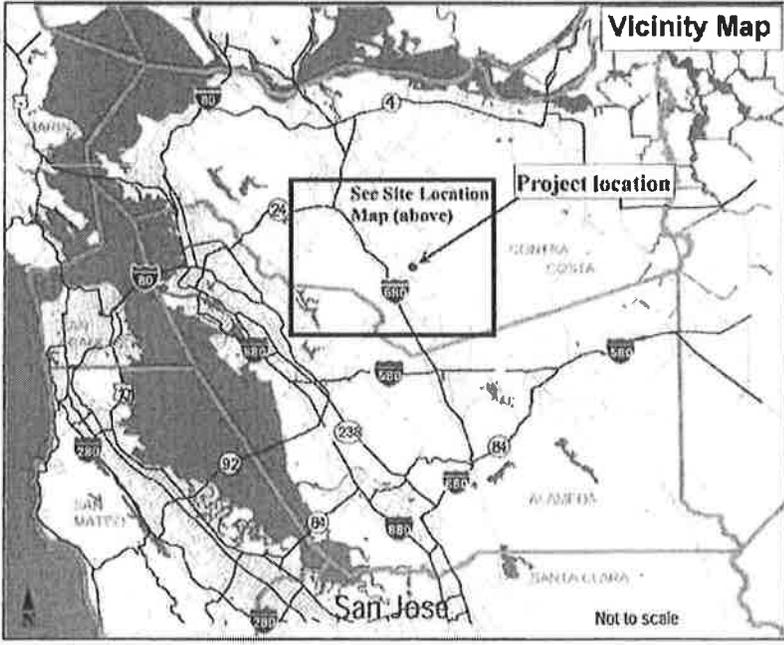
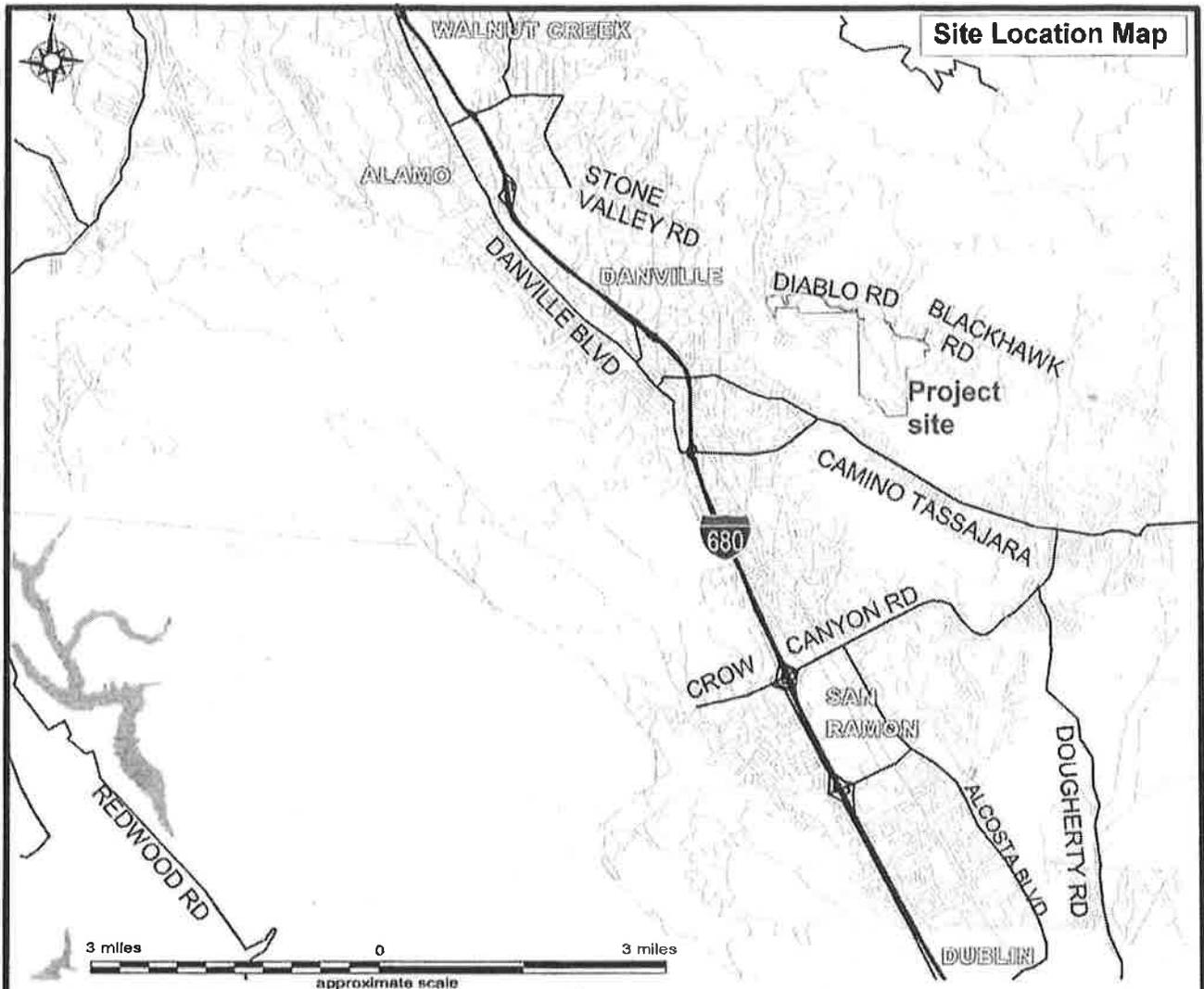
1. The Project would place 69 clustered lots on a total of approximately 23 acres. Under the Project, all 69 lots would be placed within the footprint of residential development analyzed and approved in 2013. The Project would reduce

developed acreage and correspondingly increase open space by approximately nine acres compared to the project described in the 2013 FEIR.

2. An existing corral on the site, which would be eliminated by the Project, would be replaced by a new 100 by 100-foot corral near Diablo Road, to serve cattle grazing operations that would continue on the majority of the Project site.
3. Each of the 69 single family residences would include an electric vehicle charger.

PROJECT DESCRIPTION

The Project would rezone the approximately 410 acre property from A-4 (Agricultural Preserve District), A-2 (General Agricultural District), and P-1 (Planned Unit Development District) to a new P-1 (Planned Unit Development District). In addition, a Vesting Tentative Map is proposed to create 69 single family lots on the site. The lots would be clustered and located primarily on the flatter portions of the property. The Project location maps are provided in Figures 1 and 2. The Project plans are on file and available for review at the Town of Danville Planning Division. The Project applicant is Davidon Homes.



Live Oak Associates, Inc.		
Magee Ranch Site / Vicinity Map		
Date	Project #	Figure #
1/23/2013	1385-07	1

Figure 1

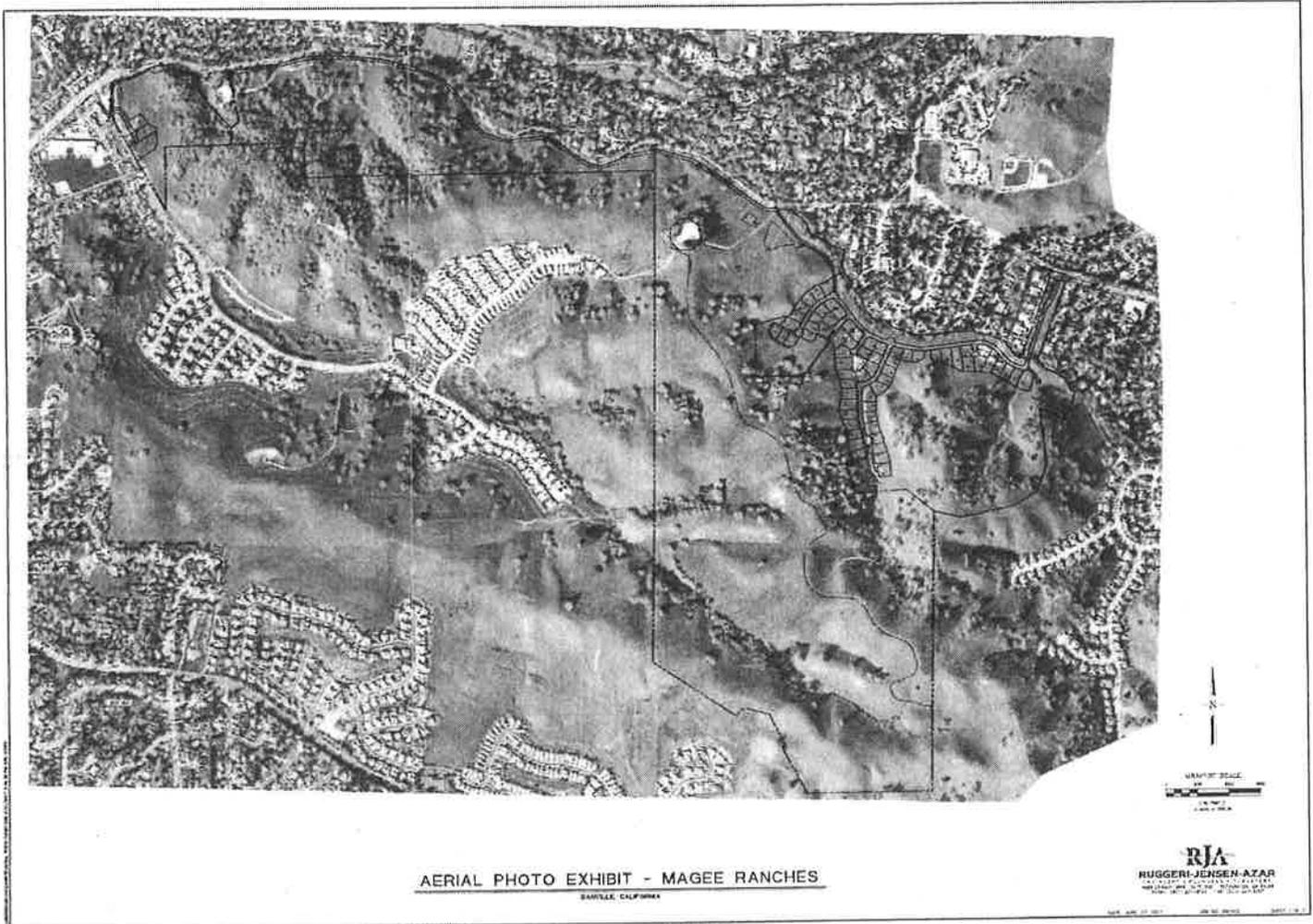


Figure 2

PROJECT OBJECTIVES

The objectives of the Project proponent are listed below:

- Develop a residential project that is consistent with the Town of Danville Agricultural, General Open Space, Rural Residential, and Rural Residential/Single Family-Low Density General Plan Land Use designations for the site as well as the General Plan's Magee Ranch Special Concern Area language.
- Provide 69 residential lots, including 66 home sites at the east end of site south of Blackhawk Road and three home sites near the southeast corner of the Diablo Road/McCauley Road intersection.
- Design the Project to cluster development on the lower portions of the site to minimize visual impacts and limit disturbance on the property.
- Provide for a minimum of 10% of the 69 lots to include a second dwelling unit ("casita") to satisfy the Town's affordable housing requirements.
- Preserve approximately 381 acres of the Project site as permanent open space.
- Preserve significant features of scenic hillsides and major ridgeline areas.

PROJECT CHARACTERISTICS

SITE PLAN

Davidon Homes is under contract to purchase the 410-acre Project site, with the current landowner retaining several access easements. The Project proposes to subdivide the approximately 410-acre site into 69 single-family lots, road rights-of-way and open space. Magee East, comprising approximately 335 acres, would include 66 lots ranging in size from approximately 10,000 to 22,000 square feet. Magee West, comprising approximately 75 acres, would include three lots ranging in size from approximately 29,000 to 48,000 square feet. See Table 1 below. The Project proposes to locate the 69 lots on approximately 23 acres on the flatter portions of the site, avoiding steeper slopes and ridgelines. A minimum of 10% of the homes would be constructed with attached second dwelling units, referred to as "casitas," in order to meet the Town's affordable housing requirements.²

Lot	Area (s.f.)	Lot	Area (s.f.)
1	13,880	36	13,944
2	31,522	37	16,689
3	13,031	38	14,684
4	12,680	39	12,642
5	11,885	40	11,361
6	15,503	41	16,692
7	11,476	42	14,433
8	11,570	43	11,939
9	11,475	44	10,894
10	10,056	45	11,016
11	11,296	46	12,042
12	12,070	47	10,596
13	11,169	48	15,529
14	12,894	49	19,350
15	13,971	50	11,281
16	18,737	51	15,619
17	11,285	52	13,685
18	11,597	53	12,837
19	10,681	54	19,538
20	14,983	55	14,543
21	19,295	56	13,262
22	15,006	57	14,268
23	10,929	58	22,137

² Although seven second dwelling units are required, the Town assumes that future homeowners may add up to ten more second dwelling units. Accordingly, the environmental impact analysis for project operations assumes 69 single-family units and 17 second dwelling units.

24	11,168	59	10,297
25	11,746	60	10,051
26	10,066	61	13,921
27	13,068	62	13,931
28	13,295	63	12,346
29	15,569	64	10,775
30	12,816	65	10,657
31	15,194	66	12,150
32	16,889	67	36,647
33	14,748	68	29,327
34	14,503	69	48,427
35	11,548		

Lots 1-66 on Magee East
 Lots 67-69 on Magee West

In addition to the 23 acres of residential lots, street rights-of-way would occupy approximately 5.7 acres, comprising both new internal streets (5.25 acres) and right-of-way to be dedicated to the Town along Diablo Road (0.4 acre).

The remaining portion of the Project site (approximately 381 acres) would be preserved as permanent open space. Most of this area would be used for cattle grazing and habitat, but the area would also include two public trails, common area landscaping, biofiltration swales and bioretention/flow control basins, and a relocated corral of approximately 100 by 100 feet to support the ongoing cattle grazing operations. No structures would be constructed to serve the corral. During construction, corrective grading to protect new residences and infrastructure from existing landslides and debris flows would also occur in portions of the open space area.

East Branch Green Valley Creek passes through Magee East. The Project would remove an existing bridge across the creek, construct a new bridge for Project access, improve existing concrete stabilization with natural rock grade control structures, and enhance riparian habitat upstream and downstream of the proposed bridge.

Land Use Entitlements

The applicant is seeking approval of a Preliminary Development Plan – Rezoning and Final Development Plan – Major Subdivision application and a Vesting Tentative Map. In order to cluster development, the site would need to be rezoned. The Project would rezone portions of the project site that are currently zoned A-4 (Agricultural Preserve District) and A-2 (General Agricultural District) to P-1 (Planned Unit Development District). In addition, a portion of the site currently zoned P-1 (Planned Unit Development District) would be rezoned to a new P-1 (Planned Unit Development District). The proposed rezoning would allow for residential uses at densities consistent

with General Plan Land Use Designations. The Project would also require a Tree Removal Permit.

Consistent with the Magee Ranch General Plan Special Concern Area language, the purpose for the P-1 (Planned Unit Development District) rezoning request is to allow clustering of residential units on the flatter portions of the site while maintaining the same overall density allowed under the current General Plan Land Use Designations. This allows the portions of the site that contain steeper slopes and visible ridgelines to be retained as open space. Table 2 below summarizes the existing and proposed zoning by parcel.

APN	General Plan Designations	Existing Zoning	Proposed Zoning	Acres
202-050-071	Public and Open Space -Agricultural	A-4	P-1	36.4
202-050-073	Public and Open Space - General Open Space	P-1	P-1	3.4
202-050-078*	Public and Open Space –Agricultural	A-4	P-1	159.1
202-050-079	Residential - Rural Residential	A-2	P-1	17.2
202-050-080	Residential - Rural Residential	A-2	P-1	52.7
	Residential - Single Family - Low Density	A-2	P-1	5.0
202-100-017	Residential - Rural Residential	A-2	P-1	40.8
202-100-019	Residential - Rural Residential	A-2	P-1	38.9
202-100-038	Residential - Rural Residential	A-2	P-1	51.1
202-100-040	Public and Open Space – General Open Space	P-1	P-1	2.5
215-040-002	Public and Open Space -Agricultural	A-4	P-1	3.2
Total Acres				410.3
A-2; General Agricultural District A-4; Agricultural Preserve District P-1; Planned Unit District Sources: Town of Danville 2030 Land Use Map; Town of Danville Zoning Map *A separate APN (202-050-074) was created for 871 square feet of the parcel designated as APN 202-050-078, to provide for separate taxation of the communication facilities located on APN 202-050-074. Accordingly, the project site comprises 10 legal parcels but includes 11 APNs.				

Pedestrian/Bicycle Trail

The Project proposes an eight-foot wide pedestrian/bicycle trail in the Magee East portion of the Project site. This trail provides access from Blackhawk Road through the panhandle and to the proposed residential portion of Magee East along Green Valley Creek. The trail would connect to the emergency vehicle access road (EVA). The trail, including the EVA portion, would be approximately 3,085 feet in length.

Open Space/Hiking Trails

The Project proposes to preserve approximately 381 acres of the 410-acre site as permanent open space, including roughly 367 acres on Magee East and 14 acres on Magee West. As shown in Figure 2, portions of existing fire trails are proposed to be granted to the EBRPD for use as public trails. Other existing fire trails within the open space area could be used as private or public hiking trails. The applicant proposes to form a geologic hazard abatement district (GHAD) to own and manage the open space. These trails can be managed by either the GHAD or another public or private entity (such as a park district or the project's homeowners association), provided the applicable resource agencies (e.g., California Department of Fish & Wildlife) do not prohibit public access into the open space.

Landscaping

Landscaping would be incorporated into the Project design within the residential lots, along proposed streets, adjacent to the proposed trail and EVA, and along the main project entrance road.

INFRASTRUCTURE

The Project would require the construction and installation of infrastructure, including roads, water supply, sanitary sewer, and storm water facilities.

Access

Access to the Project would be provided by new residential roadways, as described below.

- **Magee East Access.** The main access for Magee East would be located on Blackhawk Road in the vacant panhandle property just east of Jillian Way. The entrance would consist of one 28 foot inbound lane, two 14 foot outbound lanes, and a 20 foot landscaped median. The Project proposes to close Jillian Way and provide access to the existing Jillian neighborhood through the new panhandle access. This main access road would consist of a two-lane facility with a bridge crossing East Branch Green Valley Creek into the proposed subdivision. The access road would serve 66 proposed residential lots through a network of streets and cul-de-sacs, as shown in Figure 2. In addition, an emergency vehicle access road (EVA) for the Magee East portion of the site is proposed from the southern portion of the site to Diablo Road.
- **Magee West Access.** The access for Magee West would be provided from a shared driveway on the east side of McCauley Road approximately 300 feet south of the Green Valley Road/Diablo Road intersection.

Water System

East Bay Municipal Utility District (EBMUD) would be responsible for providing water supply to the project. Water lines are proposed within the roadway right-of-ways for the proposed new access roads. Magee East would connect to existing 8-inch and 16-inch water mains in Blackhawk Road. Magee West would connect to existing water mains in McCauley Road. The Project would also require annexation of portions of the project site into EBMUD.

Sanitary Sewer System

Sanitary sewer service would be provided by Central Contra Costa Sanitary District (Central San). Sanitary sewer lines are proposed within the roadway rights-of-way for the proposed new access roads. Magee East would connect to the existing 8-inch sanitary sewer line in Blackhawk Road. The lots along McCauley Road would connect to an existing 8-inch sanitary sewer main in McCauley Road. The Project would also require annexation of portions of the project site into Central San.

Storm Drainage System

The Project would provide a drainage system to accommodate the proposed residential subdivision. The Project would provide structural controls to mitigate downstream increases in storm water flows for the 10-year flood, in accordance with the Contra Costa County Flood Control Standards. In addition, the Project has been designed to mitigate downstream increases in storm water flows for the 100-year flood. The Project proposes to install the following drainage facilities for the project:

- biofiltration swales along the entrance road to Magee East, and
- bioretention/flow control basins for the McCauley development area in Magee West and the northwest portion of Magee East

CONSTRUCTION AND GRADING

Grading

The Project would require grading on the site to facilitate construction of the proposed subdivision and associated infrastructure. Total grading is estimated at approximately 183,000 cubic yards of cut and 183,000 cubic yards of fill. Grading on the site is proposed to balance with no import or export of soil material.

Remedial Grading

In addition to grading for construction of the subdivision and its infrastructure, the Project includes remedial grading to address existing landslides and debris flows, including debris noted following the winter of 2016-2017. Remedial grading would not require import or export of soil material.

Demolition

Demolition of existing agricultural structures on the project site would be performed consistent with all applicable statutes, regulations, and rules. These requirements include Bay Area Air Quality Management District Regulation 11, Rule 2, regarding proper removal and disposal of any asbestos-containing building materials, and requirements for removal and disposal of any lead-based paint, as prescribed by the California Division of Occupational Safety and Health (Cal/OSHA) and the regulations under Title 8, Section 1532.1, of the California Code of Regulations.

Building Construction/Design

Davidon Homes is offering various floor plans for homes. Base floor plans range from approximately \pm 3,100 square feet to \pm 4,400 square feet with three-car garages and a variety of elevations, limited to two stories. Ten percent of the units would include attached second dwelling units ("casitas") in order to comply with the Town's Inclusionary Housing Ordinance. All structures would be of wood-frame construction.

Sustainable Design Features

The Project would provide the following sustainable design features:

- Solar compatibility, including pre-wiring to accommodate possible future solar installations
- GreenPoint rated design
- Tankless hot water heaters
- High efficiency irrigation systems
- Low emitting insulation at walls and ceilings
- Insulation on all hot water pipes
- Energy Star appliances
- Low VOC paints, caulking and construction adhesives
- Energy Star bath fans
- Low flow toilets
- HVAC filters
- High efficiency air conditioner with environmentally responsible refrigerants
- Electric vehicle chargers

Optional sustainable design features offered would include the following measures:

- Solar upgrades
- Whole house fan
- Blown-in insulation
- Electricity monitor

Project Schedule/Phasing

The tentative schedule for proposed development is summarized below:

Initiate Site Work (grading, roads, utilities):	January 2019
End Initial Site Work:	December 2019
Begin Construction of Homes:	October 2019
End Construction of Homes:	June 2023

Jurisdictional Waters (Wetlands)

A formal wetland delineation was prepared for the project site. Preliminary field verification by the U.S. Army Corps of Engineers determined that East Branch Green Valley Creek, an unnamed seasonal drainage on the south portion of the site, smaller ephemeral drainages, and various impoundments including the borrow pit and stock pond constitute Waters of the United States and are subject to the Corps' regulatory authority. The California Department of Fish and Wildlife also has jurisdiction over the bed and bank of natural drainages. Approximately 0.5 acres of jurisdictional waters would be filled to accommodate the proposed development, with replacement wetland provided as mitigation in accordance with all regulatory agency requirements.

Tree Removal

The project would require the removal of some existing trees on the project site. The 2017 arborist report for the site identified the removal of 49 trees, primarily to provide access to the site. An additional 18 trees may be removed to provide for improvements at the intersection of Diablo Road/Green Valley Road if required by the Town. All trees to be removed would be replaced in accordance with the Town's requirements and mitigation measures identified in the 2013 EIR.

REQUIRED PERMITS AND APPROVALS

A Revised EIR, including this Environmental Checklist, will be an informational document for both agency decision-makers and the public. The Town of Danville is the lead agency responsible for certification of the EIR and approval of potential future Project permits. A summary of the anticipated entitlement and processing actions required to implement the Project are as follows:

- Certification of a Revised EIR
- Preliminary Development Plan - Rezoning (P-1; Planned Unit Development District) (LEG10-0004)
- Final Development Plan – Vesting Tentative Map/Major Subdivision (DEV10-0071 and SD 9291)
- Final Development Plan (DEV10-0072)
- Tree Removal Permit (TR10-0028)
- Grading and Building Permits

The EIR will also be available for the use of responsible, trustee, and other agencies that have jurisdiction or approval authority for the project. These agencies may include:

- U.S. Fish and Wildlife Service
- U.S. Army Corps of Engineers
- California Department of Fish & Wildlife
- San Francisco Bay Regional Water Quality Control Board
- East Bay Municipal Utility District
- Central Contra Costa Sanitary Sewer District
- Contra Costa County Flood Control and Water Conservation District
- Contra Costa County Public Works Department
- Contra Costa Local Agency Formation Commission

INCORPORATION OF 2013 EIR

This Initial Study hereby incorporates the 2013 EIR, comprising the Draft EIR ("2013 DEIR"), Final EIR ("2013 FEIR") and their appendices, by reference and uses the 2013 EIR for the following:

- Discussion of general background information
- Issues that were evaluated in adequate detail in the 2013 EIR and for which there is no significant new information or change in circumstances that would require new analysis
- Mitigation measures previously identified for potentially significant environmental impacts

Summaries of applicable sections of the 2013 EIR, with page references, are provided throughout this Initial Study. The 2013 EIR, including appendices, is available for inspection at the Town of Danville Planning Division, 510 La Gonda Way, and on the Town's website at <http://www.danville.ca.gov/Services/Planning-Services/Development-Activities/Magee-Ranch-Project/>.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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I. AESTHETICS. Would the project:

- | | | | | |
|--|--------------------------|-------------------------------------|-------------------------------------|-------------------------------------|
| a) Have a substantial adverse effect on a scenic vista? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Substantially degrade the existing visual character or quality of the site and its surroundings? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

DISCUSSION:

The lawsuit on the 2013 EIR did not challenge the EIR's adequacy with respect to Aesthetics.

Would the project:

a) Have a substantial adverse effect on a scenic vista?

The 2013 EIR found that the project would not have a substantial adverse impact on scenic vistas. (2013 DEIR, p. 4.1-27; 2013 FEIR, p. 2.) Development would be clustered within the flatter portions of the site to minimize potential visual effects and changes in topography. Clustering would also achieve consistency with the Town of Danville's requirements related to the preservation of scenic hillsides and major ridgelines. (2013 DEIR, pp. 4.1-23–4.1.25.)

There have been no changes to the Project since the 2013 EIR that would increase its impacts to scenic vistas. All residences would be constructed within previously identified footprints of development. (See 2013 DEIR Figures 4.1-2 through 4.1-11; 2013 FEIR, p. 2, Attachment B.) Accordingly, the Project's effect on scenic vistas would remain less than significant.

b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?

The 2013 EIR found that the project site would not lie adjacent to or near any designated state scenic highway and would not result in an impact to a state designated scenic corridor. (2013 DEIR, p. 4.1-25.)

Since 2013, the California Department of Transportation has not designated any additional state scenic highways in the project vicinity. Accordingly, the Project would have no impact on scenic resources within a state scenic highway.

c) Substantially degrade the existing visual character or quality of the site and its surroundings?

