

**Appendix A:
NOP and Scoping Comments**

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NOTICE OF PREPARATION

DATE: June 11, 2019

TO: State Clearinghouse
1400 10th Street, Suite 222
Sacramento, CA 95814
(916) 445-0613

FROM: City of Antioch

SUBJECT: The Ranch Residential Project
Notice of Preparation of a Draft Environmental Impact Report

LEAD AGENCY: City of Antioch
Community Development Department
Contact: Alexis Morris, Planning Manager
P.O. Box 5007
Antioch, CA 94531-5007
(925) 779-7035
amorris@ci.antioch.ca.us

PROJECT APPLICANT: Richland Communities

Notice is hereby given that the City of Antioch will be the Lead Agency and will prepare an Environmental Impact Report (EIR) for the proposed The Ranch Residential Project (proposed project). We are requesting comments on the scope of topics addressed in this EIR.

Please provide comments on the scope of the EIR to Alexis Morris, Planning Manager, at the address listed above. Due to the time limits mandated by State law, your response must be sent at the earliest possible date, but not later than 5:00 p.m. on July 11, 2019. In your response, please identify a contact person in your agency for future correspondence.

The Lead Agency will hold a public scoping meeting to receive verbal comments on Wednesday, June 19, 2019, at 6:30 p.m. in the City of Antioch Council Chambers, 200 "H" Street, Antioch, CA 94509. This EIR Notice of Preparation is available online at: [This EIR Notice of Preparation is available online at: https://www.antiochca.gov/community-development-department/planning-division/environmental-documents/](https://www.antiochca.gov/community-development-department/planning-division/environmental-documents/).

INTRODUCTION:

The purpose of an EIR is to inform decision-makers and the general public of the environmental effects of a proposed project. The EIR process is intended to provide environmental information sufficient to evaluate a proposed project and its potential to cause significant effects on the environment; examine methods of reducing adverse environmental impacts; and consider alternatives to the proposed project. The Ranch Residential Project EIR will be prepared and processed in accordance with the California Environmental Quality Act (CEQA) and the CEQA Guidelines. The EIR will generally include the following:

- Description of the project;
- Description of the existing environmental setting for each topic, potential environmental impacts of the project, and mitigation measures;

- Cumulative impacts; and
- Alternatives to the project.

PROJECT LOCATION:

The proposed project is located in the southeastern portion of the City of Antioch in eastern Contra Costa County, California. The City of Antioch is bordered to the north by the San Joaquin River Delta; to the east by the City of Brentwood and the City of Oakley; to the west by the City of Pittsburg and unincorporated portions of Contra Costa County; and to the south by unincorporated portions of Contra Costa County (see Exhibit 1).

Specifically, the project site is situated within the Sand Creek Focus Area of the General Plan, which contains lands designated by the Antioch General Plan for open space, residential, commercial, and mixed-use development (see Exhibit 2). The site is identified by Assessor’s Parcel Number (APN) 057-010-002, APN 057-010-003, and APN 057-021-003.

PROJECT SITE CHARACTERISTICS:

The project site consists of 551.5 acres of primarily undeveloped land, which has been categorized into two distinct areas by the “West Sand Creek Tree, Hillside, and Open Space Protection, Public Safety Enhancement, and Development Restriction Initiative” adopted by Antioch City Council on July 24, 2018 (the “Initiative”) and incorporated into the City of Antioch General Plan as follows: the Restricted Development Area, and the Limited Development Area (see Exhibit 3). The Restricted Development Area is designated as Rural Residential, Agriculture, and Open Space. The Limited Development area has been designated as Estate Residential, Low-Density Residential, Medium Low-Density Residential, Medium Density Residential, Convenience Commercial, Mixed-Use, Public/Quasi Public, and Open Space.

The Initiative rezoned the Limited Development Area of the project site from Study District to the West Sand Creek (WSC) Planned Development District (see Exhibit 4). The WSC District includes special standards for development within the Limited Development Area. The applicant has submitted to the City as part of its project a detailed set of Development Standards and Design Guidelines to supplement the special standards in the Initiative.

Currently, the site includes a cattle-grazing operation, a single-family residence, and various barns and outbuildings located on the eastern portion of the site. Historical uses of the site include grazing and limited natural gas exploration.

Sand Creek, a tributary of Marsh Creek, flows west to east through the proposed project site. The topography of the site is varied, ranging from relatively level areas in the eastern and central portions of the site, gently sloping hills immediately north and south of Sand Creek, and moderate to steep slopes in the western portion of the site. A large stockpile of soil and large boulders is situated on the northern portion of the proposed project site, near the terminus of Dallas Ranch Road. The stockpiles are likely the result of construction activities associated with Dallas Ranch Road and the existing single-family, medium density residential subdivision located to the north of the site.

PROJECT DESCRIPTION:

The applicant is proposing to develop a project that is consistent with the West Sand Creek Open Space Protection, Public Safety Enhancement, and Development Restriction Initiative.

The proposed project would consist of a comprehensive master planned community within the Sand Creek Focus Area to be constructed in three separate phases. For the purposes of analysis, the proposed project comprises a multi-generational plan, including active adult housing, of up to 1,177 dwelling units, as well as a Village Center and extensive parks and open space (see Exhibit 5). The proposed project does not require general plan or zoning amendments. The project components are discussed in greater detail below.

The proposed project would include construction of multiple single-family residential neighborhoods, various public facilities, amenities, and circulation and access improvements, as well as associated infrastructure improvements to serve the proposed planned community. In addition, the project would include development standards for each of the proposed land uses. The proposed project would be organized into two distinct development areas: one to the north and the other to the south of the Sand Creek corridor. The land uses and proposed densities, and lot sizes are shown in Table 1 below. All of the proposed lots would be single-family residential, and each neighborhood would include a Homeowner’s Association (HOA) subject to a Declaration of Covenants, Codes, and Restrictions (CCRs).

Table 1 Plan Land Uses and Densities					
Land Use		Acreage	Net Density (du/ac)	Average Lot Size (sf)	Target Number of Units
Low Density (LD)	LD-1	18.5	3.7	8,000	68
	LD-2	18	3.6	7,000	65
	LD-3 (Conventional)	104	3.9	7,000	410
Age Restricted (AR)		75	5.6	5,000	422
Medium Density (MD)		38	5.6	4,200-4,500	212
TOTAL RESIDENTIAL		253.5	4.6		1,177
Village Center (VC)		5			
Public Use (PQ)	Fire Station (PQ-F)	2			
	Staging Area (PQ-S)	1			
Parks (P)		20			
Landscape (L)		2.5			
Open Space (OS)*		229.5			
Major Roadways		38			
GRAND TOTAL		551.5			

North Development Area

The north development area would include Medium-Density (MD) and Low Density (LD) residential neighborhoods, as well as parks, and a Village Center (VC) site. The western-most portion of the northern development area would comprise Phase 1 of the proposed project.

The MD neighborhoods would be situated along Deer Valley Road and north and south of the eastern segment of Sand Creek Road, with lot sizes averaging between 4,200 and 4,500 square feet. The MD neighborhoods would have direct access to the Village Center, also located along Deer Valley Road. The LD neighborhoods would be situated north of Sand Creek Road. Lots in the LD neighborhoods would average 7,000 square feet; however, those lots abutting the northern boundary of the project site would have a minimum lot size of 8,000 square feet, and include larger rear setbacks than the standard LD neighborhood lots to provide more separation between the proposed development and the existing

residential subdivision to the north.

The 5-acre Village Center area would be located at the northwest corner of Deer Valley Road and Sand Creek Road and would accommodate up to 54,000 square feet of neighborhood commercial, office, and retail space. The Village Center would provide goods and services to residents of the project, as well as surrounding neighborhoods and Kaiser Medical Center.

An approximately 2-acre fire station site would be located south of Sand Creek Road just off Deer Valley Road. The applicant does not propose to construct the fire station as part of the project; however, the construction of the fire station would be studied in the EIR to assist the Contra Costa County Fire Protection District in their environmental impact assessment related to future fire station construction.

South Development Area

The south development area would be comprised of three distinct residential neighborhoods, including two low-density neighborhoods (LD-1 and LD-2) and an Age Restricted (AR) neighborhood, as well as a number of parks and open space.

The LD-1 neighborhood would include 18.5 acres of housing located in a small valley in the southwest portion of the project site. Lot sizes would average 8,000 square feet. The LD-2 neighborhood would be the smallest of the three neighborhoods at approximately 18 acres. Lots in the LD-2 neighborhood would average 7,000 square feet and would overlook proposed detention basins along the Sand Creek corridor, between Sand Creek and the northern boundary of the southern development area. The AR Neighborhood would include approximately 75 acres of age-restricted housing overlooking the western portion of the Sand Creek corridor. Lots would average 5,000 square feet and would be organized around a central neighborhood park, which would include a private clubhouse and a recreation center. At least two of the neighborhoods would be gated.

Public Facilities and Amenities

Proposed public facilities and recreational amenities, including open space and trails, a trail staging area, parks, and a fire station, are discussed in detail below.

- **Open Space and Trails.** The proposed project would preserve the existing Sand Creek corridor, as well as various hills and ridgelines in the northwestern and southwestern portions of the project site, as open space. The total open space, including trail areas, would comprise approximately 40 percent of the total project site. A comprehensive 6-mile publicly-accessible trail system would be provided along Sand Creek and throughout the project site. The trail system would connect the proposed neighborhood areas to each other and to nearby parks, ridgeline areas, trailhead staging area, and the proposed mixed-use Village Center area. The approximately 1-acre trail staging area is proposed to be located in the southwestern portion of the project site, near Empire Mine Road, to provide easy access to the existing East Bay Regional Park trail system, as well as the proposed trail system.
- **Parks and Landscape Areas.** The proposed project would include four neighborhood parks, ranging from 1.5 to 6 acres, as well as numerous pocket parks that would generally be 1 acre or smaller. Landscaped areas would also be provided throughout the development.
- **Fire Station.** A 2-acre site for a future fire station would be located to the east of Homestead Park and across from the proposed Village Center area. Although, the fire station would not be constructed as part of this project, it would be studied in the EIR. The station would be standard size and, in addition to personnel, would house up to four firefighting equipment vehicles (e.g., a ladder truck, a tanker truck, an ambulance).

- **Development Standards and Design Guidelines.** The proposed project would include design guidelines, to ensure consistency for neighborhood and landscape design associated with future development. The proposed design guidelines would include general guidelines to address neighborhood identity, consistency with future surrounding development, and architectural design. In addition, neighborhood-specific guidelines would be provided for each of the proposed residential neighborhoods, as well as the proposed Village Center area and fire station site. The landscape guidelines would address the design of open space, parks, trail staging areas, and streetscapes within the proposed project site. The standalone design guidelines would supplement the existing Development Standards.
- **Circulation and Access.** The proposed project would include a phased arterial roadway (Sand Creek Road) that would connect the existing terminus of Dallas Ranch Road on the northwestern portion of the project site to the existing terminus of Sand Creek Road at Deer Valley Road, immediately south of the Kaiser Permanente Antioch Medical Center. The connections at Dallas Ranch Road and Deer Valley Road would provide the primary access points to the project site.
- **Sand Creek Road.** In areas where development would be located on only one side of the roadway, the Sand Creek Road right-of-way would ultimately be 96 feet wide with a median, two traffic lanes (in each direction), a Class II bicycle lane, curb and gutter, and a landscape strip in each direction. A sidewalk and a landscaped setback would be provided on the side adjacent to the proposed development. Where Sand Creek Road would include development on both sides, the total right-of-way would increase to 112 feet to include a sidewalk on both sides. A landscape buffer would be provided on both sides of the roadway in such areas. The project applicant would coordinate with Tri-Delta Transit and the City to ascertain the best location for bus stops along the proposed Sand Creek Road extension and what amenities would be required. The EIR will study the potential to install roundabouts along Sand Creek Road and at the Deer Valley Road intersection, as well as the potential installation of traffic signals.
- **Other Streets.** A secondary access point would be provided at the existing signalized intersection at Deer Valley Road and Wellness Way. Several internal streets would also be included throughout the project site.
- **Bridge over Sand Creek.** A bridge consisting of up to four lanes would span Sand Creek, providing access for vehicles, bicyclists, and pedestrians between the northern and southern development areas. The bridge would be constructed on top of abutments located in the banks of Sand Creek, allowing the bridge to span the Creek's jurisdictional areas and ordinary high-water mark. Sewer pipes would hang beneath the bridge at an elevation above the 100-year flood level. Potable water and dry utilities may also be placed beneath the bridge.
- **Deer Valley Road Improvements.** A landscape buffer would be provided between the proposed Village Center area and Deer Valley Road, along the eastern project site boundary. An additional buffer area in the same location would include a sidewalk, landscaping, curbs and gutters, a bicycle lane, and a new southbound traffic lane. No bus turnouts are proposed along the Deer Valley Road frontage, as two bus stops would be located along Sand Creek Road, one adjacent to the proposed Village Center area and the other adjacent to the proposed fire station site. Intersection improvements at Deer Valley Road and Sand Creek Road would either include a new roundabout or signal modification.
- **Neighborhood Streets.** Typical internal local residential streets would feature two travel lanes. With the exception of private lanes/alleys, local streets would include on-street vehicle parking, either on one or both sides of the street, as well as 4 to 5-foot sidewalks on both sides of the streets. Private alleys or courts may be used to access residential units, and would be narrower than public streets; such alleys or courts would not be anticipated to offer on-street parking or sidewalks.

