



## 375 West El Pintado Road Residential Project

Final Environmental Impact Report - Responses to  
Comments Document  
*SCH #2016012045*

*prepared by*  
**Town of Danville**  
Development Services Department  
510 La Gonda Way  
Danville, California 94526  
Contact: David Crompton, Principal Planner

*prepared with the assistance of*  
**Rincon Consultants, Inc.**  
449 15th Street, Suite 303  
Oakland, California 94610

**December 2018**

# Responses to Comments on the Draft EIR

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## 1 Introduction

### 1.1 PURPOSE OF THE RESPONSE TO COMMENTS ON THE DRAFT EIR

This document has been prepared to respond to comments received on the Draft Environmental Impact Report (Draft EIR) prepared for the proposed 375 West El Pintado Residential Project (project). The Draft EIR identifies the likely environmental consequences associated with development of the proposed project, and recommends mitigation measures to reduce potentially significant impacts. This Response to Comments (RTC) Document provides a response to comments on the Draft EIR and makes revisions to the Draft EIR, as necessary, in response to those comments or to make clarifications to material in the Draft EIR. This document, together with the Draft EIR, constitutes the Final EIR for the proposed project.

### 1.2 ENVIRONMENTAL REVIEW PROCESS

Pursuant to the California Environmental Quality Act (CEQA), lead agencies are required to consult with public agencies having jurisdiction over a proposed project and to provide the general public with an opportunity to comment on the Draft EIR.

On January 22, 2016, the Town of Danville circulated a Notice of Preparation (NOP) for a 30 day comment period to help identify the types of impacts that could result from the proposed project, as well as potential areas of controversy. The NOP was filed with the County Clerk, published in a local newspaper, mailed to public agencies (including the State Clearinghouse), and mailed to property owners and residential and commercial occupants within 750 feet of the project site. A public scoping meeting was held on February 9, 2016, to receive input on the scope and content of the EIR. Comments received by the Town on the NOP were taken into account during the preparation of the Draft EIR.

The Draft EIR was made available for public review on July 30, 2018. The Notice of Availability of a Draft EIR was posted with the County Clerk, mailed to local and state agencies, and mailed to property owners and residential and commercial occupants within 750 feet of the project site. The Draft EIR and an announcement of its availability were posted electronically on the Town's website, and a paper copy was available for public review at the Town of Danville Planning Division Office and at the Danville Public Library.

The 45-day Draft EIR public comment period began on July 30, 2018 and ended on September 14, 2018. The Town held a hearing on the Draft EIR before the Planning Commission on September 11, 2018. The Town received five comment letters on the Draft EIR (not including public hearing comments). Copies of written comments received during the comment period and a summary of the oral comments received at the public hearing are included in Chapter 2 of this document.

### 1.3 DOCUMENT ORGANIZATION

This document consists of the following chapters:

- **Chapter 1: Introduction.** This chapter discusses the purpose and organization of this RTC Document and the Final EIR, and summarizes the environmental review process for the project.
- **Chapter 2: Comments and Responses.** This chapter contains reproductions of all comment letters received on the Draft EIR and summarizes verbal comments provided at the public hearings. A written response for each CEQA-related comment received during the public review period is provided. Each response is keyed to the corresponding comment.
- **Chapter 3: Draft EIR Revisions.** Corrections to the Draft EIR that are necessary in light of the comments received and responses provided, or necessary to amplify or clarify material in the Draft EIR, are contained in this chapter.

## 2 COMMENTS AND RESPONSES

This chapter includes written and oral comments received during the circulation of the Draft EIR prepared for the 375 West El Pintado Residential Project.

The Draft EIR was circulated for a 45-day public review period that began on July 30, 2018. The Town of Danville received five comment letters on the Draft EIR. The commenters and the page number on which each commenter’s letter appear are listed below.

Letter No. and Commenter	Page No.
1 David J. Rehnstrom, Manager of Water Distribution Planning – East Bay Municipal Utility District	4
2 Stephanie Tadlock, Senior Environmental Scientist – Central Valley Regional Water Quality Control Board	9
3 Rene Urbina, P.E., Civil Engineer – Contra Costa County Flood Control & Water Conservation District	17
4 Adrienne Lucas	28
5 Diana Lattimore	30

The comment letters and responses follow. The comment letters have been numbered sequentially and each separate issue raised by the commenter has been assigned a number. The responses to each comment identify first the number of the comment letter, and then the number assigned to each issue (Response 1.1, for example, indicates that the response is for the first issue raised in comment Letter 1).

In addition to soliciting written public and agency comments on the Draft EIR pursuant to CEQA, during the public review period verbal comments were taken on the Draft EIR at the Planning Commission hearing on September 11, 2018. Responses to environmental issues raised at this hearing are included in the written comments and responses.



August 20, 2018

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

Re: Notice of Availability of a Draft Environmental Impact Report – 375 West El Pintado Road Residential Project, Danville

Dear Mr. Crompton:

East Bay Municipal Utility District (EBMUD) appreciates the opportunity to comment on the Draft Environmental Impact Report (EIR) for the 375 West El Pintado Road Residential Project located in the Town of Danville. EBMUD commented on the Notice of Preparation of a Draft EIR for the project on February 11, 2016. EBMUD's original comments (see enclosure) still apply regarding water service and water conservation. EBMUD has no additional comments on the Draft EIR.

If you have any questions concerning this response, please contact Timothy R. McGowan, Senior Civil Engineer, Major Facilities Planning Section at (510) 287-1981.

Sincerely,

A handwritten signature in blue ink that reads 'David J. Rehnstrom'.

David J. Rehnstrom  
Manager of Water Distribution Planning

DJR:KKN:dks  
sb18\_131.doc

Enclosure: Letter from EBMUD to Town of Danville dated February 11, 2016

cc: GMMR, LLC.  
230 Piedmont Lane  
Danville, CA 94526

February 11, 2016

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

Re: Notice of Preparation of an Environmental Impact Report  
375 West El Pintado Road Residential Project, Danville

Dear Mr. Crompton:

East Bay Municipal Utility District (EBMUD) appreciates the opportunity to comment on the Notice of Preparation (NOP) of an Environmental Impact Report (EIR) for the 375 West El Pintado Road Residential Project located in the Town of Danville (Town). EBMUD has the following comments.

#### **WATER SERVICE**

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EBMUD's Danville Pressure Zone, with a service elevation range between 250 and 450 feet, will serve the proposed development. Individual units in a structure of three stories in height or less are required to be individually metered. A water main extension, at the project sponsor's expense, may be required to serve the property depending on EBMUD's metering requirements and fire flow requirements set by the local fire department. The project sponsor should contact EBMUD's New Business Office and request a water service estimate to determine the costs and conditions of providing additional water service to the proposed development. Engineering and installation of water mains and services require substantial lead time, which should be provided for in the project sponsor's development schedule.

#### **WATER CONSERVATION**

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The proposed project presents an opportunity to incorporate water conservation measures. EBMUD requests that the Town include in its conditions of approval a requirement that the project sponsor comply with Assembly Bill 325, "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  
February 11, 2016  
Page 2

If you have any questions concerning this response, please contact Timothy R. McGowan,  
Senior Civil Engineer, Major Facilities Planning Section at (510) 287-1981.

Sincerely,



David J. Rehnstrom  
Manager of Water Distribution Planning

DJR:SHT:dks  
sb16\_016.docx

cc: GMMR, LLC.  
230 Piedmont Lane  
Danville, CA 94526

## Letter 1

**COMMENTER:** David J. Rehnstrom, Manager of Water Distribution Planning – East Bay Municipal Utility District

**DATE:** August 20, 2018

### Response 1.1

The commenter explains that EBMUD submitted a comment letter during the Notice of Preparation (NOP) of a Draft EIR comment period February 11, 2016. The commenter specifies that EBMUD's comments are still applicable to the project, but that no additional comments have arisen.

The commenter attaches the letter sent during the NOP comment period. As acknowledged in Section 1, *Introduction*, of the Draft EIR, comments from EBMUD received during the public comment period were addressed in the Initial Study, which is included in Appendix A of the Draft EIR, and throughout the Draft EIR as appropriate. Responses to specific comments raised regarding the Draft EIR are addressed below in Responses 1.2 and 1.3.

### Response 1.2

In the NOP comment letter, the commenter notes that the proposed project will be served by EBMUD's Danville Pressure Zone and explains that EBMUD requires individual units in a structure up to or equal to three stories to be individually metered. Furthermore, the commenter indicates that the project sponsor is subject to the expense of a water main extension, if required by the local fire department. The commenter states that the project sponsor should request a water service estimate through EBMUD's New Business Office and leave adequate time in the project schedule for the engineering and installation of the required water services.