The 2013 EIR determined that the project would not significantly degrade the visual character or quality of the site and its surroundings. Visual simulations showed limited visual intrusion or modification from public viewpoints and that much of the site was obscured from public view by terrain and vegetation. (2013 DEIR, pp. 4.1-23 - 4.1-26; Figures 4.1-2 through 4.1-11; 2013 FEIR, p. 2, Attachment B.)

There have been no changes to the Project since the 2013 EIR that would increase the visual impact of the project. The Project's design remains similar to that approved in 2013, except that the footprint of residential development would be reduced and more open space would be created. The development would remain largely obscured from public viewpoints by vegetation and terrain. Accordingly, the Project's effect on the visual character and quality of the site would remain less than significant.

d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?

The 2013 EIR found that new sources of light would present a potentially significant impact that would be reduced to a less than significant level through Mitigation Measure 4.1-1. This measure required an exterior lighting plan subject to approval by the Town of Danville that would include directional and indirectly-visible exterior lighting, minimization of reflective surfaces, use of directional and down-lit lighting, and vegetative screening where needed. (2013 DEIR, pp. 4.1-26-4.1-27.) (See Attachment A, Mitigation Monitoring and Reporting Program, June 2013, p. 1.)

There have been no changes to the Project since the 2013 EIR that would increase light or glare impacts. Compared to the project analyzed in the 2013 EIR, the proposed Project would reduce the footprint of residential development, thus reducing the area where new lighting would be introduced. In addition, the Project would be subject to both Mitigation Measure 4.1-1 and Danville Municipal Code section 32-69.7(h). Accordingly, the Project's impacts on light and glare would remain less than significant with mitigation.

Potentially Significant Impact

Less Than Significant with Mitigation Incorporated

Less Than Significant Impact

No Impact

II. AGRICULTURE AND FOREST RESOURCES.

In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:

a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?

b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in the loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

DISCUSSION:

Except as noted in subsection b) below, the lawsuit on the 2013 EIR did not challenge the EIR's adequacy with respect to Agricultural Resources and Forest Resources. With respect to subsection b), the lawsuit's challenge to the project's proposed change in agricultural zoning was rejected by the Court of Appeal.

Would the project:

a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?

The 2013 EIR found that the project site did not include any Prime Farmland, Farmland of Statewide Importance, Unique Farmland, or Farmland of Local Importance. (2013 DEIR, pp. 4.2-1-4.2-3.)

The Project site remains grazing land; it still does not include Prime Farmland, Farmland of Statewide Importance, Unique Farmland, or Farmland of Local Importance. Accordingly, the Project would have no impact on such farmland.

b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?

The 2013 EIR found that the project was consistent with the General Plan designation for the project site, that previous Williamson Act contracts had been cancelled in 2010, and that the A-4 zoning that applied to part of the project site was associated with the former Williamson Act contracts. Accordingly, the 2013 EIR found no conflict with existing land use and zoning designations or with any Williamson Act contracts. (2013 DEIR, pp. 4.2-2–4.2-3.) The Court of Appeal upheld the Town's determination that the project was consistent with the General Plan and zoning designations for the property.

Since 2013, the General Plan designations, zoning and Williamson Act status of the project site have not changed. Accordingly, the Project would have no impact with respect to conflict with agricultural zoning or a Williamson Act contract.

c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?

The 2013 EIR found that the project site did not contain any forest land as defined in Public Resources Code Section 12220(g), timberland as defined by Public Resources Code Section 4526, or property zoned for Timberland Production as defined by Government Code Section 51104(g). (2013 DEIR, p. 4.2-3.)

The Project site still does not contain forest land, timberland or property zoned for Timberland Production. Accordingly, the Project would have no impact on existing zoning for, or cause rezoning of, forest land, timberland, or timberland zoned Timberland Production.

d) Result in the loss of forest land or conversion of forest land to non-forest use?

The 2013 EIR found that the project site did not contain any forest land as defined in Public Resources Code Section 12220(g), timberland as defined by Public Resources Code Section 4526, or property zoned for Timberland Production as defined by Government Code Section 51104(g). (2013 DEIR, p. 4.2-3.)

The Project site still does not contain any such forest land, timberland or property zoned for Timberland Production. Accordingly, the Project would have no impact on the loss of forest land or conversion of forest land to non-forest use.

e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?

The 2013 EIR found that agricultural and forest resources were absent from the project site and the vicinity of the project site. (2013 DEIR, p. 4.2-3.)

The Project site and its vicinity still do not contain such resources, and the project site remains surrounded by residential development. Accordingly, the Project would have no impact with respect to changes in the existing environment that would result in conversion of Farmland to non-agricultural use or conversion of forest land to non-forest use.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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III. AIR QUALITY.

Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:

a) Conflict with or obstruct implementation of the applicable air quality plan?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Expose sensitive receptors to substantial pollutant concentrations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
e) Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

DISCUSSION:

The lawsuit on the 2013 EIR did not challenge the EIR's adequacy with respect to Air Quality.

The Town will prepare a Revised Draft EIR that will re-quantify criteria air pollutant impacts, and quantify human health risk, from construction activities. All other Air Quality topics are addressed below.

Would the project:

a) Conflict with or obstruct implementation of the applicable air quality plan?

The Town of Danville uses the Bay Area Air Quality Management District's CEQA Guidelines to analyze whether a project would conflict with or obstruct implementation of the applicable air quality plan. (2013 EIR, p. 4.3-12.)

Construction: The 2013 EIR found that project construction emissions, which were quantified for an earlier 78-lot version of the project, would cause a significant air quality impact without mitigation because construction emissions during the first year of construction (anticipated at that time to be the year 2014) would average 56 pounds per day of NOx, and BAAQMD's significance threshold for NOx is 54 pounds per day. (2013 DEIR, p. 4.3-14.) The 2013 EIR identified Mitigation Measure 4.3-1 to control diesel exhaust during construction, which would mitigate the impact to less than significant. (See Attachment A, pp. 1-2.)

The Town has decided to recalculate construction emissions in a Revised Draft EIR. Accordingly, this topic is not addressed further in this Initial Study.

Fugitive dust emissions from construction are considered significant if a project does not adhere to BAAQMD-recommended Best Management Practices. The 2013 EIR included these practices in Mitigation Measure 4.3-2. (See Attachment A, pp. 1-2.) The Project would comply with this mitigation measure. Accordingly, the Project's impact from fugitive dust emissions during construction would remain less than significant with mitigation.

Operations: The 2013 EIR found that the project, which was analyzed as a 78-lot project, would not cause a significant operational air quality impact during project operations because operational emissions were calculated to be much lower than the BAAQMD thresholds of 54 pounds per day for ROG, NOx, and PM_{2.5}, and 82 pounds per day for PM₁₀. (2013 DEIR, p. 4.3-18.)

This conclusion does not need to be reexamined for the Project for two reasons. First, operational emissions from the Project would be lower than those identified in the 2013 EIR because the project comprises 69 rather than 78 lots and because vehicle emissions standards have become more stringent since the 2013 EIR was prepared. Second, the BAAQMD CEQA Guidelines provide that quantification of criteria air pollutant emissions from operation of a residential project with fewer than 325 dwelling units is not required, because such projects are not anticipated to cause significant criteria air pollutant impacts. At 69 lots (assumed to include 69 single-family homes and up to 17 accessory dwelling units), no quantification of criteria pollutant impacts from the Project is necessary. Accordingly, the Project's operational air quality impacts would remain less than significant.

b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?

The Town of Danville uses the Bay Area Air Quality Management District's CEQA Guidelines to analyze whether a project would violate any air quality standard or contribute substantially to an existing or projected air quality violation. (2013 DEIR, p. 4.3-12.) For the reasons described in subsection a) above, the Town will re-quantify construction emissions of criteria air pollutants in a Revised Draft EIR, and the Project is too small to cause a significant air quality impact during operations.

c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?

The Town of Danville uses the Bay Area Air Quality Management District's CEQA Guidelines to analyze whether a project would result in a cumulatively considerable net increase of any criteria pollutant for which the project region is in non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors). (2013 DEIR p. 4.3-12.) BAAQMD's quantitative thresholds apply to both project-level and cumulative impacts. (BAAQMD CEQA Guidelines (May 2017, p. 2-1.)

For the reasons described in subsection a) above, the Town will re-quantify construction emissions of criteria air pollutants in a Revised Draft EIR, and the Project is too small to make a cumulatively considerable contribution to air quality impacts during operations.

d) Expose sensitive receptors to substantial pollutant concentrations?

The Town of Danville uses the Bay Area Air Quality Management District's May 2011 CEQA Guidelines to analyze whether a project would expose sensitive receptors to substantial pollutant concentrations. Following the decision in *CBIA v. BAAQMD*, 2 Cal. App. 5th 1067 (2016), the BAAQMD Guidelines are limited to the impacts of the project on the environment and do not include the impacts of the environment on the project. Accordingly, any potential effects of existing air quality conditions on future project residents are not within the scope of CEQA.

The 2013 EIR concluded that the project would not expose sensitive receptors to substantial pollutant concentrations during either construction or operations. (2013 DEIR p. 4.3-15.) With respect to construction, the 2013 EIR did not quantify human health risk from construction emissions (toxic air contaminants); the Town has decided to prepare such a quantified analysis in a Revised Draft EIR. Accordingly, this topic is not addressed further in this initial study.

With respect to project operations, because the Project is residential and would not attract substantial diesel truck traffic or include other sources of toxic air contaminant emissions, the Project would not expose off-site sensitive receptors to substantial pollutant concentrations. Accordingly, the Project's impacts to sensitive receptors during project operations would remain less than significant. Please also refer to section a) above.

e) Create objectionable odors affecting a substantial number of people?

The 2013 EIR found that during construction, the various diesel-powered vehicles and equipment in use onsite would create localized odors that would not likely be noticeable for extended periods of time nor extend much beyond the project's site boundaries. The 2013 EIR further found, based on the BAAQMD CEQA Guidelines, that during operations, typical sources of objectionable odors include chemical plants, sewage treatment plants, large composting facilities, rendering plants, and other large industrial facilities that emit odorous compounds. The proposed project was a residential project that did not include such sources, and therefore any odor impacts were considered less than significant. (2013 DEIR, p. 4.3-19.)

The Project remains residential and has not changed so as to increase odor impacts. Accordingly, the Project's odor impacts would remain less than significant.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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IV. BIOLOGICAL RESOURCES.

Would the project:

a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?

<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?

<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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c) 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.) through direct removal, filling, hydrological interruption, or other means?

<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

DISCUSSION:

The lawsuit on the 2013 EIR challenged the adequacy of the EIR with respect to the California red-legged frog. The Superior Court rejected this challenge. The 2013 EIR's adequacy with respect to other biological resources was not challenged.

Would the project:

a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?

The 2013 EIR found that the project would cause significant or potentially significant impacts, without mitigation, to northern California black walnut trees (a special-status plant species) and to the California red-legged frog, western pond turtle, nesting raptors and migratory birds, burrowing owl, and American badger (special-status wildlife species). With identified mitigation measures, including a Waters of the U.S. and Riparian Mitigation and Monitoring Plan and Conservation Management Plan (2013 FEIR, Attachment C), the 2013 EIR determined that these impacts would be reduced to less than significant. (See Attachment A, pp. 3-11.) The 2013 EIR also found that project impacts to Congdon's tarplant, California tiger salamander and golden eagle would be less than significant. The 2013 EIR's analyses are summarized below.

Plants

Northern California Black Walnut Trees: The 2013 EIR found that some of the northern California black walnut trees located in the riparian habitat of East Branch Green Valley

Creek and along the project site panhandle fronting Blackhawk Road would be removed as part of the project. (2013 DEIR, pp. 4.4-21, 4.4-33.) The 2013 EIR concluded that the two mitigation measures described below would reduce the impact of their removal to a less than significant level.

Mitigation Measure 4.4-15 required the project proponent to replace all removed trees, regardless of size, at specified ratios, and to replace all native trees with like species to the maximum extent practicable. Mitigation Measure 4.4-16 required development and implementation of a Town-approved monitoring plan for the replacement trees. (See Attachment A, pp. 10-11.)

Since 2013, an updated tree report has been prepared (HortScience 2017) that indicates six black walnut trees, including three that are "effectively dead" and three that are in poor condition, would be removed for the Project. This finding is consistent with the 2013 EIR and indicates that without mitigation, the project would cause a significant impact to a special-status plant species. With implementation of Mitigation Measures 4.4-15 and 4.4-16, the impact would be reduced to less than significant.

Other Plants: The 2013 EIR stated that the only special-status plant detected on the project site other than the black walnut trees were 30 individuals of Congdon's tarplant. The EIR stated that loss of these individuals due to project construction would represent a less than significant impact because the area where they were located was heavily used by humans and subject to ongoing anthropogenic disturbances, and because there were numerous and far larger populations of Congdon's tarplant in the region. (2013 DEIR, p. 4.4-21.)

May and June 2017 field surveys (Live Oak Associates, 2017) have verified that the habitats on the Project site are unchanged. The surveys did not find Congdon's tarplant or any special-status plant species other than the black walnut trees on the project site. There have been no changes to the Project since the 2013 EIR that would increase impacts and the impact to special-status plants other than black walnut trees are anticipated to remain less than significant.

Wildlife

The 2013 EIR found that several special-status wildlife species could be affected by the project and identified mitigation measures to reduce the potential impacts to less than significant.

California Red-Legged Frog: The 2013 EIR found that CRLF had been detected along the East Branch Green Valley Creek, apparently using the creek as a movement corridor. There was no indication of breeding on site, but breeding occurred in an off-site reservoir adjacent to the project site, and the entire project site was considered aestivation habitat for CRLF. The 2013 EIR stated that the project could result in the loss of up to 108 acres of upland habitat. The 2013 EIR identified Mitigation Measures 4.4-1 through 4.4-4, which included retention of a qualified biologist to train construction personnel and conduct pre-construction surveys; restoration of riparian habitat at a

minimum 1:1 replacement-to-loss ratio; replacement of jurisdictional waters at a minimum 1:1 ratio; and preservation of approximately 302 acres of the project site as open space through a conservation easement or deed restriction. (2013 EIR, pp.4.4-23–4.4-25.) (See Attachment A, pp. 3-6.) In addition, the 2013 EIR included a Waters of the U.S. and Riparian Mitigation and Monitoring Plan and Conservation Management Plan (2013 FEIR, Attachment C “MMP/CMP”).

A May 2017 field survey has verified that the habitats on the Project site are unchanged. The reduced footprint of the Project would reduce impacts to CRLF (although not to a level of less than significant) and would increase the land available for CRLF habitat preservation. The Project would be subject to the mitigation measures described in the 2013 EIR, including the MMP/CMP. Accordingly, impacts on the California Red-Legged Frog would remain less than significant with mitigation.

Western Pond Turtle: The 2013 EIR found that although the western pond turtle had not been observed on the project site during any of the field surveys, the project would impact 0.3 acres of riparian habitat that likely supported the western pond turtle. Although the permanent habitat impact was determined to be less than significant, the potential for harm or mortality to individual turtles during construction, particularly construction of the access road creek crossing, was considered a significant impact. Mitigation Measures 4.4-5 through 4.4-8 identified measures to prevent harm to western pond turtles during construction. (See Attachment A, pp. 6-7.) With these mitigation measures, the project’s impact to western pond turtles was found to be less than significant. (2013 DEIR, pp.4.4-26.)

A May 2017 field survey has verified that the habitats on the Project site are unchanged. There have been no changes to the project since the 2013 EIR that would increase impacts, and the Project would be subject to the mitigation measures described in the 2013 EIR. Accordingly, impacts on the western pond turtle would remain less than significant with mitigation.

Nesting Raptors and Migratory Birds: The 2013 EIR found that trees on the project site provided suitable nesting habitat for tree-nesting raptors, migratory birds, and yellow warbler. The loss of some of this habitat, particularly when taken into context with the 302 acres to be preserved and managed as open space for the CRLF and other regional species, was considered a less than significant impact to these birds. On the other hand, construction-related activities that could result in harm, injury or death of individuals, or abandonment of an active nest, were considered to constitute a significant impact. Mitigation Measure 4.4-9 called for the removal of trees during the non-breeding season (September 1 through January 31) and, if tree removal and related activities must be conducted during the rest of the year, a pre-construction survey and, if necessary, use of a construction-free buffer around active nests. (See Attachment A, pp. 7-8.) With these mitigation measures, the project’s impact to nesting birds was found to be less than significant. (2013 DEIR, pp.4.4-26–4.4-27.)

A May 2017 field survey has verified that the habitats on the Project site are unchanged. There have been no changes to the Project since the 2013 EIR that would increase

impacts and the project would be subject to the mitigation measures described in the 2013 EIR. Accordingly, the Project's impacts to nesting birds would remain less than significant with mitigation.

Burrowing Owl: The 2013 EIR found that although no burrowing owls had been observed on-site, the presence of small mammal burrows made it a suitable nesting habitat. Mitigation Measure 4.4-10 called for pre-construction surveys. If burrowing owls were observed during the non-breeding season, they would be removed through passive relocation; if they were observed during the breeding season, a construction-free buffer of 250 feet would be established. (See Attachment A, p. 8.) With these mitigation measures, the project's impact to burrowing owls was found to be less than significant. (2013 DEIR, pp.4.4-27-4.4-28).

A May 2017 field survey has verified that the habitats on the Project site are unchanged. There have been no changes to the project since the 2013 EIR that would increase impacts. The reduced footprint of the revised Project could reduce potential construction impacts to the burrowing owl, but not to a less than significant level. The Project would be subject to the mitigation measures described in the 2013 EIR. The Project's impacts to burrowing owls would remain less than significant with mitigation.

American Badger: The 2013 EIR found that impacts to the American badger would be similar to those for the burrowing owl. Mitigation Measure 4.4-11 included pre-construction surveys and use of buffer zones around badger dens. (2013 EIR, pp.4.4-28-4.4-29.) (See Attachment A, pp. 8-9.)

A May 2017 field survey has verified that the habitats on the Project site are unchanged. There have been no changes to the Project since the 2013 EIR that would increase impacts. The reduced footprint of the revised Project could reduce potential construction impacts to the American badger, but not to a less than significant level. The Project would be subject to the mitigation measures described in the 2013 EIR. Accordingly, the Project's impacts to American badger would remain less than significant with mitigation.

b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?

The 2013 EIR found that approximately 0.5 acres of jurisdictional waters and 0.3 acres of riparian habitat would be lost for the project, constituting a significant impact. Mitigation Measures 4.4-12 and 4.4-13 included removal and replacement of an existing bridge, creek restoration, restoration of riparian woodland, replacement of wetland and riparian habitat at a 1:1 replacement-to-loss ratio, preparation of an on-site habitat mitigation and monitoring plan, and acquisition and compliance with all applicable permits. (See Attachment A, pp. 9-10.) With these mitigation measures, the project's impact to sensitive natural communities was found to be less than significant. (2013 DEIR, pp. 4.4-29-4.4-30.) In addition, the 2013 EIR included a Waters of the U.S. and

Riparian Mitigation and Monitoring Plan and Conservation Management Plan (2013 FEIR, Attachment C "MMP/CMP").

A May 2017 field survey has verified that the habitats on the Project site are unchanged. There have been no changes to the Project since the 2013 EIR that would increase these impacts and the Project would be subject to the mitigation measures described in the 2013 EIR. Accordingly, the Project's impacts to sensitive natural communities would remain less than significant with mitigation.

c) 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.) through direct removal, filling, hydrological interruption, or other means?

The 2013 EIR found that the project would impact approximately 0.5 acres of wetlands and 0.3 acres of riparian habitat. Mitigation Measures 4.4-12 and 4.4-13 included replacement of wetland and riparian habitat at a 1:1 replacement-to-loss ratio, preparation and implementation of an on-site habitat mitigation and monitoring plan with specified components, and compliance with all state and federal regulations related to construction work that would impact on-site aquatic habitats. (2013 DEIR, pp. 4.4-30–4.4-31.) (See Attachment A, pp. 9-10.) In addition, the 2013 EIR included a Waters of the U.S. and Riparian Mitigation and Monitoring Plan and Conservation Management Plan (2013 FEIR, Attachment C "MMP/CMP").

There have been no changes to the Project since the 2013 EIR that would increase impacts and the Project would be subject to the mitigation measures described in the 2013 EIR. Accordingly, the Project's impacts to wetlands would remain less than significant with mitigation.

d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?

The 2013 EIR found that wildlife species currently using the site, including the riparian corridor, were expected to continue using it for movement and as part of their home range after project buildout. Therefore, the project was found to cause a less-than-significant impact with respect to loss of habitat for native wildlife and impacts to wildlife movement and nursery sites. (2013 DEIR, p. 4.4-31.) In addition, the 2013 EIR included a Waters of the U.S. and Riparian Mitigation and Monitoring Plan and Conservation Management Plan (2013 FEIR, Attachment C "MMP/CMP").

A May 2017 field survey has verified that the habitats on the Project site are unchanged. The reduced footprint of the revised Project would reduce potential impacts. Accordingly, Project impacts to native resident or migratory fish or wildlife species, established native resident or migratory wildlife corridors, and the use of native wildlife nursery sites would remain less than significant.

e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

The 2013 EIR found that the project would not conflict with the Town of Danville tree ordinance, but would cause a significant impact due to tree removals. The 2013 EIR identified Mitigation Measures 4.4-14 through 4.4-17 to protect trees to be retained from construction damage, to replace all trees removed, at specified ratios, and to implement a monitoring plan for the replacement trees. (See Attachment A, pp. 10-11.) With these mitigation measures, the project's impacts from tree removals were found to be less than significant. (2013 DEIR, pp. 4.4-32 - 4.4-34.)

An updated tree report has been prepared (HortScience 2017) to describe currently existing trees on the Project site and the impacts of proposed development. The report states that 49 trees would be removed for the Project, including nine that are newly identified as trees because they have reached six inches in diameter over the past five years. The impact reported in the 2013 EIR would remain significant without mitigation and the mitigation measures identified in the 2013 EIR would apply. Accordingly, the Project's impacts would remain less than significant with mitigation.

f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?

The 2013 EIR found no impact from conflict with the provisions of any habitat conservation plan because no habitat conservation plan was in effect for the project site. (2013 DEIR, p. 4.4-32.)

The Project still would not conflict with the provisions of any habitat conservation plan because no habitat conservation plan applies to the project site. Accordingly, no impact would result from conflict with such plans.

Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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V. CULTURAL RESOURCES.

Would the project:

a) Cause a substantial adverse change in the significance of a historical resource as defined in § 15064.5?

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

DISCUSSION:

The lawsuit on the 2013 EIR did not challenge the EIR's adequacy with respect to Cultural Resources.

Would the project:

a) Cause a substantial adverse change in the significance of a historical resource as defined in § 15064.5?

The 2013 EIR found that no on-site structures were potentially eligible for inclusion in the California Register of Historical Resources or National Register of Historic Places, and that any impacts to any buried historical archaeological resources would be mitigated by Mitigation Measures 4.5-1 and 4.5-2, which are addressed in section b) below. The 2013 EIR found no impact to non-archaeological historical resources. (2013 DEIR, p. 4.5-6.)

On-site structures remain ineligible for federal, state or local historical listing. Accordingly, the Project would continue to cause no impact to non-archaeological historical resources.

b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5?

The 2013 EIR found that no evidence of archaeological resources was detected by survey or testing, but that project construction could result in the discovery and

disturbance of unknown archaeological resources or human remains. The 2013 EIR identified a potentially significant impact, and identified Mitigation Measures 4.5-1 and 4.5-2. Mitigation Measure 4.5-1 required that if archaeological resources were discovered, work would be halted until they were evaluated by a qualified professional archaeologist, adequate salvage had occurred, and no further resources had been identified within the area of disturbance. Mitigation Measure 4.5-2 required that if human remains were discovered, all steps required by Health and Safety Code section 7050.5 and Public Resources Code section 5097.94 be taken. (2013 EIR, pp. 4.5-5–4.5-6.) (See Attachment A, pp. 11-12.) The 2013 EIR found that with these mitigation measures, the project's potential impacts on unknown archaeological resources and human remains would be reduced to a less than significant level.

There have been no changes to the Project since the 2013 EIR that would increase impacts and the project would be subject to Mitigation Measures 4.5-1 and 4.5-2. Accordingly, the Project's impacts on archaeological resources would remain less than significant with mitigation.

c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

The 2013 EIR found that there were no known unique paleontological resources or sites or unique geologic features on the project site but that construction of the project could result in the discovery and disturbance of unknown paleontological resources. The 2013 EIR identified Mitigation Measure 4.5-3, providing that if resources were accidentally discovered during construction, work would be halted within 20 feet of the find until an evaluation was performed by a paleontologist. Work would not recommence until documentation of adequate salvage was delivered to the Town and no further resources identified. (2013 EIR, pp.4.5-6.) (See Attachment A, p. 12.) The 2013 EIR found that with these mitigation measures, the project's impacts on paleontological resources would be reduced to a less than significant level.

There have been no changes to the Project since the 2013 EIR that would increase impacts and the Project would be subject to Mitigation Measure 4.5-3. Accordingly, the Project's impacts on paleontological resources would remain less than significant with mitigation.

d) Disturb any human remains, including those interred outside of formal cemeteries?

See section b) above.

	Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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VI. GEOLOGY AND SOILS.

Would the project:

a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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ii) Strong seismic ground shaking?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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iii) Seismic-related ground failure, including liquefaction?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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iv) Landslides?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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b) Result in substantial soil erosion or the loss of topsoil?

<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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DIABLO ROAD MEASUREMENTS* ON THE ONE-MILE WINDING SECTION BETWEEN THE ALAMEDA DIABLO/DIABLO ROAD INTERSECTION AND THE AVENIDA NUEVA/DIABLO ROAD INTERSECTION

<u>Location</u>	<u>North lane width</u>	<u>South lane width</u>
1. Behind 1904 La Cadena	11 ft. 2 ½ in.	12 ft. 1 in.
2. Behind 1896 Alameda Diablo	11 ft. 6 in.	11 ft. 10.5 in.
3. Behind 1872 Alameda Diablo	11 ft.	11 ft. 10 in.
4. Behind 1872 Alameda Diablo	11 ft. 2 in.	12 ft. 5 in.
<p>at a curve where last fall a landscaper's truck and a car collided, and the truck then struck a power pole just north of the road.</p>		
5. Behind 1842 Alameda Diablo where	12 ft. 3 in.	11 ft. 9 in.
<p>the south lane's edge is caved in.</p>		
6. Behind 1826 Alameda Diablo	11 ft. 7.5 in.	11 ft. 3 in.
7. Behind 1826 Alameda Diablo	11 ft. 4.5 in.	11 ft. 5.5 in.
8. Behind 1826 Alameda Diablo	12 ft. 7 in.	10 ft. 9 in.
<p>at 30 mph sign by telephone pole</p>		
9. Behind 1826 Alameda Diablo	12 ft. 4.5 in.	10 ft. 10 in.
<p>just before drain</p>		
10. Behind 1826 Alameda Diablo	12 ft. 1 in.	11 ft. 3 in.
<p>at location of apparent crash into a telephone pole by a truck (wreckage and tire marks suggests it was a truck)</p>		

<u>Location</u>	<u>North lane width</u>	<u>South lane width</u>
-----------------	-------------------------	-------------------------

- | | | |
|--|--------------|----------------|
| 11. In front of 1783 Diablo Road | 12 ft. 7 in. | 11 ft. 10 in. |
| 12. Behind 1776 Alameda Diablo

(site of 1990's \$1 million slide repair involving subsidence of the north side of Diablo Road when the south bank of Green Valley Creek East Branch failed) | 12 ft. ½ in. | 11 ft. 5.5 in. |
| 13. Behind 1750 Alameda Diablo | 12 ft. ½ in. | 11 ft. 7 in. |
| 14. Behind 1734 Alameda Diablo

at retaining wall | 12 ft. | 11 ft. 11 in. |

*All measurements were taken from the middle of the double yellow lines (yellow boxes) to the inside edge of the outside white lines. The measurements were done when the road was closed for nearly two days this past winter. The closure was due to the falling of a eucalyptus tree across both lanes of Diablo Road just east of the Alameda Diablo intersection. The tree's roots had apparently been destabilized by erosion from Green Valley Creek.