- **Parking.** In addition to street parking, two spaces in an enclosed garage would be provided for each residential unit. As noted above, a small portion of the local residential streets within the project site that abut open space areas would include a parking lane on only one side of the roadway.
- **Pedestrian/Bicycle Access and Circulation.** The proposed project would include the construction of a 6-mile off-street trail system. In addition, as discussed above, a pedestrian/bicycle bridge would be constructed across Sand Creek near the Homestead Park site.
- **Public Utilities.** The proposed project would include the provision of water lines, sewer lines, and drainage facilities to serve the proposed project site:
 - **Water.** The water system for the proposed project would be designed to integrate with existing transmission mains and would complete a looped connection through the proposed project site. An approximately 16-inch primary water line would lie within Sand Creek Road and would connect to the existing City water main at the current terminus of Dallas Ranch Road to the north of the site. A second point of connection would be located at the existing 20-inch water main in Deer Valley Road at the future intersection with the extension of Sand Creek Road. Other major streets throughout the proposed project site would contain approximately 8- to 12-inch water lines. Depending on the phasing of development in the Sand Creek Focus Area, the proposed project may require the construction of an aboveground water tank. Such a tank would be situated offsite to the northwest of the project site adjacent to the City's existing water tank.
 - **Wastewater.** The proposed project would include the installation of a sewer main, as well as a number of sewer lines throughout the proposed project site. The connection point for the sewer main would be located approximately 1.5 miles east of the project site in Heidorn Ranch Road. An off-site extension of the existing sewer line would be required to provide the proposed project with sewer service. All on-site and off-site sewer improvements would be constructed within the public right-of-way or within public utility easements within private roadways as needed.
 - **Stormwater Drainage and Detention.** Drainage improvements would include a combination of subsurface and surface drainage systems, including new pipe and channel conveyance systems, as well as culverts and/or pipelines in bridges over waterway crossings. The project would include the construction of storm drain pipes in the proposed Sand Creek Road extension, as well as other streets. All stormwater runoff within the proposed project site would be treated on-site by three proposed stormwater detention basins.

The development area north of Sand Creek would be split into two drainage sheds. Along the eastern boundary, approximately 30 acres would be collected into a detention basin located in the northeast corner of the project. This detention basin would treat all stormwater runoff and discharge to the existing 36-inch storm drain pipe in Wellness Way. The existing storm drain line in Wellness Way ultimately discharges to the Upper Sand Creek basin via a twin 84-inch storm drain pipe. The remaining development area north of Sand Creek would drain into a detention basin located between Sand Creek Road and Sand Creek. This detention basin would then discharge treated stormwater into Sand Creek through a new, engineered outfall into Sand Creek.

The development area south of Sand Creek would drain into a detention basin located at the eastern edge of the development south of Sand Creek. This detention basin would treat all stormwater runoff from the southern development area, and then discharge treated stormwater into Sand Creek through a new, engineered outfall into Sand Creek.

Each of the detention basins would provide detention, treatment, and hydromodification. In conjunction with the basins, the project design would incorporate head-of-pipe low impact development (LID) treatments within individual phases and neighborhoods to provide stormwater treatment on a small scale throughout the entire project. After passing through neighborhood LID facilities, drainage would be collected into a single pipe storm drain system and mix with non-treated stormwater, prior to being routed to the detention basins. In addition to upstream LID treatment of the stormwater, the bioretention component of the basin would be sized to treat all project drainage from developed sheds.

- **Electricity, Natural Gas, and Telecommunications.** Electricity to the project site would be provided by Pacific Gas and Electric (PG&E). All electricity infrastructure would be located underground and would tie-in to existing infrastructure located at the terminus of Dallas Ranch Road and an existing substation located approximately 0.5-mile south of the existing Hillcrest Avenue/Prewett Ranch Drive intersection. Natural gas service would also be provided by PG&E by way of a joint trench that would accommodate all of the gas facilities within the proposed project site. An existing 4- to 6-inch transmission main runs along Deer Valley Road, and another 4- to 6-inch transmission main runs down the middle of Dallas Ranch Road. Each of these mains would be extended into the proposed project site. Additionally, a 30-inch gas line that transects a portion of the project site will be abandoned and removed by PG&E.

The proposed project site is within the Comcast and AT&T service areas. Together, the two companies would provide voice and data communication services to all development in the site. Existing distribution lines would be extended to individual parcels within the project site as development occurs. All telecommunication lines would be underground and located within public utility easements.

Project Phasing

Buildout of the project would occur over the course of several years, as dictated by the economy and demand for new housing in the project area. The project would be constructed in three phases, with the infrastructure and amenities corresponding to new unit demands (see Exhibit 6). As shown in the exhibit, the project site would be built out starting from east to west and from north to south.

PROJECT ENTITLEMENTS AND APPROVALS:

Requested project entitlements are anticipated to include the following:

- **Large Lot Parcel Map.** This map would split the project site up into up to five parcels and identify the various phases of the project.
- **Tentative Map for Phase 1.** This map would identify individual lots in Phase 1 of the project.
- **Design Guidelines.** The design guidelines would supplement the proposed development standards and serve as a ministerial checklist for design review for future builders.
- **Resource Management Plan.** Pursuant to Section 4.4.6.7(t) of the City of Antioch General Plan, the applicant would prepare a Resource Management Plan for City approval.
- **Springing Development Agreement.** The proposed Development Agreement would spring into effect in the event the Development Agreement adopted by the Initiative is deemed void. The Development Agreement would assure the City that the proposed project would proceed to its completion in compliance with the plans submitted by the applicant, and assure the applicant of vested rights to develop the project.

The proposed project would require the following additional discretionary entitlements from the City of Antioch in the future:

- Small Lot Tentative Subdivision Map(s) for Phases 2 and 3; and
- Conditional Use Permit(s).

In addition to the aforementioned entitlements from the City of Antioch, the proposed project would require the following discretionary approvals and/or permits from the following State, federal, or local agencies, including but not limited to:

- Bay Area Air Quality Management District (BAAQMD)—Authority to Construct;
- Contra Costa County Water District (CCCWD)—provision of water supplies;
- California Department of Fish and Wildlife (CDFW)—Streambed Alteration Agreement (1602);
- State Water Resources Control Board (State Water Board)—General Construction Permit (402);
- Central Valley Regional Water Quality Control Board (RWQCB)—Water Quality Certification (401);
- United States Army Corps of Engineers (USACE)—Nationwide Permit (404); and
- United States Fish and Wildlife Service (USFWS)—Incidental Take Permit(s) (Section 7 or 10).

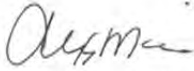
PROBABLE ENVIRONMENTAL EFFECTS:

The City has reviewed the proposed project application and has determined that an EIR should be prepared for the proposed project because it may have a significant effect on the environment. The City has concluded that the EIR should address potential project-related impacts to the resources identified below. Each resource area chapter will include a discussion of the existing setting, thresholds of significance, evaluation of potential impacts, and if necessary, feasible mitigation measures to reduce or eliminate potentially significant impacts to the applicable resource.

- Aesthetics
- Air Quality
- Biological Resources
- Cultural Tribal Cultural Resources
- Geology and Soils
- Greenhouse Gas Emissions and Energy
- Hazards, Hazardous Materials, and Wildfire
- Hydrology and Water Quality
- Land Use and Planning
- Noise
- Population and Housing
- Public Services
- Recreation
- Transportation
- Utilities and Services Systems

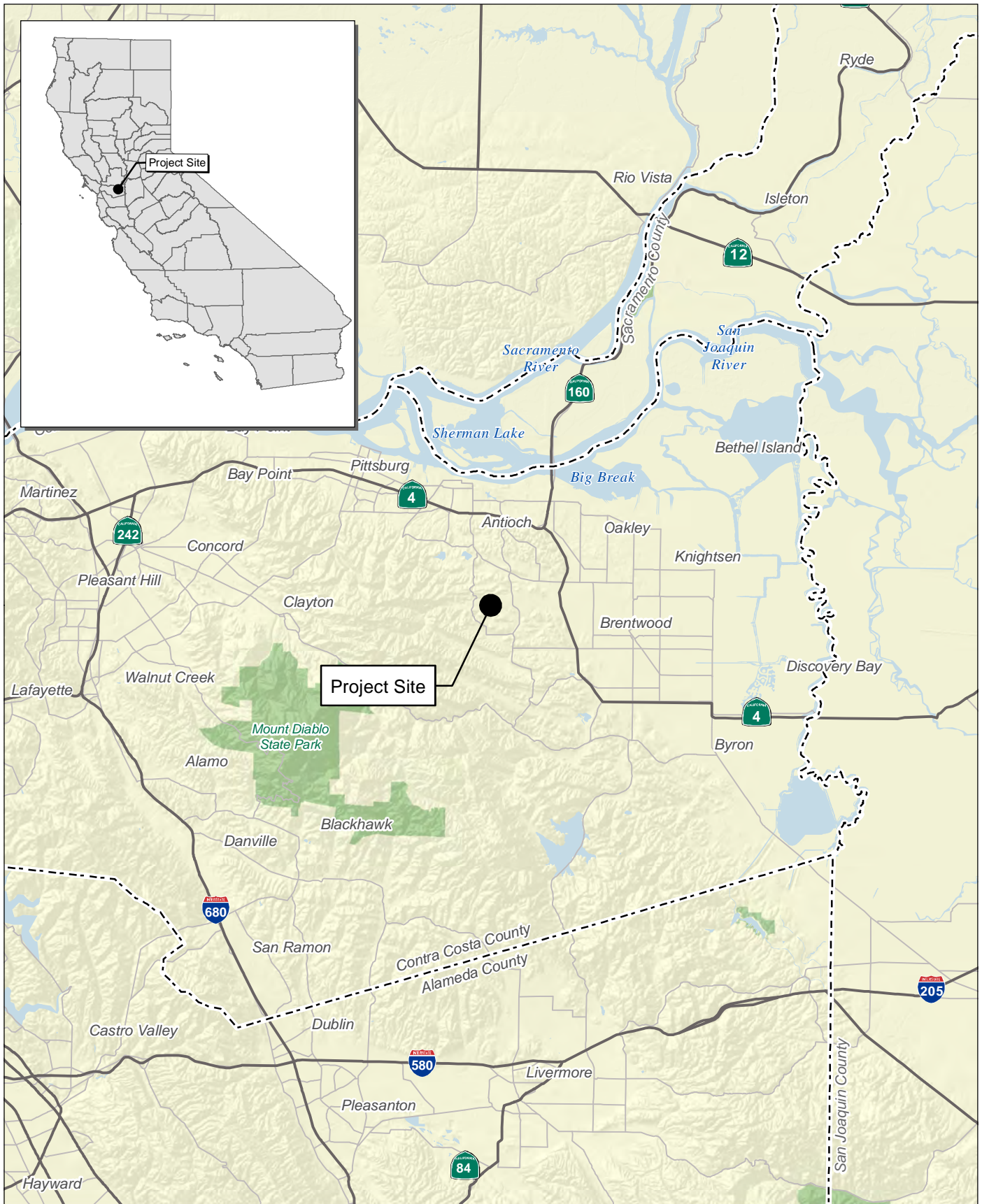
City of Antioch
The Ranch Residential Project
Notice of Preparation of a Draft Environmental Impact Report

- Statutorily Required Sections
- Alternatives Analysis



Alexis Morris
Planning Manager, City of Antioch

June 11, 2019
Date



Source: Census 2000 Data, The CaSIL

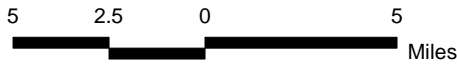
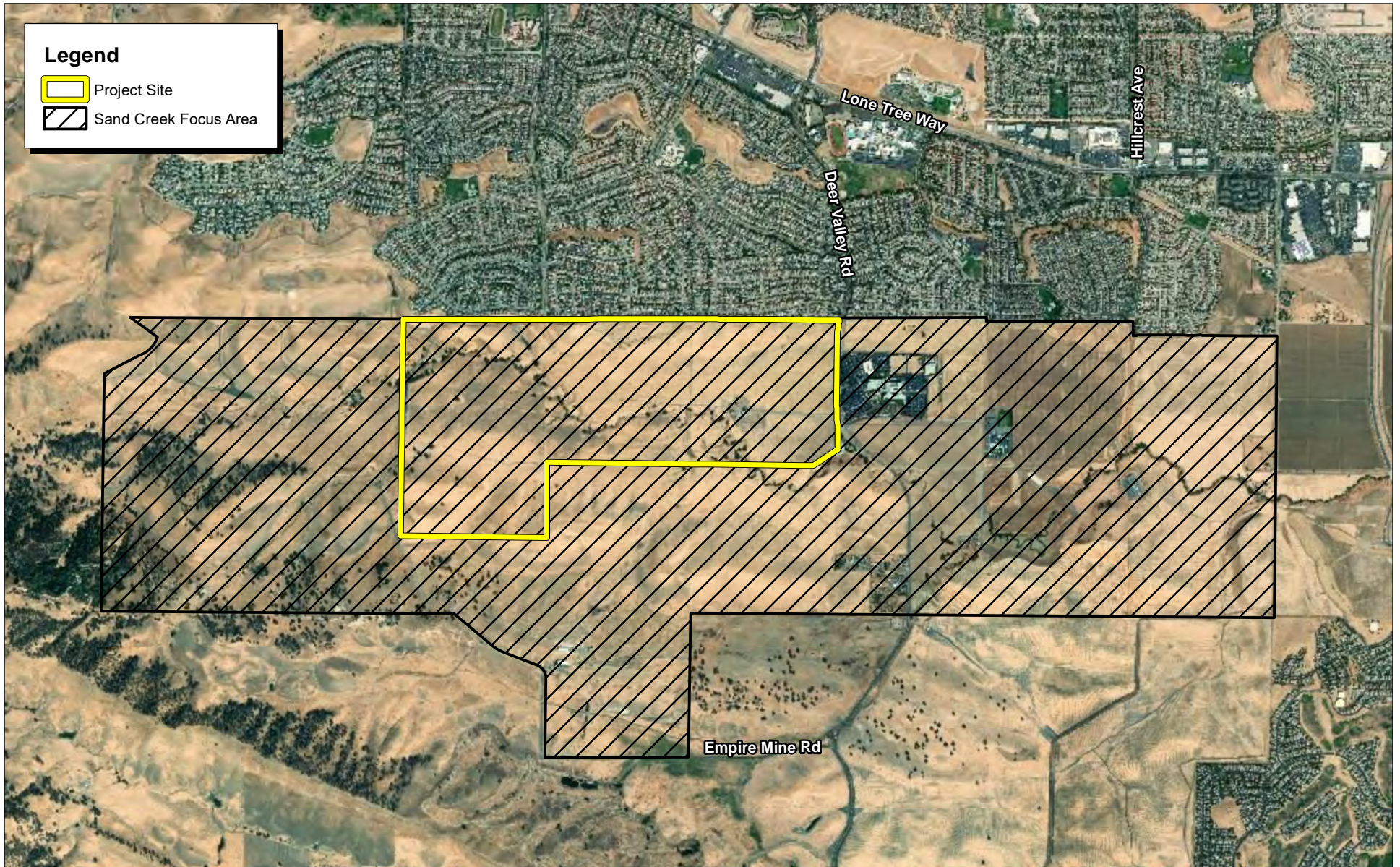


Exhibit 1 Regional Location Map



Source: ESRI Aerial Imagery.