As discussed in Section 2.3.2, *Infrastructure*, the Draft EIR acknowledges that the East Bay Municipal Utility District would serve the proposed project. As discussed in that section, the project would connect to the existing 8-inch water main located along the property's easterly boundary under West El Pintado Road, thus a water main extension would not be required. Further, the Draft EIR states that individual water meters would be provided for domestic and irrigation service. The project proponents would request water service as appropriate in compliance with applicable requirements.

### Response 1.3

The commenter requests that the Town require the project sponsor to comply with Assembly Bill 325, "Model Water Efficient Landscape Ordinance," (Division 2, Title 23, California Code of Regulations, Chapter 2.7, Sections 490 through 495). The commenter notes that the project provides an opportunity to maximize water conservation measures. Further, the commenter refers to Section 31 of EBMUD's Water Service Regulations, requiring that all applicable water-efficiency measures are utilized at the project sponsor's expense prior to the installation of new water services.

According to the project's preliminary landscape plan (Camp & Camp Associates October 2017), all planning areas would be irrigated with an automatic water conserving irrigation system and would comply with the Town of Danville's water conservation requirements. As described in Section 2,

*Project Description*, of the Draft EIR, the project's final landscape plan would be reviewed and approved by the Town as part of the review and approval of the Final Development Plan. This would ensure consistency with applicable water efficiency requirements. As discussed in Section XVII, *Utilities and Service Systems*, of the Initial Study (Appendix A of the Draft EIR), the project would not result in adverse effects related to water demand and water-related impacts would be less than significant.



Letter 2



Central Valley Regional Water Quality Control Board

4 September 2018

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

CERTIFIED MAIL
7014 3490 0001 3008 3685

COMMENTS TO REQUEST FOR REVIEW FOR THE DRAFT ENVIRONMENTAL IMPACT REPORT, 375 WEST EL PINTADO ROAD RESIDENTIAL PROJECT, SCH# 2016012045, CONTRA COSTA COUNTY

Pursuant to the State Clearinghouse's 27 July 2018 request, the Central Valley Regional Water Quality Control Board (Central Valley Water Board) has reviewed the Request for Review for the Draft Environment Impact Report for the 375 West El Pintado Road Residential Project, located in Contra Costa County.

Our agency is delegated with the responsibility of protecting the quality of surface and groundwaters of the state; therefore our comments will address concerns surrounding those issues.

I. Regulatory Setting

Basin Plan

The Central Valley Water Board is required to formulate and adopt Basin Plans for all areas within the Central Valley region under Section 13240 of the Porter-Cologne Water Quality Control Act. Each Basin Plan must contain water quality objectives to ensure the reasonable protection of beneficial uses, as well as a program of implementation for achieving water quality objectives with the Basin Plans. Federal regulations require each state to adopt water quality standards to protect the public health or welfare, enhance the quality of water and serve the purposes of the Clean Water Act. In California, the beneficial uses, water quality objectives, and the Antidegradation Policy are the State's water quality standards. Water quality standards are also contained in the National Toxics Rule, 40 CFR Section 131.36, and the California Toxics Rule, 40 CFR Section 131.38.

The Basin Plan is subject to modification as necessary, considering applicable laws, policies, technologies, water quality conditions and priorities. The original Basin Plans were adopted in 1975, and have been updated and revised periodically as required, using Basin Plan amendments. Once the Central Valley Water Board has adopted a Basin Plan amendment in noticed public hearings, it must be approved by the State Water Resources Control Board (State Water Board), Office of Administrative Law (OAL) and in some cases,

KARL E. LONGLEY ScD, P.E., CHAIR | PATRICK PULUPA, ESQ., EXECUTIVE OFFICER

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the United States Environmental Protection Agency (USEPA). Basin Plan amendments only become effective after they have been approved by the OAL and in some cases, the USEPA. Every three (3) years, a review of the Basin Plan is completed that assesses the appropriateness of existing standards and evaluates and prioritizes Basin Planning issues.

For more information on the *Water Quality Control Plan for the Sacramento and San Joaquin River Basins*, please visit our website:  
[http://www.waterboards.ca.gov/centralvalley/water\\_issues/basin\\_plans/](http://www.waterboards.ca.gov/centralvalley/water_issues/basin_plans/).

### **Antidegradation Considerations**

All wastewater discharges must comply with the Antidegradation Policy (State Water Board Resolution 68-16) and the Antidegradation Implementation Policy contained in the Basin Plan. The Antidegradation Policy is available on page IV-15.01 at:  
[http://www.waterboards.ca.gov/centralvalleywater\\_issues/basin\\_plans/sacsjr.pdf](http://www.waterboards.ca.gov/centralvalleywater_issues/basin_plans/sacsjr.pdf)

In part it states:

*Any discharge of waste to high quality waters must apply best practicable treatment or control not only to prevent a condition of pollution or nuisance from occurring, but also to maintain the highest water quality possible consistent with the maximum benefit to the people of the State.*

*This information must be presented as an analysis of the impacts and potential impacts of the discharge on water quality, as measured by background concentrations and applicable water quality objectives.*

The antidegradation analysis is a mandatory element in the National Pollutant Discharge Elimination System and land discharge Waste Discharge Requirements (WDRs) permitting processes. The environmental review document should evaluate potential impacts to both surface and groundwater quality.

## **II. Permitting Requirements**

### **Construction Storm Water General Permit**

Dischargers whose project disturb one or more acres of soil or where projects disturb less than one acre but are part of a larger common plan of development that in total disturbs one or more acres, are required to obtain coverage under the General Permit for Storm Water Discharges Associated with Construction Activities (Construction General Permit), Construction General Permit Order No. 2009-009-DWQ. Construction activity subject to this permit includes clearing, grading, grubbing, disturbances to the ground, such as stockpiling, or excavation, but does not include regular maintenance activities performed to restore the original line, grade, or capacity of the facility. The Construction General Permit requires the development and implementation of a Storm Water Pollution Prevention Plan

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(SWPPP).

For more information on the Construction General Permit, visit the State Water Resources Control Board website at:  
[http://www.waterboards.ca.gov/water\\_issues/programs/stormwater/constpermits.shtml](http://www.waterboards.ca.gov/water_issues/programs/stormwater/constpermits.shtml).

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**Phase I and II Municipal Separate Storm Sewer System (MS4) Permits<sup>1</sup>**

The Phase I and II MS4 permits require the Permittees reduce pollutants and runoff flows from new development and redevelopment using Best Management Practices (BMPs) to the maximum extent practicable (MEP). MS4 Permittees have their own development standards, also known as Low Impact Development (LID)/post-construction standards that include a hydromodification component. The MS4 permits also require specific design concepts for LID/post-construction BMPs in the early stages of a project during the entitlement and CEQA process and the development plan review process.

For more information on which Phase I MS4 Permit this project applies to, visit the Central Valley Water Board website at:  
[http://www.waterboards.ca.gov/centralvalley/water\\_issues/storm\\_water/municipal\\_permits/](http://www.waterboards.ca.gov/centralvalley/water_issues/storm_water/municipal_permits/).

For more information on the Phase II MS4 permit and who it applies to, visit the State Water Resources Control Board at:  
[http://www.waterboards.ca.gov/water\\_issues/programs/stormwater/phase\\_ii\\_municipal.shtml](http://www.waterboards.ca.gov/water_issues/programs/stormwater/phase_ii_municipal.shtml)

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**Industrial Storm Water General Permit**

Storm water discharges associated with industrial sites must comply with the regulations contained in the Industrial Storm Water General Permit Order No. 2014-0057-DWQ.

For more information on the Industrial Storm Water General Permit, visit the Central Valley Water Board website at:  
[http://www.waterboards.ca.gov/centralvalley/water\\_issues/storm\\_water/industrial\\_general\\_permits/index.shtml](http://www.waterboards.ca.gov/centralvalley/water_issues/storm_water/industrial_general_permits/index.shtml).

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**Clean Water Act Section 404 Permit**

If the project will involve the discharge of dredged or fill material in navigable waters or wetlands, a permit pursuant to Section 404 of the Clean Water Act may be needed from the United States Army Corps of Engineers (USACOE). If a Section 404 permit is required by the USACOE, the Central Valley Water Board will review the permit application to ensure that discharge will not violate water quality standards. If the project requires surface water

<sup>1</sup> Municipal Permits = The Phase I Municipal Separate Storm Water System (MS4) Permit covers medium sized Municipalities (serving between 100,000 and 250,000 people) and large sized municipalities (serving over 250,000 people). The Phase II MS4 provides coverage for small municipalities, including non-traditional Small MS4s, which include military bases, public campuses, prisons and hospitals.