N.B. We noted that there are almost no shoulders along this stretch!

Code Text

VEHICLE CODE - VEH

DIVISION 11. RULES OF THE ROAD [21000 - 23336]

(Division 11 enacted by Stats. 1959, Ch. 3.)

CHAPTER 1. Obedience to and Effect of Traffic Laws [21000 - 21296]

(Chapter 1 enacted by Stats. 1959, Ch. 3.)

ARTICLE 4. Operation of Bicycles [21200 - 21213]

(Article 4 added by Stats. 1963, Ch. 479.)

21200.

(a) A person riding a bicycle or operating a pedicab upon a highway has all the rights and is subject to all the provisions applicable to the driver of a vehicle by this division, including, but not limited to, provisions concerning driving under the influence of alcoholic beverages or drugs, and by Division 10 (commencing with Section 20000), Section 27400, Division 16.7 (commencing with Section 39000), Division 17 (commencing with Section 40000.1), and Division 18 (commencing with Section 42000), except those provisions which by their very nature can have no application.

(b) (1) A peace officer, as defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 of the Penal Code, operating a bicycle during the course of his or her duties is exempt from the requirements of subdivision (a), except as those requirements relate to driving under the influence of alcoholic beverages or drugs, if the bicycle is being operated under any of the following circumstances:

(A) In response to an emergency call.

(B) While engaged in rescue operations.

(C) In the immediate pursuit of an actual or suspected violator of the law.

(2) This subdivision does not relieve a peace officer from the duty to operate a bicycle with due regard for the safety of all persons using the highway.

(Amended by Stats. 2010, Ch. 614, Sec. 3. Effective January 1, 2011.)

21200.5.

Notwithstanding Section 21200, it is unlawful for any person to ride a bicycle upon a highway while under the influence of an alcoholic beverage or any drug, or under the combined influence of an alcoholic beverage and any drug. Any person arrested for a violation of this section may

request to have a chemical test made of the person's blood, breath, or urine for the purpose of determining the alcoholic or drug content of that person's blood pursuant to Section 23612, and, if so requested, the arresting officer shall have the test performed. A conviction of a violation of this section shall be punished by a fine of not more than two hundred fifty dollars (\$250).

Violations of this section are subject to Section 13202.5.

(Amended by Stats. 1999, Ch. 22, Sec. 17. Effective May 26, 1999.)

21201.

(a) No person shall operate a bicycle on a roadway unless it is equipped with a brake that will enable the operator to make one braked wheel skid on dry, level, clean pavement.

(b) No person shall operate on the highway a bicycle equipped with handlebars so raised that the operator must elevate his or her hands above the level of his or her shoulders in order to grasp the normal steering grip area.

(c) No person shall operate upon a highway a bicycle that is of a size that prevents the operator from safely stopping the bicycle, supporting it in an upright position with at least one foot on the ground, and restarting it in a safe manner.

(d) A bicycle operated during darkness upon a highway, a sidewalk where bicycle operation is not prohibited by the local jurisdiction, or a bikeway, as defined in Section 890.4 of the Streets and Highways Code, shall be equipped with all of the following:

(1) A lamp emitting a white light that, while the bicycle is in motion, illuminates the highway, sidewalk, or bikeway in front of the bicyclist and is visible from a distance of 300 feet in front and from the sides of the bicycle.

(2) A red reflector or a solid or flashing red light with a built-in reflector on the rear that shall be visible from a distance of 500 feet to the rear when directly in front of lawful upper beams of headlamps on a motor vehicle.

(3) A white or yellow reflector on each pedal, shoe, or ankle visible from the front and rear of the bicycle from a distance of 200 feet.

(4) A white or yellow reflector on each side forward of the center of the bicycle, and a white or red reflector on each side to the rear of the center of the bicycle, except that bicycles that are equipped with reflectorized tires on the front and the rear need not be equipped with these side reflectors.

The reflectors and reflectorized tires shall be of a type meeting requirements established by the department.

(e) A lamp or lamp combination, emitting a white light, attached to the operator and visible from a distance of 300 feet in front and from the sides of the bicycle, may be used in lieu of the lamp required by paragraph (1) of subdivision (d).

(Amended by Stats. 2015, Ch. 549, Sec. 2. Effective January 1, 2016.)

21201.3.

(a) A bicycle or motorized bicycle used by a peace officer, as defined in Section 830.1 of, subdivision (a), (b), (c), (d), (e), (f), (g), or (i) of Section 830.2 of, subdivision (b) or (d) of Section 830.31 of, subdivision (a) or (b) of Section 830.32 of, Section 830.33 of, subdivision (a)

of Section 830.36 of, subdivision (a) of Section 830.4 of, or Section 830.6 of, the Penal Code, in the performance of the peace officer's duties, may display a steady or flashing blue warning light that is visible from the front, sides, or rear of the bicycle or motorized bicycle.

(b) No person shall display a steady or flashing blue warning light on a bicycle or motorized bicycle except as authorized under subdivision (a).

(Added by Stats. 1998, Ch. 877, Sec. 65. Effective January 1, 1999.)

21201.5.

(a) No person shall sell, or offer for sale, a reflex reflector or reflectorized tire of a type required on a bicycle unless it meets requirements established by the department. If there exists a federal Consumer Product Safety Commission regulation applicable to bicycle reflectors, the provisions of that regulation shall prevail over provisions of this code or requirements established by the department pursuant to this code relative to bicycle reflectors.

(b) No person shall sell, or offer for sale, a new bicycle that is not equipped with a red reflector on the rear, a white or yellow reflector on each pedal visible from the front and rear of the bicycle, a white or yellow reflector on each side forward of the center of the bicycle, and a white or red reflector on each side to the rear of the center of the bicycle, except that bicycles which are equipped with reflectorized tires on the front and rear need not be equipped with these side reflectors.

(c) Area reflectorizing material meeting the requirements of Section 25500 may be used on a bicycle.

(Amended by Stats. 1980, Ch. 399, Sec. 2. Effective July 11, 1980.)

21202.

(a) Any person operating a bicycle upon a roadway at a speed less than the normal speed of traffic moving in the same direction at that time shall ride as close as practicable to the right-hand curb or edge of the roadway except under any of the following situations:

(1) When overtaking and passing another bicycle or vehicle proceeding in the same direction.

(2) When preparing for a left turn at an intersection or into a private road or driveway.

(3) When reasonably necessary to avoid conditions (including, but not limited to, fixed or moving objects, vehicles, bicycles, pedestrians, animals, surface hazards, or substandard width lanes) that make it unsafe to continue along the right-hand curb or edge, subject to the provisions of Section 21656. For purposes of this section, a "substandard width lane" is a lane that is too narrow for a bicycle and a vehicle to travel safely side by side within the lane.

(4) When approaching a place where a right turn is authorized.

(b) Any person operating a bicycle upon a roadway of a highway, which highway carries traffic in one direction only and has two or more marked traffic lanes, may ride as near the left-hand curb or edge of that roadway as practicable.

(Amended by Stats. 1996, Ch. 674, Sec. 4. Effective January 1, 1997.)

January 14, 2013

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

Subject: Comments on the Summerhill Development's Magee Ranch DEIR
Hydrology Sections

Mr. Gailey,

I have been asked to review and comment on the DEIR for the Magee Ranches (SCH # 2010112042) on behalf of the Diablo Community Services District.

The segment of Green Valley Creek adjacent to the proposed subdivision has seen numerous examples of bank instability, channel erosion, and flooding over the past 20 years. These issues have been documented by the Town of Danville as well as to the Contra Costa County Flood Control and Water Conservation District. Many of these on-going problems have been caused by the slow and steady urbanization of the watershed.

The Magee Ranch DEIR and supporting documents provide a generally accurate depiction of watershed hydrology and hydraulics. Overall, the hydrologic results presented by ENGE0 for 10-year and 100-year storm events were consistent with flows determined by Questa using an independent HEC-HMS model for the study area. In addition, the detention basin concept utilized for this project appears to mitigate the increase in peak flows generated by the proposed subdivision. However, upon reviewing the DEIR and relevant appendices, I find that certain potential project impacts are omitted and additional information is necessary to fully evaluate the impacts of the proposed subdivision.

- The DEIR should include a discussion of the proposed project's effect on storm flow duration and not only peak flows. According to the HEC-HMS output hydrographs presented in the DEIR Appendix G, additional storm flow duration within the range of 15 minutes is generated from the proposed detention basins. The exact change in duration is difficult to determine based on the information provided in Appendix G. Considering that channel erosion is often driven by storm flow duration and peak flows, this factor should be closely examined in the DEIR. Based on the output hydrograph, storm flow durations are extended for flows between 300 and 800 cfs. Flows within this range are likely to cause channel erosion based on our observations following storm events in the December 2012 storm.
- The diagram describing the outfall structure for Bioretention Area "A" does not provide sufficient detail to fully evaluate the proposed project. There is no description of the "two-

square-foot emergency spillway” or location and placement details for the “rock scour protection”. These are critical aspects of the project that should be included with the DEIR.

- There is little mention of how this basin will be managed. Its function is dependent upon maintaining its original design. Has sediment accumulation in the basin been modeled? Is there a threshold in which the basin needs to be desilted? Was the basin designed to accommodate some sediment accumulation? A detailed management plan and performance criteria should be analyzed and prepared as mitigation for potential hydrologic impacts.

In summary, I believe that the DEIR is inadequate because it does not specifically address the critical nature of storm flow durations in Green Valley Creek. The DEIR also fails to supply adequate detail to fully assess the functionality of “Bioretention Area A”

Thank you for the chance to comment on DEIR.

Sincerely,

Sydney Temple P.E.
Questa Engineering Corporation

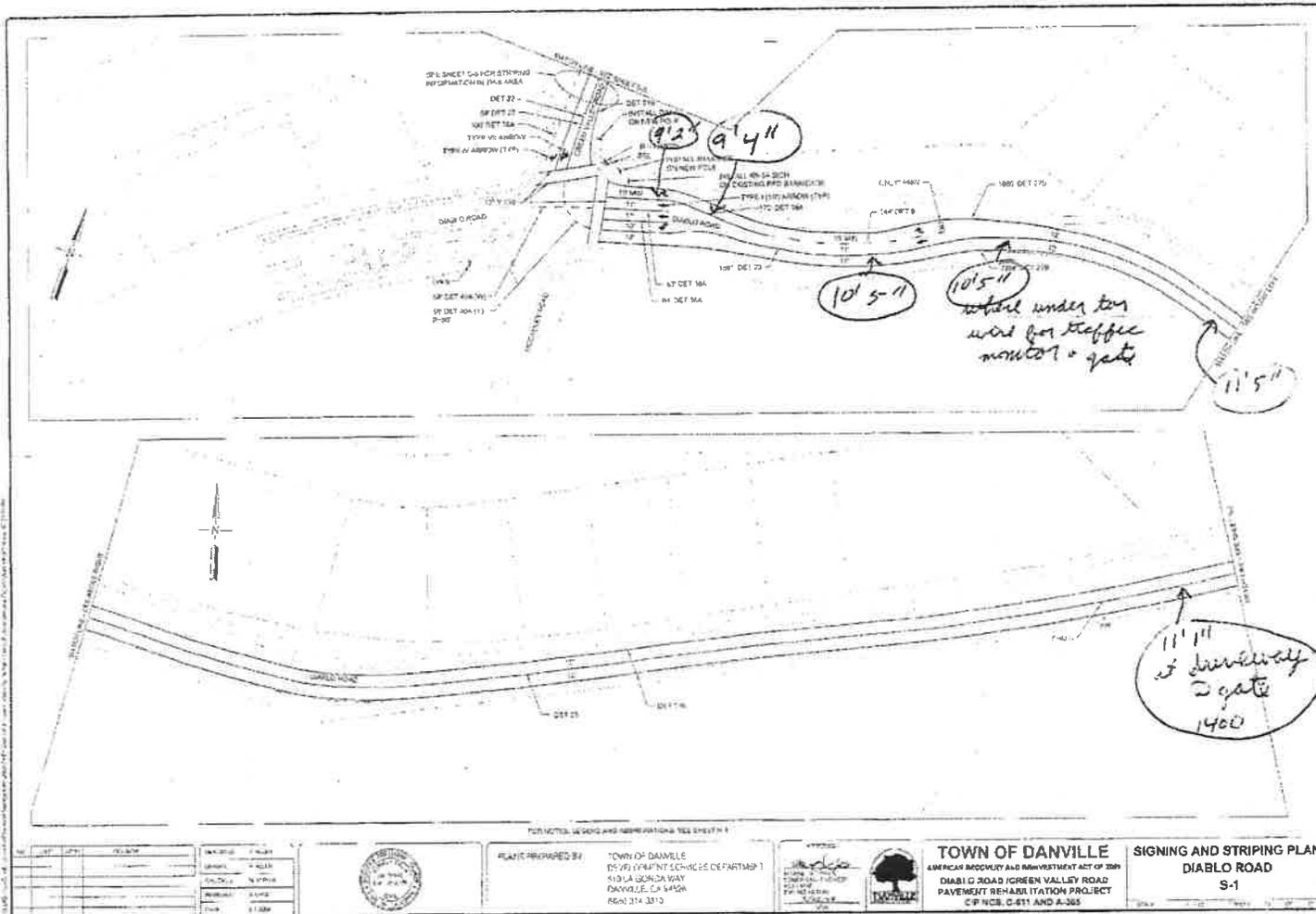


Car/Bicycle Accident on Diablo Road at Diablo Entrance 14 Mar 15

Tom Wander from Diablo

I am sad to say there was a car/bike accident this morning about 9:30 am in front of the entrance to Diablo. The bicyclist was taken to the hospital with face, head and, possibly, other injuries. The car driver, who appears to be at fault for inappropriately taken the right of way from the bicyclist, stopped briefly after seeing that the bicyclist had crashed and then continued on into Diablo per an eye witness of the accident. The bicyclist was going west on Diablo Road when the car turning left into Diablo, from Diablo Road onto Alameda Diablo, cut off the bicyclist who had the legal right of way. The bicyclist lost control and crashed into the white Mehran fence breaking two fence rails and sheering off the front fork of his bicycle. The car was reported to be a gray Mercedes. CHP is investigating based on the information provided by the Diablo Deputy Sheriff and the witness. If anyone has any additional information, please contact the CHP.

Edited on 14 Mar 15 · Shared with Diablo + 2 nearby neighborhoods in Crime & Safety



NO.	DATE	BY	REVISION

DATE	BY	REVISION

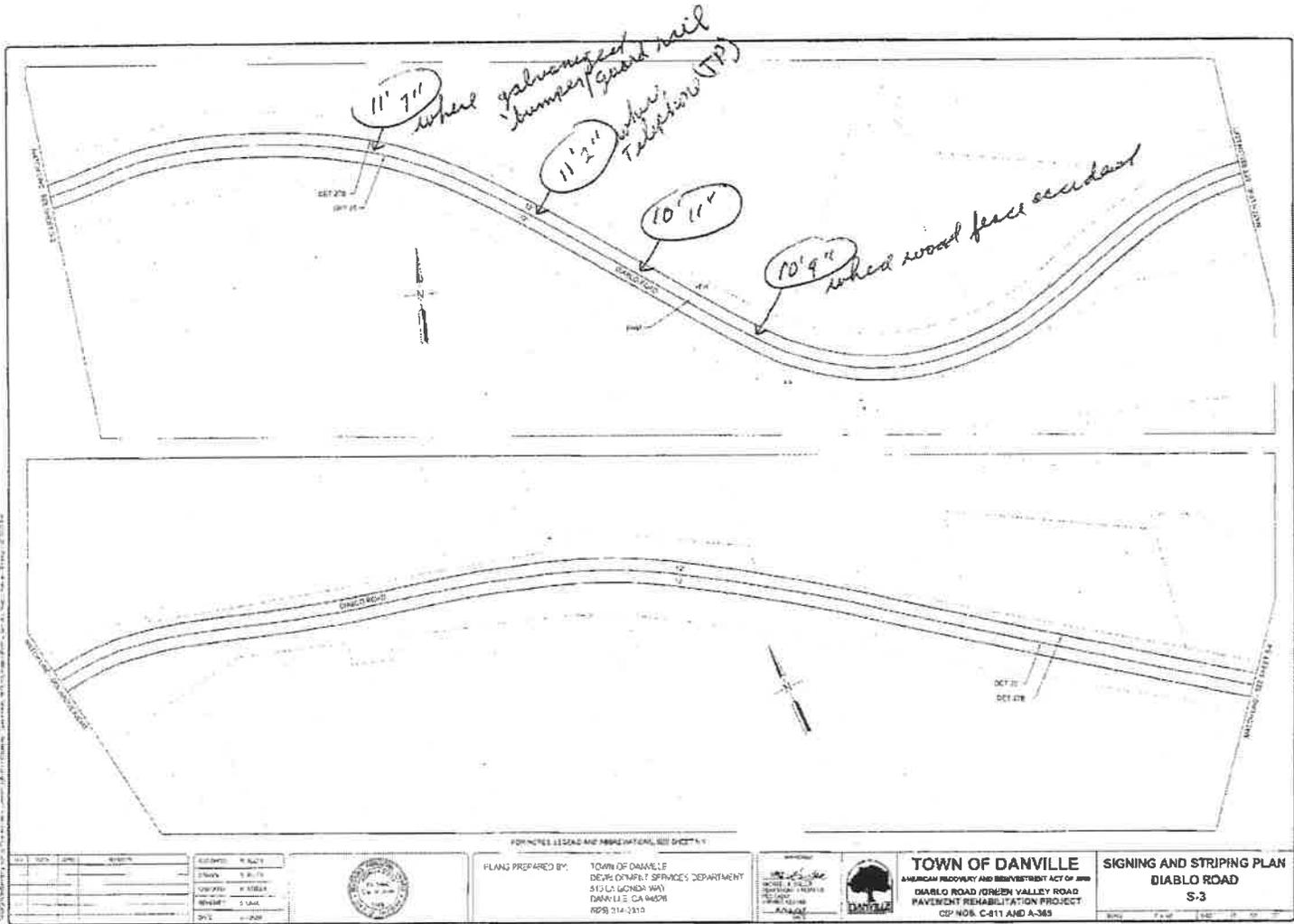


PLAN PREPARED BY: TOWN OF DANVILLE
 CIVIL ENGINEERING DEPARTMENT
 510 LA GRONCA WAY
 DANVILLE, CA 94504
 925-374-3310



TOWN OF DANVILLE
 AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009
 DIABLO ROAD / GREEN VALLEY ROAD
 PAVEMENT REHABILITATION PROJECT
 C/P NCS, C-611 AND A-365

SIGNING AND STRIPING PLAN
DIABLO ROAD
S-1



FOR NOTES, LEGEND AND ABREVIATIONS, SEE SHEET S-1

NO.	DATE	REVISION

DESIGNED BY	R. ALTY
DRAWN BY	S. ALTY
CHECKED BY	R. ALTY
REVISION	S. ALTY
DATE	11-20-08

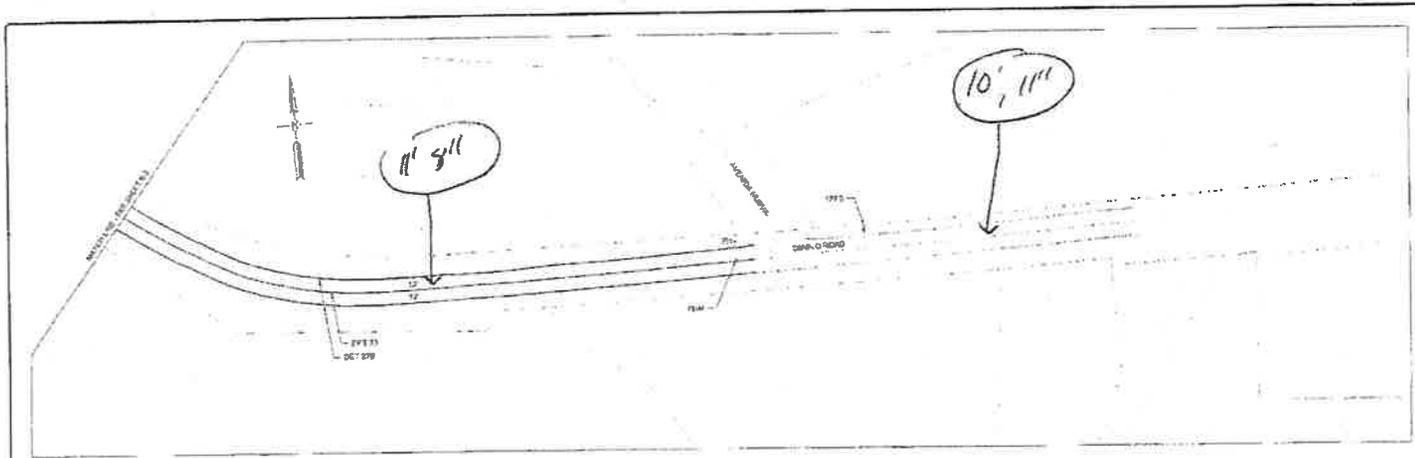


PLANS PREPARED BY: TOWN OF DANVILLE
 DEPT. OF PUBLIC SERVICES DEPARTMENT
 513 LA GONDA WAY
 DANVILLE, CA 94526
 (925) 214-2810



TOWN OF DANVILLE
 AMERICAN ROADWAY AND REINVESTMENT ACT OF 2005
 DIABLO ROAD / ORLEN VALLEY ROAD
 PAVEMENT REHABILITATION PROJECT
 CIP NO. C-811 AND A-365

SIGNING AND STRIPING PLAN
DIABLO ROAD
S-3



1. This drawing is the property of the Town of Danville. It is to be used only for the project and location specified herein. It is not to be used for any other project or location without the written consent of the Town of Danville.

PUR NOTES LEGEND AND ABBREVIATIONS, SEE SHEET S-1

NO.	DATE	DESCRIPTION

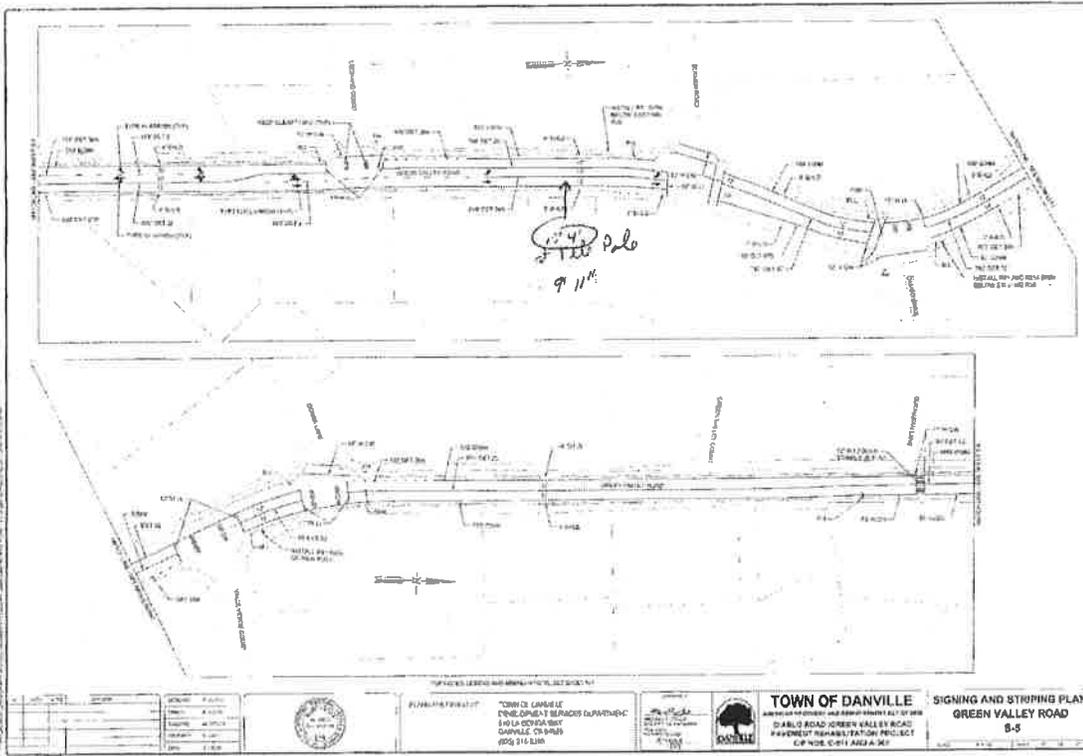


PLANS PREPARED BY
 TOWN OF DANVILLE
 DEVELOPMENT SERVICES DEPARTMENT
 510 LA BORDA WAY
 DANVILLE, CA 94508
 (925) 934-3310



TOWN OF DANVILLE
 AMERICAN PROGRESS AND REIMPROVEMENT ACT OF 1988
 DIABLO ROAD (GREEN VALLEY ROAD)
 PAVEMENT REHABILITATION PROJECT
 CIP NOS. C-311 AND A-365

SIGNING AND STRIPING PLAN
DIABLO ROAD
S-4



NO.	DATE	BY	DESCRIPTION
1	10/15/11
2
3



PLANNING DEPARTMENT
 TOWN OF DANVILLE
 DEVELOPMENT SERVICES DEPARTMENT
 501A BROADWAY
 DANVILLE, VA 24040
 (800) 316-6100



TOWN OF DANVILLE
 DIVISION OF PUBLIC WORKS AND STREET LIGHTS
 501A BROADWAY, GREEN VALLEY ROAD
 PAVEMENT REHABILITATION PROJECT
 CIP NO. 0-011 AREA A-34

SIGNING AND STRIPING PLAN
GREEN VALLEY ROAD
 S-5

David Crompton

From: Maryann Cella <maryann.cella@gmail.com>
Sent: Monday, October 2, 2017 4:39 PM
To: David Crompton
Cc: Renee Morgan; Robert Storer; Newell Arnerich; Karen Stepper; Lisa Blackwell
Subject: Comments on the NOP/IS for the Magee Ranches EIR
Attachments: DCSD letter to Honorable Candace Andersen and Mary Piepho.docx

Hi, David. Regarding the Magee Ranches Notice of Preparation/Initial Study, please accept these comments on behalf of SOS-Danville Group:

The attached letter from the Diablo Community Services District is herewith submitted as a comment regarding the **bicyclist safety assessment in the EIR**. Also, we request that the **California State Park System Statistical Reports, found at http://www.parks.ca.gov/?page_id=23308**, and referenced in the letter, be used to inform any bicyclist counts for the bicyclist safety analysis in the EIR.