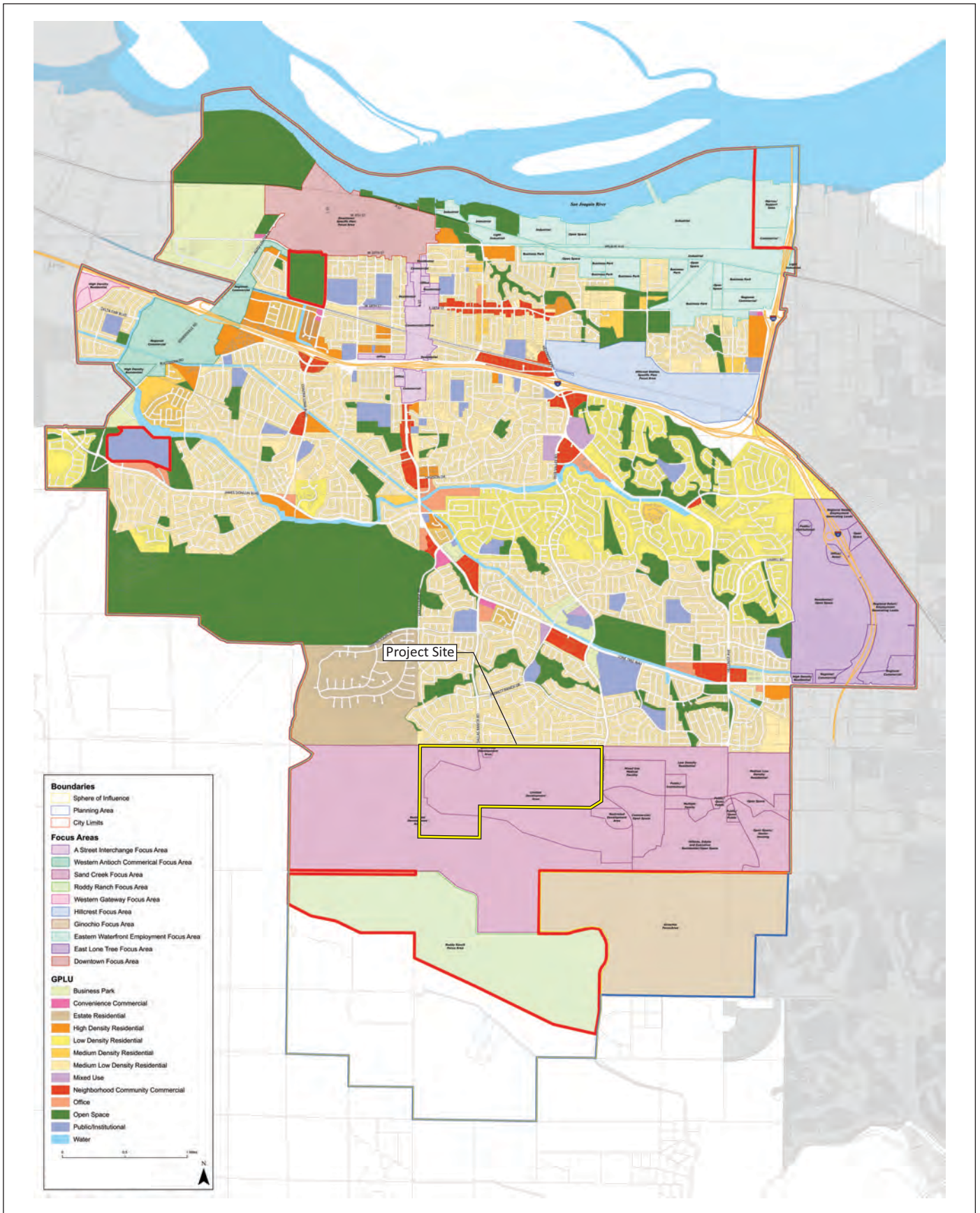


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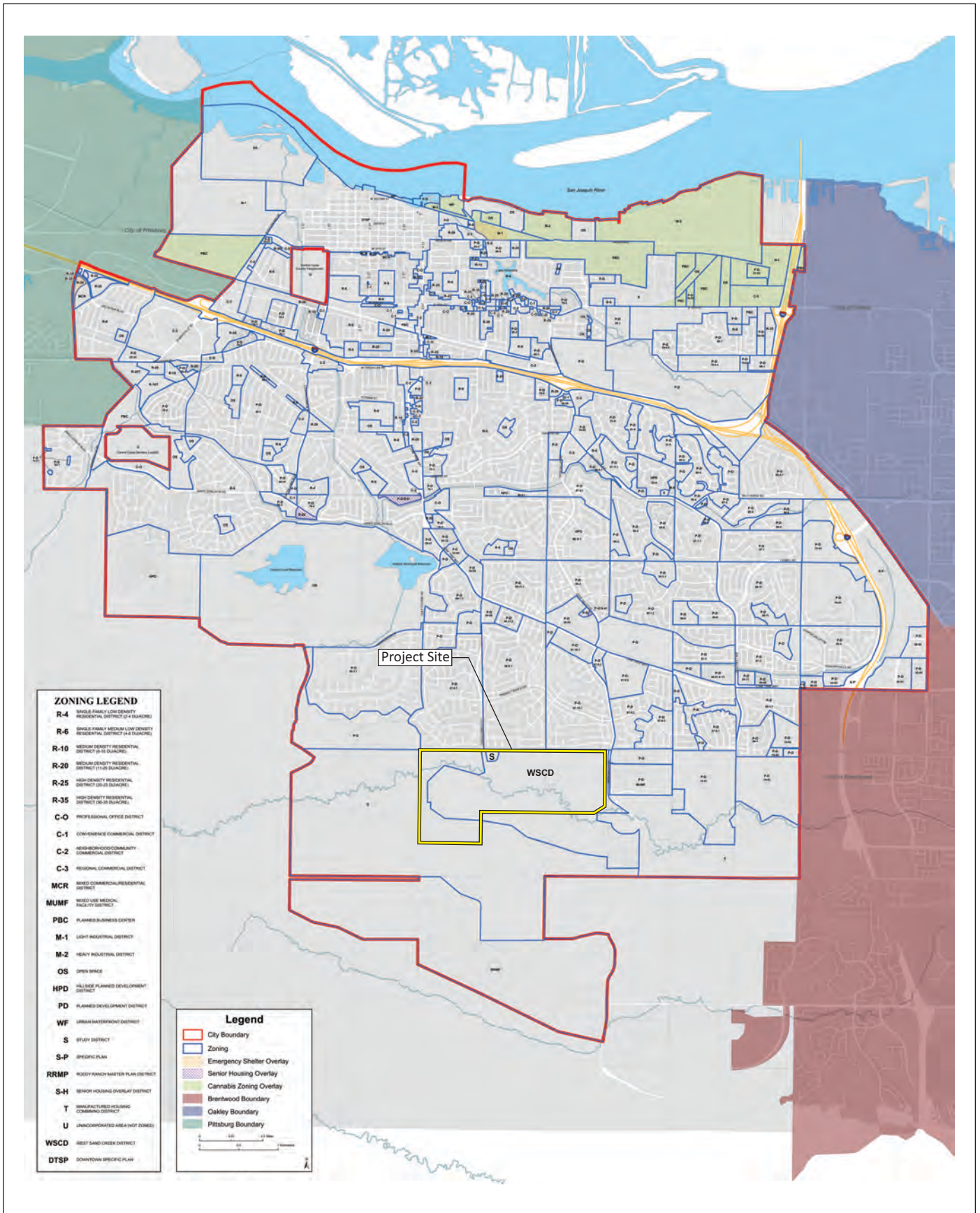
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Exhibit 2 Site Vicinity Map

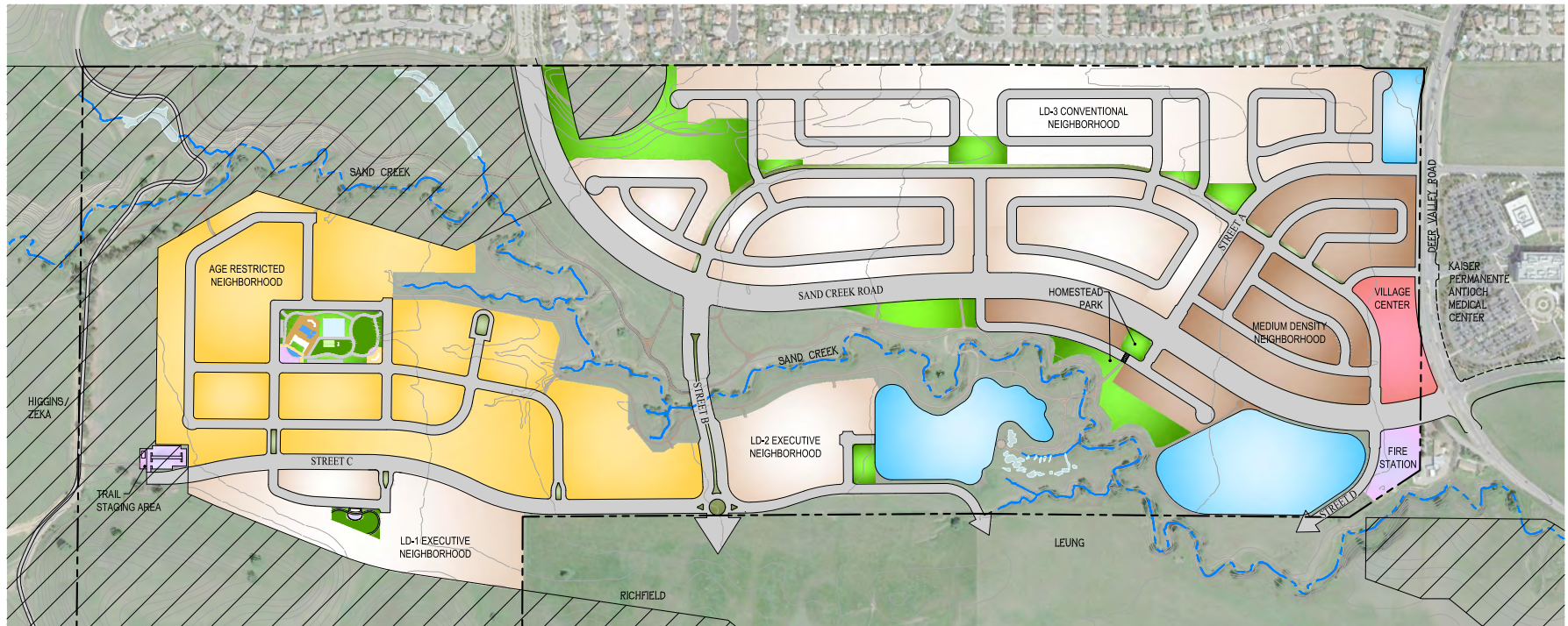
CITY OF ANTIOCH • THE RANCH RESIDENTIAL PROJECT
NOTICE OF PREPARATION



Source: City of Antioch, February 2019.



Source: City of Antioch, February 2019.