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[http://www.waterboards.ca.gov/centralvalley/board\\_decisions/adopted\\_orders/waivers/r5-2013-0145\\_res.pdf](http://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/waivers/r5-2013-0145_res.pdf)

### **Regulatory Compliance for Commercially Irrigated Agriculture**

If the property will be used for commercial irrigated agricultural, the discharger will be required to obtain regulatory coverage under the Irrigated Lands Regulatory Program. There are two options to comply:

1. **Obtain Coverage Under a Coalition Group.** Join the local Coalition Group that supports land owners with the implementation of the Irrigated Lands Regulatory Program. The Coalition Group conducts water quality monitoring and reporting to the Central Valley Water Board on behalf of its growers. The Coalition Groups charge an annual membership fee, which varies by Coalition Group. To find the Coalition Group in your area, visit the Central Valley Water Board's website at: [http://www.waterboards.ca.gov/centralvalley/water\\_issues/irrigated\\_lands/for\\_growers/apply\\_coalition\\_group/index.shtml](http://www.waterboards.ca.gov/centralvalley/water_issues/irrigated_lands/for_growers/apply_coalition_group/index.shtml) or contact water board staff at (916) 464-4611 or via email at [IrrLands@waterboards.ca.gov](mailto:IrrLands@waterboards.ca.gov).
2. **Obtain Coverage Under the General Waste Discharge Requirements for Individual Growers, General Order R5-2013-0100.** Dischargers not participating in a third-party group (Coalition) are regulated individually. Depending on the specific site conditions, growers may be required to monitor runoff from their property, install monitoring wells, and submit a notice of intent, farm plan, and other action plans regarding their actions to comply with their General Order. Yearly costs would include State administrative fees (for example, annual fees for farm sizes from 10-100 acres are currently \$1,084 + \$6.70/Acre); the cost to prepare annual monitoring reports; and water quality monitoring costs. To enroll as an Individual Discharger under the Irrigated Lands Regulatory Program, call the Central Valley Water Board phone line at (916) 464-4611 or e-mail board staff at [IrrLands@waterboards.ca.gov](mailto:IrrLands@waterboards.ca.gov).

### **Low or Limited Threat General NPDES Permit**

If the proposed project includes construction dewatering and it is necessary to discharge the groundwater to waters of the United States, the proposed project will require coverage under a National Pollutant Discharge Elimination System (NPDES) permit. Dewatering discharges are typically considered a low or limited threat to water quality and may be covered under the General Order for *Dewatering and Other Low Threat Discharges to Surface Waters* (Low Threat General Order) or the General Order for *Limited Threat Discharges of Treated/Untreated Groundwater from Cleanup Sites, Wastewater from Superchlorination Projects, and Other Limited Threat Wastewaters to Surface Water* (Limited Threat General Order). A complete application must be submitted to the Central Valley Water Board to obtain coverage under these General NPDES permits.

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↑ For more information regarding the Low Threat General Order and the application process, visit the Central Valley Water Board website at:  
[http://www.waterboards.ca.gov/centralvalley/board\\_decisions/adopted\\_orders/general\\_orders/r5-2013-0074.pdf](http://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/general_orders/r5-2013-0074.pdf)

For more information regarding the Limited Threat General Order and the application process, visit the Central Valley Water Board website at:  
[http://www.waterboards.ca.gov/centralvalley/board\\_decisions/adopted\\_orders/general\\_orders/r5-2013-0073.pdf](http://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/general_orders/r5-2013-0073.pdf)

**NPDES Permit**

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If the proposed project discharges waste that could affect the quality of surface waters of the State, other than into a community sewer system, the proposed project will require coverage under a National Pollutant Discharge Elimination System (NPDES) permit. A complete Report of Waste Discharge must be submitted with the Central Valley Water Board to obtain a NPDES Permit.

For more information regarding the NPDES Permit and the application process, visit the Central Valley Water Board website at:  
[http://www.waterboards.ca.gov/centralvalley/help/business\\_help/permit3.shtml](http://www.waterboards.ca.gov/centralvalley/help/business_help/permit3.shtml)

If you have questions regarding these comments, please contact me at (916) 464-4644 or [Stephanie.Tadlock@waterboards.ca.gov](mailto:Stephanie.Tadlock@waterboards.ca.gov).



Stephanie Tadlock  
Senior Environmental Scientist

cc: State Clearinghouse unit, Governor's Office of Planning and Research, Sacramento

## Letter 2

**COMMENTER:** Stephanie Tadlock, Senior Environmental Scientist – Central Valley Regional Water Quality Control Board

**DATE:** September 4, 2018

### Response 2.1

The commenter describes the responsibility of the RWQCB and indicates that the comments to follow will relate to the protection of surface and groundwaters.

This comment is noted. Responses to specific comments raised are provided in responses 2.2 through 2.10.

### Response 2.2

The commenter describes the process of the Central Valley Water Board to develop and implement Basin Plans. The commenter indicates the requirements of all Basin Plans and states the applicable water quality standards.

The applicable water quality standards and Basin Plan are discussed in Section 4.5, *Hydrology and Water Quality*. As discussed in the section, the project would be subject to the water quality standards in the San Francisco Bay Basin Water Quality Control Plan (Basin Plan). Within the town of Danville, the SFBRWQCB Basin Plan identifies beneficial uses for San Ramon Creek (SFBRWQCB 2015). Existing beneficial uses include warm freshwater habitat (WARM), wildlife habitat (WILD), water contact recreation (REC-1), and non-contact water recreation (REC-2). Impact HWQ-1 in Section 4.5 of the Draft EIR analyzes potential water quality affects associated with the proposed project. With implementation of applicable laws and regulations, the project would not violate water quality standards or contribute additional sources of polluted runoff. Impacts related to water quality would be less than significant.

### Response 2.3

The commenter notes that the wastewater discharges associated with the proposed project must comply with the State Water Board's Antidegradation Policy and explains the policy's requirements. The commenter states the EIR should consider potential impacts to surface and groundwater quality.

As discussed above under Response 2.2, the project would be required to implement all applicable laws and regulations and would not substantially degrade water quality. As discussed in Section 4.5, *Hydrology and Water Quality*, of the Draft EIR under Impact HWQ-1, impacts related to water quality would be less than significant. Please also see Response 2.4 and 2.5.

### Response 2.4

The commenter states that the project must obtain the Construction Storm Water General Permit, if applicable. The commenter notes that the Construction General Permit also requires the applicant to develop and implement a Storm Water Pollution Prevention Plan.

As discussed under Impact HWQ-1 in Section 4.5, *Hydrology and Water Quality*, the project would be subject to the NPDES General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities. Compliance with the permit would require the applicant to file a Notice of Intent with the State Water Resources Control Board (SWRCB). Permit conditions require development of a Storm Water Pollution Prevention Plan (SWPPP). With implementation of applicable laws and regulations, the project would not violate water quality standards or contribute additional sources of polluted runoff. Construction impacts to water quality would be less than significant.

## Response 2.5

The commenter states that Phase I and II Municipal Separate Storm Sewer System (MS4) Permits must be obtained from the Central Valley Water Board and that it is the responsibility of the applicant to comply with the applicable development standards.

As discussed in Section 4.5, *Hydrology and Water Quality*, of the Draft EIR, SFBRWQCB administers the Municipal Regional Stormwater NPDES Permit (Order R2-2009-0074, NPDES Permit No. CAS612008). As discussed under Impact HWQ-2, Danville's Stormwater Management and Discharge Control Ordinance implements the Town's NPDES permit by requiring appropriate source control and site design measures and stormwater treatment measures for development projects. The SFBRWQCB Municipal Regional Stormwater Permit prohibits the discharge of non-stormwater effluent into storm drain systems and watercourses and requires appropriate source control, site design, and stormwater treatment measures in new development and redevelopment projects to address both soluble and insoluble stormwater runoff pollutant discharges and prevent increases in runoff flows from new development and redevelopment projects. Those requirements are accomplished primarily through the implementation of low-impact development (LID) techniques. These existing regulations would be implemented through the structural stormwater improvements described above, including the installation of pervious pavers and a detention and bio-filtration planter to detain runoff from impervious rooftops. As such, the project would not result in substantial erosion, siltation, or flooding on- or off-site and would not create or contribute runoff water that would exceed the capacity of existing or planned stormwater systems. Impacts would be less than significant.

## Response 2.6

The commenter notes the applicant must comply with the applicable storm water regulations as outlined in the Industrial Storm Water General Permit.