Thank you for your assistance.

Maryann Cella
SOS-Danville Group

DIABLO COMMUNITY SERVICES DISTRICT

P.O. BOX 321

DIABLO, CA 94528

February 2, 2015

Honorable Candace Andersen

County Supervisor, District 2

309 Diablo Road
Danville, CA 94526

Honorable Mary Piepho

County Supervisor, District 3

3361 Walnut Boulevard, Suite 140
Brentwood, CA 94513

Dear Supervisors Andersen and Piepho:

We are writing to ask for your assistance in rectifying the intolerably dangerous conditions for motorists, bicyclists, and pedestrians in the community of Diablo and in the Diablo Road corridor between Green Valley Road and Mt. Diablo Scenic Blvd. Each of your districts covers a portion of that area.

As you are likely aware, Diablo Road is the gateway to Mt. Diablo State Park for many tens of thousands of bicyclists every year and the number is steadily increasing. **In fact, we believe that the number of bicyclists traveling Diablo Road to get to the Park during the 2012/13 fiscal year was probably upwards of 40,000 judging from the following California State Park System Statistical Reports, found at http://www.parks.ca.gov/?page_id=23308 .**

California State Park System Statistical Reports

Fiscal Year of Report Free Day Use (entering through the north or the south entrances)

2012/13 79,824 (page 21)

2011/12 74,631 “

2010/11	66,965	(page 21)
2009/10	63,845	“
2008/09	53,918	“
2007/08	47,693	“

The “Free Day Use” statistical category is almost exclusively bicycle traffic, rather than pedestrian; very few pedestrians enter the park through either of the two entrance gates because those gates are too far from residential neighborhoods and parking areas outside the park.

Bicycle counts for 2014 (which haven’t yet been officially published) received from Park Superintendent Ryen Goering (Contra Solano Sector Superintendent, California State Parks) indicate that more than half of the counted bicyclists typically enter through the south gate. **So that implies that for 2012/2013, over 40,000 cyclists entered the Park through the south gate.** And that number is clearly an underestimate, according to Superintendent Goering and Supervising Ranger Dan Stefanisko, because many cyclists enter the gates when due to understaffing there is no ranger there to count them.

Based on our observations and information from local bicyclists, we believe that the vast majority of those 40,000+ bicyclists using the South Gate entrance travel east along Diablo Road from Green Valley Road to Mt. Diablo Scenic Blvd. to get there, rather than traveling from Blackhawk Road west to Mt. Diablo Scenic. Most of those bicyclists then travel west along Diablo Road as they return home. In addition some of the bicyclists entering through the north gate park entrance subsequently exit the park through the south gate and then travel west along Diablo Road. **So it is reasonable to believe that in fiscal year 2012/2013 there were over 80,000 bicyclist trips on Diablo Road associated with travel to and from Mt. Diablo State Park.**

Furthermore, there has been a tremendous 67% increase in bicyclists between fiscal years 2007/2008 and 2012/2013, and there is every reason to believe the numbers will continue to grow.

The tremendous numbers of bicyclists coupled with the high volumes of traffic on Diablo Road have created an intolerably dangerous situation. Although Diablo Road west of Green Valley Road has safe bicycle lanes in both directions, the 1 ½ mile stretch of Diablo Road east of Green Valley Road to Mt. Diablo Scenic Blvd. (“the stretch”) is narrow, winding, upslope, with virtually no shoulders, limited sightlines, and no bicycle lanes. The stretch is extremely congested with thousands of vehicles every day. Despite the double yellow lines the length of the stretch, many

vehicles' drivers break the law as they veer across the lines to avoid the cyclists. Others slow to well below the speed limit, creating back-ups and the risk of rear-end collisions as they travel behind the cyclists.

Danville police accidents reports (attached) show that from 2005 until March 2014 there were 6 bicyclist accidents along the portion of the stretch patrolled by the Danville police. The number of accidents is undoubtedly much higher because of the following: 1. the reports do not even identify whether there was a car or bike involved in many of accidents; and 2. the reports do not include accidents reported to the California Highway Patrol, which patrols the one-mile northern portion of the stretch that is contiguous to the community of Diablo. Most importantly, the accident reports do not reflect the conditions on the dangerous portion of Diablo Road contiguous to the community of Diablo because almost all of the bicyclists avoid that portion by cutting through the community of Diablo. But for the cutting through, there would be far more---and likely some fatal--- bicycle accidents.

That diversion of cyclists does not solve the problem of public safety, however. **The influx of cyclists into Diablo has merely has moved the dangerous condition from Diablo Road onto Diablo's even more constrained residential streets.** As you know, Diablo's streets are narrow and winding, have no sidewalks or even shoulders, and have limited sight lines. Moreover, Diablo's streets serve both as streets and walkways: pedestrians; baby strollers; young children on bicycles; dogs on leashes; automobiles; golf carts; and construction, service, and delivery vehicles travelling to and from the Diablo Country Club, the Diablo Post Office, and Diablo homes all compete for space.

The influx of ever more cyclists cutting through Diablo's residential streets to avoid dangerous Diablo Road has caused those streets to become unsafe for their intended users as well as for the cut-through cyclists themselves. **The Diablo Community Services District, the government agency responsible for roads and public safety within the community of Diablo, is obligated to act to resolve this dangerous condition on our roads.**

We believe that the best way to solve the safety issues within our community is to address the dangerous situation on Diablo Road. **The solution is obvious: if Diablo Road were made safe for cyclists and vehicles by adding bicycle lanes, cyclists would no longer need to divert into Diablo.**

Accomplishing the goal of building safe Diablo Road bicycle lanes will require the cooperation and efforts of many interested parties. And prior to building the lanes, there are likely other

short-term, inexpensive ways that could quickly improve safety somewhat along Diablo Road (for example, adding "Share the Road" signs; lowering speed limits and enforcing them; improving some of the sightlines).

The time to start is now, before there are any more accidents, and before someone is killed. As you undoubtedly know, just a few days ago a cyclist was killed along Highland Road in unincorporated Contra Costa County. Like Diablo Road, the dangers there were well-known, but no one acted to improve safety on the road in time to prevent the cyclist's death.

As a first step toward improving safety, we ask that your offices convene a Diablo Road Public Safety Task Force, comprised of representatives from your offices, the Town of Danville, Diablo Community Services District, Diablo Property Owners' Association, Valley Spokesmen (a local bicyclist organization), Bike East Bay (an East Bay bicycle advocacy group), Save Mt. Diablo, Contra Costa Transportation Authority, and any other interested HOAs or groups. The long-term goal of the Task Force would be to obtain funding for the designing and building of safe bicycle lanes between Green Valley Road and Mt. Diablo Scenic Blvd. In the near term, the goal would be to make the road safer through inexpensive means such as road signs, lower speed limits, and more police enforcement until the lanes are built.

Thank you so much for your consideration of our request. We look forward to hearing from you at your earliest convenience and, we hope, working with members of the proposed Task Force to address these urgent public safety matters.

Sincerely,

Raymond F. Brant

President

Diablo Community Services District

Attachment: Danville Police Accident Reports, 2005- March 2014

Cc with attachment: Christopher Liddicoat, President, Diablo Property Owners' Association

Joseph Calabrigo, Manager, Town of Danville

Eric Niles, Head of School, Athenian School

Cc with attachment: Nancy Nagramada, Athenian School

Marcus Van Raalte, President, Valley Spokesmen Bicycle Touring Club

William Well, Danville Liaison, Valley Spokesmen Bicycle Touring Club

Bonnie Powers, Past President, Valley Spokesmen Bicycle Touring Club

Renee Rivera, Executive Director, Bike East Bay

David Campbell, Advocacy Director, Bike East Bay

Alan Kalin, President, Mount Diablo Cyclists

Ronald Brown, Executive Director, Save Mt. Diablo



Contra Costa County
Flood Control
& Water Conservation District

Brian M. Balbas,
ex officio Interim Chief Engineer
Mike Carlson,
Deputy Chief Engineer

September 27, 2017

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

RE: Sub 9291 Magee Ranches
Notice of Preparation for Revised Draft EIR
Our File: 1002-9291

Dear Mr. Crompton:

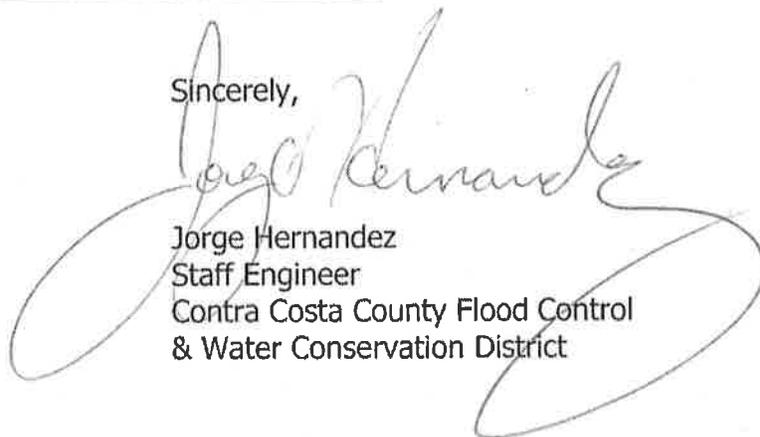
We have received the Notice for Preparation for the Revised Draft Environmental Impact Report (Draft EIR) for the Magee Ranches Project, Subdivision 9291, located on the south side of Diablo Road and Blackhawk Road (APN 202-050-071, -073, -074, -078, etc.). The Contra Costa County Flood Control & Water Conservation District (FC District) previously commented on this development's Notice of Preparation, previous Draft EIR, and Final EIR in our letters dated December 14, 2010, January 29, 2013, and April 23, 2013, respectively. We've attached our previous letters for reference, and in addition, offer the following comments:

1. As commented in our previous letters, the Revised Draft EIR should include a statement that the Federal Emergency Management Agency (FEMA), the FC District, and the Army Corp of Engineers have noted that Green Valley Creek, downstream of this project, does not have sufficient capacity for the 100-year storm event and has existing flooding, encroachments, and erosion issues. In addition, it should be noted that the FC District has received recent reports of severe creek bank erosion at locations along the East Branch of the Green Valley Creek downstream of the project, specifically behind the home at 51 Diablo Creek Place, in the Town of Danville, and at other locations along Alameda Diablo, in the unincorporated Diablo area. We recommend that the Revised Draft EIR discuss if modifications to the site plan will require additional measures, above and beyond the mitigation already identified in the Final EIR, to mitigate the project's impacts to these existing downstream conditions.
2. We request that the Revised Draft EIR include an analysis of the downstream culvert at Diablo Road and Alameda Diablo, if it is determined that modifications to the original Magee Ranches site plan create impacts along Green Valley Creek in the unincorporated County.

3. We previously recommended that the proposed detention basin and drainage facilities be constructed in accordance with the Regional Hydrologic Analysis prepared by Engeo Incorporated, dated June 8, 2011, and revised on April 17, 2012. However, due to modifications to the original site plan and as noted by Engeo's Update to Hydrologic Recommendations letter, dated July 17, 2017, the applicant should be conditioned to submit a revised final Hydrologic Analysis for the FC District's review and the Town of Danville's approval, prior to issuance of any permits.

We appreciate the opportunity to review projects involving drainage matters and welcome continued coordination. If you have any questions, please call me at (925) 313-2346 or e-mail me at jorge.hernandez@pw.cccounty.us.

Sincerely,



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

JH:cw

G:\fdct\CurDev\CITIES\Danville\Sub 9291 Magee Ranch\NOP for Revised DEIR 9-27-17.doc

Enclosures

- c: Supervisor Candace Anderson, District II
Supervisor Diane Burgis, District III
Brian M. Balbas, Interim Chief Engineer
Mike Carlson, Deputy Chief Engineer
Tim Jensen, Flood Control
Teri E. Rie, Flood Control
Alicia Nuchols, Supervisor Burgis's Office, District III
Jennifer Quallick, Supervisor Anderson's Office, District II
Maryann Cella, SOS-Danville Group
1896 Alameda Diablo
Diablo, CA 94528
Steve Abbs
Davidson Homes
1600 S. Main Street, Suite 150
Walnut Creek, CA 94596



Contra Costa County
Flood Control
& Water Conservation District

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

December 14, 2010

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

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

Dear Mr. Crompton:

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

Notice of Preparation

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

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

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

Vesting Tentative Map

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

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

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

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

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

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

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

Sincerely,



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

KS:cw
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c: Tim Jensen, Flood Control
Teri E. Rie, Flood Control
Wendi Baker, SummerHill Homes
5000 Executive Parkway, Suite 150
San Ramon, CA 94583
Diablo Community Services District
Diablo MAC



Contra Costa County
Flood Control
& Water Conservation District

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

January 29, 2013

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

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

Dear Mr. Crompton:

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

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

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

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

OR, upon written request by the developer:

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

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

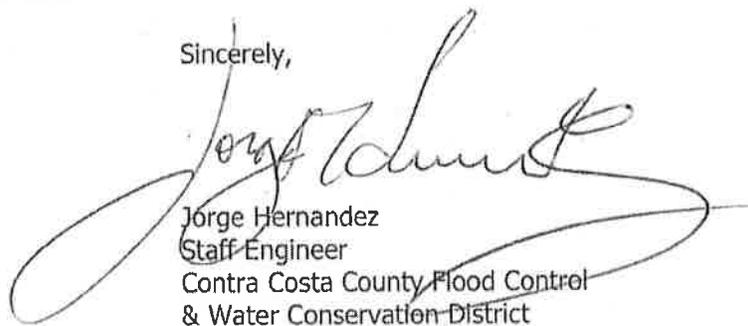
development on these sites be subject to the Green Valley Creek Mitigation fee of \$0.10 per square foot of newly created impervious surface area. This fee is based on the FC District's Report on Impervious Surface Ordinance. The Town should collect the fee for transfer to the County's Drainage Deficiency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

3. As required by Division 1010 (Drainage) of the County Title 10 Ordinance, the applicant shall obtain a drainage permit (1010 permit) from the FC District prior to conducting any work (including but not limited to new storm drain outfalls, bridges, and road widening) in natural or man-made watercourses located in unincorporated Contra Costa County.
4. We recommend that the Town condition the applicant to design and construct storm drain facilities to adequately collect and convey stormwater entering or originating within the development to the nearest adequate man-made drainage facility or adequate natural watercourse, without diversion of the watershed.
5. The FC District and the Army Corps of Engineers have performed studies that show that Green Valley Creek downstream of this project does not have sufficient capacity for the 100-year storm event considering the ultimate build-out condition and has existing flooding, encroachments, and erosion issues. We recommend that the EIR discuss if the existing conditions will be made worse by this proposed development.
6. We recommend that the Town condition this development to reduce post-development stormwater peak runoff to predevelopment levels
7. We recommend that the Town condition the development to construct the proposed detention basin and drainage facilities in accordance with the Regional Hydrologic Analysis prepared by Engeo Incorporated and dated June 8, 2011, and revised on April 17, 2012. We recommend, prior to allowing any changes to these drainage facilities as modeled, that the developer be conditioned to submit a revised Hydrologic Analysis for FC District review and the Town's approval.
8. The developer should be conditioned to create or enter into a Geologic Hazard Abatement District (GHAD) to maintain proposed detention basin and other proposed drainage facilities. The GHAD, in addition to implementing other measures to mitigate, prevent, control and abate geologic hazards, will establish a comprehensive plan to maintain the stormwater facilities and provide corrective measures as needed. Funding for the GHAD should occur through property owner assessments within the Magee Ranch Project.
9. There is potential for increased erosion within the reaches of Green Valley Creek downstream of this project if post-project flows are not mitigated to predevelopment levels. We recommend that the Town condition the developer to identify and mitigate the potential impacts related to erosion if the peak and volume of stormwater from this project are increased. An inventory of Green Valley Creek to identify any critical locations prone to erosion is recommended if peak flows are increased. This requirement is similar to a mitigation measure that the County required for Subdivision 8905 (Humphrey Property) located in Alamo upstream of Subdivision 9291 in the Green Valley Creek watershed. FC District and Town records could be used by the developer to identify areas of past complaints or bank repair.

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

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

Sincerely,



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

JH:cw

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



Contra Costa County
Flood Control
& Water Conservation District

Julia R. Bueren,
ex officio Chief Engineer

April 23, 2013

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

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

Dear Mr. Crompton:

We have received the Final Environmental Impact Report (Final EIR) for Subdivision 9291, the Magee Ranch—Summerhill Development, located on the south side of Diablo Road and Blackhawk Road (APN 202-050-071, -073, -074, -078, etc.). The Contra Costa County Flood Control & Water Conservation District (FC District) previously commented on the Draft EIR, in our letter dated January 29, 2013, and subsequently to this development's Notice of Preparation, in our letter dated December 14, 2010, and now submit the following comments and recommendations for conditions of approval:

The FC District, on behalf of unincorporated Contra Costa County residents recommends that the Town of Danville (Town) requires the following conditions of approval for this development:

1. We recommend that the Town condition the development to construct the proposed detention basin and drainage facilities in accordance with the Regional Hydrologic Analysis prepared by Engeo Incorporated and dated June 8, 2011, and revised on April 17, 2012. In our January 29, 2013, letter (comment #10), we asked that the center elevation of the upper orifice in Figure 8 of Appendix G of the DEIR (Regional Hydrologic Analysis for the Magee Ranches Project) be revised to be 567, to be consistent with the value in the model. A revised copy of the Regional Hydrologic Analysis should be submitted for our files.
2. There is potential for increased erosion within the reaches of Green Valley Creek downstream of this project if post-project flows are not mitigated to predevelopment levels. In our letter dated January 29, 2013, we recommended that the Town condition the developer to identify and mitigate the potential impacts related to erosion if the peak and volume of stormwater from this project are increased. An inventory of Green Valley Creek to identify any critical locations prone to erosion is recommended if peak flows or volumes are increased. The developer's response to this potential impact is that peak flows would not increase through implementation of the detention basin and smaller erosive flows via the hydromodification controls. In addition to incorporating treatment controls, projects creating or replacing an acre or more of impervious area must also provide flow control so post-project runoff does not exceed estimated pre-project rates and durations in order to comply with the current NPDES (National

Pollutant Discharge Elimination System) requirements under the City Stormwater Management and Discharge Control Ordinances and the C.3 Guidebook. A preliminary Stormwater Control Plan prepared by Ruggeri, Jensen, and Azars dated October 5, 2011, was submitted to the FC District. We recommend that the Town condition the applicant to submit a *final* Stormwater Control Plan for FC review. We support the State's goal of providing best management practices to achieve the permanent reduction or elimination of stormwater pollutants and downstream erosion from new development.

3. Section I. 5 of the Staff Report conditions the developer to establish a Geologic Hazard Abatement District (GHAD). We recommend that the GHAD, in addition to implementing other measures to mitigate, prevent, control and abate geologic hazards, establish a comprehensive plan to maintain the stormwater facilities, including the detention basin, and provide corrective measures as needed. Funding for the GHAD should occur through property owner assessments within the Magee Ranch Project.
4. Page 48 of the Final EIR (Section 6M) refers to the GHAD for the proposed subdivision being responsible for maintenance of the restored creek and bridge. We recommend that the GHAD, in addition to implementing other measures to mitigate, prevent, control and abate geologic hazards, establish a comprehensive plan to maintain the restored creek and bridge and provide corrective measures as needed. Funding for the GHAD should occur through property owner assessments within the Magee Ranch Project.
5. The project is in the San Ramon Creek watershed. Developments in the San Ramon Creek watershed are required to mitigate their adverse drainage impact upon the natural creeks. We recommend that the developer mitigate the impact of additional stormwater runoff from this development draining to San Ramon Creek by either of the following methods:
 - Remove 1 cubic yard of channel excavation material from the inadequate portion of San Ramon Creek for each 50 square feet of new impervious surface area created by the development. All excavated material shall be disposed of off-site by the developer at his own cost. The site selection, land rights, and construction staking will be performed by the FC District.
OR, upon written request by the developer:
 - Provide for a cash payment in lieu of actual excavation and removal of material from the inadequate portion of San Ramon Creek. The cash payment will be calculated at a rate of \$0.10 per square foot of new impervious surface area created by the development. The added impervious surface area created by the development will be based on the FC District's standard impervious surface area ordinance. The FC District will use these funds to work on San Ramon Creek annually.
6. The Magee Ranch Project site is upstream of known inadequate reaches of Green Valley Creek. We recommend that the Town require any future development on these sites be subject to the Green Valley Creek Mitigation fee of \$0.10 per square foot of newly created impervious surface area. This fee is based on the FC District's Report on

Impervious Surface Ordinance. The Town should collect the fee for transfer to the County's Drainage Deficiency Fund.

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

Sincerely,



Homira Shafaq
Staff Engineer
Contra Costa County Flood Control
& Water Conservation District

HS:cw

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c: R. Mitch Avalon, Administration
Mike Carlson, Flood Control
Tim Jensen, Flood Control
Teri E. Rie, Flood Control
Mary Halle, Transportation Engineering
Patrick Roche, Dept. of Conservation & Development—CDD
Wendi Baker, SummerHill Homes, 5000 Executive Parkway, Suite 150, San Ramon, CA 94583
Diablo Community Services District, P.O. Box 321, Diablo, CA 94528



CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION
651 Pine Street, Sixth Floor • Martinez, CA 94553-1229
e-mail: LTexte@lafco.cccounty.us
(925) 335-1094 • (925) 646-1228 FAX

September 28, 2017

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

**SUBJECT: Notice of Preparation (NOP) for the Revised Draft Environmental Impact Report (EIR)
for the Magee Ranches Project**

Dear David:

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

We are aware that the Town prepared and certified an EIR for an earlier version of the project, and that a legal challenge to that EIR was filed. Further, that the final order of the Court of Appeal determined that the EIR was deficient in regards to only one of the alleged deficiencies, and that the Town is now preparing a Revised EIR (REIR) that presumably will address and correct the deficiency.

Since certification of the original EIR in 2013, some minor changes to the Project were made and the project has a new project applicant, Davidon Homes. The current project proposes to develop 30± acres of the 410-acre project site with 69 single family homes and seven attached secondary dwelling units. Approximately 380 acres of the project site would be preserved as permanent open space, allowing continued use for cattle grazing, habitat preservation and enhancement, storm water treatment, and public trails. A Vesting Tentative Map would create the 69 single family lots on the site. The lots would be clustered and located primarily on the flatter portions of the property.

In addition, the new Initial Study (IS) concludes that the following topics will require further analysis in REIR: Air Quality, Greenhouse Gas Emission, Noise, Energy, and Transportation and Circulation.

In 2013, LAFCO staff submitted a comment letter to the Town on this project (see attached). We note that the Project Objectives of the current project, as stated in the NOP and summarized below, address some of the concerns raised in our 2013 comment letter:

- Design the Project to cluster development on the lower portions of the site to minimize visual impacts and limit disturbance on the property

- Provide for a minimum of 10% of the 69 lots to include a second dwelling unit ("casita") to satisfy the Town's affordable housing requirements
- Preserve approximately 381 acres of the Project site as permanent Open Space

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

General Comments

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

LAFCO is an independent, regulatory agency with discretion to approve (with or without conditions) or disapprove boundary changes. LAFCO is required to consider various factors when evaluating a proposed boundary change including, but not limited to, the project's potential impacts on agricultural land and open space, the provision of municipal services and infrastructure to the project site, the extent to which the proposal will affect a city or the county in achieving its fair share of the regional housing needs, the timely and available supply of water, etc..

The factors relating to boundary changes are contained in the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 ("CKH" - Government Code section 56000 et seq.) and include §56668. (Note: all references in this letter are to the California Government Code). In general, for this and other projects, we encourage Town of Danville staff to reference and include consideration of the issues set forth in §56668 and other relevant sections of the CKH when preparing environmental documents for projects that require subsequent approvals by LAFCO, as doing so will facilitate the LAFCO application and review process. Failure to do so may result in additional CEQA compliance work on the part of the applicant.

In reviewing this project, LAFCO will be asked to rely on the Town's environmental document for the needed annexations described above relating to the provision of water and wastewater services. In order for LAFCO to rely on the Town's EIR, the document should reference the required LAFCO actions in the Project Description and identify Contra Costa LAFCO as a public agency whose approval is required. Further, we encourage the EIR to include an evaluation of the relevant CKH factors on which the LAFCO annexation decisions would be based, including those discussed below.

Specific Comments

A. Agricultural Resources. The IS, released along with the NOP, continues and restates the conclusions reached in the original DEIR that there are no impacts to agricultural resources. However, there are no specific references in the IS to the LAFCO definitions of agricultural lands (§56016), prime agricultural land (§56064), and/or open space (§56059), or to LAFCO's recently adopted Agricultural and Open Space Preservation Policy (AOSPP). Our earlier comment letter stated that the EIR should expand upon its discussion of potential effects on agricultural resources by providing an assessment based on the definition of "prime agricultural lands" as provided in §56064 of CKH, and that failure to address impacts to agricultural resources under CKH definitions could render the EIR deficient for LAFCO purposes.

We continue to request that the REIR include an analysis of agricultural resources consistent with the definitions provided in CKH and include an assessment of the project in relation to LAFCO's AOSPP. Our concern on this issue was addressed, at least in part, in the Town's Final EIR for the prior project. The response to our comment at that time was that the project site does not qualify as prime land for livestock production per the USDA Handbook criteria (one animal unit per acre), since the average stocking rate for grazing operations on the project site is one cow per 10 acres. This information should be included in the REIR, as it is responsive to the criteria set forth in CKH.

LAFCO applications that involve impacts to agricultural and/or open space lands must provide an assessment and measures to mitigate impacts as required by LAFCO's policies. It is desirable for LAFCO, as a Responsible Agency, to have analysis in the CEQA document to support this assessment.

B. Regional Housing Needs. We note the proposed inclusion of seven "casitas" or second units as part of the project, consistent with the Town's Inclusionary Housing Ordinance, and that these units are intended to count towards satisfying the Town's affordable housing allocation. LAFCO will consider this commitment in relation to CKH §56668(m).

Thank you for your consideration of our comments and questions. Please contact the LAFCO office if you have any questions.