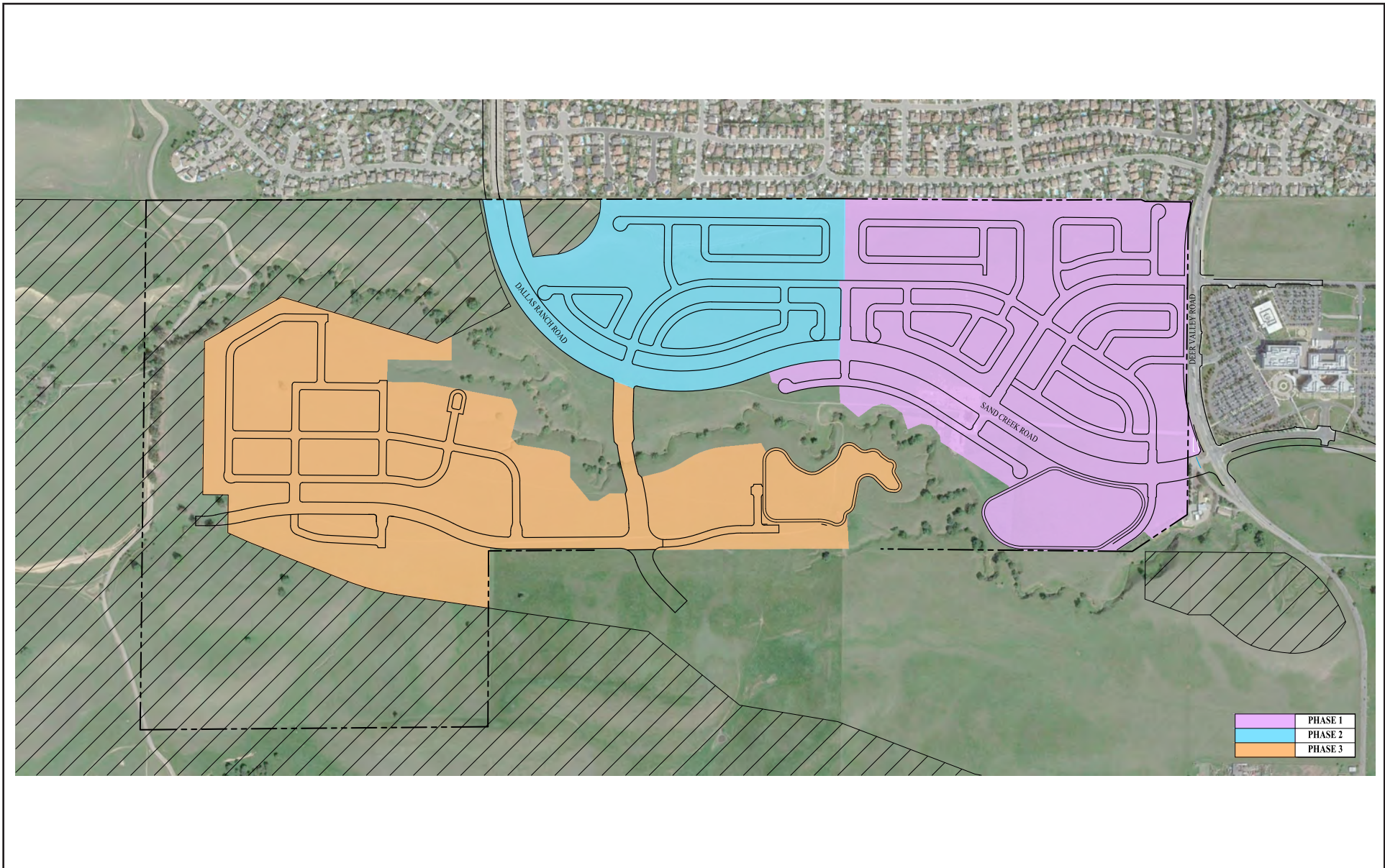
PRODUCT & AREA SUMMARY

TYPE	PRODUCT OR AREA TYPE	ACREAGE	% OVERALL	% RES ACREAGE	NET DENSITY (DU/AC)	AVERAGE LOT SIZE (SF)	TARGET # UNITS	% RES UNITS
<div style="border: 1px solid black; width: 15px; height: 10px; display: inline-block;"></div>	LOW DENSITY (LD)	140.5	25.5%	55.4%	3.9		543	42.7%
	- LD-1 EXECUTIVE	18.5	3.4%	7.3%	3.7	10,000	68	5.6%
	- LD-2 EXECUTIVE	78	14.3%	30.7%	3.6	7,000*	410	32.4%
	- LD-3 CONVENTIONAL	104	19.8%	41.0%	3.9		410	31.4%
<div style="background-color: #FFD700; width: 15px; height: 10px; display: inline-block;"></div>	AGE RESTRICTED (AR)	75	13.6%	29.6%	5.6	5,000	422	38.2%
<div style="background-color: #A52A2A; width: 15px; height: 10px; display: inline-block;"></div>	MEDIUM DENSITY (MD)	38	6.9%	15.0%	5.6	4,500	212	18.0%
RESIDENTIAL TOTAL		253.5	46.0%	100.0%	4.6		1,177	100.0%
<div style="background-color: #FF69B4; width: 15px; height: 10px; display: inline-block;"></div>	VILLAGE CENTER	5	0.9%					
<div style="background-color: #DDA0DD; width: 15px; height: 10px; display: inline-block;"></div>	PUBLIC USE (PO)	3	0.5%					
	- FIRE STATION (PG-F)	2	0.4%					
	- TRAIL STAGING AREA (PG-S)	1	0.2%					
<div style="background-color: #32CD32; width: 15px; height: 10px; display: inline-block;"></div>	PARKS (P)	20	3.6%					
<div style="background-color: #8BC34A; width: 15px; height: 10px; display: inline-block;"></div>	LANDSCAPE (L)	2.5	0.5%					
<div style="background-color: #81C784; width: 15px; height: 10px; display: inline-block;"></div>	OPEN SPACE (OS)	229.5	41.6%					
<div style="background-color: #BDBDBD; width: 15px; height: 10px; display: inline-block;"></div>	MAJOR ROADWAYS	38	6.9%					
TOTAL		551.5	100%					

*NOTE: A ROW OF MINIMUM 8,000 SF LOTS IS REQUIRED WHERE ABUTTING EXISTING SINGLE FAMILY DEVELOPMENT TO THE NORTH.
 AREA SUMMARY BASED ON THE RANCH AT ANTOCH DEVELOPMENT STANDARDS AND DESIGN GUIDELINES, ASCENT ENVIRONMENTAL, OCTOBER 2018

Source: CBG Civil Engineers, June 4, 2019.





Source: CBG Civil Engineers, April 11, 2019.





GAVIN NEWSOM
GOVERNOR

JARED BLUMENFELD
SECRETARY FOR
ENVIRONMENTAL PROTECTION

Central Valley Regional Water Quality Control Board

27 June 2019

RECEIVED

JUL 02 2019

Alexis Morris
City of Antioch
P.O. Box 5007
Antioch, CA 94531-5007

CITY OF ANTIOCH
COMMUNITY DEVELOPMENT

CERTIFIED MAIL
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COMMENTS TO REQUEST FOR REVIEW FOR THE NOTICE OF PREPARATION FOR THE DRAFT ENVIRONMENTAL IMPACT REPORT, RANCH RESIDENTIAL PROJECT, SCH#2019060012, CONTRA COSTA COUNTY

Pursuant to the State Clearinghouse's 11 June 2019 request, the Central Valley Regional Water Quality Control Board (Central Valley Water Board) has reviewed the *Request for Review for the Notice of Preparation for the Draft Environmental Impact Report* for the Ranch 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

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

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, 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/

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 Implementation Policy is available on page 74 at:

https://www.waterboards.ca.gov/centralvalley/water_issues/basin_plans/sacsjr_201805.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 (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

Phase I and II Municipal Separate Storm Sewer System (MS4) Permits¹

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/

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

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:

¹ 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.

http://www.waterboards.ca.gov/centralvalley/water_issues/storm_water/industrial_general_permits/index.shtml

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 (USACE). If a Section 404 permit is required by the USACE, 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 drainage realignment, the applicant is advised to contact the Department of Fish and Game for information on Streambed Alteration Permit requirements.

If you have any questions regarding the Clean Water Act Section 404 permits, please contact the Regulatory Division of the Sacramento District of USACE at (916) 557-5250.

Clean Water Act Section 401 Permit – Water Quality Certification

If an USACE permit (e.g., Non-Reporting Nationwide Permit, Nationwide Permit, Letter of Permission, Individual Permit, Regional General Permit, Programmatic General Permit), or any other federal permit (e.g., Section 10 of the Rivers and Harbors Act or Section 9 from the United States Coast Guard), is required for this project due to the disturbance of waters of the United States (such as streams and wetlands), then a Water Quality Certification must be obtained from the Central Valley Water Board prior to initiation of project activities. There are no waivers for 401 Water Quality Certifications.

For more information on the Water Quality Certification, visit the Central Valley Water Board website at:

https://www.waterboards.ca.gov/centralvalley/water_issues/water_quality_certification/

Waste Discharge Requirements – Discharges to Waters of the State

If USACE determines that only non-jurisdictional waters of the State (i.e., "non-federal" waters of the State) are present in the proposed project area, the proposed project may require a Waste Discharge Requirement (WDR) permit to be issued by Central Valley Water Board. Under the California Porter-Cologne Water Quality Control Act, discharges to all waters of the State, including all wetlands and other waters of the State including, but not limited to, isolated wetlands, are subject to State regulation.

For more information on the Waste Discharges to Surface Water NPDES Program and WDR processes, visit the Central Valley Water Board website at:

https://www.waterboards.ca.gov/centralvalley/water_issues/waste_to_surface_water/

Dewatering Permit

If the proposed project includes construction or groundwater dewatering to be discharged to land, the proponent may apply for coverage under State Water Board General Water Quality Order (Low Risk General Order) 2003-0003 or the Central Valley Water Board's Waiver of Report of Waste Discharge and Waste Discharge Requirements (Low Risk Waiver) R5-2013-0145. Small temporary construction dewatering projects are projects that discharge groundwater to land from excavation activities or dewatering of underground utility vaults. Dischargers seeking coverage under the General Order or Waiver must file a Notice of Intent with the Central Valley Water Board prior to beginning discharge.

For more information regarding the Low Risk General Order and the application process, visit the Central Valley Water Board website at:
http://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2003/wqo/wqo2003-0003.pdf

For more information regarding the Low Risk Waiver and the application process, visit the Central Valley Water Board website at:
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:
https://www.waterboards.ca.gov/centralvalley/water_issues/irrigated_lands/regulatory_information/for_growers/coalition_groups/ or contact water board staff at (916) 464-4611 or via email at 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 11-100 acres are currently \$1,277 + \$8.53/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.

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 *Limited Threat Discharges to Surface Water* (Limited Threat General Order). A complete Notice of Intent must be submitted to the Central Valley Water Board to obtain coverage under the Limited Threat General Order.

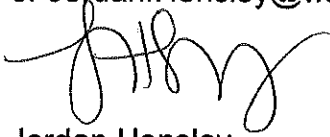
For more information regarding the Limited Threat General Order and the application process, visit the Central Valley Water Board website at:
https://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/general_orders/r5-2016-0076-01.pdf

NPDES Permit

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:
<https://www.waterboards.ca.gov/centralvalley/help/permit/>

If you have questions regarding these comments, please contact me at (916) 464-4812
or Jordan.Hensley@waterboards.ca.gov.

A handwritten signature in black ink, appearing to read 'JHensley', written in a cursive style.

Jordan Hensley
Environmental Scientist

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

NATIVE AMERICAN HERITAGE COMMISSION
Cultural and Environmental Department
1550 Harbor Blvd., Suite 100
West Sacramento, CA 95691 Phone (916) 373-3710
Email: nahc@nahc.ca.gov
Website: <http://www.nahc.ca.gov>
Twitter: @CA_NAHC

**RECEIVED**

JUL 08 2019

July 1, 2019

**CITY OF ANTIOCH
COMMUNITY DEVELOPMENT**

Alexis Morris
City of Antioch
P.O. Box 5007
Antioch, CA 94531-5007

RE: SCH# 2019060012 The Ranch Residential Project, Contra Costa County

Dear Ms. Morris:

The Native American Heritage Commission (NAHC) has received the Notice of Preparation (NOP), Draft Environmental Impact Report (DEIR) or Early Consultation for the project referenced above. The California Environmental Quality Act (CEQA) (Pub. Resources Code §21000 et seq.), specifically Public Resources Code §21084.1, states that a project that may cause a substantial adverse change in the significance of a historical resource, is a project that may have a significant effect on the environment. (Pub. Resources Code § 21084.1; Cal. Code Regs., tit.14, §15064.5 (b) (CEQA Guidelines §15064.5 (b)). If there is substantial evidence, in light of the whole record before a lead agency, that a project may have a significant effect on the environment, an Environmental Impact Report (EIR) shall be prepared. (Pub. Resources Code §21080 (d); Cal. Code Regs., tit. 14, § 5064 subd.(a)(1) (CEQA Guidelines §15064 (a)(1)). In order to determine whether a project will cause a substantial adverse change in the significance of a historical resource, a lead agency will need to determine whether there are historical resources within the area of potential effect (APE).

CEQA was amended significantly in 2014. Assembly Bill 52 (Gatto, Chapter 532, Statutes of 2014) (AB 52) amended CEQA to create a separate category of cultural resources, "tribal cultural resources" (Pub. Resources Code §21074) and provides that a project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource is a project that may have a significant effect on the environment. (Pub. Resources Code §21084.2). Public agencies shall, when feasible, avoid damaging effects to any tribal cultural resource. (Pub. Resources Code §21084.3 (a)). **AB 52 applies to any project for which a notice of preparation, a notice of negative declaration, or a mitigated negative declaration is filed on or after July 1, 2015.** If your project involves the adoption of or amendment to a general plan or a specific plan, or the designation or proposed designation of open space, on or after March 1, 2005, it may also be subject to Senate Bill 18 (Burton, Chapter 905, Statutes of 2004) (SB 18). **Both SB 18 and AB 52 have tribal consultation requirements.** If your project is also subject to the federal National Environmental Policy Act (42 U.S.C. § 4321 et seq.) (NEPA), the tribal consultation requirements of Section 106 of the National Historic Preservation Act of 1966 (154 U.S.C. 300101, 36 C.F.R. §800 et seq.) may also apply.

The NAHC recommends consultation with California Native American tribes that are traditionally and culturally affiliated with the geographic area of your proposed project as early as possible in order to avoid inadvertent discoveries of Native American human remains and best protect tribal cultural resources. Below is a brief summary of portions of AB 52 and SB 18 as well as the NAHC's recommendations for conducting cultural resources assessments.

Consult your legal counsel about compliance with AB 52 and SB 18 as well as compliance with any other applicable laws.

AB 52

AB 52 has added to CEQA the additional requirements listed below, along with many other requirements:

1. Fourteen Day Period to Provide Notice of Completion of an Application/Decision to Undertake a Project: Within fourteen (14) days of determining that an application for a project is complete or of a decision by a public agency to undertake a project, a lead agency shall provide formal notification to a designated contact of, or tribal representative of, traditionally and culturally affiliated California Native American tribes that have requested notice, to be accomplished by at least one written notice that includes:
 - a. A brief description of the project.
 - b. The lead agency contact information.
 - c. Notification that the California Native American tribe has 30 days to request consultation. (Pub. Resources Code §21080.3.1 (d)).
 - d. A "California Native American tribe" is defined as a Native American tribe located in California that is on the contact list maintained by the NAHC for the purposes of Chapter 905 of Statutes of 2004 (SB 18). (Pub. Resources Code §21073).
2. Begin Consultation Within 30 Days of Receiving a Tribe's Request for Consultation and Before Releasing a Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report: A lead agency shall begin the consultation process within 30 days of receiving a request for consultation from a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project. (Pub. Resources Code §21080.3.1, subs. (d) and (e)) and prior to the release of a negative declaration, mitigated negative declaration or Environmental Impact Report. (Pub. Resources Code §21080.3.1(b)).
 - a. For purposes of AB 52, "consultation shall have the same meaning as provided in Gov. Code §65352.4 (SB 18). (Pub. Resources Code §21080.3.1 (b)).
3. Mandatory Topics of Consultation If Requested by a Tribe: The following topics of consultation, if a tribe requests to discuss them, are mandatory topics of consultation:
 - a. Alternatives to the project.
 - b. Recommended mitigation measures.
 - c. Significant effects. (Pub. Resources Code §21080.3.2 (a)).
4. Discretionary Topics of Consultation: The following topics are discretionary topics of consultation:
 - a. Type of environmental review necessary.
 - b. Significance of the tribal cultural resources.
 - c. Significance of the project's impacts on tribal cultural resources.
 - d. If necessary, project alternatives or appropriate measures for preservation or mitigation that the tribe may recommend to the lead agency. (Pub. Resources Code §21080.3.2 (a)).
5. Confidentiality of Information Submitted by a Tribe During the Environmental Review Process: With some exceptions, any information, including but not limited to, the location, description, and use of tribal cultural resources submitted by a California Native American tribe during the environmental review process shall not be included in the environmental document or otherwise disclosed by the lead agency or any other public agency to the public, consistent with Government Code §6254 (r) and §6254.10. Any information submitted by a California Native American tribe during the consultation or environmental review process shall be published in a confidential appendix to the environmental document unless the tribe that provided the information consents, in writing, to the disclosure of some or all of the information to the public. (Pub. Resources Code §21082.3 (c)(1)).
6. Discussion of Impacts to Tribal Cultural Resources in the Environmental Document: If a project may have a significant impact on a tribal cultural resource, the lead agency's environmental document shall discuss both of the following:
 - a. Whether the proposed project has a significant impact on an identified tribal cultural resource.
 - b. Whether feasible alternatives or mitigation measures, including those measures that may be agreed to pursuant to Public Resources Code §21082.3, subdivision (a), avoid or substantially lessen the impact on the identified tribal cultural resource. (Pub. Resources Code §21082.3 (b)).