This comment is not relevant for the proposed project because the project is not classified as an industrial site. Discussion of all other applicable storm water regulations can be found in Section 4.5 of the Draft EIR. As discussed therein, the project would be required to comply with applicable regulations.

## Response 2.7

The commenter explains that the project will be subject to the Clean Water Act Section 404 Permit if excavated or fill material will be discarded into navigable waters or wetlands. The commenter describes the process related to the Section 404 permit.

In Section 2, *Project Description*, the Draft EIR acknowledges that the project may be subject to a USACE permit pursuant to Section 404 of the Clean Water Act. Section 4.3, *Biological Resources*, of the Draft EIR discusses the project's impacts to protected wetlands and explains that mitigation is required, subject to consultation with CDFW. Mitigation Measures BIO-2 through BIO-4 are required to ensure consistency with Section 404 and 401 of the Clean Water Act. With implementation of these measures, direct impacts to sensitive and federally protected wetland and waterways would be reduced to a less than significant level.

### **Response 2.8**

The commenter notes that the applicant must comply with the Irrigated Lands Regulatory Program and its applicable guidelines if the project site will be used for commercial irrigated agriculture. The commenter explains the two methods that satisfy the compliance requirements, indicating that joining a local Coalition Group or enrolling as an Individual Discharger would be satisfactory.

This comment is not relevant for the proposed project because the proposed project would not involve commercially irrigated agriculture.

### **Response 2.9**

The commenter states that if the project includes dewatering discharges, then the applicant is required to apply for a General National Pollutant Discharge Elimination System (NPDES) permit or a Low Threat General Order.

It is not anticipated that the project would require construction dewatering. Nonetheless, should dewatering occur and it is necessary to discharge groundwater to waters of the United States, the project would be required to comply with all applicable regulations. As noted in Section 4.5, *Hydrology and Water Quality*, the analysis in the Draft EIR acknowledges that the project would be subject to NPDES General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities (Order No. 2012-0006-DWQ) adopted by the SWRCB.

### **Response 2.10**

The commenter explains that if the project discharges waste that could affect the quality of surface waters, other than into a community sewer system, the project would require coverage under a NPDES permit and a Report of Waste Discharge must be submitted to obtain a permit.

As discussed in Section XVII, *Utilities and Service Systems*, of the Initial Study (Appendix A of the Draft EIR), the project would be connected to the local wastewater treatment system sewer service provided by the Central Contra Costa Sanitary District. The project would not discharge waste that could affect the quality of surface waters. See also Response 2.4.

Letter 3

**From:** Rene Urbina [<mailto:rene.urbina@pw.cccounty.us>]

**Sent:** Thursday, September 13, 2018 6:40 PM

**To:** David Crompton <[DCrompton@danville.ca.gov](mailto:DCrompton@danville.ca.gov)>

**Cc:** Michelle Cordis <[michelle.cordis@pw.cccounty.us](mailto:michelle.cordis@pw.cccounty.us)>; Teri Rie <[teri.rie@pw.cccounty.us](mailto:teri.rie@pw.cccounty.us)>; Marsha Brown <[Marsha.Brown@pw.cccounty.us](mailto:Marsha.Brown@pw.cccounty.us)>

**Subject:** 375 El Pintado Road Residential Project -

Dear Mr. David Crompton,

Please see our previous comments attached to this email. We updated the mitigation fees for this project as well.

We appreciate the opportunity to review plans involving drainage fee matters and welcome continued coordination. If you have any questions, please contact me.

Thank you,



**Rene Urbina, P.E. | Civil Engineer**

**Contra Costa County Public Works: Flood Control & Water Conservation District**

255 Glacier Drive, Martinez, CA 94553

p: 925.313.2308 | f: 925.313.2333 | e: [rene.urbina@pw.cccounty.us](mailto:rene.urbina@pw.cccounty.us) | [cccpublicworks.org](http://cccpublicworks.org)



March 15, 2016

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

RE: 375 West El Pintado Road Residential Project  
Our File: 3011-06 200-140-011, -012

Dear Mr. Crompton:

We have reviewed the Notice of Preparation for an Environmental Impact Report (EIR) for the 375 West El Pintado Road Residential Project that we received on January 25, 2016. The applicant is proposing to construct a townhouse development of up to 38 units. We have the following comments:

2

1. We recommend that the EIR include a map of the project area and show all parcels involved in the subdivision. We request that the EIR provide a map of the watersheds where the project is located, including watershed boundaries.

3

2. 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. 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. The EIR should address the impacts of this project's runoff due to the increase in duration (length of time) of flows 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.

- 4 3. If improvements or work within the natural watercourses are proposed, the EIR should discuss the scope of improvements. The EIR should discuss any proposed on-site and off-site drainage improvements, and include maps or drawings for the improvements.
- 5 4. There is an existing earth ditch going across the parcel APN 200-140-011, which collects runoff from properties upstream of the project and conveys that runoff to the adjacent property south west of this parcel. We recommend that the EIR 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.
- 6 5. If detention basin facilities are proposed, the EIR 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.
- 7 6. The EIR should discuss the adverse impacts of the runoff from the project site to the existing drainage facilities and drainage problems in the downstream areas, including those areas outside of the Town of Danville. The EIR should address the impacts of this project's runoff due to the increase in duration (length of time) of flows 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.
- 8 7. The EIR should address a perpetual funding source for maintenance of the new drainage facilities required to serve the annexation area.
- 9 8. 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 mitigation measures in the EIR and to the conditions of approval for the future developments' applications:
- Mitigate the impact of additional stormwater runoff from the development on the San Ramon Creek by providing cash payment of \$0.10 per square foot of new impervious surface area created by the development. The Town of Danville should collect the fees during the development process prior to the issuance of building permits or the recordation of the final maps.

We appreciate the opportunity to comment on the Notice of Preparation submittal and welcome continued coordination. We look forward to reviewing an EIR, which should address our comments. If you have any questions, please contact me via e-mail at [rene.urbina@pw.cccounty.us](mailto:rene.urbina@pw.cccounty.us) or by phone at (925) 313-2308.

Sincerely,



Rene Urbina, P.E.  
Civil Engineer  
Contra Costa County Flood Control  
& Water Conservation District

RU:cw

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c: Mike Carlson, Flood Control  
Tim Jensen, Flood Control  
Teri E. Rie, Flood Control  
GMMR, LLC.  
230 Piedmont Lane  
Danville, CA 94526



May 18, 2016

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

RE: 375 West El Pintado Road Residential Project  
Our File: 3011-06 200-140-011, -012

Dear Mr. Crompton:

We received your request for comments for the Vesting Tentative Map for Subdivision 9399 — 375 W. El Pintado Road, APN 200-140-011 and -012. The project is located on a 1.60-acre site in the Town of Danville (Town) and consists of constructing a 38-unit townhouse development. We have the following comments:

RECOMMENDED CONDITION OF APPROVAL:

1. Prior to issuance of the final map, the applicant shall pay San Ramon Creek Mitigation Fees. This development is in the San Ramon Creek watershed and is required to mitigate its adverse drainage impact upon the natural creeks. The San Ramon Creek Mitigation Fee for this project shall 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 Contra Costa County Flood Control & Water Conservation District's (FC District's) standard impervious surface area ordinance. The FC District will use these funds to work on San Ramon Creek annually. The mitigation fee for this project is estimated to be \$5,530 based on the square footage of the proposed buildings, concrete paths and pavement, minus a credit of 1,143 square feet for an existing structure to be removed.

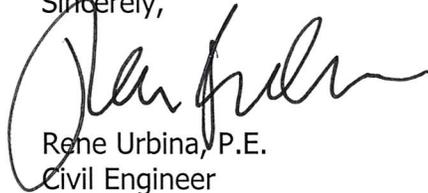
GENERAL COMMENTS:

2. The proposed project is located in Drainage Area 11, an unformed drainage area. Therefore, there are no drainage area fees due at this time.
3. The FC District is not the approving local agency for this project as defined by the Subdivision Map Act. As a special district, the FC District has an independent authority to collect drainage fees that is not restricted by the Subdivision Map Act. The FC District reviews the drainage fee rate every year the ordinance is in effect and adjusts the rate annually on January 1 to account for inflation. The drainage fee rate does not vest at the time of tentative map approval. The drainage fee due and payable will be based on the fee in effect at the time of fee collection.