Sincerely,



Lou Ann Texeira
Executive Officer

c: LAFCO Planner

Attachment – LAFCO's 2013 Comment Letter – Magee Ranches Project



Lou Ann Teixeira
Executive Officer

MEMBERS

Donald A. Blubaugh
Public Member

Federal Glover
County Member

Michael R. McGill
Special District Member

Dwight Meadows
Special District Member

Mary N. Piepho
County Member

Rob Schroder
City Member

Don Tatzin
City Member

ALTERNATE MEMBERS

Candace Andersen
County Member

Sharon Burke
Public Member

Tom Butt
City Member

George H. Schmidt
Special District Member

January 29, 2013

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

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

Dear David:

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

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

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

General Comments

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

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

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

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

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

Specific Comments

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

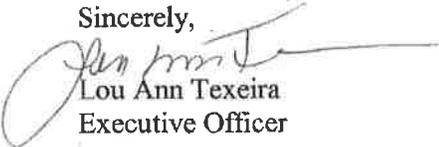
LAFCO acknowledges that for CEQA purposes, the conclusion reached in the EIR could be considered adequate. However, be advised that LAFCO will require more analysis of this topic in order for the Commission to make determinations required under CKH §56668 in which the loss of agricultural lands is an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

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

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

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

Sincerely,


Lou Ann Texeira
Executive Officer

c: LAFCO Planner

David Crompton

From: mcovay@sbcglobal.net
Sent: Monday, October 2, 2017 4:51 PM
To: David Crompton
Subject: Magee Ranches

Dear Mr. Crompton,

There are so many reasons why Robert and myself are so against these homes being built.

Diablo Road.....Diablo Road.....Diablo Road! How many ways can we say the infrastructure can not handle what the neighborhood is already experiencing. Join us trying to get off Jillian Way in the morning.

With the continued expansion of Alamo Creek?

Wait until the rains starts. Help us! Stop this.

Melody and Robert Covay
9 Jillian Way

Sent from my Verizon ASUS tablet

David Crompton

From: davis jerome <jerry94528@gmail.com>
Sent: Friday, September 29, 2017 2:57 PM
To: David Crompton
Subject: Magee Ranches 69 +unit development

"Dear Mr. Crompton:

Please accept these comments on the Notice of Preparation/Initial Study for the "Magee Ranches" 69+ unit development.

1. SIGNIFICANT FLOODING IMPACTS REQUIRE A MUCH LARGER CULVERT AT DIABLO ROAD/ALAMEDA DIABLO INTERSECTION. I understand that the Contra Costa County Flood Control Department has recently issued a draft Hydrology Study for Green Valley Creek. The flows predicted in that Study for large storms would exceed the capacity of the Town's failing 12 -foot culvert underneath Diablo Road just east of the Diablo Road/Alameda Diablo intersection. As a result, during large storms severe flooding would occur both upstream of the culvert and downstream in the Calle Arroyo area and beyond to the St. Timothy's Church neighborhood. **If the Magee Ranches project were built, the peak flows during large storms would last even longer, increasing floods upstream and downstream.**

Accordingly, I respectfully request that the Town undertake in its draft EIR for the Magee Ranches project a full assessment **of the potentially significant additional flooding risks the project would create at the Town's Diablo Road/Alameda Diablo apparently undersized, failing culvert,** and condition any approval on installing an appropriately-sized culvert.

2. SIGNIFICANT BICYCLIST SAFETY IMPACTS REQUIRE DIABLO ROAD IMPROVEMENTS INCLUDING SAFE BICYCLE LANES. As a result of the Court of Appeal's ruling against the Town Council in SOS-Danville Group v. Danville Town Council, the draft EIR must contain a full and fair assessment of the negative impact on bicyclists' safety of the nearly 1000 more cartrips per day from the project.

In discussions with Town staff in the last months, an SOS-Danville member was told that the Town relies on plans specified in the 1994 Diablo Road Improvements Capital Improvement Project C-55 to make evaluations about Diablo Road. Those C-55 road improvements were to be accomplished as part of the Conditions of Approval for the original Magee Ranch development, and were paid for by an assessment on the homeowners of that development, and accepted as completed by the Town Council in 1994. The plans show Diablo Road's most dangerous 1 1/2 mile segment between Green Valley/McCauley Roads and Mt. Diablo Scenic Blvd. as having lanes that are uniformly 12' wide, with 2' wide compressed aggregate shoulders on each side.

To the contrary, however, the lanes in that segment of Diablo Road vary in width from 10+ feet to just over 12 feet (please see attached measurements). Moreover, it is apparent to anyone driving the road that there are no or nearly no shoulders on that length of road. In fact, **the road improvements specified in the plans for the 1994 Diablo Road Improvements Capital Improvement Project C-55 were never completed as specified.** The Magee Ranch homeowners did not get what they paid for, and the public did not get what was supposed to be part of the Magee Ranch development approval.

Accordingly, any traffic and bicyclist safety analyses in the draft EIR must specifically discuss the ACTUAL road conditions, and not rely on 23-year-old never -completed plans.

Because of the actual road conditions, it is quite obvious that a **car/truck/school bus cannot safely pass a bicyclist with the legally -required 3' space between them in the road segment between Green Valley Road and Mt. Diablo Scenic Blvd.** Under California Vehicle Code Section 21202 (a) (3) (attached hereto), that means that the road has *substandard width lanes*, and a bicyclist does not have to ride as close as possible to the edge of pavement, but may legally take up the entire lane. Because the existing conditions provide **virtually no safety** to the tens of thousands of bicyclists that travel Diablo Road every year, as mitigation for further endangering bicyclists by adding nearly 1000 more cartrips per day from the Magee Ranches project, ***the road must be brought to standard conditions of at least a uniform 12' feet width per lane (per the 1994 C-55 contract), and safe 4' bicycle lanes must be added to each side.***

3. MEASURE S PUBLIC VOTE REQUIRED. The Town must revisit its planned rezoning to P-1, Planned Unit Residential Development, for the project, and provide the Measure S vote that was clearly intended for a project such as this on Agricultural Open Space land.

In its lawsuit, SOS-Danville Group argued, and the trial judge agreed, that the rezoning without a change in land use from Agricultural Open Space to Residential was in violation of the Town's General Plan with the purpose of circumventing the Danville publically- approved Open Space Protection Ballot Measure S requirement for a public vote on the project. (Note that the Town wrongly states in the NOP/IS that the trial court ruled against SOS-Danville on that issue.) The Court of Appeal reversed the trial judge, but only held that the Town Council had not "abused its discretion" in doing the "problematic" P-1 rezoning without a land use change and public vote. The Court of Appeal made it very clear that the Council could reasonably agree with the trial judge and SOS-Danville Group and require a change in land use and a Measure S public vote on the project."

Thank you for all you are doing to protect public safety and to protect the public's right to receive a Measure S public vote on the "Magee Ranches" project.

Maryann Cella
SOS-Danville Group



September 11, 2017

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

Re: Notice of Preparation of the Revised Environmental Impact Report for the Magee Ranches Project, Danville

Dear Mr. Crompton:

East Bay Municipal Utility District (EBMUD) appreciates the opportunity to comment on the Notice of Preparation of the Revised Environmental Impact Report for the Magee Ranches Project located in the Town of Danville (Town). EBMUD has the following comments.

GENERAL

EBMUD owns and maintains four EBMUD rights-of-way (R/W) located within the boundary of this project including R/W 1581 that is an access road to EBMUD's Green Valley Reservoir, R/W 1580-A that is an access road to EBMUD's Diablo Reservoir, which is scheduled to be rebuilt between 2021 and 2023, R/W 1580-B that has a 20-inch water distribution pipeline, and R/W 3998 that has a 12-inch water distribution pipeline. The integrity of these rights-of-way needs to be maintained at all times. Any proposed construction activity, including proposed grading, within the rights-of-way will need to be coordinated with EBMUD and may require relocation of the rights-of-way, at the project sponsor's expense. No buildings, trees, or structures, including decorative pavements, shall be constructed in EBMUD's rights-of-way unless specific approval is given by EBMUD.

Although the entire development is located within EBMUD's Ultimate Service Boundary, only part of the development (Parcels 48 – 58 and Parcel 60) is located within EBMUD's current service area. The remaining portion of the development (Parcels 1 – 47, Parcel 59, and Parcels 61 – 69) is located outside EBMUD's current service area and would need to be annexed into EBMUD's current service area before receiving water service from EBMUD. Please note that EBMUD will not deliver water to any annexed property until a formal approval is issued by the U.S. Bureau of Reclamation. A description of the requirements pertaining to annexation is enclosed. The project sponsor should contact the Contra Costa County Local Agency Formation Commission (LAFCO) to apply for annexation.

WATER SERVICE

EBMUD's Diablo Pressure Zone, with a service elevation between 450 and 650 feet, will serve Magee West, and EBMUD's Scenic Pressure Zone, with a service elevation between 650 and 850 feet, will serve Magee East. Main extensions, at the project sponsor's expense, will be required to serve the proposed development. Off-site pipeline improvements, also at the project sponsor's expense, may be required to serve the proposed development. Off-site pipeline improvements include, but are not limited to, replacement of existing pipelines to the project site. When the development plans are finalized, the project sponsor should contact EBMUD's New Business Office and request a water service estimate to determine costs and conditions for providing water service to the proposed development. Engineering and installation of water mains, off-site pipeline improvements, and services require substantial lead time, which should be provided for in the project sponsor's development schedule.

The project sponsor should be aware that EBMUD will not inspect, install or maintain pipeline in contaminated soil or groundwater (if groundwater is present at any time during the year at the depth piping is to be installed) that must be handled as a hazardous waste or that may pose a health and safety risk to construction or maintenance personnel wearing Level D personal protective equipment. Nor will EBMUD install piping in areas where groundwater contaminant concentrations exceed specified limits for discharge to sanitary sewer systems or sewage treatment plants. Applicants for EBMUD services requiring excavation in contaminated areas must submit copies of existing information regarding soil and groundwater quality within or adjacent to the project boundary. In addition, the applicant must provide a legally sufficient, complete and specific written remedial plan establishing the methodology, planning and design of all necessary systems for the removal, treatment, and disposal of all identified contaminated soil and/or groundwater.

EBMUD will not design the installation of pipelines until such time as soil and groundwater quality data and remediation plans are received and reviewed and will not install pipelines until remediation has been carried out and documentation of the effectiveness of the remediation has been received and reviewed. If no soil or groundwater quality data exists or the information supplied by the applicant is insufficient, EBMUD may require the applicant to perform sampling and analysis to characterize the soil being excavated and groundwater that may be encountered during excavation or perform such sampling and analysis itself at the applicant's expense.

WATER CONSERVATION

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

David Crompton, Principal Planner
September 11, 2017
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If you have any questions concerning this response, please contact Timothy R. McGowan, Senior Civil Engineer, Water Service Planning at (510) 287-1981.

Sincerely,



David J. Rehnstrom
Manager of Water Distribution Planning

DJR:TRM:dks
sb17_153

Enclosure: Annexation to EBMUD Current Service Area Requirements

cc: Davidon Homes
Attention: Steve Abbs
1600 South Main Street, Suite 150
Walnut Creek, CA 94596

Ruggeri-Jensen-Azar
Attention: Kirk Myers
4690 Chabot Drive, Suite 200
Pleasanton, CA 94588

ANNEXATION TO EBMUD CURRENT SERVICE AREA REQUIREMENTS

Changes to EBMUD's water supply commitments, such as supplying water to lands outside EBMUD's existing customer service area, require EBMUD to seek and obtain approval from the U.S. Bureau of Reclamation (USBR), with whom EBMUD has a contract for supplemental water supply in dry years. To support its approval of any expansion of EBMUD's customer service area, USBR requires environmental documentation that extends beyond what is typically needed to meet the CEQA requirements. This documentation is required to satisfy federal environmental laws including the National Environmental Protection Act (NEPA), the Endangered Species Act (ESA), and Section 106 of the National Historic Preservation Act (NHPA). EBMUD will require any developer requesting annexation to provide such documentation, which EBMUD will use to support its request for USBR's consent to the provision of water service to the annexed area. In evaluating the adequacy of this environmental documentation, USBR typically consults with other federal agencies, including the U.S. Fish and Wildlife Service. In situations where the U.S. Army Corps of Engineers (Corps), in fulfilling its obligations for issuing permits and documenting environmental impacts under the Clean Water Act, ESA, NEPA and other federal environmental laws, USBR has indicated to EBMUD that it would prefer that the Corps complete all of its requirements under these laws, after which USBR would augment the documentation only as necessary to fulfill its own requirements to support the expansion of EBMUD's customer service area.

Since documentation that fulfills CEQA requirements is generally also sufficient to meet the majority of NEPA requirements, it is advisable when undertaking work to satisfy CEQA to also be cognizant of the parallel NEPA requirements as well as those NEPA requirements that go beyond CEQA requirements. Early discussions with EBMUD in this regard are highly recommended.

Because the NHPA Section 106 requirements are generally less well understood than other environmental requirements under USBR's purview, guidelines have been issued for conducting studies and preparing documentation to address these requirements. In particular, USBR requires a stand-alone report addressing Section 106 requirements. EBMUD will review the developers' Section 106 report and submit it for USBR's approval. Once satisfied with the Section 106 report, USBR may forward it to the State Historic Preservation Officer for approval.

It is important to note that EBMUD's Central Valley Project water supply contract requires payment of USBR's costs incurred to review the relevant documentation supporting any annexation request and to fulfill its own documentation responsibilities under the applicable federal laws. EBMUD requires the developer of any proposed annexation to reimburse EBMUD for these costs. Once a developer approaches EBMUD for annexation approval, EBMUD will require the developer to enter into an agreement (or separate agreements, if necessary) to advance sufficient funds for any related studies or work, including CEQA documentation if necessary, as well as the USBR costs that will be charged to EBMUD.

Charges and agreements related to the installation of water delivery facilities and connections are subject to EBMUD's Regulations Governing Water Service to Customers of EBMUD.



2950 PERALTA OAKS COURT P.O. BOX 5381 OAKLAND CALIFORNIA 94605-0381 T: 1-888-EBPARKS F: 510-569-4319 TRS RELAY: 711 WWW.EBPARKS.ORG

October 2, 2017

David Crompton
Principal Planner
City of Danville, Lead Agency
510 La Gonda Way
Danville, CA 94526

Sent via regular mail and e-mail to
dcrompton@danville.ca.gov
On October 2, 2017

NL

RE: Notice of Preparation for the Magee Ranches Project

Dear Mr. Crompton,

The East Bay Regional Park District ("District") appreciates the opportunity to provide comments on the Notice of Preparation for the Revised Draft Environmental Impact Report for the Magee Ranches Project ("Project"), located in the city of Danville off Diablo Road. The project proposes to develop approximately 30 acres of the 410-acre project site property with 69 single family homes and seven attached secondary dwelling units. The remaining approximately 380 acres would be preserved as open space used for cattle grazing, habitat preservation and enhancement, storm water treatment and public trails.

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

In general, the District supports the "clustered" development of the proposed project. Clustering the home sites within a smaller footprint on the lower elevations of the property allows for the retention of significant open space that provides greater biodiversity benefits and avoids the need to fragment open space with larger lots or more roads.

The District support the inclusion of trails that connect Sycamore Valley Open Space Regional Preserve through the protected open space. This will benefit residents throughout the Town of Danville by providing a connection to the Sycamore Valley Open Space Regional Preserve to local trails managed by the Town of Danville. The Draft Environmental Impact Report (DEIR) and/or project conditions of approval should include measures to ensure that any trails through the project site are accessible to the public.

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

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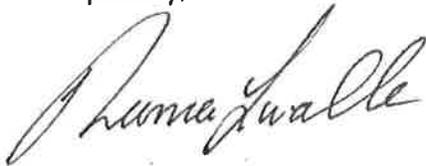


David Crompton
October 2, 2017
Page 2

The project proponent proposes to establish a Geological Hazard Abatement District (GHAD) to own and manage the project open space area. The project proponent also proposes that the public trails will be managed by the GHAD or another public or private entity. The DEIR should analyze the GHAD's ability to provide sufficient funding to ensure that the area can be appropriately managed and maintained. Mitigation measures and/or project conditions of approval will need to ensure that an appropriate and sufficient funding mechanism is established to provide for the long-term management and maintenance of the protect open space area and the public trails.

Thank you for your review and consideration of our comments. Please send the District notices on any future actions regarding this project. If you have any questions or concerns, please contact me at (510) 544-2626, or by e-mail at nlavalle@ebparks.org.

Respectfully,

A handwritten signature in cursive script, appearing to read "Neoma Lavallo".

Neoma Lavallo
Planner

cc: Brian Holt, Principal Planner

Law Offices of
Stuart M. Flashman
5626 Ocean View Drive
Oakland, CA 94618-1533
(510) 652-5373 (voice & FAX)
e-mail: stu@stufash.com

October 2, 2017

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

Re: Magee Ranches Notice of Preparation for Revised Draft EIR

Dear Mr. Crompton,

I am writing on behalf of my client, SOS Danville Group ("SOS"), to comment on the Notice of Preparation ("NOP") for the Revised Draft Environmental Impact Report ("RDEIR") for the Magee Ranches development project ("Project") in the Diablo Road corridor. These comments are in addition to more specific comments that are being submitted by members of the group.

As the NOP acknowledges, the primary reason that the RDEIR is being prepared is that in *SOS-Danville Group v. Town of Danville et al.* a judgment was entered finding the prior EIR for the Project to be inadequate in its consideration of the Project's potential bicycle safety impacts. Consequently, the court ordered that the issue be revisited. In addition, the Town has wisely decided that since it has been five years since the prior EIR was prepared, several analyses, including specifically the traffic analysis, be revisited based on new data. SOS applauds that decision. However, as has been pointed out in other comments on the NOP, there are other changed circumstances and/or new information affecting several other aspects of the environmental review. The Town needs to carefully consider whether other portions of the EIR also need to be reconsidered and potentially revised.

Specifically in regard to the bicycle safety analysis, the prior EIR did not identify any threshold of significance for bicycle safety impacts. Especially given the direction provided by the court, it is important that the RDEIR identify specific thresholds of significance for bicycle safety impacts. SOS would like to suggest several thresholds that would be appropriate given the specific project, its location, and the surrounding circumstances.

The Project is located just south of Diablo Road and Blackhawk Road in Danville. Its main access from the roadway is just east of where Mt. Diablo Scenic Road turns off to the north, serving as the southern gateway to Mt. Diablo State Park. As a result, there is considerable bicycle traffic on both Diablo Road and Blackhawk Road, especially on weekends, from bicyclists heading to and from the Park.

Diablo Road/Blackhawk Road, despite only being a two-lane road with narrow to nonexistent shoulders, is one of Danville's major east-west thoroughfares and carries a significant volume of traffic both during the peak commute hours and on weekends.

Despite the large amount of bicycle traffic on the road, there are no bicycle lanes. This, plus the large amount of automotive traffic, the road's narrowness, and the fact that in some sections the road is both winding and hilly, already make it rather risky for bicyclists. Indeed, there have been several recent serious bicycle/automobile accidents along this corridor and connected roadways within the last five years.¹ All of these factors play into determining appropriate thresholds of significance for bicycle safety impacts.

SOS would recommend that the Town and its consultants review a Federal Highway administration publication, *Bicycle Road Safety Audit Guidelines and Prompt Lists* (FHWA-SA-12-018), which is available for download at: https://safety.fhwa.dot.gov/ped_bike/tools_solve/fhwasa12018/fhwasa12018.pdf. That publication highlights some of the deficiencies present in the Diablo Road/Blackhawk Road corridor as a route with significant bicyclist use. While the State of California does not yet have guidelines or standards for roadways carrying significant bicycle traffic, the State of New Jersey has issued a publication, *NJ DOT Bicycle Compatible Roadways and Bikeways – Planning and Design Guidelines* (available for download at <http://www.state.nj.us/transportation/publicat/pdf/BikeComp/introtofac.pdf>), that gives specific recommendations on making roadways bicycle safe. Given that the Magee Ranch will put additional auto traffic on this deficient corridor, the deficiencies in the Diablo/Blackhawk Road corridor need to be addressed in the RDEIR.

The Diablo/Blackhawk Road corridor's deficiencies for bicyclist safety make it important that the Town's bicyclist safety impact guidelines be formulated to provide an effective evaluation of the bicyclist safety impacts from placing additional auto traffic on that corridor. There is little question that the amounts of auto traffic, as well as the amount of bicyclist traffic, significantly affect bicyclist safety. In particular, especially given the fact that auto speeds are typically much higher than bicyclist speeds, there will always be a temptation for auto drivers to try and pass a bicyclist riding on the shoulder. Where the lanes and shoulders are wide enough and there is good visibility of oncoming traffic, this may not be a problem.² However, when one or more of these factors is suboptimal, a potentially unsafe situation occurs when an auto driver is behind a slower moving cyclist and there is not adequate room to pass without going into the oncoming traffic lane. The danger increases further when, as is the case with parts of the

¹ Copies of information on two such accidents are attached. The Town should obtain from the relevant authorities updated information on accidents, including specifically bicycle/automobile accidents along the Diablo/Blackhawk Road corridor.

² Current guidelines indicate a minimum 1 meter (~3 ft) minimum width for bicycle lanes or their equivalent, and 3.5 - 4 meters (11-13 ft) for traffic lanes. See, e.g., *The Effect of Road Lane Width on Cyclist Safety in Urban Areas*, A. Schramm et al. (2009), available at https://nacto.org/docs/usdg/effect_road_width_on_cyclist_safety_schramm.pdf. A listing of measured widths along portions of Diablo Road is attached hereto.

Diablo/Blackhawk Road corridor, hills and curves obstruct a driver's view of oncoming traffic. In those situations, even when there is a double yellow line, there is a significant risk of an impatient driver attempting to pass a bicyclist with potentially disastrous results.

In such situations, the risk to cyclists increases in proportion to: 1) the frequency of cyclists, 2) the frequency of cars heading in the same direction, and 3) the frequency of cars heading in the opposite direction. As each factor increases, the safety risk also increases. The risk can increase significantly well below vehicle/capacity ("v/c") ratios that would indicate traffic congestion. Even when the v/c ratios are well below 0.5 in both directions, it can be shown mathematically that the likelihood of an unsafe passing maneuver occurring on a section the length of that found on the Diablo/Blackhawk Road corridor (over 1 mile) would be significant. That this is true is also evident from the recent occurrence of multiple bicycle/auto accidents.

SOS could not find any study defining a threshold for when adding additional traffic to such a situation would significantly increase the hazard to bicyclists, but it seems obvious that once the risk to cyclists is significant (e.g., when the v/c ratio on both sides of the road is more than 0.3), adding more traffic will significantly increase the risk to cyclists. As a consequence of this and other factors, SOS would suggest that the following thresholds of significance be used in the RDEIR:

- 1) If the Project would add automobile trips to a two-lane thoroughfare that is already carrying significant volumes of automotive traffic (e.g., v/c of 0.3 or more in both directions), and is also carrying a significant amount of bicycle traffic (e.g., more than 20 bicyclists per hour) but does not have demarcated bicycle lanes;
- 2) If the Project would add more automobile trips to a two-lane thoroughfare that is already carrying significant volumes of automotive traffic (e.g., v/c of 0.3 or more in both directions) and has had two or more reported bicycle/automobile accidents within the past five years;
- 3) If the Project would add automobile trips to a two-lane thoroughfare carrying significant volumes of bicycle traffic where the thoroughfare, due to hills and/or curves, has segments of more than ½ mile in length where passing is prohibited (i.e., double yellow line) but where the shoulders and lanes are too narrow to allow 3-foot clearance between bicyclists and vehicle travel lanes.
- 4) If the Project, during its construction phase, would result in large, slower moving vehicles traveling along a two-lane thoroughfare without marked bicycle lanes but carrying a significant volume of bicycle traffic.

Under each of these conditions, the Project would have the potential to significantly increase the risk of bicycle accidents with automobiles and/or trucks – a significant adverse impact.

Mr. David Crompton - re: Magee Ranch Project
10/2/2017
Page 4

Triggering any of these thresholds should be considered to indicate that the Project has a potentially significant adverse impact on bicycle safety, and that mitigation measures and project alternatives that would reduce or avoid the significant impact must be considered.

Most sincerely,

A handwritten signature in cursive script that reads "Stuart Flashman".

Stuart Flashman
Attorney for SOS Danville Group

Attachments: information on bicycle/auto accidents in the Diablo/Blackhawk Rd.
corridor

From the Danville San Ramon Updates: "Two bicyclists injured, one airlifted after being struck by motorist in Danville

06.22.2017.

Author: mac



UNINCORPORATED DANVILLE – Officers arrested a driver after he allegedly struck two bicyclists on Blackhawk Road Wednesday night.

At approximately 9:20 pm Wednesday, Deputies from the Contra Costa County Sheriff's Office were dispatched to a welfare check on Blackhawk Road in which the caller stated he had just hit something in the roadway, then fled the scene.

At the same time, the San Ramon Valley Fire Protection District received a call from a motorist, reporting that two bicyclists were down on Blackhawk Road, just east of Magee Ranch road.

Paramedics arrived at the scene and found two bicyclists with traumatic injuries. The driver of the vehicle reportedly followed an ambulance back to the scene after calling authorities.

One rider was airlifted by a CALSTAR air ambulance at a nearby soccer field. He was conscious and talking with paramedics. The other rider was transported to a hospital via ambulance.

Officers from the California Highway Patrol conducted a field sobriety test and subsequently arrested the driver of the vehicle.

The vehicle that reportedly struck the bicyclists, a red Volkswagen, appeared to have body damage on the left front panel.

Blackhawk Road remained open for the duration of the incident. Both bicycles at the scene appeared to be equipped with rear-facing red lights."



Car/Bicycle Accident on Diablo Road at Diablo Entrance 14 Mar 15

Tom Wander from Diablo

I am sad to say there was a car/bike accident this morning about 9:30 am in front of the entrance to Diablo. The bicyclist was taken to the hospital with face, head and, possibly, other injuries. The car driver, who appears to be at fault for inappropriately taken the right of way from the bicyclist, stopped briefly after seeing that the bicyclist had crashed and then continued on into Diablo per an eye witness of the accident. The bicyclist was going west on Diablo Road when the car turning left into Diablo, from Diablo Road onto Alameda Diablo, cut off the bicyclist who had the legal right of way. The bicyclist lost control and crashed into the white Mehran fence breaking two fence rails and sheering off the front fork of his bicycle. The car was reported to be a gray Mercedes. CHP is investigating based on the information provided by the Diablo Deputy Sheriff and the witness. If anyone has any additional information, please contact the CHP.