7. Conclusion of Consultation: Consultation with a tribe shall be considered concluded when either of the following occurs:
 - a. The parties agree to measures to mitigate or avoid a significant effect, if a significant effect exists, on a tribal cultural resource; or
 - b. A party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached. (Pub. Resources Code §21080.3.2 (b)).

8. Recommending Mitigation Measures Agreed Upon in Consultation in the Environmental Document: Any mitigation measures agreed upon in the consultation conducted pursuant to Public Resources Code §21080.3.2 shall be recommended for inclusion in the environmental document and in an adopted mitigation monitoring and reporting program, if determined to avoid or lessen the impact pursuant to Public Resources Code §21082.3, subdivision (b), paragraph 2, and shall be fully enforceable. (Pub. Resources Code §21082.3 (a)).

9. Required Consideration of Feasible Mitigation: If mitigation measures recommended by the staff of the lead agency as a result of the consultation process are not included in the environmental document or if there are no agreed upon mitigation measures at the conclusion of consultation, or if consultation does not occur, and if substantial evidence demonstrates that a project will cause a significant effect to a tribal cultural resource, the lead agency shall consider feasible mitigation pursuant to Public Resources Code §21084.3 (b). (Pub. Resources Code §21082.3 (e)).

10. Examples of Mitigation Measures That, If Feasible, May Be Considered to Avoid or Minimize Significant Adverse Impacts to Tribal Cultural Resources:
 - a. Avoidance and preservation of the resources in place, including, but not limited to:
 - i. Planning and construction to avoid the resources and protect the cultural and natural context.
 - ii. Planning greenspace, parks, or other open space, to incorporate the resources with culturally appropriate protection and management criteria.
 - b. Treating the resource with culturally appropriate dignity, taking into account the tribal cultural values and meaning of the resource, including, but not limited to, the following:
 - i. Protecting the cultural character and integrity of the resource.
 - ii. Protecting the traditional use of the resource.
 - iii. Protecting the confidentiality of the resource.
 - c. 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.
 - d. Protecting the resource. (Pub. Resource Code §21084.3 (b)).
 - e. Please note that a federally recognized California Native American tribe or a non-federally recognized California Native American tribe that is on the contact list maintained by the NAHC to protect a California prehistoric, archaeological, cultural, spiritual, or ceremonial place may acquire and hold conservation easements if the conservation easement is voluntarily conveyed. (Civ. Code §815.3 (c)).
 - f. Please note that it is the policy of the state that Native American remains and associated grave artifacts shall be repatriated. (Pub. Resources Code §5097.991).

11. Prerequisites for Certifying an Environmental Impact Report or Adopting a Mitigated Negative Declaration or Negative Declaration with a Significant Impact on an Identified Tribal Cultural Resource: An Environmental Impact Report may not be certified, nor may a mitigated negative declaration or a negative declaration be adopted unless one of the following occurs:
 - a. The consultation process between the tribes and the lead agency has occurred as provided in Public Resources Code §21080.3.1 and §21080.3.2 and concluded pursuant to Public Resources Code §21080.3.2.
 - b. The tribe that requested consultation failed to provide comments to the lead agency or otherwise failed to engage in the consultation process.
 - c. The lead agency provided notice of the project to the tribe in compliance with Public Resources Code §21080.3.1 (d) and the tribe failed to request consultation within 30 days. (Pub. Resources Code §21082.3 (d)).

The NAHC's PowerPoint presentation titled, "Tribal Consultation Under AB 52: Requirements and Best Practices" may be found online at: http://nahc.ca.gov/wp-content/uploads/2015/10/AB52TribalConsultation_CalEPAPDF.pdf

SB 18

SB 18 applies to local governments and requires local governments to contact, provide notice to, refer plans to, and consult with tribes prior to the adoption or amendment of a general plan or a specific plan, or the designation of open space. (Gov. Code §65352.3). Local governments should consult the Governor's Office of Planning and Research's "Tribal Consultation Guidelines," which can be found online at: https://www.opr.ca.gov/docs/09_14_05_Updated_Guidelines_922.pdf

Some of SB 18's provisions include:

1. **Tribal Consultation:** If a local government considers a proposal to adopt or amend a general plan or a specific plan, or to designate open space it is required to contact the appropriate tribes identified by the NAHC by requesting a "Tribal Consultation List." If a tribe, once contacted, requests consultation the local government must consult with the tribe on the plan proposal. **A tribe has 90 days from the date of receipt of notification to request consultation unless a shorter timeframe has been agreed to by the tribe.** (Gov. Code §65352.3 (a)(2)).
2. **No Statutory Time Limit on SB 18 Tribal Consultation.** There is no statutory time limit on SB 18 tribal consultation.
3. **Confidentiality:** Consistent with the guidelines developed and adopted by the Office of Planning and Research pursuant to Gov. Code §65040.2, the city or county shall protect the confidentiality of the information concerning the specific identity, location, character, and use of places, features and objects described in Public Resources Code §5097.9 and §5097.993 that are within the city's or county's jurisdiction. (Gov. Code §65352.3 (b)).
4. **Conclusion of SB 18 Tribal Consultation:** Consultation should be concluded at the point in which:
 - a. The parties to the consultation come to a mutual agreement concerning the appropriate measures for preservation or mitigation; or
 - b. Either the local government or the tribe, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached concerning the appropriate measures of preservation or mitigation. (Tribal Consultation Guidelines, Governor's Office of Planning and Research (2005) at p. 18).

Agencies should be aware that neither AB 52 nor SB 18 precludes agencies from initiating tribal consultation with tribes that are traditionally and culturally affiliated with their jurisdictions before the timeframes provided in AB 52 and SB 18. For that reason, we urge you to continue to request Native American Tribal Contact Lists and "Sacred Lands File" searches from the NAHC. The request forms can be found online at: <http://nahc.ca.gov/resources/forms/>

NAHC Recommendations for Cultural Resources Assessments

To adequately assess the existence and significance of tribal cultural resources and plan for avoidance, preservation in place, or barring both, mitigation of project-related impacts to tribal cultural resources, the NAHC recommends the following actions:

1. Contact the appropriate regional California Historical Research Information System (CHRIS) Center (http://ohp.parks.ca.gov/?page_id=1068) for an archaeological records search. The records search will determine:
 - a. If part or all of the APE has been previously surveyed for cultural resources.
 - b. If any known cultural resources have already been recorded on or adjacent to the APE.
 - c. If the probability is low, moderate, or high that cultural resources are located in the APE.
 - d. If a survey is required to determine whether previously unrecorded cultural resources are present.
2. If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
 - a. The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. 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.
 - b. The final written report should be submitted within 3 months after work has been completed to the appropriate regional CHRIS center.

3. Contact the NAHC for:
 - a. A Sacred Lands File search. Remember that tribes do not always record their sacred sites in the Sacred Lands File, nor are they required to do so. A Sacred Lands File search is not a substitute for consultation with tribes that are traditionally and culturally affiliated with the geographic area of the project's APE.
 - b. A Native American Tribal Consultation List of appropriate tribes for consultation concerning the project site and to assist in planning for avoidance, preservation in place, or, failing both, mitigation measures.
4. Remember that the lack of surface evidence of archaeological resources (including tribal cultural resources) does not preclude their subsurface existence.
 - a. Lead agencies should include in their mitigation and monitoring reporting program plan provisions for the identification and evaluation of inadvertently discovered archaeological resources per Cal. Code Regs., tit. 14, §15064.5(f) (CEQA Guidelines §15064.5(f)). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American with knowledge of cultural resources should monitor all ground-disturbing activities.
 - b. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the disposition of recovered cultural items that are not burial associated in consultation with culturally affiliated Native Americans.
 - c. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the treatment and disposition of inadvertently discovered Native American human remains. Health and Safety Code §7050.5, Public Resources Code §5097.98, and Cal. Code Regs., tit. 14, §15064.5, subdivisions (d) and (e) (CEQA Guidelines §15064.5, subs. (d) and (e)) address the processes to be followed in the event of an inadvertent discovery of any Native American human remains and associated grave goods in a location other than a dedicated cemetery.

If you have any questions or need additional information, please contact me at my email

address: Gayle.Totton@nahc.ca.gov.

Sincerely,



for

Gayle Totton

Associate Governmental Program Analyst

cc: State Clearinghouse

DEPARTMENT OF TRANSPORTATION

DISTRICT 4
OFFICE OF TRANSIT AND COMMUNITY PLANNING
P.O. BOX 23660, MS-10D
OAKLAND, CA 94623-0660
PHONE (510) 286-5528
www.dot.ca.gov



Making Conservation
a California Way of Life.

July 8, 2019

SCH # 2019060012
GTS# 04-CC-2017-00350
GTS ID: 7461
PM: CC-4-33.584

Alexis Morris, Planning Manager
Community Development Department
City of Antioch
P.O. Box 5007
Antioch, CA 94531-5007

The Ranch Residential Project-Notice of Preparation (NOP)

Dear Alexis Morris:

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the above-referenced project. In tandem with the Metropolitan Transportation Commission's (MTC) Regional Transportation Plan (RTP)/Sustainable Communities Strategy (SCS), Caltrans mission signals a modernization of our approach to evaluating and mitigating impacts to the State Transportation Network (STN). Caltrans' *Strategic Management Plan 2015-2020* aims to reduce Vehicle Miles Travelled (VMT) by 2020. Our comments are based on the June 11, 2019 NOP.

Project Understanding

The proposed project consists of a residential development on 551.5 acres of primarily undeveloped land, including multiple single-family residential neighborhoods, various public facilities and amenities, which also includes circulation and access improvements, as well as associated infrastructure improvements to serve the proposed planned community. The proposed project includes two scenarios: Multi-Generational Plan and a Traditional Plan. The Multi-Generational Plan would include a wide range of housing, including active adult housing, while the Traditional Plan would include only all-ages housing, and would not include active adult housing. The proposed project will develop 1177 new residential units.

Under the Multi-Generational Plan, the proposed project would generate approximately 11,830 daily vehicle trips, including approximately 770 morning

peak hour and 1,150 evening peak hour trips. Under the Traditional Plan, the project would generate approximately 13,130 daily vehicle trips, including approximately 910 morning peak hour and 1,340 evening peak hour trips.

Regional access is located 2.3 miles East at State Route (SR)-4 and Lone Tree Way interchange, and 3.5 miles North at the SR-4 and Deer Valley Road interchange.

Travel Demand Analysis

Please submit a travel demand analysis that provides VMT analysis resulting from the proposed project. With the enactment of Senate Bill (SB) 743, Caltrans is focusing on transportation infrastructure that supports smart growth and efficient development to ensure alignment with State policies using efficient development patterns, innovative travel demand reduction strategies, multimodal improvements, and VMT as the primary transportation impact metric. Please ensure that the travel demand analysis includes:

- A vicinity map, regional location map, and site plan clearly showing project access in relation to the STN. Ingress and egress for all project components should be clearly identified. Clearly identify the State right-of-way (ROW). Project driveways, local roads and intersections, car/bike parking, and transit facilities should be mapped.
- A VMT analysis pursuant to the City's guidelines or, if the City has no guidelines, the Office of Planning and Research's Draft Guidelines. Projects that result in automobile VMT per capita greater than 15% below existing (i.e. baseline) city-wide or regional values for similar land use types may indicate a significant impact. If necessary, mitigation for increasing VMT should be identified. Mitigation should support the use of transit and active transportation modes. Potential mitigation measures that include the requirements of other agencies such as Caltrans are fully enforceable through permit conditions, agreements, or other legally-binding instruments under the control of the City.
- A schematic illustration of walking, biking and auto conditions at the project site and study area roadways. Potential safety issues for all road users should be identified and fully mitigated.
- The project's primary and secondary effects on pedestrians, bicycles, disabled travelers and transit performance should be evaluated, including countermeasures and trade-offs resulting from mitigating VMT increases. Access to pedestrians, bicycle, and transit facilities must be maintained.

- Analysis of the impacts of transportation network companies (TNCs) such as Uber and Lyft on VMT, and ways to mitigate these impacts.
- Clarification of the intensity of events/receptions to be held at the hotel and how the associated travel demand and VMT will be mitigated.

With respect to the local and regional roadway system, provide project related trip generation, distribution, and assignment estimates. To ensure that queue formation does not create traffic conflicts, the project-generated trips should be added to the existing and future scenario traffic volumes for the intersections and freeway ramps listed below. Potential queuing issues should be evaluated including on-ramp storage capacity and analysis of freeway segments near the project; turning movements should also be evaluated. In conducting these evaluations, it is necessary to use demand volumes rather than output volumes or constrained flow volume.