4. We recommend that the applicant 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.
5. The project's proposed multifamily residential land use may result in an increase from the planned density. The project includes amending the Town's General Plan Land Use Designation from Residential — Single Family — Low Density to a Mixed Use land Use Designation, which would divide the site creating a maximum of 38 multiple family lots. This increase in density will result in an increase of stormwater runoff that could exceed the capacity of the downstream system. We recommend that the Town require the applicant to submit hydrology and hydraulic calculations showing the adequacy of the downstream system.
6. The proposed project includes placing fill in an existing earth ditch that goes across the project parcel. The FC District did not review the potential impacts of the removal of the earth ditch or the proposed in-tract system. We defer review of the removal of the ditch to the Town. Placing fill in the existing earth ditch may require permits. We recommend the Town require the applicant to contact the U.S. Army Corps of Engineers, the Department of Fish and Wildlife, the Regional Water Quality Control Board, and other government agencies that have jurisdiction over the proposed work to obtain any necessary permits, if needed, before the issuance of a building permit.

We appreciate the opportunity to comment on this project in regards to drainage matters. If you have any further questions, you may contact me at (925) 313-2308 or by e-mail at [rene.urbina@pw.cccounty.us](mailto:rene.urbina@pw.cccounty.us).

Sincerely,



Rene Urbina, P.E.  
Civil Engineer

Contra Costa County Flood Control  
& Water Conservation District

RU:cw

G:\fldct\CurDev\CITIES\Danville\3011-06\APN 200-140-011, -012 375 West El Pintado Road Residential\Comments to Vesting Tentative Map.docx  
Enclosure: DA fee calculation

c: Mike Carlson, Flood Control  
Tim Jensen, Flood Control  
Teri E. Rie, Flood Control  
c/enc: Marsha Brown, Finance  
Glenn Novotny  
230 Piedmont Lane  
Danville, CA 94526

## Summary of Drainage Fees - (Draft)

Development #: **375 El Pintado**  
 APN: **200-140-011, -012**  
 Drainage Area: **11**

Date: **15-Apr-16**  
 Ordinance: 0-0

Fee Schedule: 2016

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

### Multifamily Residences

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

### Single Family Residential

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

Building			Subdivision		
Unit Price	QTY(ac)	Amount	Unit Price	QTY(ac)	Amount
\$ -	3.99	-	\$ -		-
-		-	-		-
-		-	-		-

Building			Subdivision		
Unit Price	QTY	Amount	Unit Price	QTY	Amount
\$ -		-	\$ -		-
-		-	-		-
-		-	-		-
-		-	-		-
-		-	-		-
-		-	-		-
-		-	-		-
-		-	-		-

Building			Subdivision		
Unit Price	QTY	Amount	Unit Price	QTY	Amount
\$ -		-	\$ -		-
-		-	-		-
-		-	-		-
-		-	-		-
-		-	-		-
-		-	-		-
-		-	-		-
-		-	-		-
-		-	-		-

(Amount shown below is for mitigation fee only.)

	Sqr Ft.	Unit Price	Amount
Area of impervious surface to account for:	55,297	0.1	\$ 5,530

**Building Total:** \$0  
**Mitigation:** \$5,530  
**TOTAL:** \$5,530

Calculate DA 130 fee if checked.

Mark box to add mitigation fee.

Creek name: San Ramon

Fee: \$0.10 / sq. ft. of impervious surface

### Comments:

Fee is based on the Preliminary Storm Water Control Map of the Vesting Tentative Map of Subdivision 9399 - 375 W. El Pintado Road, dated March 11, 2013, by Talus Engineering. Fee is based on 51,570 sq. ft. of impervious area for proposed buildings and pavement, 5,500 sq. ft. for proposed concrete paths, minus a 1,143 sq. ft. credit for an existing structure to be removed, resulting in a total of 55,927 sq. ft. The square footage for the proposed concrete paths was estimated from the plans; however, the applicant is allowed to calculate and submit the square footage of the proposed concrete paths.

## Summary of Drainage Fees - (Draft)

Development #: **Subdivision** 9399, 375 & 359 West El Pintado Road

Date: **13-Sep-18**

APN: **200-140-011**, -012

Fee Schedule: **2018**

Ordinance: 0-0

Drainage Area:

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

### Multifamily Residences

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

### Single Family Residential

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

Building			Subdivision		
Unit Price	QTY(ac)	Amount	Unit Price	QTY(ac)	Amount
\$ -		-	\$ -		-
-		-	-		-
-		-	-		-
Building			Subdivision		
Unit Price	QTY	Amount	Unit Price	QTY	Amount
\$ -		-	\$ -		-
-		-	-		-
-		-	-		-
-		-	-		-
-		-	-		-
-		-	-		-
-		-	-		-
-		-	-		-
Building			Subdivision		
Unit Price	QTY	Amount	Unit Price	QTY	Amount
\$ -		-	\$ -		-
-		-	-		-
-		-	-		-
-	1	-	-		-
-		-	-		-
-		-	-		-
-		-	-		-
-		-	-		-
-		-	-		-
-		-	-		-
-		-	-		-

(Amount shown below is for mitigation fee only.)

	Acres	Unit Price	Amount
Area of impervious surface to account for:	50,191	0.1	\$ 5,019

**Building Total:** \$0  
**Mitigation:** \$5,019  
**TOTAL:** \$5,019

**Eligible credits:** \$418  
**Net fees due:** \$4,601

Calculate DA 130 fee if checked.

Mark box to add mitigation fee.

**Creek name:** San Ramon

**Fee:** \$0.10 / sq. ft. of impervious surface

### Comments:

This drainage area fee obligation calculation is based on the Vesting Tentative Parcel Map for Condominium purposes dated by December 19, 2017, prepared by Talus Engineering. The square-footage rate was applied to newly created impervious areas. Credit was given for the removal of 4,177 sq. ft. of existing impervious areas for an existing building structure with its driveway.

## Letter 3

**COMMENTER:** Rene Urbina, P.E., Civil Engineer - Contra Costa County Flood Control & Water Conservation District

**DATE:** September 13, 2018

### Response 3.1

The commenter references the Contra Costa County Flood Control & Water Conservation District's previous comments sent during the Notice of Preparation period. The commenter notes that updated mitigation fees are also provided.

The commenter attaches the letter sent during the NOP comment period. As acknowledged in Section 1, *Introduction*, of the Draft EIR, comments from the Contra Costa County Flood Control & Water Conservation District received during the public comment period were addressed in the Initial Study, Appendix A of the Draft EIR, and in Section 4.5, *Hydrology and Water Quality*, of the Draft EIR. Although these comments do not specifically pertain to the analysis or conclusions of the Draft EIR, responses to specific comments raised are addressed below in Responses 3.2 through 3.9.

### Response 3.2

The commenter recommends including a map of the project area and all parcels involved in the proposed subdivision. The commenter requests that a map of the watersheds and watershed boundaries be included.

A map of the project site is provided in Figure 3, Project Site Location, in Section 2, *Project Description*, of the Draft EIR. As stated in Section 2, the project site is composed of two legal parcels: a larger 1.59-acre parcel (375 West El Pintado Road, APN 200-140-011) and a smaller 0.29-acre parcel (359 West El Pintado Road, APN 200-140-012). The Draft EIR does not include a map of the watershed, but Section 4.5, *Hydrology and Water Quality*, states that the Town of Danville and the project site lie within the San Francisco Bay Hydrologic Region and the project site is located within the Concord hydrologic area and the Walnut Creek hydrologic subarea. Potential effects to the watershed (runoff volumes and water quality) were analyzed in the Draft EIR in Section 4.5, *Hydrology and Water Quality*, under Impact HWQ-2 and were found to be less than significant.

### Response 3.3

The commenter recommends that the EIR's hydrology section identify and show existing watercourses, tributaries, and man-made drainage facilities within the project site and which could be impacted by the project. The commenter recommends that the discussion include an analysis of the capacity of existing watercourses, quantify the amount of runoff generated by the project, and address impacts of runoff due to increase in duration of flows and the effect on creeks and channels downstream. The commenter notes that detention basins increase the duration of flows in the downstream watercourses, which increases the potential for stream and channel erosion.

As described in Section 4.5, *Hydrology and Water Quality*, of the Draft EIR, three drainage swales traverse the project site. Two of these drainages enter the project site along the northern boundary and flow towards the south and southwest before entering an existing box culvert structure in the southwest corner of the project site's northern parcel. The third drainage flows east to west along

the southern boundary of the project site's southern parcel. Major drainages in the vicinity of the project site are shown on Figure 15 of the Draft EIR. Runoff from the project site is quantified in the Preliminary Stormwater Control Plan included in Appendix F of the Draft EIR. Impact HWQ-2 of the Draft EIR assesses the capacity of nearby channels and drainages to accommodate stormwater flows from the project site. As discussed in that section, proposed stormwater control and drainage plans for the project and compliance with existing regulations would ensure that impacts would be less than significant.