Edited on 14 Mar 15 · Shared with Diablo + 2 nearby neighborhoods in Crime & Safety

**DIABLO ROAD MEASUREMENTS* ON THE ONE-MILE
WINDING SECTION BETWEEN THE ALAMEDA
DIABLO/DIABLO ROAD INTERSECTION AND THE AVENIDA
NUEVA/DIABLO ROAD INTERSECTION**

<u>Location</u>	<u>North lane width</u>	<u>South lane width</u>
1. Behind 1904 La Cadena	11 ft. 2 ½ in.	12 ft. 1 in.
2. Behind 1896 Alameda Diablo	11 ft. 6 in.	11 ft. 10.5 in.
3. Behind 1872 Alameda Diablo	11 ft.	11 ft. 10 in.
4. Behind 1872 Alameda Diablo	11 ft. 2 in.	12 ft. 5 in.
at a curve where last fall a landscaper's truck and a car collided, and the truck then struck a power pole just north of the road.		
5. Behind 1842 Alameda Diablo where the south lane's edge is caved in.	12 ft. 3 in.	11 ft. 9 in.
6. Behind 1826 Alameda Diablo	11 ft. 7.5 in.	11 ft. 3 in.
7. Behind 1826 Alameda Diablo	11 ft. 4.5 in.	11 ft. 5.5 in.
8. Behind 1826 Alameda Diablo	12 ft. 7 in.	10 ft. 9 in.
at 30 mph sign by telephone pole		
9. Behind 1826 Alameda Diablo	12 ft. 4.5 in.	10 ft. 10 in.
just before drain		
10. Behind 1826 Alameda Diablo	12 ft. 1 in.	11 ft. 3 in.
at location of apparent crash into a telephone pole by a truck (wreckage and tire marks suggests it was a truck)		

<u>Location</u>	<u>North lane width</u>	<u>South lane width</u>
-----------------	-------------------------	-------------------------

- | | | |
|---|--------------|----------------|
| 11. In front of 1783 Diablo Road | 12 ft. 7 in. | 11 ft. 10 in. |
| 12. Behind 1776 Alameda Diablo
(site of 1990's \$1 million slide repair involving
subsidence of the north side of Diablo Road when the
south bank of Green Valley Creek East Branch
failed) | 12 ft. ½ in. | 11 ft. 5.5 in. |
| 13. Behind 1750 Alameda Diablo | 12 ft. ½ in. | 11 ft. 7 in. |
| 14. Behind 1734 Alameda Diablo
at retaining wall | 12 ft. | 11 ft. 11 in. |

*All measurements were taken from the middle of the double yellow lines (yellow boxes) to the inside edge of the outside white lines. The measurements were done when the road was closed for nearly two days this past winter. The closure was due to the falling of a eucalyptus tree across both lanes of Diablo Road just east of the Alameda Diablo intersection. The tree's roots had apparently been destabilized by erosion from Green Valley Creek.

N.B. We noted that there are almost no shoulders along this stretch!

9/10/2017

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

RE: Notice of Preparation and Initial Study, Magee Ranches Development.

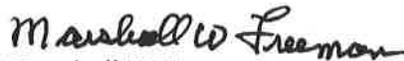
Dear Mr. Crompton:

As per your request for public comment on this NOP and IS:

Our main concerns remain as follows:

- 1) Diablo Road hazards, including bicycle safety, traffic circulation, and narrow width. Living in Diablo, we encounter the hazards of Diablo Road every day.
- 2) The risk of flooding downstream of Diablo Road needs to be examined.
- 3) We still feel that this development should require a vote of Danville residents as required by Measure S, as this development should require a change in Danville' Towns's General Plan.

Thank you for giving these observations your consideration.


Marshall W Freeman


Margaret S Freeman

36 Campo Pelota Ave.
diablo, CA, 94528

David Crompton

From: wgallagher@aol.com
Sent: Wednesday, September 6, 2017 3:46 PM
To: David Crompton
Subject: Magee Ranch Proposal

Regarding the Magee Ranch Proposed Development:

We are very much against any new development in the Magee Ranch area. We have lived in the area for over 30 years and initially chose the Blackhawk area for its rural atmosphere. We have gradually watched as our hills have been leveled and overdevelopment has occurred.

Now our concern is not only esthetically but also as a safety factor. A new development would put already stress filled roads at an unsafe level. All the cars feeding down Blackhawk/Diablo road at school commute time especially is maxed out even now.

With the added cars involved, we are extremely concerned that in the event of a fire in the immediate area quick evacuation would be severely compromised.

We urge a NO on any new housing development in the area.

Mary and Bill Gallagher
261 Live Oak Dr.
Danville, CA 94506

David Crompton

From: Donya George <donya.george@gmail.com>
Sent: Monday, September 25, 2017 3:09 PM
To: David Crompton
Subject: Proposed Development 69 plus homes/Blackhawk Road, Danville

Dear Mr. Crompton,

My name is Donya George and I am a 20 year resident of Jillian Way, here in Danville. I understand that Davidon Homes wants to develop the land directly in front of and adjacent to my property.

I am writing you to express my sincere concerns about this. Everyday I drive the curvy Diablo Road, I am met with extreme traffic in mornings and afternoons, tight situations with cyclists, deer, turkeys etc., school buses and large trucks crossing the median. It really is at capacity with all the development from Wendt Ranch, etc. I have seen it increase considerably since those developments have been built and populated. With all due respect, I cannot understand how you are considering adding 69 plus homes in this area. The only way that would be safe for our residents is to widen all of Diablo Road from Athenian School to Green Valley Road. This of course, would destroy our habitat and beautiful hillsides.

I am disappointed that you are ignoring Measure S, Flood Risks, traffic and environmental impacts to all of us living in this area. I am also questioning the validity of your traffic counter that was on our streets last spring. Athenian School was out of session for break when these strips were placed on streets in our area.

This development is absolutely the wrong thing to do for Danville. There is no positive in it at all for those who live here other than fill your pockets at the expense of quality of life and safety for our families who live here.

Respectfully,
Donya George
5 Jillian Way
Danville, California

Dear David Crompton,

I am writing this letter in regards to the proposed Magee development in Danville. This project would rezone and subdivide a 410 acre site into 69 single-family lots and allocate 380 acres into open space.

As a resident of Danville, I urge the City to consider incorporating more pedestrian, bicycle, and transit elements into this project to reduce the regional growth in vehicle miles traveled and help create a more sustainable and less car centric city. This would help expand the livability and desirability of the proposed properties and of Danville as a whole.

I am glad to see Danville doing their part in building more housing in light of the massive housing shortage that exists in the Bay Area and hope to see even more development (particularly upzones) in the future.

Thank you for your time and consideration of my comments in this process.

Owen Goetze

9/5/2017

David Crompton

From: Suzanne Hill <ljensenshill@gmail.com>
Sent: Monday, September 4, 2017 3:57 PM
To: David Crompton
Subject: 69 HOMES MAGEE RANCH DEVELOPMENT

Dear Mr. Crompton:

As a 40 year resident of Danville, I feel a moral obligation to send you my thoughts regarding the MAGEE RANCH DEVELOPMENT.

1. The Diablo Road Corridor is already a traffic problem and increasing the traffic by approximately an additional 1,000 trips per day will substantially negatively impact everyone who must drive this corridor. You need to drive this during the peak travel periods and then take your blood pressure! It is extremely stressful. The traffic is already highly congested.
2. The P1 zoning should not be changed without going to a vote of the Danville residents. We need to honor the intention of Measure S which clearly was to put this type of development to a vote of Danville residents.
3. Most people moved to Danville to get away from HORRIBLE traffic problems. There is nothing about this project that improves the quality of life in Danville.

Sincerely,

Suzanne Hill

Sent from my iPad

David Crompton

From: donandjudyholmes@aol.com
Sent: Wednesday, September 13, 2017 1:16 PM
To: David Crompton
Subject: Magee Ranch Development

I would like to send my comments on the proposed Magee Ranch project of 69 new homes.

During the school year it is not a possible to take a left turn after the main gate of Blackhawk. The traffic backs up blocks with grade school, high school and private school traffic. In order for me to get to Danville for my church attendance and volunteering activities I have to use other options.

We are asked to share the road, which is the right thing to do, but worry about the cycles' safety on that narrow road.

My husband and I strongly oppose the project.

Judy Holmes

David Crompton

From: Bill Hooper <blhooper@pacbell.net>
Sent: Sunday, October 1, 2017 7:50 PM
To: David Crompton
Subject: MAGEE RANCHES DEVELOPMENT: Comments on Project Proposal and EIR

Dear Mr. Crompton:

Please accept the following comments on the "Magee Ranches" Notice of Preparation/Initial Study:

1. As conditions of approval for the project, sidewalks need to be extended from Diablo Creek Place and Cameron Court along Blackhawk Road to the new entry area for the project and the proposed crossing walk (with signal) to cross from the Danville side of Blackhawk Road to the Blackhawk side (trail). The project will make the existing dangerous pedestrian situation significantly worse, so more walkways need to be provided.
2. The traffic flow coming east from the stop sign at Diablo Road/Mt. Diablo Scenic Blvd. is very fast (most speed up after the stop sign or roll through it, to an unsafe speed) yet the intersection at Blackhawk Road and Diablo Creek Court is blind to that oncoming traffic. More traffic will of course make it much more unsafe, including the ability: 1) to turn in a car onto Blackhawk Road; and 2) walk across Blackhawk Road to the trail opposite Diablo Creek Court. As mitigation for making the situation significantly worse because of the project's increased traffic, there needs to be lower speed limits, and another push-button lighted safety cross-walk at Diablo Creek Court for those wanting to cross the street. There are many children and adults that cross at that area. Please do not make it significantly worse without requiring safety improvements.
3. As mitigation for significantly increased negative environmental impacts on safety, both pedestrian and bicyclist, and increased impacts on storm drainage and flooding downstream from the project, there should be more reductions in the housing number on the Magee East portion of the project behind Cameron Court and Diablo Creek Place, which also will impact upstream private and public drainage flowing into the same downstream paths.
4. To mitigate sightline impacts, the reduced count should be achieved by removing those units at the higher elevations.
5. To provide mitigation for significantly increased traffic dangers to bicyclists because of the project, there needs to be a bike lane required to be used by bicyclist along Diablo Road, extended from the existing from Diablo to Mt. Diablo Scenic Drive. The current bicycle route that is designated on Diablo Road does not allow safe passage that meets new California laws of the 3-foot passing space around bicyclist.
6. The project design for the Magee East lots is incompatible with the existing neighboring development in density, and should be redesigned to be compatible. The existing area has minimum 1/2 acre lots with 35" combined setback for the sides. The project has lots as small as 1/4 acre, with very small setbacks. This will result eventually in the existing area being rezoned to a like density, significantly reduce property values for existing developments and eliminate the very reasons why most residents have chosen to live in the area. To avoid that, redesign of the project is a necessity with larger lots and larger setbacks compatible with existing residential neighborhoods.
7. Please consider the negative impacts of "Casitas" have had in neighboring cities of San Ramon and Dublin, with multiple families living at a single residence in a higher density than originally planned and developed. The purpose and reason for such "Casitas" in the plan is to artificially go around or bypass specific requirements for which the builders seek to profit and the Town Council to meet state or federal funding needs, and it disregards the Danville voters in voting for Measure S and Town's purpose of defining the general plan. There are better ways to meet lower income housing requirements within the Town of Danville, by listening and partnering with all Danville residents and voters.
8. The project requires a public vote pursuant to Ballot Measure S. The Court of Appeal made it crystal clear that the Town Council could apply Measure S to this project. I believe it would be a flagrant disregard for the obvious

purpose of Measure S (approved by 75% of Danville voters) for the Town Council to circumvent the public's right to a vote. If the project is good, what is the Town Council afraid of in allowing the public its Measure S vote?

Overall, I do hope that this area is not built out or rezoned. At the same time, I understand the owners' perspectives. I would hope something can be accomplished to reduce the proposed development numbers and keep the housing more consistent with the existing areas, while adding pedestrian and bicyclist safety features along Diablo Road and Blackhawk Road, and maintain the scenic hillside and Diablo Road.

Sincerely,

Bill Hooper
Diablo Creek Association Resident
15 Diablo Creek Ct.
Danville, Ca 94506
(925) 413-4761

David Crompton

From: Pat Isom <jonpat@sbcglobal.net>
Sent: Tuesday, September 5, 2017 2:11 PM
To: David Crompton
Subject: FW: Magee NOP Comments

From: Pat Isom [mailto:jonpat@sbcglobal.net]
Sent: Tuesday, September 05, 2017 10:01 AM
To: 'DCrompton@Danville.ca.gov'
Subject: Magee NOP Comments

Dear Mr. Crompton,

The project is not in compliance with the new laws regarding "Traveled Way Standards?" Highway Design Manual 300-1 December 30, 2015

Index 301.1 Lane width

The minimum land width on two-lane roads is 12 ft. with certain exceptions where the minimum land width is 11 ft.

Index 301.2 Bicycle Land Width 301.2

There are no bicycle land widths of 8 ft. State standards are very specific. The proposed bicycle lane does not qualify as a Class I, II, III, IV bicycle lane. The road as it exists is not safe for bicycles.

Given the recent flooding tragedies, the project does not adequately consider the safety issues with regard to flooding and drainage. Mr. Magee is entitled to develop his land utilizing the General Plan as written. He is not entitled to P1 Zoning. Houston was a great tragedy. It is also a lesson about building in flood plains (which Danville has continued to do) and poor zoning.

The intent of Measure S was to offer voters the opportunity to have a voice in these kinds of developments. The endless traffic and parking problems that are generated by this endless development (not just Danville but that huge San Ramon development) is ruining the quality of life. I have posted three separate comments regarding serious incidents at the intersection of Diablo Rd. and El Cerro. in the last three weeks. My plan this year was to have grandchildren walk from Vista Grande to my home. After living here for over 40 years and having all of my children walk to school and bicycle to school, that intersection can no longer be considered safe. It is a result of too many cars and cars going too fast. I have contacted the school district, the school itself and the Town on three separate occasions because of near misses and a bus hitting a bicycle. How many trips a day will be added to that intersection? That will be the direction from the development one would go because of school. Because of the size of the homes, the assumption would be that all will have school age children.

There are new charts on how much traffic is generated by developments because of Fed Ex delivery and UPS delivery, number of vehicles, number of trips, etc in high socio-economic groups. The suggested number of trips per day generated by that development will probably be well over 1000.

There needs to be a serious study of the El Cerro, Diablo, Ackerman intersection because it has become so dangerous for pedestrians and bicycles. More development means more traffic. If you asked anyone in Danville, this is now become the number one complaint. The Town has failed to address this issue.

David Crompton

From: Pat Isom <jonpat@sbcglobal.net>
Sent: Saturday, September 9, 2017 12:42 PM
To: David Crompton
Subject: NOP Magee Ranches

Dear Mr. Crompton,

Under CEQA, SB 743 requires that vehicle miles traveled and local safety are two criterion that must be considered. Transportation impacts must promote GHG emissions reduction, multimodal transportation networks and a diversity of land use.

The Magee Ranches project is not within walking distance of any school. The project is not within walking distance of any store. It is not within walking distance of any commercial enterprise. The Magee Ranches project has no bike paths. There is no public transportation available. There are no sport fields within walking distance. Danville is a commuter community as there are no major employers within its boundaries. In short, a car is required for every event that would transpire outside one's home. This is exactly the kind of project where GHG emission reduction should be taken into consideration.

SB743 requires that lead agencies should consider whether a project may cause unsafe conditions for roadway users. Because Diablo Rd. does not meet safety guidelines as it exists, (does not meet width requirements and has no shoulders), local safety must also be considered before adding more cars to the roadway. Bicycle safety is also a major consideration before addition more cars to Diablo Rd. There are many bicycles on this road. However, there are no bicycle lanes and the width of the road cannot accommodate a car and a bicycle at the same time, much less at the required three feet clearance.

As I said in my earlier letter, the intersection at Diablo and El Cerro must also be considered under "local safety." There are too many cars going too fast at that intersection where school children have to cross five lanes of traffic to get to school. School traffic from Magee Ranches has to travel Diablo Rd. to get to Monte Vista, Los Cerros, Green Valley, Vista Grande, Larson's Nursery, and Acorn Nursery. Magee Ranches traffic has to be considered because this is the intersection where traffic leads. The last time there was a traffic survey at this intersection, it was done by people with clipboards. This could no longer be done because there is too much traffic to count in that manner. You cannot continue to safely add traffic to that intersection.

Thank you for your consideration.

Pat Isom

David Crompton

From: Pat Isom <jonpat@sbcglobal.net>
Sent: Monday, September 18, 2017 10:54 AM
To: David Crompton
Subject: landslides Magee Ranches NOP

Dear Mr. Crompton,

On pg. 35 of the NOP, it states, "It is also noted that the conditions described in the 2013 EIR with respect to potential effects of landslides on the Project have not substantially changed.

This past winter there were landslides which caused the closure of Diablo Rd to all traffic for a significant number of days. In addition, the landslides caused large trees to fall across the road and contribute to the difficulties. This I believe referred to as "debris" on pg. 35.

On which parcel(s) did the landslide occur? Was there more than one landslide? How many days was the road closed to traffic? How many days was it just open to one-way traffic?

Why has this issue not been addressed in the NOP?

Pat Isom

David Crompton

From: Pat Isom <jonpat@sbcglobal.net>
Sent: Monday, September 18, 2017 11:42 AM
To: David Crompton
Subject: Traffic NOP Magee Ranches

Dear Mr. Crompton,

On pg. 70. there is a reference to a Satellite Water Recycling Facility Project along Diablo Rd. to be built in 2018. Where along Diablo Rd. will this construction take place? What is involved in the construction? What is the time frame for the construction? How will this impact Diablo Rd. traffic. Why is this not a cumulative impact when considering the traffic implications of the Magee Ranch project?

Pat Isom

David Crompton

From: Gretchen Logue <logue.family1111@gmail.com>
Sent: Friday, September 29, 2017 1:07 PM
To: David Crompton
Subject: Magee Ranches - Comments

Dear Mr. Crompton:

Please accept these comments on the Notice of Preparation/Initial Study for the "Magee Ranches" 69+ unit development.

1. SIGNIFICANT FLOODING IMPACTS REQUIRE A MUCH LARGER CULVERT AT DIABLO ROAD/ALAMEDA DIABLO INTERSECTION. I understand that the Contra Costa County Flood Control Department has recently issued a draft Hydrology Study for Green Valley Creek. The flows predicted in that Study for large storms would exceed the capacity of the Town's failing 12 -feet culvert underneath Diablo Road just east of the Diablo Road/Alameda Diablo intersection. As a result, during large storms severe flooding would occur both upstream of the culvert and downstream in the Calle Arroyo area and beyond to the St. Timothy's Church neighborhood. **If the Magee Ranches project were built, the peak flows during large storms would last even longer, increasing floods upstream and downstream.**

Accordingly, I respectfully request that the Town undertake in its draft EIR for the Magee Ranches project a full assessment of the **potentially significant additional flooding risks the project would create at the Town's Diablo Road/Alameda Diablo apparently undersized, failing culvert**, and condition any approval on installing an appropriately-sized culvert.

2. SIGNIFICANT BICYCLIST SAFETY IMPACTS REQUIRE DIABLO ROAD IMPROVEMENTS INCLUDING SAFE BICYCLE LANES. As a result of the Court of Appeal's ruling against the Town Council in SOS-Danville Group v. Danville Town Council, the draft EIR must contain a full and fair assessment of the negative impact on bicyclists' safety of the nearly 1000 more cartrips per day from the project.

In discussions with Town staff in the last months, an SOS-Danville member was told that the Town relies on plans specified in the 1994 Diablo Road Improvements Capital Improvement Project C-55 to make evaluations about Diablo Road. Those C-55 road improvements were to be accomplished as part of the Conditions of Approval for the original Magee Ranch development, and were paid for by an assessment on the homeowners of that development, and accepted as completed by the Town Council in 1994. The plans show Diablo Road's most dangerous 1 1/2 mile segment between Green Valley/McCauley Roads and Mt. Diablo Scenic Blvd. as having lanes that are uniformly 12' wide, with 2' wide compressed aggregate shoulders on each side.

To the contrary, however, the lanes in that segment of Diablo Road vary in width from 10+ feet to just over 12 feet (please see attached measurements). Moreover, it is apparent to anyone driving the road that there are no or nearly no shoulders on that length of road. In fact, **the road improvements specified in the plans for the 1994 Diablo Road Improvements Capital Improvement Project C-55 were never completed as specified.** The Magee Ranch homeowners did not get what they paid for, and the public did not get what was supposed to be part of the Magee Ranch development approval.

Accordingly, any traffic and bicyclist safety analyses in the draft EIR must specifically discuss the ACTUAL road conditions, and not rely on 23-year-old never-completed plans.

Because of the actual road conditions, it is quite obvious that a **car/truck/school bus cannot safely pass a bicyclist with the legally -required 3' space between them in the road segment between Green Valley Road and Mt. Diablo Scenic Blvd.** Under California Vehicle Code Section 21202 (a) (3) (attached hereto), that means that the road has *substandard width lanes*, and a bicyclist does not have to ride as close as possible to the edge of pavement, but may legally take up the entire lane. Because the existing conditions provide **virtually no safety** to the tens of thousands of bicyclists that travel Diablo

Road every year, as mitigation for further endangering bicyclists by adding nearly 1000 more cartrips per day from the Magee Ranches project, ***the road must be brought to standard conditions of at least a uniform 12' feet width per lane (per the 1994 C-55 contract), and safe 4' bicycle lanes must be added to each side.***

3. MEASURE S PUBLIC VOTE REQUIRED. The Town must revisit its planned rezoning to P-1, Planned Unit Residential Development, for the project, and provide the Measure S vote that was clearly intended for a project such as this on Agricultural Open Space land.

In its lawsuit, SOS-Danville Group argued, and the trial judge agreed, that the rezoning without a change in land use from Agricultural Open Space to Residential was in violation of the Town's General Plan with the purpose of circumventing the Danville publically- approved Open Space Protection Ballot Measure S requirement for a public vote on the project. (Note that the Town wrongly states in the NOP/IS that the trial court ruled against SOS-Danville on that issue.) The Court of Appeal reversed the trial judge, but only held that the Town Council had not "abused its discretion" in doing the "problematic" P-1 rezoning without a land use change and public vote. The Court of Appeal made it very clear that the Council could reasonably agree with the trial judge and SOS-Danville Group and require a change in land use and a Measure S public vote on the project."

Thank you for all you are doing to protect public safety and to protect the public's right to receive a Measure S public vote on the "Magee Ranches" project.

Kind regards,
Gretchen Logue
(925) 786-6973
1111 Country Lane
Pleasanton (Tassajara Valley), Ca 94588

David Crompton

From: John Masek <jpmasek@sbcglobal.net>
Sent: Tuesday, September 5, 2017 8:50 AM
To: David Crompton
Subject: McGee Ranches Development

Follow Up Flag: Follow up
Flag Status: Flagged

I understand this housing project is alive again. Will you please put this idea to rest for the final time.

Just answer one question, where are you getting the water? We see that the future of California means drought. Since you are not building a desalination plant I have to assume you are stealing the water from those of us who are already here.

When does the building end? Does the entire Bay Area have to look like Dublin and Los Angeles? Danville was incorporated to stop all this development. Looks like the fox has taken over the hen house. We cannot build our way out of a housing crisis when half the population of the world wants to live right here.

That land should stay just as it is. If you want to build a new house, do what they are doing in my neighborhood behind the Town and Country shopping center, tear down an old one. Danville is finished.

John Masek
225 Town and Country Dr.
Danville

David Crompton

From: Barbra Nystrom <bnystrom@sbcglobal.net>
Sent: Monday, September 18, 2017 2:10 PM
To: David Crompton
Subject: REGARDING: Davidon Homes' "Magee Ranches" 69+ unit development Diablo Road/Blackhawk Road Corridor.

I have several concerns regarding the Town of Danville's legally-required "Notice of Preparation ("NOP") and "Initial Study" ("IS") for Davidon Homes' "Magee Ranches" 69+ unit development in the Diablo Road/Blackhawk Road corridor. (Sixty-six+ units accessed from Blackhawk Road 1/4 mile east of Mt. Diablo Scenic Blvd., next to Jillian Court plus three along McCauley Road across from the parking lot entrance to Green Valley School.)

I feel your RDEIR focus is too narrow. Focusing on traffic impacts, including bicyclist safety; noise; greenhouse gas emissions; air quality during construction; energy impacts; growth inducement; cumulative impacts to air quality, traffic, and construction noise; and alternatives to the project that could obtain most of its objectives is not enough. The Town has not sufficiently addressed other areas of environmental impact in its previous, legally-flawed EIR.

The Town's plan ignores new information regarding the project's potential to significantly increase flooding risks downstream from the project in the Diablo Road corridor. Flooding risks need to be re-evaluated. A recently-completed draft County Flood Control Dept. hydrology study of the Green Valley Creek watershed shows that the Town's admittedly failing 12-foot diameter culvert under Diablo Road just east of Alameda Diablo has insufficient capacity to transport expected stormwater flows during very large storms. The culvert is estimated by the Town's engineer to have only 1700 cubic feet per second of capacity, whereas a very large storm would have flows at the culvert of 1873 cubic feet per second. That means that the project, which will increase the duration of peak flows during major storms, would increase the back-up and overflow of stormwater at the culvert, flooding roads, bridges, and property both upstream and downstream.

A major storm in Danville in 1966 resulted in substantial flooding in Diablo and in Danville's St. Timothy's Church neighborhood. Some of that flooding may have been due to the undersized culvert, which was installed in 1960. We have only to look at the tragedy continuing to unfold in Texas and Florida to see where poor development planning for drainage leads a community. Much of the development in the Diablo/Blackhawk Road corridor was approved with disregard for stormwater drainage.

During a nearly two-day road closure due to a fallen tree, Diablo Road between Green Valley Road and Avenida Nueva just west of Mt. Diablo Scenic was **never improved** as specified in a 1994 Town of Danville road improvement contract (accepted as complete by the Town Council) paid for by homeowners of the existing Magee Ranch development pursuant to conditions of approval for that development. Rather than 12' feet wide lanes with 2 feet aggregate shoulders on each side per the contract's specifications, that road section has **no shoulders and has lanes only in the range of 10**

and 11 feet at many points along that 1 1/2 mile stretch. The new DEIR must consider the actual ---
-not theoretical ----conditions of the road when evaluating bicycle safety and traffic circulation
impacts because the actual road is rarely ever wide enough, with sightlines sufficient, for a
car/truck/school bus to safely pass a bicyclist.

Revisit its rezoning to P-1, Planned Unit Residential Development, for the project, and provide the Measure S vote that I still believe is necessary. Rezoning without a change in land use from Agricultural Open Space to Residential is in violation of the Town's General Plan with the purpose of circumventing the Danville publically-approved Open Space Protection Ballot Measure S requirement for a public vote on the project. The Town wrongly states in the NOP/IS that trial court ruled against SOS-Danville on that issue. The Court of Appeal reversed the trial judge, but only held that the Town Council had not "abused its discretion" in doing the "problematic" rezoning without a land use change and public vote. The Court of Appeal made it very clear that the Council could reasonably agree with the trial judge and SOS-Danville Group and require a change in land use and a Measure S public vote on the project.

Basing Danville governing strategy on incomplete evaluations is not acceptable. Consider new information in your RDEIR. The unsustainable population growth in this area is exacerbating the above negative consequences of OVERBUILDING.