- SR-4 and North Lone Tree Way interchange
- SR-4 and East Lone Tree Way interchange
- SR-4 and Deer Valley Road interchange
- Future SR-4 and Sand Creek Road interchange

Multimodal Planning

To improve multi-modal access, thereby mitigating VMT, consider making all bicycle facilities constructed for this project, including bike lanes on the extension of Sand Creek Road low-level traffic stress bicycle facilities. This could include buffered Class II or Class IV bike lanes on Sand Creek Road. In addition, please also clarify how this project will impact need for transit/para-transit services in this area, and how those needs will be addressed.

The project should be conditioned to complete the new proposed low-stressed bikeway or contribute fair share traffic impact fees towards the completion of a low-stress bikeway within the project study area to ensure connection to Deer Valley Road and Sand Creek Road. Please clarify how pedestrians and bicyclists will be accommodated with the proposed roundabout at Sand Creek and Deer Valley Road.

Vehicle Trip Reduction

From Caltrans' *Smart Mobility 2010: A Call to Action for the New Decade*, the project site is identified as **Place Type 4d: Suburban Communities (Neighborhoods)** where location efficiency factors, such as community design, are weak and regional accessibility varies. Given the place type and size of the project, it should include a robust Transportation Demand Management (TDM)

Program to reduce VMT and greenhouse gas emissions. Such measures are critical to facilitating efficient site access. The measures listed below will promote smart mobility and reduce regional VMT.

- Project design to encourage walking, bicycling and transit access;
- Transit and trip planning resources such as a commute information kiosk;
- Real-time transit information system;
- Transit subsidies on an ongoing basis;
- Ten percent vehicle parking reductions;
- Charging stations and designated parking spaces for electric vehicles;
- Carpool and clean-fuel parking spaces;
- Designated parking spaces for a car share program;
- Unbundled parking;
- Emergency Ride Home program;
- Employee transportation coordinator;
- Secured bicycle storage facilities;
- Fix-it bicycle repair station(s);
- Bicycle route mapping resources;
- Participation/Formation in/of a Transportation Management Association (TMA) in partnership with other developments in the area; and
- Aggressive trip reduction targets with Lead Agency monitoring and enforcement.

Transportation Demand Management programs should be documented with annual monitoring reports by an onsite TDM coordinator to demonstrate effectiveness. If the project does not achieve the VMT reduction goals, the reports should also include next steps to take in order to achieve those targets. Also, reducing parking supply can encourage active forms of transportation, reduce regional VMT, and lessen future transportation impacts on State facilities. These smart growth approaches are consistent with the MTC's Regional Transportation Plan/SCS goals and would meet Caltrans Strategic Management Plan sustainability goals.

For additional TDM options, please refer to the Federal Highway Administration's *Integrating Demand Management into the Transportation Planning Process: A Desk Reference* (Chapter 8). The reference is available online at: <http://www.ops.fhwa.dot.gov/publications/fhwahop12035/fhwahop12035.pdf>.

Hydraulics

Please provide a hydrology report that examines the Sand Creek watershed which passes under Sand Creek Bridge on SR-4. Runoff flow volumes, peaks and

Alexis Morris, Planning Manager

July 8, 2019

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durations for 2, 5, 10, 25, 50 and 100-year rainfall events should not exceed the pre-project conditions.

Lead Agency

As the Lead Agency, the City of Antioch is responsible for all project mitigation, including any needed improvements to the STN. The project's financing, scheduling, implementation responsibilities and monitoring should be fully discussed for all proposed mitigation measures, prior to the submittal of an encroachment permit. Potential mitigation measures that include the requirements of other agencies—such as Caltrans—are fully enforceable through permit conditions, agreements, or other legally-binding instruments under the control of the Lead Agency.

Should you have any questions regarding this letter, please contact Mark Leong at 510-622-1644 or mark.leong@dot.ca.gov.

Sincerely,



for

WAHIDA RASHID
Acting District Branch Chief
Local Development - Intergovernmental Review

c: State Clearinghouse



Via Electronic Mail

July 10, 2019

City of Antioch
Community Development Department
Alexis Morris
Planning Manager
P.O. Box 5007
Antioch, CA 94531-5007
amorris@ci.antioch.ca.us

Re: Earthjustice Comments on the Notice of Preparation of a Draft Environmental Impact Report for the Ranch Residential Development Project

Earthjustice appreciates the opportunity to comment on the Notice of Preparation of a Draft Environmental Impact Report (“DEIR”) for the Ranch Residential Development Project (“Project”), which contemplates the development of up to 1,177 dwelling units, as well as a Village Center and extensive parks and open space. Our initial comments focus on the importance of incorporating building electrification requirements into the Project. The transition from gas to electric buildings is critical to reaching a zero emissions future and will not occur at the scale or timing needed absent decisive City leadership. Consistent with California Environmental Quality Act (“CEQA”) requirements to adopt all feasible mitigation to reduce significant greenhouse gas (“GHG”), energy and utility impacts, building electrification is essential mitigation to reduce Project impacts and take meaningful action to address the climate crisis. Building electrification will also provide economic, safety, and air quality benefits for the City. We therefore urge the City to require all-electric construction as feasible mitigation in the DEIR for the Project.

I. The Project Will Have Significant GHG Impacts.

CEQA requires a DEIR identify all the significant impacts of a proposed project, including from the project’s GHG emissions.¹ To determine the significance of the Plan’s GHG impacts, the City should apply a net-zero emissions threshold. A net-zero threshold is also consistent with the severity of the climate crisis and the recognition that any increase in GHG emissions exacerbates the cumulative impacts of climate.

In determining the significance of project impacts, the City “must ensure that CEQA analysis stays in step with evolving scientific knowledge and state regulatory schemes.” *Cleveland National Forest Foundation v. San Diego Assn. of Gov’ts* (2017) 3 Cal.5th 497, 519. Non-zero numeric thresholds, such as the 1,100 MT GHG significance threshold proposed by the Bay Area Air Quality Management District (“BAAQMD”) in 2009 are unlikely to survive legal

¹ Pub. Res. Code § 21083.05; CEQA Guidelines § 15064.4.

scrutiny. The BAAQMD numeric threshold was derived from Assembly Bill (“AB”) 32’s 2020 GHG reduction targets and does not reflect Senate Bill 32’s requirement to reduce GHGs to 40 percent below 1990 levels by 2030 or our increased understanding of the severity of climate impacts California is and will experience.² While useful when first recommended ten years ago, it has not kept in step with scientific knowledge and regulatory developments and is no longer supported by substantial evidence.

Alternative approaches to determining the significance of Project GHG impacts, such as using a comparison against “business-as-usual” emissions or a per capita emissions metric, may not withstand legal scrutiny and should not be used to evaluate the Project’s emissions in the DEIR. In *Center for Biological Diversity v. Cal. Dept of Fish & Wildlife* (2015) 62 Cal.4th 204, the California Supreme Court held that determining the significance of project GHG impacts by comparing project emissions with emissions under a business-as-usual scenario derived from statewide emissions reduction goals under AB 32 lacked substantial evidence. For similar reasons, use of statewide per capita emissions metrics to determine the significance of project emissions has also been rejected for the purpose of determining project GHG impacts under CEQA. As the court held in *Golden Door Properties LLC*, because “using a statewide criterion requires substantial evidence and reasoned explanation to close the analytical gap left by the assumption that the ‘level of effort required in one [statewide] context . . . will suffice in the other, a specific land use development.’” *Golden Door Properties LLC v. County of San Diego* (2018) 27 Cal.App.5th 892, 904 (quoting *Center for Biological Diversity*, 62 Cal.4th at 227). While use of a statewide per capita metric to determine the significance of GHG impacts may be useful for a General Plan, which examines collective community emissions of existing and proposed new development, it is not appropriate for projects that only govern new development. Accordingly, the City should apply a net-zero emissions GHG threshold to ensure a legally defensible EIR. Because the Project will result in an increase in GHG emissions, the City should consider its GHG impacts significant.

II. The Project Will Have Significant Energy Impacts if it Requires Gas Connections.

An EIR must also evaluate project energy use to avoid “wasteful, inefficient, or unnecessary use of energy, or wasteful use of energy resources.”³ The failure to evaluate a project’s energy impacts renders an EIR inadequate.⁴ Notably, an energy impact analysis demands more than mere compliance with Title 24 Building Standards and implementation of GHG mitigation measures.⁵ Among its provisions, Appendix F of the CEQA Guidelines specifies that a project should include “total energy requirements of the project by fuel type and end use.”⁶ Accordingly, the DEIR should quantify the project’s expected energy consumption

² See BAAQMD, *CEQA Guidelines Update, Proposed Thresholds of Significance* at 10-22 (Dec 7, 2009), <http://www.baaqmd.gov/~media/files/planning-and-research/ceqa/proposed-thresholds-of-significance-dec-7-09.pdf?la=en> (explaining methodology for project-level GHG threshold).

³ CEQA Guidelines § 15126.2(b).

⁴ See *Ukiah Citizens for Safety First v. City of Ukiah*, 248 Cal.App.4th 256 (2016); see also *California Clean Energy Committee v. City of Woodland*, 225 Cal.App.4th 173 (2014).

⁵ See CEQA Guidelines, Appendix F, Sec. II; see also *Ukiah Citizens* 248 at 264; see also *California Clean Energy Committee* 225 at 207, fn. 6.

⁶ CEQA Guidelines, Appendix F, Sec. II.

by fuel type, keeping in mind that a key purpose of this evaluation is “decreasing reliance on fossil fuels, such as coal, natural gas and oil.”⁷

Another goal of the energy impacts analysis is to “increas[e] reliance on renewable energy resources” and to “avoid[] or reduc[e] inefficient, wasteful and unnecessary consumption of energy.”⁸ Building electrification achieves both of these goals. First, all-electric homes allow project energy needs to be supplied entirely by an increasingly renewable and decarbonized grid, which under SB 100, will be carbon-free by 2045. In contrast, gas appliances maintain reliance on fossil fuels. Second, electric heat pump are two to over four times more efficient than gas appliances.⁹ Indeed, as the California Energy Commission has concluded, “electrification of space and water heating with highly efficient technologies...will be key to reducing emissions from buildings.”¹⁰ The high efficiency of advanced electric appliances mean that electrification will reduce Project emissions *today*, and the climate benefits of electrification will only improve as the grid gets cleaner. Accordingly, the DEIR should evaluate use of high performing electric technologies in the market today to replace all gas appliances in the Project’s residential and commercial buildings, including heat pump water heaters, heat pump space heaters, heat pump clothes dryers, induction stoves, and convection ovens.

Use of renewable natural gas is also not a meaningful substitute for building electrification. Additionally, building electrification is both feasible and more efficient than natural gas. A study conducted by Energy and Environmental Economics, Inc. (“E3”) determined through testing 10 different scenarios that the scenario with high electrification of buildings has both low cost and low technology risk compared to alternatives, one of those alternatives being renewable natural gas.¹¹ The study also concluded that even with extensive natural gas efficiency in buildings, without substantial building electrification, California would be forced to import “out-of-state, zero-carbon, sustainable biofuels, hydrogen fuel or climate-neutral synthetic methane to meet its long-term climate goals.”¹² With building electrification enabling increased efficiency, use of renewable resources, and avoiding new fossil fuel commitments, reliance on gas as an energy source for the Project source should be considered a significant energy impact.

III. The Project Will Have Significant Utility Impacts if it Requires Gas Connections.

Recent updates to the CEQA Guidelines added language regarding a project’s utility impacts.¹³ This new language added to the Utilities and Service Systems section now directs agencies to assess whether electric power and/or natural gas use will have significant

⁷ CEQA Guidelines, Appendix F, Sec. I.

⁸ *Id.*

⁹ United States Department of Energy, Heat Pump Systems | Department Of Energy, 2018. Energy.Gov. Accessed May 10 2018. <https://www.energy.gov/energysaver/heat-and-cool/heat-pump-systems>.

¹⁰ California Energy Commission, 2018 Integrated Energy Policy Report, Pub. No. CEC 100-2018-001-V2-CMF, Feb. 2019 at 22.

¹¹ California Energy Commission, *Deep Decarbonization in a High Renewables Future*, Pub. No. CEC-500-2018-012, June 2018 at iii.

¹² California Energy Commission, *Deep Decarbonization in a High Renewables Future*, Pub. No. CEC-500-2018-012, June 2018 at 33.

¹³ CEQA Guidelines, Appendix G, Sec. XIX.

environmental effects.¹⁴ New projects lock in energy system infrastructure for decades.¹⁵ As a result, if new projects are continuously powered by carbon-emitting energy sources such as natural gas, “it will be that much more difficult for California to meet its GHG emission reduction goals.”¹⁶ As the California Energy Commission (“CEC”) determined in its 2018 Integrated Energy Policy Report (“IEPR”) Update:

New construction projects, retrofitting existing buildings, and replacing appliances and other energy-consuming equipment essentially lock in energy system infrastructure for many years. As a result, each new opportunity for truly impactful investment in energy efficiency and fuel choice is precious. If the decisions made for new buildings result in new and continued fossil fuel use, it will be that much more difficult for California to meet its GHG emission reduction goals. Parties planning new construction have the opportunity instead to lock in a zero- or low-carbon emission outcome that will persist for decades.¹⁷

By locking in new fossil fuel infrastructure, any expansion of gas utility system will have a significant impact on the environment.

IV. Building Electrification is Feasible and Effective Mitigation to Reduce Project GHG and Energy Impacts.

A lead agency may not lawfully approve a Project where “there are feasible alternatives or feasible mitigation measures available which would substantially lessen [its] significant environmental effects.”¹⁸ Eliminating natural gas use in new buildings is feasible mitigation that will substantially lessen the Project’s GHG and energy impacts. Indeed, building electrification is one of the fastest and most cost-effective ways to achieve the transition to net-zero emissions. In the 2018 IEPR Update, the CEC recognized the “growing consensus that building electrification is the most viable and predictable path to zero-emission buildings . . . due to the availability of off-the-shelf, highly efficient electric technologies (such as heat pumps) and the continued reduction of emission intensities in the electricity sector.”¹⁹

All-electric developments are being constructed for a range of building types pursuing low or zero emissions objectives and are a feasible mitigation requirement for new development under the Project. Sacramento’s Municipal Utility District has partnered with homebuilders to construct entire neighborhoods that are all-electric, with 400 all-electric homes planned in the next two years alone.²⁰ Some California developers now exclusively build all-electric homes,

¹⁴ *See Id.*

¹⁵ California Energy Commission, *2018 Integrated Energy Policy Report*, Pub. No. CEC 100-2018-001-V2-CMF, Feb. 2019 at 26.