### Response 3.4

The commenter states that if improvements or work within natural watercourses are proposed, the EIR should discuss the scope of improvements and discuss any proposed on-site and off-site drainage improvements, including maps or drawings for the improvements.

As discussed in Section 2, *Project Description*, of the Draft EIR, the project's design includes extension of the existing 48-inch storm drain culvert through the project site, connecting to the existing culvert entering the site from the north. Roof and surface drainage would be collected through underground pipes and directed to stormwater treatment devices in accordance with state and local requirements. These treatment devices would be sized to accommodate both treatment and detention. A 336-square-foot bioretention area would be located on the east side of Buildings D and E, a 155-square-foot bioretention area would be located on the west side of Building G, and 165-square-foot bioretention area would be located on the east side of Building H. A 2,250-square-foot flow through planter would be located along the project site's western boundary near Building A. Pervious pavement would be located on the driveways between Buildings C, D, and E and between Buildings G and H. Figure 9 of the Draft EIR illustrates the locations of the bioretention areas, flow-through planters, and pervious pavement. Once leaving the site, stormwater would be conveyed south and west through existing culverts, ultimately discharging into San Ramon Creek.

### Response 3.5

The commenter notes the existing earth ditch across parcel APN 200-140-011 and recommends that the EIR address the design and construction of storm drain facilities to adequately collect and convey stormwater entering or originating from the development to the nearest man-made drainage facility or natural watercourse, without division of the watershed.

As discussed under Impact HWQ-2 in Section 4.5, *Hydrology and Water Quality*, of the Draft EIR, off-site runoff that currently flows through the project site would be routed through the project site through the extension of the existing 48-inch storm drain culvert through the project site, connecting to the two existing culverts entering the site from the north. The new 48-inch culvert would be adequately sized to accommodate flow from the off-site locations to the north without causing on- or off-site flooding (Talus 2017). Please also see Response 3.4.

### Response 3.6

The commenter states that if detention basin facilities are proposed, the EIR should include a discussion of basin design information and also a discussion of how maintenance of the facilities would be performed and funded.

Please see Response 3.4 for a description of the proposed bioretention areas. Maintenance would be funded through the proposed project's homeowner's association.

### **Response 3.7**

The commenter states that the EIR should discuss the potential adverse impacts of runoff from the site to drainage facilities and downstream areas and should address the impacts of the project's runoff due to the increase in duration of flows.

Please see Response 3.3.

### **Response 3.8**

The commenter states that the EIR should identify a perpetual funding source for maintenance of the new drainage facilities required to serve the annexation area.

The proposed project does not involve annexation. Please see Response 3.6 for a discussion of maintenance and funding.

### **Response 3.9**

The commenter recommends that all developments in the San Ramon Creek watershed be required to mitigate adverse drainage impact upon natural creeks; therefore, the commenter recommends that the project be required to mitigate the impact of additional stormwater runoff on the creek by providing a cash payment of \$0.10 per square foot of new impervious surface area created by the development, which should be collected by the Town of Danville prior to the issuance of building permits.

As noted in Section 4.5, *Hydrology and Water Quality*, the project would not result in substantial erosion, siltation, or flooding on- or off-site and would not create or contribute runoff water that would exceed the capacity of existing or planned stormwater systems. Impacts would be less than significant. The project would pay applicable impact fees as required by the Town of Danville.

**David Crompton**

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**From:** adrienne lucas <Email Address Redacted>  
**Sent:** Monday, August 6, 2018 11:28 AM  
**To:** David Crompton  
**Subject:** 375 West El Pintado Road Residential Project

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Adrienne Lucas  
! Parrot Place  
Danville, CA 94526  
925-820-1011

RE: 375 West El Pintado Road Residential Project

August 6, 2018

Dear David,

I received the Notice of Availability and Public Review Period for a Draft Environmental Impact Report and would like to voice my concern.

I live on Parrot Place which as you may remember from many years ago is located on the bottom of LaGonda Way next to the apartments. I am concerned as to how the applicant is going to address the drainage situation.

Would it be possible for you to let me know what the future drainage plans will be for the project.

I can be contacted by email or phone on the number above.

Thank you.

Sincerely,

Adrienne Lucas

## Letter 4

**COMMENTER:** Adrienne Lucas

**DATE:** August 6, 2018

### Response 4.1

The commenter expresses concern about the applicant's approach to handling drainage for the proposed project and requests notification of the future drainage plans for the development.

As discussed in Section 2.6, *Project Characteristics*, of the Draft EIR, the project includes infrastructure improvements to stormwater drainage. Details regarding these improvements are outlined in subsection 2.6.2c *Stormwater Management*. Design of the new project would include extension of the existing 48-inch storm drain culvert through the project site, connecting to the existing culvert entering the site from the north. Roof and surface drainage would be collected through underground pipes and directed to stormwater treatment devices in accordance with state and local requirements. These treatment devices would be sized to accommodate both treatment and detention. A 336-square-foot bioretention area would be located on the east side of Buildings D and E, a 155-square-foot bioretention area would be located on the west side of Building G, and 165-square-foot bioretention area would be located on the east side of Building H. A 2,250-square-foot flow through planter would be located along the project site's western boundary near Building A. Pervious pavement would be located on the driveways between Buildings C, D, and E and between Buildings G and H. See Figure 9 of the Draft EIR for the locations of the bioretention areas, flow-through planters, and pervious pavement. Once leaving the site, stormwater would be conveyed south and west through existing culverts, ultimately discharging into San Ramon Creek. Section 4.5, *Hydrology and Water Quality*, of the Draft EIR analyzes the proposed project's impacts related to stormwater runoff and water quality and found that impacts would be less than significant without mitigation. See also responses to letters 2 and 3.



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

September 14, 2018

Dear Mr. Crompton,

1 I, along with my partner Jeff O’Connell, am one of the current homeowners on Elsie Drive that will be  
2 most affected by any project at 375 W. El Pintado Road as our backyard backs up to the open field. I  
don’t know if the decision to build 37 townhome units is set in stone or if that is still up for discussion. A  
question I should have asked while at the town hall meeting earlier this week. We definitely oppose the  
current plan. Our desire, which was not one of the alternatives on the list, is to have a park put in that  
space. Greenspace. Is that possible? If not, our next choice would be the alternative to build five single  
family homes, which proved to be the best environmental choice you provided.

3 I lived and worked in San Francisco- still work in SF, but I chose to leave because I wanted to get out of  
the congestion and the building everywhere. That was one of the biggest draws to Danville. The plan on  
the table right now is exactly why I left SF so it disappoints me greatly that Danville is heading in the  
same direction. But, more importantly I am extremely concerned about the traffic this will cause, the  
noise increase and the decrease in air quality.

4 Nothing that was presented at the town hall meeting eased my concerns, but instead I left feeling much  
worse. I am extremely concerned about the increase in traffic. And the solution from you all to take care  
of the issue is simply to change the timing of the traffic light. That absolutely won’t suffice- it won’t take  
care of the increase traffic back up. As I mentioned at the meeting, traffic is already bad. This plan  
compounds that. Traffic already flies down West El Pintado and there is a section right around that first  
curve where there aren’t sidewalks on both sides of the street, and in some areas neither side of the street.  
Again, this is just going to compound that issue. And, there is no way you will have enough parking so  
where does the spill over go? Street parking? That means people are going to be parking along the curve  
that is already super dangerous. Have you thought about that? How are you addressing that so the number  
of accidents, injury, or even deaths don’t rise? Have you thought about making more than one in and out  
access point? That may help some of the congestion at the El Cerro-El Pintado-680 traffic light.

5 Noise is another concern- both during construction and afterwards. Construction always takes longer than  
anticipated and as a professor I work from home on my non-teaching days. On-going major construction  
certainly makes being able to work at home difficult. Plus, we have two dogs that get very anxious with  
loud noises. That may not matter to most, but to us they are family.

6 ↓ Air quality is also a major concern for me. It sounded like you all are only concerned about the air quality  
for those moving in, but what about all of us living through the construction?

6, contd. ↑ What is being done to ensure my quality of air isn't going to get worse during construction? What is being done to lessen the noise throughout construction as well as after the units are occupied? And, what is being done to actually combat the traffic issue? We are starting a family, which makes this all worse for me (noise, air quality, traffic safety). If this gets passed, what is the timeline?

7 |

8 | Also, if this is passed, what kind of privacy fence will be put up between my house and the complex?