Barbra Nystrom
PO Box 709
Diablo, CA 94528

David Crompton

From: Arlene Reed <radiablo@sbcglobal.net>
Sent: Saturday, September 2, 2017 4:56 PM
To: David Crompton
Subject: Davidon Homes

David Crompton, Senior Planner, Town of Danville,

We were amazed to see that the Magee Ranch property that we worked so hard to reduce a few years ago is back in the planning as Davidon Homes. It seems that big money can dwarf the will of the people. The same issues are relevant today as they were several years ago with this 69 unit development. The 66 accessed from Blackhawk Road will create tremendous traffic and safety issues. The three across from the Green Valley Parking Lot is an invitation to tragedy as children and their drivers will be deeply affected.

Traffic, bicycle safety are only two of the issues. Diablo Road is extremely dangerous. Please ride your bike on it and note the dangerous curves and very narrow road. If you insist on such development, the Town needs to widen Diablo Road first. Perhaps you might develop a 3-4 lane road. Will the developer and the Town pay for that BEFORE ANY DEVELOPMENT OF DAVIDON HOMES?

The Town rezoned the property from Agricultural Open Space to Residential without giving the public the right to vote as required by Measure S. Again - It seems that developers with money can get the Town to do what it wants regardless of the laws.

We live in Diablo. We have see the flooding of the creeks. The Town needs to address this first before approving another major development in the area.

Please include our e-mail in your records and let us hear from you about this issue.

Sincerely,

Ralph and Arlene Reed

P.O.Box 785, Diablo, CA 94528

David Crompton

From: Gary Rich <garyrich12@gmail.com>
Sent: Monday, October 2, 2017 10:20 PM
To: David Crompton
Cc: Rochelle's Apple
Subject: Inlet Capacity at Culvert on 1700 Alameda Diablo
Attachments: Hydrology Study Upper Green Valley Creek Draft 2017-04.pdf; CDM Smith Hydrology and Hydraulic Analysis.pdf; RR Stamped Hydrology Study 2016-07-12.pdf

David,

This is written to request the inclusion of the information below and attached into the Notice of Preparation ("NOP") for the "Magee Ranches" draft EIR and the Initial Study ("IS".)

I'm the owner of the property that includes a 50 year old + culvert at the intersection of Diablo Road and Alameda Diablo. For the past 2-years, I've tried to get permission to restore a bridge that joins one side of my property to the other. In this process, I've learned from three separate engineering firms that the culvert is too small.

The culvert is 12 feet in diameter and, according to Stephen Lake at the City of Danville and all other engineers we have contacted, the maximum flow rate for a 12 foot diameter culvert is 1,700 cubic feet per second (cfs.)

Roger Fry, Hydrology Engineer from CDM Smith calculated the actual flow rate during the 100-year flood condition to be about 2,200 cfs.

Robert Rogers, Hydrology Engineer with Robert Rogers PE, calculated approximately the same value during the 100-year flood condition.

Mark Boucher, Hydrology Engineer with Contra Costa County, took into account some detention basins that are upstream of my property and the value was calculated at 1,879 cfs.

We understand that similar studies have provided similar results. Even in the "best case" scenario, the 100-year flood would result in an overflow of 179 cfs of water that would flow over the culvert, backup into my home, the neighbors home across the street, the area near St. Timothy Church and would likely damage or destroy the bridge on Alameda Diablo and the many tall trees near the creek that would cause severe damage to streets, telephone lines and other county and city maintained facilities.

Can these attachments and this email please be included in the NOP and IS?

--

Thank you,

Gary L. Rich
Resident
1700 Alameda Diablo

Diablo, CA
+ 1 (415) 317-2822



TECHNICAL MEMORANDUM

TO: Gary Rich
FROM: Roger Fry
DATE: June 5, 2015
SUBJECT: Floodplain Conditions

This Technical Memorandum presents the results of the hydrologic and hydraulic analyses of the East Branch of Green Valley Creek that flows through your property at 1700 Alameda Diablo in Diablo.

Hydrology

The FEMA Flood Insurance Study report of December 2, 2003 gives the 100-year flows for Green Valley Creek. The breakdown of the flow in the East Branch and the North Tributary based upon tributary watershed areas are shown on Figure 1.

Figure 2 is a copy of FEMA's Flood Insurance Rate Maps for the East Branch and the North Tributary that show Zone A along both creeks in the area at and near your property on Alameda Diablo. Lands in Zone A are subject to inundation by the 100-year flow. Figure 2 also shows FEMA's limit of study between the Town of Danville and Contra Costa County.

Hydraulic Analysis

Using the Figure 3 topographic map, analyses were performed for both the East Branch channel and the 12 foot diameter culvert at the downstream side of your property. The results are shown on Figure 4. With a 100-year flow of 1,300 cubic feet per second (cfs) in the East Branch, and no downstream restriction, the depth of flow is approximately 8.4 feet.

With a 100-year flow in the East Branch and a flow of 950 cfs, the total flow at the inlet to the culvert is 2,250 cfs. The culvert cannot convey the 2,250 cfs, therefore approximately 1,700 cfs will flow through the culvert and approximately 500 cfs will overtop the channel bank and flow westerly across land and Diablo Road.

Robert B. Rogers Civil & Geotechnical Engineer

P.O. Box 1456
Antioch, CA 94509
Ph:(925) 778-4950
FAX: (925) 779-9890

12 July 2016

Mr. Gary Rich
P.O. Box 430
Diablo, CA 94528

Hydrology Study for
East Branch Green Valley Creek at
1700 Alameda Diablo
Diablo, California

Dear Mr. Rich:

At the request of Contra Costa County, I have conducted a 100 year return hydrology study for the peak flood flow in the East Branch of Green Valley Creek that flows through your lot.

REFERENCES:

- 1) Topographic map of the drainage area of the East Branch of Green Valley Creek as published by the U. S. Geological Survey (1953-Photorevised 1980) shown on Figure 1.
- 2) Contra Costa County Public Works Department, Contra Costa County Flood Control and Water Conservation District, Mean Seasonal Isohyets (Drawing B-166) and Precipitation Duration-Frequency Depth Curves (100 year Recurrence Interval) (Drawing B-162) dated 12-77.
- 3) Soil Conservation Service (1977) *Soil Survey of Contra Costa County, CA* sheets 41/47 (shown on Figure 2 attached). Table 5 gives soil permeability in inches per hour for each soil type.
- 4) Detail Topographic map of 1700 Alameda Diablo by Schell & Marin of Lafayette, dated 2-12-2014 by which a cross section of the East Branch Green Valley Creek was constructed. Shown on Figure 3.
- 5) Time of Concentration nomograph from San Bernardino Flood Control District.
- 6) Channel velocity from King & Brater (1963) *Handbook of Hydraulics* Chapter 7.

METHODS USED

First method was just a simple overall drainage area evaluation. The total surface drainage area by the topographic map (using a mechanical planimeter) gave 1597 acres of drainage area with a maximum flow length of 16,400 feet (3.1 miles) and an overall elevation differential of 1,220 feet. Using the time of concentration nomograph, 37 minutes was selected. The 100-year rainfall for a 19" annual rainfall

SENT TO
MARIO W/
DRAWINGS 7/28/16

David Crompton

From: Antonio Ruiz <aruiz@wiltonrancheria-nsn.gov>
Sent: Wednesday, August 16, 2017 11:13 AM
To: David Crompton
Cc: Ed Silva
Subject: Re: Magee Ranch (Contra Costa County)

Hello David,

This letter constitutes a formal request for tribal consultation under the provisions of the California Environmental Quality Act (CEQA) (Public Resources Code section 21080.3.1 subdivisions (b), (d) and (e)) for the mitigation of potential project impacts to tribal cultural resource for the above referenced project. Wilton Rancheria (Tribe) requested formal notice and information for all projects within your agency's geographical jurisdiction on July, 1, 2015 and received notification on July 27, 2017 regarding the above referenced project.

The Tribe requests consultation on the following topics checked below, which shall be included in consultation if requested (Public Resources Code section 21080.3.2, subd. (a):

- Alternatives to the project
- Define the Applicant (Lead Agency)
- Project funding
- Recommended mitigation measures
- Significant effects of the project
- Native American Inspector present during ground disturbance

The Tribe also requests consultation on the following discretionary topics checked below (Public Resources Code section 21080.3.2, subd. (a):

- Type of environmental review necessary
- Significance of tribal cultural resources, including any regulations, policies or standards used by your agency to determine significance of tribal cultural resources
- Significance of the project's impacts on tribal cultural resources
- Project alternatives and/or appropriate measures for preservation or mitigation that we may recommend, including, but not limited to:
 - (1) Avoidance and preservation of the resources in place, pursuant to Public Resources Code section 21084.3, including, but not limited to, planning and construction to avoid the resources and protect the cultural and natural context, or planning greenspace, parks or other open space, to incorporate the resources with culturally appropriate protection and management criteria;
 - (2) Treating the resources with culturally appropriate dignity taking into account the tribal cultural values and meaning of the resources, including but not limited to the following:
 - a. Protecting the cultural character and integrity of the resource;
 - b. Protection the traditional use of the resource; and
 - c. Protecting the confidentiality of the resource.
 - (3) Permanent conservation easements or other interests in real property, with culturally appropriate management criteria for the purposes of preserving or utilizing the resources or places.
 - (4) Protecting the resource.

Additionally, the Tribe would like to receive any cultural resources assessments or other assessments that have been completed on all or part of the project's area of potential effect (APE), and area surrounding the APE including, but not limited to:

1. The results of any record search that may have been conducted at an Information Center of the California Historical Resources Information System (CHRIS), including, but not limited to:
 - A listing of any and all known cultural resources have already been recorded on or adjacent to the APE;
 - Copies of any and all cultural resource records and study reports that may have been provided by the Information Center as part of the records search response;
 - If the probability is low, moderate, or high that cultural resources are located in the APE or surrounding the APE.
 - Whether the records search indicates a low, moderate or high probability that unrecorded cultural resources are located in the potential APE or surrounding the APE; and
 - If a survey is recommended by the Information Center to determine whether previously unrecorded cultural resources are present.
 - ✦ The Tribe requests to be present at any survey conducted on the Applicants behalf.
2. The results of any archaeological inventory survey that was conducted, including:
 - Any reports that may contain site forms, site significance, and suggested mitigation measures.
 - Any reports or inventories found under the Native American Graves Protection and Repatriation Act.
 - ✦ All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum, and not be made available for public disclosure in accordance with Government Code Section 6254.10. All Wilton Rancheria correspondences shall be kept under this confidential section and only shared between the Tribe and lead agency.
3. The results of any Sacred Lands File (SFL) check conducted through Native American Heritage Commission. The request form can be found at http://www.nahc.ca.gov/slf_request.html. USGS 7.5-minute quadrangle name, township, range, and section required for the search.
4. Any ethnographic studies conducted for any area including all or part of the potential APE or areas surrounding the APE; and
5. Any geotechnical reports regarding all or part of the potential APE or areas surrounding the APE.
 - The Tribe shall be notified before any geotechnical testing is planned. Geotechnical testing has potential to impact Tribal Cultural Resources and should be part of this consultation.

The information gathered will provide us with a better understanding of the project and will allow the Tribe to compare your records with our database.

We would like to remind your agency that CEQA Guidelines section 15126.4, subdivision (b)(3) states that preservation in place is the preferred manner of mitigating impacts to archaeological sites. Section 15126.4, subd. (b)(3) of the CEQA Guidelines has been interpreted by the California Court of Appeal to mean that "feasible preservation in place must be adopted to mitigate impacts to historical resources of an archaeological nature unless the lead agency determines that another form of mitigation is available and provides superior mitigation of impacts." *Madera Oversight Coalition v. County of Madera* (2011) 199 Cal.App.4th 48, disapproved on other grounds, *Neighbors for Smart Rail v. Exposition Metro Line Construction Authority* (2013) 57 Cal.4th 439.

Please contact Eduardo Silva, Tribal Resources Coordinator via email at esilva@wiltonrancheria-nsn.gov, if you have any further questions.

Sincerely,



Antonio Ruiz
Cultural Resources Officer
Department of Environmental Resources | Wilton Rancheria
Tel: 916.683.6000 Ext. 2005 | Fax: 916.683.6015
9728 Kent Street | Elk Grove | CA | 95624
aruiz@wiltonrancheria-nsn.gov
www.wiltonrancheria-nsn.gov

Customer Service Hours: M-F 8:00am-3:00pm.

Please be aware phone calls and emails will be answered only during these hours.

CONFIDENTIALITY NOTICE: This e-mail, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and/or privileged information. Any unauthorized review, use, disclosure or distribution is prohibited and may violate applicable laws, including the Electronic Communications Privacy Act. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message.

David Crompton

From: Nancy Salvo <nancysalvo@sbcglobal.net>
Sent: Saturday, September 2, 2017 6:05 PM
To: David Crompton
Subject: Diablo Road Property Development

Please do not approve further development on Diablo Road or in areas that impact Diablo Road traffic. Diablo Road is already a problem with heavy traffic causing backups, accidents and several detours of late due to fallen trees etc.

Furthermore, Athenian School is starting a capital improvement project which I assume will enlarge their enrollment.

There are four schools currently impacting traffic on Diablo Road... Athenian, Monte Vista, Green Valley and El Cerro. School traffic makes getting in or out Diablo Road at certain times nearly impossible but it is the only route available to many of us.

Add to auto traffic the large numbers of bicyclists that travel Diablo Road (80,000 or more per year) with no bike lanes available and the twisting winding nature of the road and tragic accidents are just a matter of time.

Diablo Road needs serious improvements before any further development is considered.

Sent from my iPhone

David Crompton

From: Jennifer Schulte <jenniferschulte@me.com>
Sent: Friday, September 29, 2017 6:41 PM
To: David Crompton
Cc: Gretchen Logue
Subject: NO MORE development!

Mr. Crompton,

In addition to the information below - personally, I moved to unincorporated Danville in 1989. I have travelled Camino Tassajara, Blackhawk Rd, Diablo, and Dougherty before lights were installed. Adding more homes, more cars, more congestion is absolutely insane. Danville is special for being quaint. Danville is special for the SPACE.

The drive to Monte Vista is already insane. The thought of teaching my now 14 year old to drive on Diablo with bicyclists - good Lord, help me.

Our last water bill was \$900. Let me repeat that, our last water bill was \$900. No garden, nothing extravagant. 6 person household, summer, we have a pool but keep it covered 99% of the time - religiously. It's a crime to have grass apparently. So I am punished so we can have more cars and people - less grass. We don't need more people, cars, pollution nothing. Just keep Danville the quaint TOWN that it is.

Respectfully,

Jennifer Schulte
2965 Deer Meadow Dr
Danville, CA 94506

Dear Mr. Crompton:

Please accept these comments on the Notice of Preparation/Initial Study for the "Magee Ranches" 69+ unit development.

1. SIGNIFICANT FLOODING IMPACTS REQUIRE A MUCH LARGER CULVERT AT DIABLO ROAD/ALAMEDA DIABLO INTERSECTION. I understand that the Contra Costa County Flood Control Department has recently issued a draft Hydrology Study for Green Valley Creek. The flows predicted in that Study for large storms would exceed the capacity of the Town's failing 12 -foot culvert underneath Diablo Road just east of the Diablo Road/Alameda Diablo intersection. As a result, during large storms severe flooding would occur both upstream of the culvert and downstream in the Calle Arroyo area and beyond to the St. Timothy's Church neighborhood. **If the Magee Ranches project were built, the peak flows during large storms would last even longer, increasing floods upstream and downstream.**

Accordingly, I respectfully request that the Town undertake in its draft EIR for the Magee Ranches project a full assessment **of the potentially significant additional flooding risks the project would create at the Town's Diablo Road/Alameda Diablo apparently undersized, failing culvert**, and condition any approval on installing an appropriately-sized culvert.

2. SIGNIFICANT BICYCLIST SAFETY IMPACTS REQUIRE DIABLO ROAD IMPROVEMENTS INCLUDING SAFE BICYCLE LANES. As a result of the Court of Appeal's ruling against the Town

Council in SOS-Danville Group v. Danville Town Council, the draft EIR must contain a full and fair assessment of the negative impact on bicyclists' safety of the nearly 1000 more cartrips per day from the project.

In discussions with Town staff in the last months, an SOS-Danville member was told that the Town relies on plans specified in the 1994 Diablo Road Improvements Capital Improvement Project C-55 to make evaluations about Diablo Road. Those C-55 road improvements were to be accomplished as part of the Conditions of Approval for the original Magee Ranch development, and were paid for by an assessment on the homeowners of that development, and accepted as completed by the Town Council in 1994. The plans show Diablo Road's most dangerous 1 1/2 mile segment between Green Valley/McCauley Roads and Mt. Diablo Scenic Blvd. as having lanes that are uniformly 12' wide, with 2' wide compressed aggregate shoulders on each side.

To the contrary, however, the lanes in that segment of Diablo Road vary in width from 10+ feet to just over 12 feet (please see attached measurements). Moreover, it is apparent to anyone driving the road that there are no or nearly no shoulders on that length of road. In fact, the road improvements specified in the plans for the 1994 Diablo Road Improvements Capital Improvement Project C-55 were never completed as specified. The Magee Ranch homeowners did not get what they paid for, and the public did not get what was supposed to be part of the Magee Ranch development approval.

Accordingly, any traffic and bicyclist safety analyses in the draft EIR must specifically discuss the ACTUAL road conditions, and not rely on 23-year-old never-completed plans.

Because of the actual road conditions, it is quite obvious that a **car/truck/school bus cannot safely pass a bicyclist with the legally -required 3' space between them in the road segment between Green Valley Road and Mt. Diablo Scenic Blvd.** Under California Vehicle Code Section 21202 (a) (3) (attached hereto), that means that the road has *substandard width lanes*, and a bicyclist does not have to ride as close as possible to the edge of pavement, but may legally take up the entire lane. Because the existing conditions provide **virtually no safety** to the tens of thousands of bicyclists that travel Diablo Road every year, as mitigation for further endangering bicyclists by adding nearly 1000 more cartrips per day from the Magee Ranches project, ***the road must be brought to standard conditions of at least a uniform 12' feet width per lane (per the 1994 C-55 contract), and safe 4' bicycle lanes must be added to each side.***

3. MEASURE S PUBLIC VOTE REQUIRED. The Town must revisit its planned rezoning to P-1, Planned Unit Residential Development, for the project, and provide the Measure S vote that was clearly intended for a project such as this on Agricultural Open Space land.

In its lawsuit, SOS-Danville Group argued, and the trial judge agreed, that the rezoning without a change in land use from Agricultural Open Space to Residential was in violation of the Town's General Plan with the purpose of circumventing the Danville publically- approved Open Space Protection Ballot Measure S requirement for a public vote on the project. (Note that the Town wrongly states in the NOP/IS that the trial court ruled against SOS-Danville on that issue.) The Court of Appeal reversed the trial judge, but only held that the Town Council had not "abused its discretion" in doing the "problematic" P-1 rezoning without a land use change and public vote. The Court of Appeal made it very clear that the Council could reasonably agree with the trial judge and SOS-Danville Group and require a change in land use and a Measure S public vote on the project.

David Crompton

From: anne.smith@comcast.net
Sent: Sunday, September 17, 2017 1:50 PM
To: David Crompton
Subject: Town of Danville -- Magee Ranch Project -- NOP/IS

Dear Mr. Crompton,

As a resident of Diablo, following are my concerns re the subject matter:

The Town's plan to ignore new information regarding the project's potential to significantly increase flooding risks downstream from the project in the Diablo Road corridor. I understand a recently-completed draft County Flood Control Dept. hydrology study of the Green Valley Creek watershed shows that the Town's admittedly failing 12-foot diameter culvert under Diablo Road just east of Alameda Diablo has insufficient capacity to transport expected stormwater flows during very large storms. Since the Town's engineer estimated the culvert to have only 1700 cubic feet per second, that means the project, which will increase the duration of peak flows during major storms, would increase the back-up and overflow of stormwater at the culvert, flooding roads, bridges, and property both upstream and downstream.

SOS-Danville recently determined (during a nearly two-day road closure due to a fallen tree) that Diablo Road between Green Valley Road and Avenida Nueva just west of Mt. Diablo Scenic was never improved as specified in a 1994 Town of Danville road improvement contract (accepted as complete by the Town Council) paid for by homeowners of the existing Magee Ranch development pursuant to conditions of approval for that development. Rather than 12 feet wide lanes with 2 feet aggregate shoulders on each side per the contract's specifications, that road section has NO shoulders and lanes only in the range of 10 and 11 feet at many points along that 1-1/2 mile stretch. The actual, and not theoretical conditions of the road, should be considered when evaluating bicycle safety and traffic circulation impacts because the actual road is rarely ever wide enough, with sightlines sufficient, for a car/truck/school bus to safely pass a bicyclist.

I believe the Town should revisit its rezoning to P-1, for the project, and provide the Measure S vote that we still believe is necessary. The Town wrongly states in the NOP/IS that the trial court ruled against SOS-Danville on that issue. The Court of Appeal made it very clear that the Council could reasonably agree with the trial judge and SOS-Danville Group, and require a change in land use and a Measure S public vote on the project.

Our community's efforts are about being fair to those:

- a) seeking to safely use Diablo Road, whether in cars, on bicycles, on foot without extreme congestion
- b) downstream from the proposed development that seek to prevent increased flooding that endangers lives and property
- c) that care about the destruction of Danville's last known thriving breeding population of the endangered CA red-legged frog
- d) that seek to uphold Danville voters' Measure S rights to determine the future of land planned as open space in the Danville General plan

e) owners of the hilly, geologically unstable, spring-and-stream-crossed Magee Ranch fronting likely the most dangerous and most congested stretch of public road in Danville.

Respectfully,
Anne Smith

David Crompton

From: Clelen Tanner <foothill dental@sbcglobal.net>
Sent: Sunday, October 1, 2017 5:03 PM
To: Renee Morgan; Rob Ewing; David Crompton; Karen Stepper; Newell Arnerich; Robert Storer; Lisa Blackwell; Steve Lake
Cc: Maryann Cella
Subject: Comments on the Town's Notice of Preparation/Initial Study for the Magee Ranches project
Attachments: Diablo Rd..JPG; Diablo Rd. 14.JPG; Diablo Rd. overlay 10.JPG; Diablo Rd. overlay 8.JPG

I would like to share the attached recent photograph I took on Sept. 29th. It was taken near the corner of El Cajon Dr. and Diablo Rd. This is near Green Valley Elementary School. Again, the road lane width closest to the sidewalk is 10 feet, 4 inches. I have verified with two Civil Engineers one does not need to be an engineer to measure the width of a roadway.

I asked the fellow in the attached photo why he does not use the bike lane. His answer: "It's not wide enough". I next asked him if he was continuing on Diablo Rd beyond Green Valley/McCauley. His answer, "I can't." His recumbent cycle is battery assisted.

Again, Diablo Rd. between Green Valley/McCauley and Mt. Diablo Scenic is a substandard width road. Numerous sections are less than 12 feet wide. It's obvious Steve Lake never verified that Contract No. C-55B, C-511, and C-365 was completed according to the road specifications in these contracts. For example: there is a section on Diablo Rd near Green Valley/McCauley that is less than 10 feet wide. I leave it to your imaginations what would happen if the attached referenced cyclist were to continue on Diablo Rd. It is not required that cyclists utilize a Trail. Diablo Rd. must be made safe for all cyclists. This fellow's over-all cycle width is approximately 34 inches. By Law, a car must pass a cyclist by 3 feet.

Diablo Rd between Green Valley/McCauley is a substandard width road.

- The road lanes are not consistently 12 feet wide. There are numerous sections less than 12 feet wide. This is most persistent between Alameda Diablo and Ave. Nueva.
- The majority of the Two foot widening specified in Contract No. C-55B was never done. The is easily visible where trenching along Diablo Rd was done due to this years heavy rains and exposed three generations of payment overlays. If any widening had been done, you would not be able to see the previous layers of asphalt. See attached photos.
- The widths of the right and left lanes vary significantly.
- Telephone poles specified to be relocated per Contract No. C-55B were not relocated
- Trees specified to be removed per Contract No. C-55B were not removed.
- A two foot on-grade shoulder as specified in Contract No. C-55B was never installed. Most of Diablo Rd. between Alameda Diablo and Ave. Nueva goes directly from the right-hand white line into a ditch. See attached photo.
- The line of sight along Diablo Rd. is not adequate to anticipate a bicyclist. **This is especially true of a handicapped cyclist!!** Or a slow bicyclist like me.
- Existing 'sharrows' are placed more the 250 feet apart.

- There is a concern that 'Collision Alert' and automatic braking in cars will unexpectedly activate along Diablo Rd between Green Valley/McCauley and Mt. Diablo Scenic. This has been documented not to be a malfunction and is presumed to be due to the undulating road surface, poor line of sight, telephone poles too close to the road, right + left lanes of different heights and tilts, overgrowth of vegetation, or a combination of any of these existing conditions.
- Many of the safety issues associated with Diablo Rd. between Green Valley/McCauley and Mt. Diablo Scenic is well documented in the Thumb Drive that was given to Karen Stepper and referenced in my emails of May 02, 2016, May 17, 2016, and June 02, 2016. For example, this thumb drive documents **most** of the cars that pass a cyclist between Alameda Diablo and Ave. Nueva cross the double yellow line; including school buses! Please inform if the current whereabouts of this pertinent information is unknown. It is well documented that Ms. Stepper did in fact, receive this thumb drive.
- The thumb-drive given Karen Stepper during a Town Council meeting is included and should be considered a part of the Study for the Magee Ranches project and to further assist the Town of Danville in making Diablo Road safe for cyclists.
- Again, please inform if the Town of Danville needs another copy of this thumb-drive.

Response requested.