¹⁶ *Id.*

¹⁷ CEC, *2018 Integrated Energy Policy Report Update, Vol. II* at 18 (Jan. 2019), <https://efiling.energy.ca.gov/getdocument.aspx?tn=226392>

¹⁸ Pub. Res. Code § 21002.

¹⁹ CEC, *2018 Integrated Energy Policy Report Update, Vol. II* at 20 (Jan. 2019), <https://efiling.energy.ca.gov/getdocument.aspx?tn=226392>.

²⁰ Justin Gerdes, *All-Electric Homes Are Becoming the Default for New Residential Construction in Sacramento*, Greentech Media (Nov. 13, 2018), <https://www.greentechmedia.com/articles/read/all-electric-homes-are-becoming-the-default-for-new-residential-constructio#gs.VYzCCMQ>.

and have already deployed a range of affordable, luxury, single- and multi-family housing units all across the state.²¹ Given that other entities are now requiring all-electric construction, there is no reason for the City not to also do so. For example, the University of California announced in August of 2018 that “[n]o new UC buildings or major renovations after June 2019, except in special circumstances, will use on-site fossil fuel combustion, such as natural gas, for space and water heating.”²²

Similarly, in its Downtown Specific Plan, the City of Hayward required for multifamily residential developments that “[a]ll buildings will be all electric, meaning that electricity is the only permanent source of energy for water-heating, mechanical and heating, ventilation, and air conditioning (HVAC) (i.e., space-heating and space cooling), cooking, and clothes-drying and there is no gas meter connection.”²³ The natural next step is to extend such a requirement to commercial developments, which can also be feasibly electrified.²⁴

V. There Are Multiple Co-Benefits to Achieving Zero Emission Buildings through Electrification.

Beyond achieving the energy and GHG emissions reductions essential for preventing climate breakdown, electrification of new buildings will produce a range of important co-benefits for the economic well-being, safety, and health of the community. Building electrification offers the potential to lower energy bills, reduce the cost of new construction, improve air quality, public safety, and climate resiliency, as well as create new jobs. Far from being a barrier to new housing, all-electric new construction can enable greater opportunities for affordable housing construction by reducing costs and streamlining mitigation requirements. For disadvantaged populations that pay a disproportionate amount of their income to energy costs, and who are more likely to suffer from asthma due to poor indoor air quality, zero emission homes are an important opportunity to deliver social equity.²⁵

A. Lowering Energy Bills and Cost of New Construction

All-electric buildings can lower utility bills for tenants, reduce the cost of construction of new housing in the City, and shield customers from the volatile and increasing costs of gas. A recent report, *Decarbonization of Heating Energy Use in California Buildings*, by Synapse Energy Economics found that electrification could lower utility bills by up to \$800 annually and lower the cost of new construction in Los Angeles by roughly \$1,500 to \$6,000.²⁶ Other analysis

²¹ See Redwood Energy, *Development Projects (A Small Sample)*, <https://www.redwoodenergy.tech/development-projects/>.

²² University of California, *UC sets higher standards, greater goals for sustainability* (Sept. 4, 2018), <https://www.universityofcalifornia.edu/press-room/uc-sets-higher-standards-greater-goals-sustainability>.

²³ City of Hayward, *Hayward Downtown Specific Plan DEIR, Greenhouse Gas Emissions Chapter* at 4.6-40 (Jan. 7, 2019), <https://www.hayward-ca.gov/sites/default/files/documents/dtsp-eir-greenhouse-gas-emissions.pdf>.

²⁴ See, e.g., Redwood Energy, *Zero Carbon Commercial Construction: An Electrification Guide for Large Commercial Buildings and Campuses* (2019), https://drive.google.com/file/d/1L5IBsSmT-p8he6dmrW56516ZB_dkXya9/view.

²⁵ Kelly Vaughn, *Social Equity, Affordable Housing, and the Net-Zero Energy Opportunity*, Rocky Mountain Institute (May 9, 2018), <https://rmi.org/social-equity-affordable-housing-and-the-net-zero-energy-opportunity/>.

²⁶ Synapse Energy Economics, *Decarbonization of Heating Energy Use in California Buildings* at 2, 39 (Oct. 2018), <http://www.synapse-energy.com/sites/default/files/Decarbonization-Heating-CA-Buildings-17-092-1.pdf>.

has found that new homes and apartment buildings can cost between \$1,000 and \$18,000 less to build if they are not connected to gas distribution pipelines.²⁷ The UC has carefully examined feasibility and costs of all-electric buildings in the report: UC Carbon Neutral Buildings Cost Study. The first key insight offered is that “[a]ll-electric buildings are comparable or slightly less expensive than gas + electric buildings from a 20-year Life Cycle Cost perspective.”²⁸ The most significant cost savings were found for residential buildings, where the average Life Cycle Cost for all-electric was \$5.28/sf lower compared to gas + electric options.²⁹

B. A Safer Community

Recent events from Aliso Canyon, San Bruno, and the state of Massachusetts add to the devastating record of hazardous natural gas infrastructure. Between 2015 and 2017, natural gas pipeline explosions and incidents in the country claimed on average 15 fatalities, 57 injuries, and \$316,647,907 in property damage *annually*.³⁰ As climate impacts intensify, the escalating risks of aging natural gas infrastructure will outpace the industry’s rate of pipeline replacement. Sea level rise, which promises to be one of the many significant climate impacts affecting the region, especially amplifies the risks of natural gas.³¹

Methane leakage, a pervasive problem with natural gas infrastructure, can be particularly hazardous for families living in earthquake and fire-prone areas since leaking gas exacerbates fires after earthquakes. The California Seismic Safety Commission estimates that 20 to 50 percent of total post-earthquake fires are fires related to gas leaks.³² Beginning to electrify entire communities is a key precautionary strategy to mitigate the growing risks of California’s massive gas system.

C. Improved Air Quality

Gas appliances in buildings make up a quarter of California’s nitrogen oxide (NO_x) emissions from natural gas. NO_x is a precursor to ozone and a key pollutant to curb in order to comply with state and federal ambient air quality standards. Electrifying buildings will help the City to reduce NO_x and ground level ozone, improving *outdoor* air quality and benefiting public health. Electrification of fossil fuel appliances will also immediately improve *indoor* air quality

²⁷ Stone Energy Associates, *Accounting for Cost of Gas Infrastructure*, CEC Docket 17-BTSD-01 (May 4, 2017), <https://efiling.energy.ca.gov/GetDocument.aspx?tn=217420&DocumentContentId=26959>.

²⁸ Point Energy Innovations, *UC Carbon Neutral Buildings Cost Study* at 3 (June 2017), <https://www.ucop.edu/sustainability/files/Carbon%20Neutral%20New%20Building%20Cost%20Study%20FinalReport.pdf>.

²⁹ *Id.*

³⁰ Pipeline and Hazardous Materials Safety Administration, *Pipeline Incident 20 Year Trends* (Nov. 2018), <https://www.phmsa.dot.gov/data-and-statistics/pipeline/pipeline-incident-20-year-trends>.

³¹ Radke *et al.*, *Assessment of California’s Natural Gas Pipeline Vulnerability to Climate Change*, University of California, Berkeley (2016), <https://www.energy.ca.gov/2017publications/CEC-500-2017-008/CEC-500-2017-008.pdf>.

³² California Seismic Safety Commission, *Improving Natural Gas Safety in Earthquakes* at 1 (adopted July 11, 2002), http://ssc.ca.gov/forms_pubs/cssc_2002-03_natural_gas_safety.pdf.

and health. On average, Californians spend 68 percent of their time indoors, making indoor air quality a key determinant of human health.³³ The combustion of gas in household appliances produces harmful indoor air pollution, specifically nitrogen dioxide, carbon monoxide, nitric oxide, formaldehyde, acetaldehyde, and ultrafine particles.³⁴ The California Air Resources Board warns that “cooking emissions, especially from gas stoves, have been associated with increased respiratory disease.”³⁵ Young children and people with asthma are especially vulnerable to indoor air pollution.

D. Pathways to Good, Green Jobs

Electrification of buildings will enable local workforce development for jobs that will be critical in California’s broader energy transition. Partnering with local organizations and community colleges, the City can foster training and pipeline programs for new jobs in construction, HVAC installation, electrical work, energy efficiency and load management services, as well as manufacturing.

These jobs will rapidly grow in demand as local governments across the state look to rapidly address the emissions from their building sector. In Sacramento Municipal Utility District territory, where all-electric buildings are quickly becoming the default for new developments, demand for specialized plumbers and HVAC technicians is expected to grow enormously. The region expects to install more than 300,000 heat pump space heaters in the next 15 to 20 years.³⁶

The next one to five years will be a critical window of opportunity for the City to jump-start this transition away from gas to clean energy buildings. CEQA is an essential vehicle to take all feasible action to reduce GHGs and limit further expansion of gas infrastructure and we urge incorporation of all-electric building design into the Project.

Please contact Matt Vespa at mvespa@earthjustice.org, Sasan Saadat at ssaadat@earthjustice.org with any questions or concerns, and please include each of us in future notifications on the Project’s development.

Sincerely,

³³ Klepeis *et al.*, *The National Human Activity Pattern Survey (NHAPS): A Resource for Assessing Exposure to Environmental Pollutants*, J. EXPO. ANAL. ENVIRON. EPIDEMIOL., Vol. 11(3), 231-52 (2001).

³⁴ See, e.g., Logue *et al.*, *Pollutant Exposures from Natural Gas Cooking Burners: A Simulation-Based Assessment for Southern California*, ENVIRON. HEALTH PERSP., Vol. 122(1), 43-50 (2014); Victoria Klug & Brett Singer, *Cooking Appliance Use in California Homes—Data Collected from a Web-based Survey*, LAWRENCE BERKELEY NATIONAL LABORATORY (Aug. 2011); John Manuel, *A Healthy Home Environment?* ENVIRON. HEALTH PERSP., Vol. 107(7), 352-57 (1999); Mullen *et al.*, *Impact of Natural Gas Appliances on Pollutant Levels in California Homes*, LAWRENCE BERKELEY NATIONAL LABORATORY (2012).

³⁵ California Air Resources Board, *Combustion Pollutants* (last reviewed Jan. 19, 2017), <https://www.arb.ca.gov/research/indoor/combustion.htm>.

³⁶ Justin Gerdes, *Experts Discuss the Biggest Barriers Holding Back Building Electrification*, Greentech Media (Sept. 19, 2018), <https://www.greentechmedia.com/articles/read/here-are-some-of-the-biggest-barriers-holding-back-building-electrification#gs.fBEBKJy2>.

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GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



July 10, 2019

Ms. Alexis Morris
City of Antioch
Post Office Box 5007
Antioch, CA 94531-5007
amorris@ci.antioch.ca.us

Subject: The Ranch Residential Project, Notice of Preparation of a Draft Environmental Impact Report, SCH No. 2019060012, Contra Costa County

Dear Ms. Morris:

The California Department of Fish and Wildlife (CDFW) has reviewed the Notice of Preparation (NOP) for the proposed draft Environmental Impact Report (EIR) for The Ranch Residential Project (Project) pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines. In accordance with our mandates, CDFW is submitting comments on the NOP as a means to inform the City of Antioch (City), as the Lead Agency, of our concerns regarding potentially significant impacts to sensitive resources associated with the proposed Project.

CDFW ROLE

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

REGULATORY REQUIREMENTS

California Endangered Species Act

Please be advised that a CESA ITP must be obtained if the Project has the potential to result in "take" of plants or animals listed under CESA, either during construction or over the life of the Project (Fish and Game Code, § 2080 et seq.). Issuance of a CESA ITP is subject to CEQA documentation; therefore, the CEQA document must specify impacts, mitigation measures, and a mitigation monitoring and reporting program. If the Project will impact CESA listed species, early consultation is encouraged, as potential significant modification to the Project and mitigation measures may be required in order to obtain a CESA ITP.

CEQA requires a Mandatory Finding of Significance if the Project is likely to substantially restrict the range or reduce the population of a threatened or endangered species. (Pub. Resources Code, §§ 21001, subd. (c), 21083; CEQA Guidelines, §§ 15380, 15064, and 15065). Impacts must be avoided or mitigated to less-than-significant levels unless the CEQA Lead Agency

makes and supports Findings of Overriding Consideration (FOC). The CEQA Lead Agency's FOC does not eliminate the Project proponent's obligation to comply with Fish and Game Code section 2080.

Lake and Streambed Alteration

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

PROJECT DESCRIPTION SUMMARY

Proponent: Richland Communities

Objective: Notify Responsible Agencies of draft EIR preparation

Location: The proposed Project is located on 551.5 acres of undeveloped land in the southeastern portion of the City of Antioch in eastern Contra Costa County, California. The Project site is situated within the Sand Creek Focus Area of the City's General Plan, which contains lands designated by the Antioch General Plan for open space, residential, commercial, and mixed-use development. The site is identified by Assessor's Parcel Number (APN) 057-010-002, APN 057-010-003, and APN 057-021-003.

Timeframe: The proposed Project will be constructed in three phases, with the infrastructure and amenities corresponding to new unit demands. The Project will have buildout start from east to west and from north to south, and occur over the course of several years, as dictated by the economy and demand for new housing in the Project area.

Description: The proposed Project consists of a master planned community within the San Creek Focus Area and comprises a multi-generational plan of up to 1,177 dwelling units, including active adult housing, medium and low-density single-family residential neighborhoods, a Village Center, a trail system, parks, open space, various public facilities, amenities, and circulation and access improvements, as well as associated infrastructure improvements to serve the proposed planned community.