9 | At the meeting, you all heard that most of us had no idea about this being brought forward at the meeting. I don't doubt you sent out a mailing that none of us read. For the next meeting, I want to offer some advice. As a professor, every semester I have a challenge of reaching my students. I don't want to just throw the information out to them, check the box, and hope or assume they get it. In order to be successful at that I have to use a lot of different teaching methods. Your issue is not that you didn't have a wide enough reach, it's that you didn't reach your intended audience. For the next meeting, please change your methods. Perhaps a postcard with only the essential information on it. Few words and a picture. That is more likely going to grab us. A white envelope with the city of Danville on it tells me nothing! Please don't just do what is easy. Give us a chance to voice our feedback and concerns.

Thank you for your time.

Sincerely,

*Diana Lattimore*

Diana Lattimore, PhD, CMPC

## Letter 5

**COMMENTER:** Diana Lattimore

**DATE:** August 11, 2018

### Response 5.1

The commenter, a neighbor to the project site, inquires about the timing and process for the Town's decision making regarding the proposed project.

In response to the commenter's question, the CEQA process will culminate with a Planning Commission hearing and a Town Council hearing to consider the Final EIR and the project. Members of the public will be able to provide their opinions on the project at those hearings. Further, the information contained in this comment letter will be presented to the decision-makers when reviewing the project and the decision-makers will make the ultimate determination on whether to approve the project.

### Response 5.2

The commenter states a preference that a park be developed at the site rather than the proposed project. The commenter further states support for Alternative 4, Single Family Residential, among the project build alternatives in the Draft EIR.

These comments relate to the merits of the proposed project, rather than the analysis and conclusions of the Draft EIR. They will be forwarded to the Town's decision makers for their consideration.

### Response 5.3

The commenter states concerns regarding traffic congestion, noise, and air quality, but does not provide comments related to the analysis or conclusions of the Draft EIR. Please see responses 5.4 through 5.6, below, for more information on these topics.

### Response 5.4

The commenter states an opinion that the proposed mitigation measure to change the timing of the traffic light at the El Cerro-El Pintado-680 intersection would not be effective, but does not provide information or analysis to support this opinion. The commenter also states concerns that parking from the project is insufficient and that accidents will increase, and suggests an additional access point.

Impacts related to traffic and circulation are addressed in Section 4.8, *Traffic and Circulation*, of the Draft EIR. As discussed in that section, the key assumptions and results of analysis for the transportation effects are based primarily on the findings in the *Draft Transportation Impact Study for the 375 West El Pintado Road Residential Development*, completed by TJKM Transportation Consultants (March 2018). This study is included in Appendix H and contains the traffic counts, level of service (LOS) calculations, and a detailed description of the traffic forecasting done for the analysis. TJKM Transportation Consultants evaluated existing traffic conditions through a traffic study at six intersections near the proposed project site. Refer to Section 4.8 of the Draft EIR for more information on the chosen intersections. Existing traffic conditions were assessed during both

the AM and PM peak hour. The results of the study were analyzed using both Contra Costa Transportation Authority's CCTA LOS and Highway Capacity Manual 2010 (HCM 2010) methodologies. Table 33, *Intersection Level of Service – Existing Conditions*, in the Draft EIR displays the associated ratings and existing delays of each intersection. As discussed in the section, traffic conditions were then evaluated under Cumulative (2035) No Project Conditions, forecasting a 1.5 percent annual growth factor to each intersection, and under Cumulative (2035) Plus Project Conditions, which included the estimated trips generated from the project in addition to the 1.5 percent annual growth rate. After considering these factors, the project impacts to the circulation system during operation were found to be less than significant, and that the project itself would not significantly contribute to traffic congestion in the area.

With regards to parking, the proposed project is required to provide parking spaces in compliance with Danville Municipal Code (DMC). The DMC requires 82 total spaces, and 82 spaces are provided in the project site plans. Therefore, the project would not rely on street parking to fulfill parking need, as the 82 on-site parking spaces already comply with the DMC parking standards. As discussed in Section 4.8, *Traffic and Circulation*, construction of the project may temporarily displace on-street parking along West El Pintado Road. However, the applicant would be required to develop and submit a Construction Management and Mitigation Plan to mitigate the temporary impact on parking. After implementation of this mitigation measure, impacts relating to street parking during construction would be less than significant.

## Response 5.5

The commenter states concerns regarding construction noise and long-term noise impacts, including during daytime hours.

Impacts related to temporary construction noise and long-term noise are addressed in Section 4.7, *Noise*, of the Draft EIR. Noise impacts generated by the project were analyzed with consideration of sensitive receptors, including adjacent single-family residences, schools, and assisted senior housing. Noise impacts were evaluated using applicable federal, state, and local guidelines and thresholds. As discussed in the section, temporary construction vibration levels were found not to exceed FTA thresholds. Therefore, although it is acknowledged that construction noise would be audible to adjacent residents, the effect of increased traffic noise would be less than significant under applicable CEQA thresholds of significance with mitigation incorporated. Mitigation Measure N-2, *Construction-Related Noise Reduction Measures*, would be required to mitigate construction noise during the anticipated 20 months of project construction. This measure would require the use of mufflers, electric power rather than diesel, specific equipment staging and idling guidelines, and smart back-up alarms to monitor the sound level in response to ambient noise levels. Implementation of Mitigation Measure N-2 would reduce the exterior ambient noise impacts associated with temporary construction activities to a less than significant level. In addition, Section 4.7, *Noise*, of the Draft EIR under Impact N-3 analyzed noise impacts associated with project operation including on-site operational noise and traffic noise on surrounding roadways with the addition of project traffic. Impacts related to on-site noise and project-generated traffic noise were found to be less than significant.

## Response 5.6

The commenter states concerns regarding air quality impacts. The commenter asks about the measures being considered to reduce air quality impacts for those who will be living through the

construction of the proposed project. Furthermore, the commenter asks about which noise mitigation measures and traffic mitigation measures will be implemented once the residential units are occupied.

Impacts related to air quality are discussed in Section 4.2, *Air Quality*, of the Draft EIR. As discussed in the section, the California Emissions Estimator Calculator (CalEEMod) was utilized to estimate air pollutant emissions associated with construction and operation of the proposed project. As shown in Table 9 of the Draft EIR, although project construction would result in air pollution emissions, construction-related emissions would be well below applicable thresholds established by the local air district, the Bay Area Air Quality Management District. Air quality impacts would be less than significant. Please refer to responses 5.4 and 5.5 for a discussion of noise and traffic impacts.

### **Response 5.7**

The commenter asks what the timeline of the project will be if it is approved by the Town of Danville. The timeline of project completion cannot be precisely predicted at this time.

Construction is estimated to occur over approximately 20 months; therefore, the opening year is estimated in the Draft EIR to be approximately 2021 for analysis purposes.

### **Response 5.8**

The commenter questions whether there is information regarding the type of privacy fence that would be constructed between their house and the proposed project if the project were approved.

The project site plans can be found in Section 2.6, *Project Characteristics*, of the Draft EIR. Conditions of approval for the project would require six-foot tall solid wood fencing around the northern, western, and southern boundaries of the site.

### **Response 5.9**

The commenter suggests that the Town of Danville use a postcard with only the essential information on it for project noticing.

Following the CEQA process requirements, the Town of Danville placed a Public Notice of Availability of the EIR in the County Clerk's office for 30 days. In addition, the public notice of Draft EIR availability was published in the local newspaper and sent to residents within 750 feet of the proposed project site. Bound copies of the Draft EIR were made available at the Town of Danville Town Offices, Danville Public Library (400 Front Street), and on the Town's website. In the notice of availability, the Town of Danville Planning Commission stated its plan to take public comments and consider the Draft EIR and project at their regularly scheduled meeting on September 11, 2018 at 7:30 p.m. The meeting agenda was also posted to the Town's website. Nevertheless, the commenter's suggestion is noted.

## 2.1 Public Hearing Comments

Verbal comments received at the Town of Danville Planning Commission (PC) public hearing of September 11, 2018 are paraphrased and summarized below, with general responses following. Six members of the public provided comments on the Draft EIR at the hearing. In addition, several members of the Planning Commission provided comments. Responses are only provided for comments specifically pertaining to the CEQA process or the analysis and conclusions of the Draft EIR. The verbal comments may be summarized as follows:

- Impacts to street parking on streets surrounding the project site
- Increase in traffic in the neighborhood, particularly at the intersection of intersection of El Cerro Boulevard with West El Pintado Road/I-680 Southbound Ramps
- Noise impacts during construction
- Air quality impacts during construction
- Height of the proposed buildings and impacts to views through the project site
- Safety and crime
- Pedestrian facilities and safety on West El Pintado Road
- Lack of outreach and notification to nearby residents

General responses to the issues raised are provided below.