Clelen Tanner









David Crompton

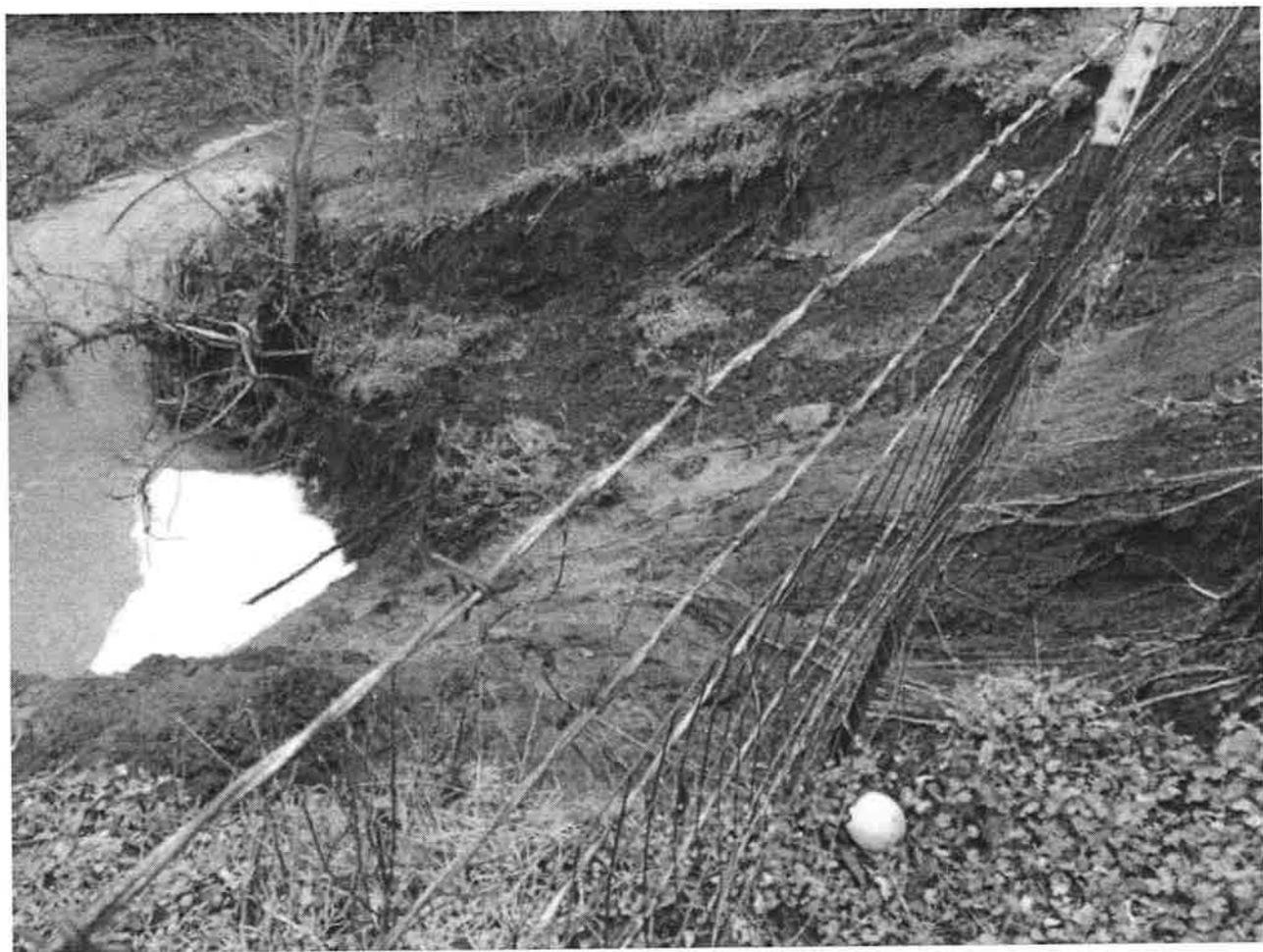
From: CHARLES S WAITMAN <cgwaitman@sbcglobal.net>
Sent: Monday, October 2, 2017 1:07 PM
To: David Crompton; Kevin Gailey; Steve Lake; Renee Morgan; Karen Stepper; Robert Storer; Newell Arnerich; Lisa Blackwell; Alicia Nuchols; jennifer.quallick@bos.cccounty.us; Supervisor Burgis; supervisorandersen@bos.cccounty.us; lhumble@ddaplanning.com; Mark Boucher; Paul Radich; Sabbs@davidonnewhomes.com; Maryann Cella; John Karin Murray
Subject: Issues to address on the Magee Ranches NOP/IS
Attachments: IMG_1835.jpg; IMG_1912.jpg; IMG_1913.jpg; Erosion corner of lot 51 Diablo Creek
PI.JPG; Memo on 2017 storms and creek bank erosion 1.docx

Hi, David. Please enter this email and photo as comments on the Magee Ranches NOP/IS,

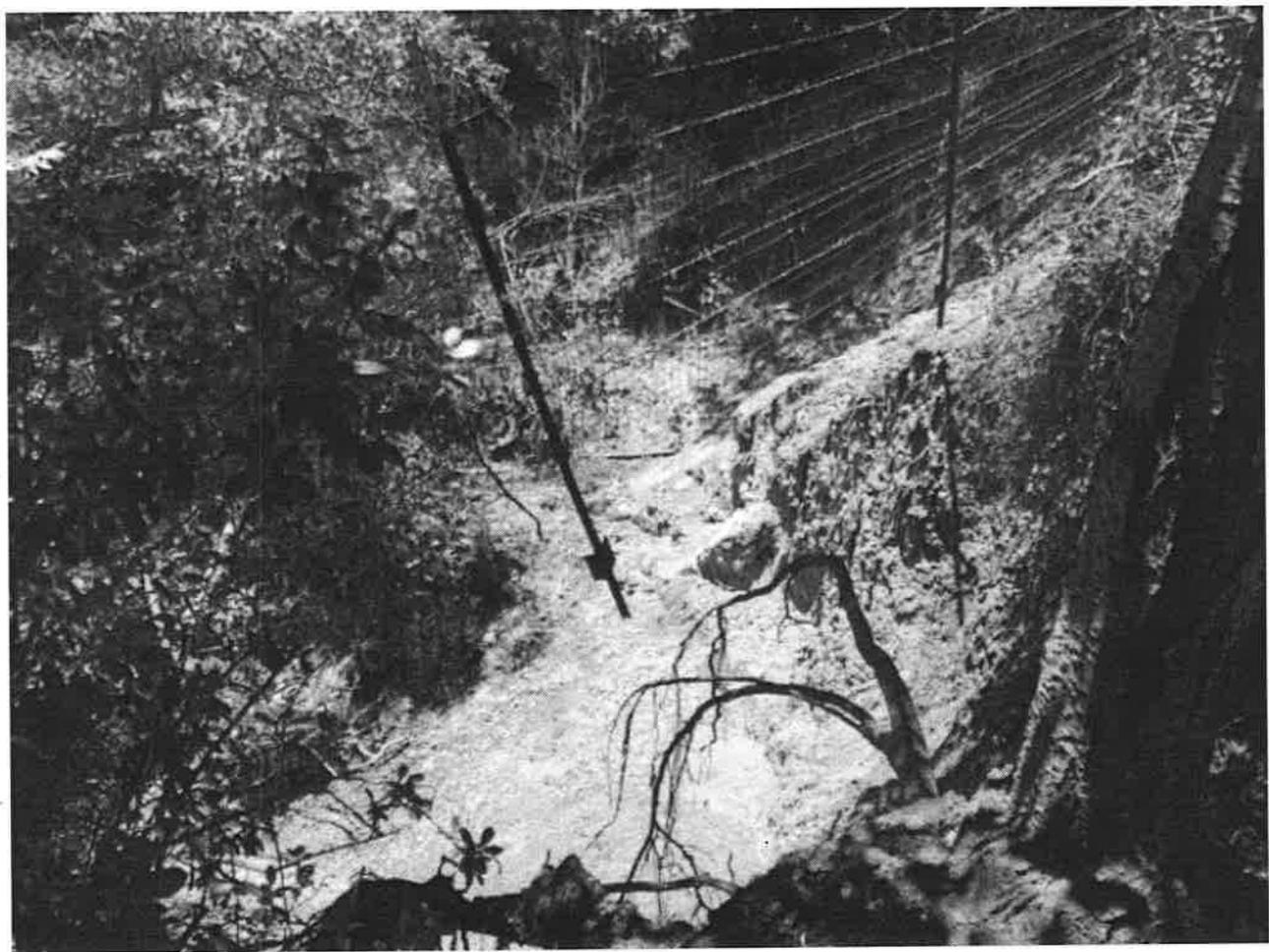
Three Issues that must be addressed relative to East Branch of Green Valley Creek, north of the proposed project:

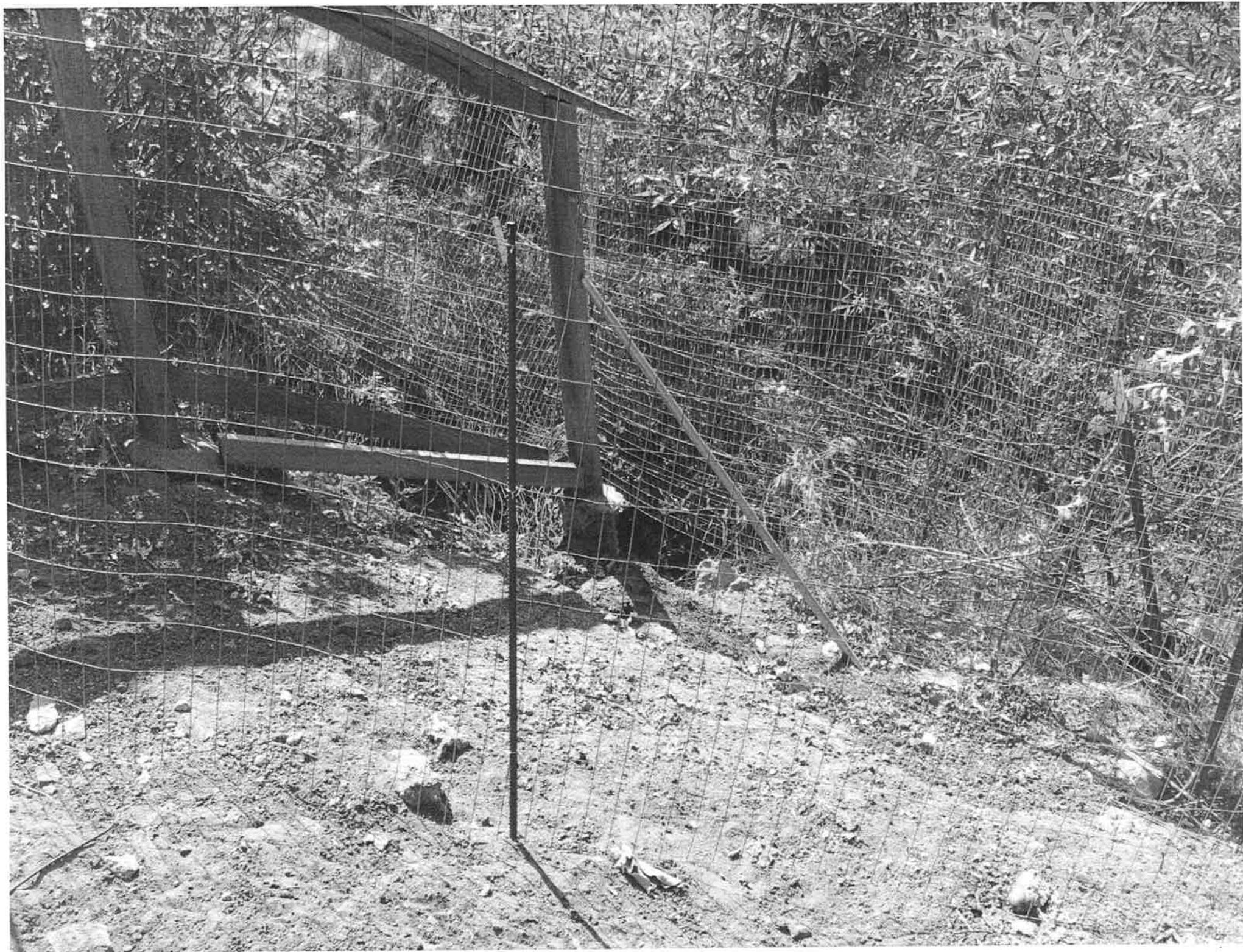
1. Erosion of the creek bank north of the proposed project (both the north and south banks), during January/February 2017 storms was severe. Any project must address the current and ongoing need to stabilize the banks to preserve properties north of the creek and the road proposed as part of the project. A number of photos and supporting information were sent to town of Danville (e-mail 1 of 3, 2 of 3 and 3 of 3 Aug 16, 2017) and should be entered into the project record. A few photos and a document illustrating that the storms were modest relative to history and expectations are attached to this e-mail. It must be noted that hydrology in this area has changed. Erosion of the northern creek bank in this area was not an issue from the early 1980's through 2016, but became a severe issue during the 2017 storms.
2. Raised in reviews of Summerhill project but not satisfactorily answered, "Stabilization of the ground in the area of the proposed bus turnaround is going to be needed and hasn't been addressed."
3. Wildlife corridors to the creek must be preserved after project build out. While I was told that the project will involve no fencing this statement can't be reconciled with the plan to mitigate fire potential by grazing. If the fire potential is mitigated by grazing, fencing will be needed to keep livestock off the road and out of people's yards. This fencing will block wildlife from the creek in one of the few areas that is still directly accessible. If grazing is not part of the plan, an alternative for fire prevention must be presented along with a plan to fund this on-going requirement.

Chuck Waitman
51 Diablo Creek Place
Danville, Ca 94506



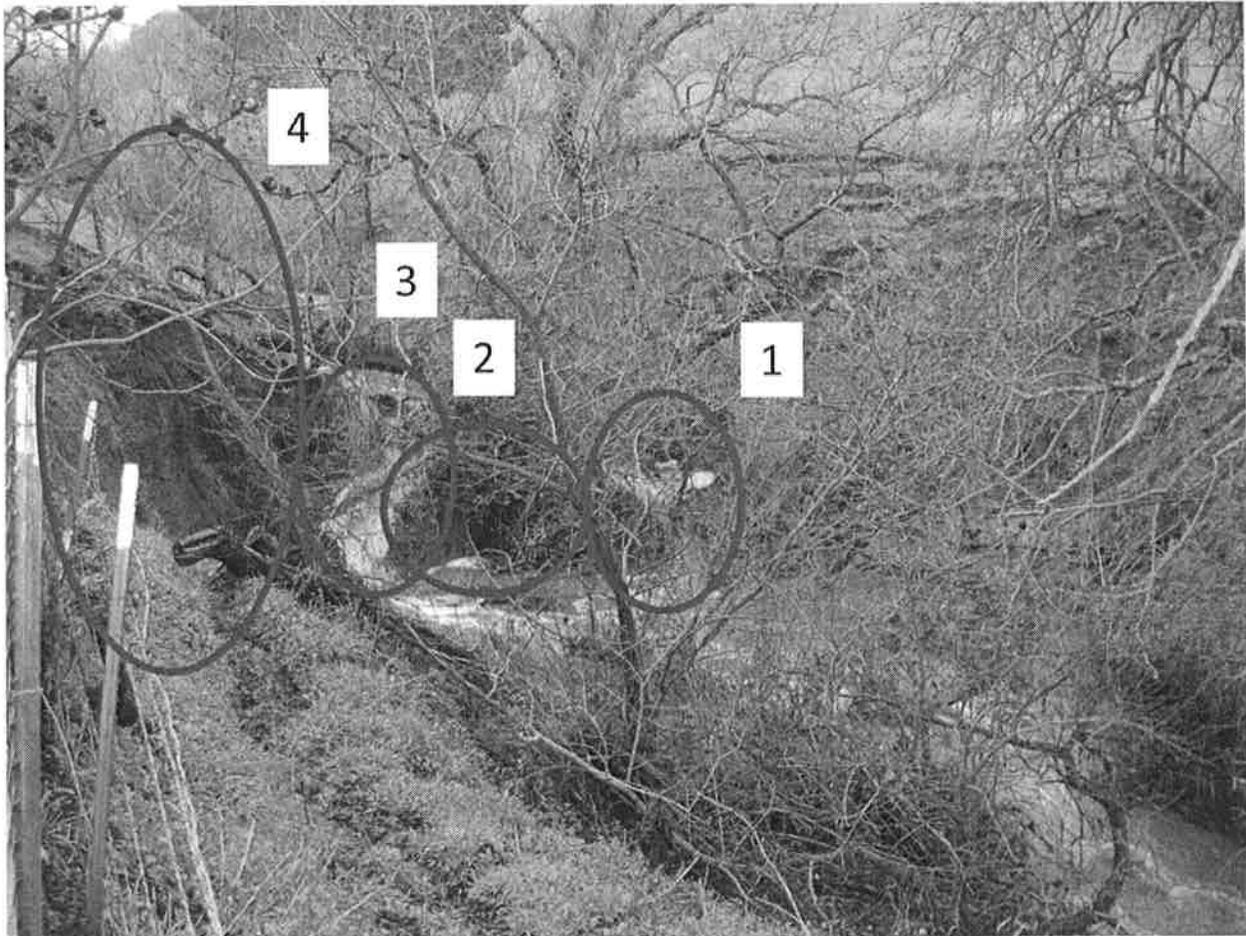






The 2017 winter storms on Upper East Branch of Green Valley Creek south of Diablo Creek Place have severely impacted the creek bank. This is especially severe just south of 49 Diablo Creek Place. The 2017 winter storms are of common intensity, with a probability of about 10%, or corresponding to a once in 10 yr occurrence. Erosion of this magnitude has not occurred over the prior 30+ years of residential occupancy at this site.

Severe erosion of the creek bank has occurred. This is most severe south of 49 Diablo Creek Place resulting in significant loss of property and the prospect of continued erosion due to the steep and unstable creek bank and sandy nature of the creek bed.



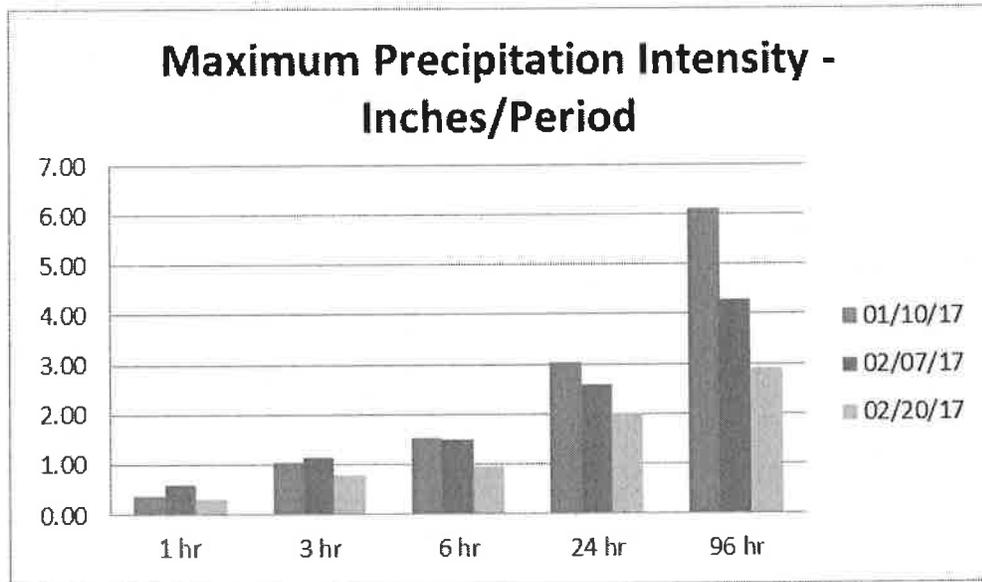
In this picture 1 denotes the historic channel; 2, the vegetation blocking the flow; 3, the new channel north of the vegetation; and 4, the severe erosion on the north bank of the creek. Note that the south bank has eroded as well.

The intensity of the 2017 storms corresponds to 10% or once in 10yr events. These storms were not unusually intense. Storms of this intensity are not uncommon. Because the creek bank at this location has been stable for many years (the owners of 49 and 51 Diablo Creek Place have occupied their homes since the early 1980's), it seems that changes in upstream conditions and/or the creek bed have caused the erosion.

Since the early 1980's there has been continuous development along the upper East Branch of Green Valley Creek. The largest development is Magee Ranch, completed in the early 1990's. The inadequacy of the creek bed to handle the 2017 storms may be associated with in-adequate design of the developments, maintenance of retention facilities, maintenance of the creek bed or all of the above.

The 2017 storms in perspective:

To date in 2017, there have been 3 significant storms, occurring on January 10, February 7th and February 20th. The chart below compares the three storms.



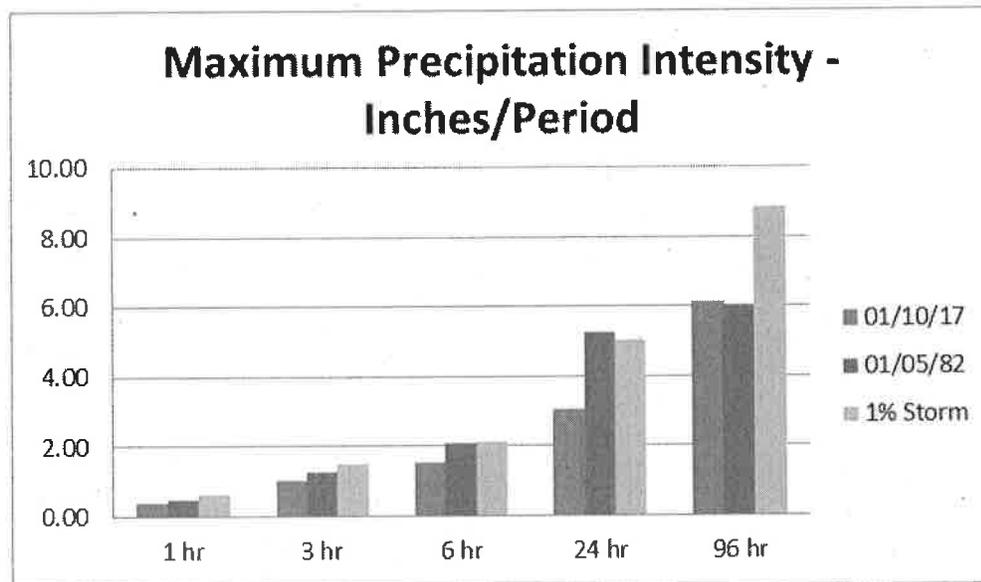
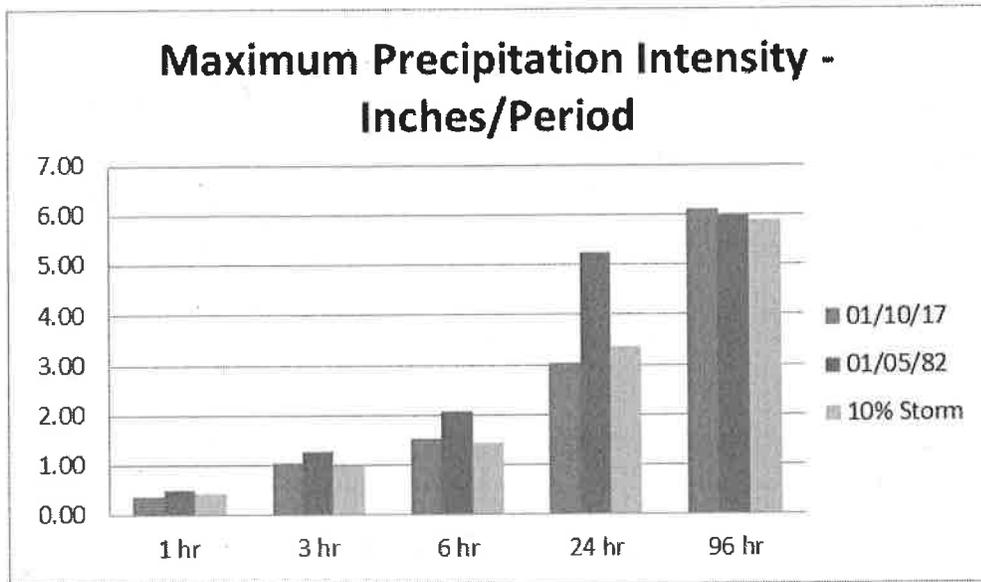
Though the highest 1hr rainfall occurred during the Feb 7th storm, the Jan 10th storm was most severe over the duration of the storm. Precipitation data on this chart are from the Alamo weather station on Del Amigo Road in Danville, about 3 miles from the site of the erosion. Data for the 4-day duration of the Jan 10th storm from the Alamo station are compared to data from two other stations, within about 3 miles of the site, in the table below:

Date	Alamo	Danville	Blackhawk
1/7/2017	0.58	0.57	0.44
1/8/2017	1.89	1.87	1.67
1/9/2017	0.55	0.43	0.26
1/10/17 2:28 PM	1.35	1.3	1.03
1/10/2017	2.95	3.07	NA

The Danville and Alamo stations experienced similar rainfall. Rainfall at the Blackhawk station appears to be less intense, though the station stopped recording on the afternoon of Jan 10.

Information from the Army Corps of Engineers report "Lower Walnut Creek General Reevaluation Report Hydrology Appendix Walnut Creek Basin Contra Costa County, California, Revised June 2008" is

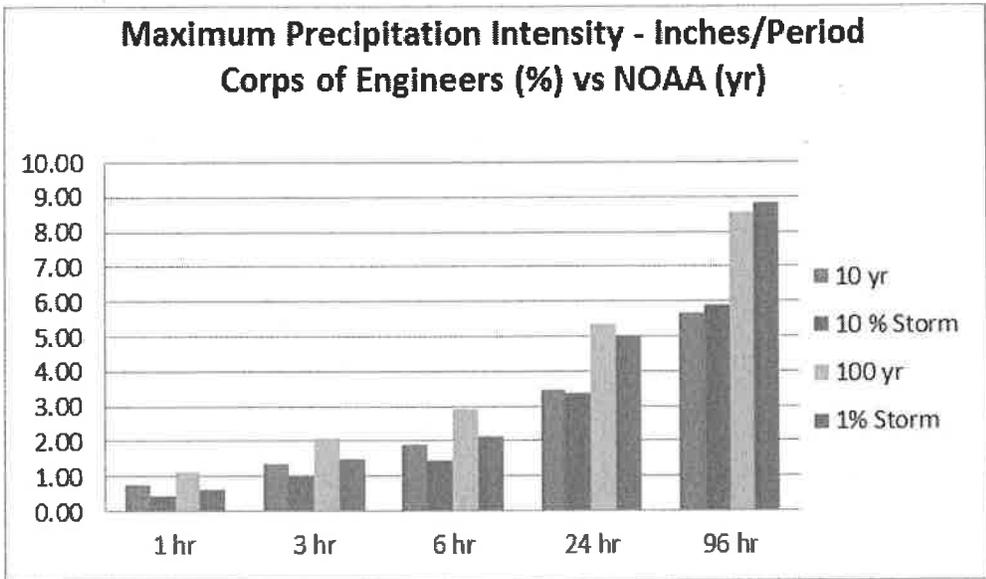
included in the charts below to put the intensity of the Jan 10th storm in perspective relative to a 1982 storm and the likelihood of such an event. (The 96 hr totals were projected by the Corp for the upper East Branch of Green Valley Creek, the shape of the storm was consistent with the modified 96-hour distribution pattern tabulated in Table 8C of the Corp's report.)



The Jan 10th storm compares closely with the characteristics of a 10% storm and is far less intense than the 1% storm as characterized in the Corp's 2008 report. The Jan 10, 2017 storm was less intense than the January 1982 storm over 24 hrs, but matched the 1982 rainfall total over a 4 day period.

NOAA publishes charts of rainfall probabilities

http://hdsc.nws.noaa.gov/hdsc/pfds/pfds_map_cont.html?bkmrk=ca . NOAA probabilities, , are compared to information presented in the Corp's 2008 report in the chart below:



NOAA probabilities indicate somewhat higher rainfall for periods 24 hrs and less and slightly lower rainfall for a 4 day event.