### Parking

As discussed in Section 2, *Project Description*, of the Draft EIR, and in the Transportation Impact Study for the project prepared by TJKM (Appendix H of the Draft EIR), the project would provide 82 on-site parking spaces. This includes 63 covered partially covered partially-at grade garage spaces at the residential units and 19 off-street parking spaces dispersed throughout the site. According to TJKM, peak parking demand for multi-family development generally tends to be in the range of 1.5 vehicles per multi-family residential unit, including visitor-parking demand of 0.25 vehicles per unit. The project would provide 0.5 off-street parking spaces for visitor parking, which is adequate to accommodate typical visitor demand without requiring the use of on-street parking. Therefore, the project would not rely on on-street parking to fulfill parking need.

As discussed in Section 4.8, *Traffic and Circulation*, construction of the project may temporarily displace on-street parking along West El Pintado Road. However, the applicant would be required to develop and submit a Construction Management and Mitigation Plan to mitigate the temporary impact on parking. After implementation of this mitigation measure, impacts from construction traffic activity would be less than significant.

### Traffic

Please refer to Response 5.4 for a general response to traffic-related concerns.

### Construction Noise

Please refer to Response 5.5 for a discussion of construction noise impacts.

## Air Quality

Please refer to Response 5.6 for a discussion of air quality impacts.

## Building Height

Impacts related to building height and views are discussed in Section 4.1, *Aesthetics*, of the Draft EIR. The project would involve the construction of six buildings (Buildings A-F) that would range from 28 to 35 feet in height (2-2.5 stories) and include partially below-grade garages. Two buildings (proposed buildings G and H) would each be approximately 25 feet in height (2 stories). The maximum height allowed by the Danville Municipal Code is 35 feet. Therefore, the buildings would comply with Town height requirements.

As explained in Response 5.1, CEQA does not typically analyze impacts to limited numbers of private views as significant. Impacts to public views were analyzed in Section 4.1, *Aesthetics*, of the Draft EIR. The general project area includes scenic vistas of Mt. Diablo to the east and the Las Trampas Regional Wilderness ridgelines to the west from some public viewpoints. The project would be located on the west side of West El Pintado Road, so construction and operation of the project would not alter the public view of Mt. Diablo to the east from West El Pintado Road. The ridgelines of the Las Trampas Regional Wilderness area to the west of the project site are visible intermittently from some locations along West El Pintado Road, but public views are limited due to the topography of the area and existing on-site and surrounding mature trees. The proposed project involves construction of two-story residential buildings. Therefore, some of these limited views of the ridgelines from West El Pintado Road adjacent to the project site would be blocked. However, West El Pintado Road is not identified by the Town as a sensitive view corridor. For this reason and because existing views are partial and intermittent, impacts to public views would be less than significant.

I-680 is located approximately 150 feet northeast of the project site. The portion of I-680 that passes the site has been designated as a Scenic Highway under the California Scenic Highway Program. The project site is partially visible to motorists on I-680. Motorists would pass the site at speeds of up to 65 miles per hour. Based on a conservative measurement of approximately 700 feet of visibility of the site from the Interstate, the site is visible for fewer than 10 seconds. However, visibility is intermittent because of the difference in elevation of the project site and I-680 (the elevation of the project site varies from 365 feet to 375 feet and I-680 is at an elevation of 440 feet) and the presence of a wall and trees along the western boundary of I-680. Overall, the project would not substantially degrade views from I-680 and impacts would be less than significant.

## Crime and Safety

Several commenters expressed concern that the project would lead to an increase in crime. The commenters did not provide evidence to support claims that the project would increase crime in the neighborhood. As Stated in Section XIV(a)(ii), *Public Services*, of the Initial Study (Appendix A of the EIR), the proposed project would be required to comply with Police Department requirements and would not result in the need for expanded police protection facilities. No significant environmental impacts related to the provision of police protections services were identified.

## **Pedestrian Facilities**

The proposed project would improve pedestrian safety by adding sidewalks on the western side of West El Pintado Road. Currently, sidewalks are not present at this location. Refer to Section 4.8, *Traffic and Circulation*, and the project traffic study for further acknowledgement of impacts to pedestrian facilities. All impacts related to pedestrian safety were found to be less than significant. Moreover, the proposed project would enhance current amenities and facilities, increasing safety for pedestrians in the vicinity.

## **Public outreach**

Please see Response 5.9 for a discussion of the public outreach and notification process.

### 3 DRAFT EIR TEXT REVISIONS

Chapter 3 presents specific changes to the text of the Draft EIR that are being made to correct errors or omissions or clarify information presented in the Draft EIR. In no case do these revisions result in a greater number of impacts or impacts of a substantially greater severity than those set forth in the Draft EIR. Where revisions to the main text are called for, the page and paragraph are set forth, followed by the appropriate revision. Added text is indicated with underlined text. Page numbers correspond to the page numbers of the Draft EIR.

The following text has been added to Table 1 on Page 9 of the Draft EIR:

Impact	Mitigation Measure(s)	Residual Impact
<b><u>Cultural Resources</u></b>		
<p><u>Although the likelihood of encountering prehistoric archaeological resources on the project site is low, there is still a potential for discovery of previously unidentified, buried historic era or prehistoric resources (including unique geologic features and human remains) beneath the fill and other soils on the project site. Therefore, Mitigation Measures CR-1 through CR-3 are required to prevent damage to or destruction of previously unidentified cultural resources. Impacts would be Class II, significant but mitigable. (See Initial Study, Appendix A).</u></p>	<p><b><u>CR-1 Cultural Resources Awareness Training.</u></b> <u>Prior to the commencement of ground disturbance, including site preparation and grading activities, the applicant will ensure that all construction workers are trained to recognize archaeological resources (e.g., obsidian and chert flakes and chipped stone tools; grinding and mashing implements such as slabs and handstones, and mortars and pestles; bedrock outcrops and boulders with mortar cups; and locally darkened midden soils containing some of the previously listed items plus fragments of bone, shellfish, and fire affected stones; fragments of glass, ceramic, and metal objects; milled and split lumber; and structure and feature remains such as building foundations and discrete trash deposits). The cultural resources awareness training shall be conducted by a qualified professional archaeologist with experience in training non-specialists. A record of completion of cultural resources awareness training for all construction workers shall be submitted to the Town of Danville prior to the issuance of a grading permit, and a copy of the training completion record shall be maintained onsite for the duration of construction activities.</u></p> <p><b><u>CR-2 Unanticipated Discovery of Cultural Remains.</u></b> <u>If previously unidentified cultural resources are encountered during construction or land disturbance activities, work shall stop within 50 feet of the find and the Town of Danville shall be notified at once to assess the nature, extent, and potential significance of any cultural resource find. The applicant shall retain a qualified archaeologist to implement a Phase II subsurface testing program to determine the resource boundaries, assess the integrity of the resource, and evaluate the resource’s significance through a study of its features and artifacts. If the resource is determined significant, the Town of Danville may choose to allow the capping of the area containing the resource using culturally sterile and chemically neutral fill material. If such capping occurs, then a qualified archaeologist shall be retained to monitor the placement of fill upon the resource. If a significant resource will not be capped, the results and recommendations of the Phase II study shall determine the need for a Phase III data recovery program designed</u></p>	<p><u>Less than significant</u></p>

Impact	Mitigation Measure(s)	Residual Impact
<b>Cultural Resources</b>	<p><u>to record and remove significant cultural materials that could otherwise be tampered with. If the resource is determined to be not significant, no capping and/or further archaeological investigation or mitigation shall be required. The results and recommendations of the Phase II study shall determine the need for construction monitoring. If monitoring is warranted, a qualified archaeologist shall be retained by the applicant to be present during all earth moving activities that have the potential to affect archaeological or historical resources. A monitoring report shall be submitted to the Town upon completion of construction.</u></p> <p><b>CR-3 Unanticipated Discovery of Human Remains.</b> <u>If previously unidentified human remains are encountered during project construction, State Health and Safety Code Section 7050.5 shall be adhered to, which requires that no further disturbance shall occur until the County Coroner has made the necessary findings as to origin and disposition pursuant to Public Resources Code Section 5097.98. If the remains are determined to be of Native American descent, the coroner has 24 hours to notify the NAHC. The NAHC would then identify the person(s) thought to be the Most Likely Descendent (MLD) of the deceased Native American, who would then help determine what course of action should be taken in dealing with the remains.</u></p>	