COMMENTS AND RECOMMENDATIONS

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

Comment 1: CDFW comments previously submitted for Project

The Project described in the NOP is in the same location with a number of impacts similar to a previously proposed project described in The Ranch Project draft EIR SCH No. 2017082033. CDFW submitted comments for the previously proposed project on May 10, 2018 (Attachment A). CDFW recommends incorporation of the applicable mitigation strategies and ratios outlined in Attachment A, incorporation of survey protocol guidelines recommended by CDFW, and an evaluation of the Project's impacts to special-status species and population recovery in relation to any publicly available recovery plans into the draft EIR. CDFW survey and monitoring protocols and guidelines can be found online at <https://www.wildlife.ca.gov/Conservation/Survey-Protocols>, and species federal recovery plans can be found at <https://www.fws.gov/endangered/species/recovery-plans.html>.

Comment 2: Trails system and open space impacts analysis

The NOP Project description includes a publicly accessible trail system and open space along the Sand Creek corridor. This type of action can result in habitat conversion, and additional and constant impacts to habitat and fish and wildlife species from recreational use. CDFW recommends inclusion of an analysis of the Project's trail and open space impacts in terms of habitat conversion and recreation-sourced impacts to fish and wildlife.

Comment 3: Project requires Notification under Fish and Game Code Section 1600 et. Seq.

Proposed activities described in the NOP may be subject to Notification and CDFW may require an LSA Agreement, pursuant to Section 1600 et seq. of the Fish and Game Code. These activities include: construction of a bridge over Sand Creek, construction of a pedestrian/bike bridge, trail system installation and operation along Sand Creek, stormwater outfall structure installation and operation, detention basins, and other infrastructure that directs water into or away from natural waterways, and grading within the 100-year flood plain. Please submit Notification to CDFW at the Regional Office listed above. To obtain information about the LSAA notification process, please access our website at <https://www.wildlife.ca.gov/Conservation/LSA>.

Comment 4: Surface water diversion impacts analysis

CDFW recommends the draft EIR include an analysis of the Project's potential for increased water demands and the City's surface water diversions in relation to their impacts on special-status fisheries resources. To address this concern, please include an analysis of the Project's impacts on the current water diversion operations of the City, and with the City's proposed Brackish Water Desalination Facility Final Environmental Impact Report (SCH No. 2017082044) in operation.

ENVIRONMENTAL DATA

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database, which may be used to make subsequent or supplemental environmental determinations [Pub. Resources Code, § 21003, subd. (e)].

Ms. Alexis Morris
City of Antioch
July 10, 2019
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Accordingly, please report any special-status species and natural communities detected during Project surveys to the California Natural Diversity Database (CNDDDB). The CNDDDB field survey form can be found at the following link: <https://www.wildlife.ca.gov/Data/CNDDDB/Submitting-Data#44524420-pdf-field-survey-form>. The completed form can be mailed electronically to CNDDDB at the following email address: cnddb@wildlife.ca.gov. The types of information reported to CNDDDB can be found at the following link: <https://www.wildlife.ca.gov/Data/CNDDDB/Plants-and-Animals>.

CONCLUSION

CDFW appreciates the opportunity to comment on the NOP to assist the City in identifying and mitigating Project impacts on biological resources.

Questions regarding this letter or further coordination should be directed to Ms. Jeanette Griffin, Environmental Scientist, at (209) 234-3447 or Jeanette.Griffin@wildlife.ca.gov; or Ms. Melissa Farinha, Senior Environmental Scientist (Supervisory), at (707) 944-5579.

Sincerely,



Gregg Erickson
Regional Manager
Bay Delta Region

cc: State Clearinghouse



State of California – The Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Bay Delta Region
7329 Silverado Trail
Napa, CA 94558
(707) 944-5500
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EDMUND G. BROWN JR., Governor
CHARLTON H. BONHAM, Director



May 10, 2018

Ms. Alexis Morris, Planning Manager
City of Antioch Community Development Department
Post Office Box 5007
Antioch, CA 94531

Dear Ms. Morris:

Subject: The Ranch Project, Draft Environmental Impact Report, SCH #2017082033,
Contra Costa County

The California Department of Fish and Wildlife (CDFW) has reviewed the draft Environmental Impact Report (draft EIR) for the proposed The Ranch Project (Project) pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines. In accordance with our mandates, CDFW is submitting comments on the draft EIR as a means to inform the City of Antioch (City), as the Lead Agency, of our concerns regarding potentially significant impacts to sensitive resources associated with the proposed Project.

CDFW ROLE

CDFW is California's Trustee Agency for fish and wildlife resources, and holds those resources in trust by statute for all the people of the State. [Fish and Game Code, §§ 711.7, subd. (a) and 1802; Pub. Resources Code, § 21070; CEQA Guidelines § 15386, subd. (a)]. CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species. (Id., § 1802). Similarly, for purposes of CEQA, CDFW is charged by law to provide, as available, biological expertise during public agency environmental review efforts, focusing specifically on Projects and related activities that have the potential to adversely affect fish and wildlife resources.

CDFW is also submitting comments as a Responsible Agency under CEQA. (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381). CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code. As proposed, for example, the Project may be subject to CDFW's lake and streambed alteration regulatory authority. (Fish and Game Code, § 1600 et seq.). Likewise, to the extent implementation of the Project as proposed may result in "take" as defined by State law of any species protected under the California Endangered Species Act (CESA) (Fish and Game Code, § 2050 et seq.), related authorization as provided by the Fish and Game Code will be required.

PROJECT DESCRIPTION SUMMARY

The proposed Project is located in the southeastern portion of the City of Antioch in eastern Contra Costa County, California. The Project site is located within the San Creek Focus Area of the General Plan, which contains lands designated by the Antioch General Plan for openspace, residential, commercial, and mixed-use development. The Project site is surrounded by a

single-family residential subdivision to the north, undeveloped land to the south (planned for future residential), Deer Valley Road, and Kaiser Permanente Antioch Medical center to the east, and undeveloped land and Empire Mine Road (planned for future residential) to the west.

The proposed Project consists of a residential development on 551.5 acres of primarily undeveloped land, including multiple single-family residential neighborhoods, various public facilities and amenities, and circulation and access improvement, as well as associated infrastructure improvement to serve the proposed planned community. The proposed Project includes two scenarios: a Multi-Generational Plan and a Traditional Plan. The Multi-Generational Plan would include a wide range of housing, including active adult housing, while the Traditional Plan would include only all-ages housing, and would not include active adult housing. Buildout of the Project would occur over the course of a number of years, as dictated by the economy and demand for new housing in the Project area. For the purposes of the CEQA analysis presented in this EIR, and base on the information regarding buildout of the Project provide by the Project applicant, build out of the Project is anticipated to occur over three phases, starting from east to west and from north to south, with the infrastructure and amenities corresponding to new unit demands. Although actual buildout of the Project may occur in more than three phases, analyzing potential environmental impacts under a three-phase development scenario provides an environmental worst-case analysis, thus should the Project be constructed over a longer phasing period, environmental impacts of the proposed Project would likely be less than the impacts analyzed in this draft EIR. Phasing would be similar for both proposed development scenarios.

Currently, the site is zoned Study Area (S) and has a cattle-grazing operation, a rural single-family residence, and various barns and outbuildings located on the eastern portion of the site. Historical uses of the site include grazing and limited natural gas exploration. The Project would require a rezone to change the zoning designation of the Project site from S to Planned Development (PD).

Sand Creek, a tributary of Marsh Creek, flows west to east through the proposed Project site. The topography of the site is varied, ranging from relatively level areas in the eastern and central portions of the site, gently-sloping hills immediately north and south of San Creek, and moderate to steep slopes in the western portion of the site. Elevations throughout the site range from approximately 200 feet to 500 feet above mean sea level.

The majority of the Project site consists of undeveloped grassland used primarily for livestock grazing. Sixteen (16) tree species and 255 individual trees were mapped within the Project site. The trees occur primarily within the southwestern portion of the Project site along Sand Creek. On-site native tree species include California buckeye, blue oak, valley oak, and interior live oak. Three vegetation communities and land cover types within the Project area include annual grassland, ruderal community vegetation, and developed land.

CDFW COMMENTS

General

Projects within the sphere of influence of the City of Antioch are not currently, or in the near future, eligible to obtain coverage under the East Contra Costa County Habitat Conservation

Plan/Natural Community Conservation Plan (ECCC HCP/NCCP). CDFW recommends that mitigation measures 4.4-1(c)1., 4.4-3(a)1., 4.4-4 1., 4.4-5 1., 4.4-6 1, 4.4-7(e)1., 4.4-8 1., 4.4-9 1., 4.4-10(b)1., 4.4-11(b)1., 4.4-12 1., 4.4-13 1., 4.4-14 1., 4.4-15 1., and 4.4-16 1 of the draft EIR be revised to remove language that rely on compensatory mitigation through the ECCC HCP/NCCP. CDFW recommends that these measures be revised to mitigate impacts to less-than-significant levels through either full avoidance or inclusion of compensatory mitigation at a minimum of a 3:1 mitigation ratio (conservation to loss) for permanent impacts, and a 1:1 ratio for temporary impacts if impacts cannot be fully avoided.

Special-Status Plants Impacts Analysis

The draft EIR impacts analysis on special-status plants is deficient or incomplete in multiple ways. The analysis is based on a revised 2018 Biological Resource Assessment by ECORP (ECORP BRA) that is included as Appendix D in the draft EIR. The ECORP BRA bases its conclusions of special-status plant species presence, absence and potential to occur on a 2015 Draft Biological Assessment (2015 Draft BA) authored by Monk and Associates. This assessment was never finalized nor was it included as part of the public record in the draft EIR. The 2015 Draft BA was restricted to analyzing impacts to plants listed under the federal Endangered Species Act. The 2015 Draft BA states that surveys were performed according to CDFW's *Protocols for Surveying and Evaluating Impacts to Special-Status Native Plant Populations and Natural Communities* (2009). However, critical information that are part of the reporting requirements in the 2009 CDFW protocols (CDFW protocols) was missing from the copy of the 2015 Draft BA that was provided to CDFW by the Lead Agency's representative. The CDFW protocols state the following regarding survey methodology:

"When special-status plants are known to occur in the type(s) of habitat present in the project area, observe reference sites (nearby accessible occurrences of the plants) to determine whether those species are identifiable at the time of the survey and to obtain a visual image of the target species, associated habitat, and associated natural community."

The CDFW protocols state the following regarding negative findings:

"Adverse conditions may prevent investigators from determining the presence of, or accurately identifying, some species in potential habitat of target species. Disease, drought, predation, or herbivory may preclude the presence or identification of target species in any given year. Discuss such conditions in the report. The failure to locate a known special-status plant occurrence during one field season does not constitute evidence that this plant occurrence no longer exists at this location, particularly if adverse conditions are present. For example, surveys over a number of years may be necessary if the species is an annual plant having a persistent, long-lived seed bank and is known not to germinate every year."

Despite the above statement in CDFW protocols, the Draft BA comes to the highly questionable conclusion that no federally-listed plants were on the Project site based on one field season of plant surveys during one of the worst droughts on record. Nor does the ECORP BRA, the Draft BA or the draft EIR discuss the adverse conditions of the drought in their findings or impact analyses for all special-status plants.

According to the referenced CDFW protocols, to meet adequate disclosure of potential impacts the following items should be included in the botanical survey reports prepared for the environmental review process:

1. A discussion of how the timing of the surveys affects the comprehensiveness of the survey;
2. A description of the area surveyed relative to the Project area;
3. References cited, persons contacted, and herbaria visited;
4. Description of reference site(s), if visited, and phenological development of special-status plant(s);
5. A list of all taxa occurring on the project site. Identify plants to the taxonomic level necessary to determine whether or not they are a special-status species;
6. Use of existing surveys and a discussion of applicability to this project;
7. A discussion of the potential for a false negative survey;
8. A discussion of the significance of special-status plant populations in the project area considering nearby populations and total species distribution;
9. A discussion of the significance of special status natural communities in the project area considering nearby occurrences and natural community distribution;
10. A discussion of direct, indirect, and cumulative impacts to the plants and natural communities;
11. A discussion of threats, including those from invasive species, to the plants and natural communities;
12. A discussion of the degree of impact, if any, of the proposed project on unoccupied, potential habitat of the species;

The 2015 Draft BA, the ECROP BRA and the draft EIR all failed to report or disclose reporting requirements 1-12 listed above which are necessary for CDFW to evaluate the Project's impacts on special-status plant species. In addition, despite reporting requirement six above and the recommendation to do so in the peer review process, the ECORP BRA failed to disclose detections of special-status plants either on or directly adjacent to the property that are available on the public record and the California Natural Diversity Database. Given the above discussion the ECORP BRA comes to questionable conclusions since they are based on a Draft BA that did fulfill all the requirements and disclosures required by the CDFW protocols.

CDFW recommends that the special-status plant species impacts analysis in the draft EIR be revised to include at least one to two additional years of focused special-status plant surveys using reference sites to verify the blooming period for species that have been known to historically occupy the Project sites and those that have the potential to occur. In addition, CDFW recommends that all of the reporting requirements in the CDFW protocols be disclosed in a revised draft EIR impacts analysis. If the draft EIR is not revised to include the above items, then the draft EIR should operate under the assumption that the entire Project site is occupied by all special-status plant species that both historically occurred on or adjacent to the site and with the potential to occur on site.

Special-Status Plants, Mitigation Measure 4.4-1

If the draft EIR does not revise the impacts analysis to special-status plant species as recommended above, then CDFW recommends that Mitigation Measure 4.4-1 be revised to require the Project to protect in perpetuity through a conservation easement an area equivalent to three times the size of the impact area of the Project prior to construction. However, if the impacts analysis is revised as recommended above, then Mitigation Measure 4.4-1 should be revised to require to protect and conserve through a conservation easement at a 3:1 mitigation ratio (conserved area to impact area) for permanent loss of special-status plant habitats that are identified.

Mitigation Measure 4.4-1 describes measures to avoid impacts to special-status plants by establishing "avoidance zones". Foreseeable long-term indirect impacts of the Project on special-status plants that avoided include: reduced connectivity and gene flow with nearby populations; infestation of invasive plants from construction disturbance and change in land use practices; impacts from maintenance of 100 feet of defensible space around structures (see California Public Resources Code section 4291). The avoidance measures as written in Mitigation Measure 4.4-1 are insufficient to ensure full avoidance from the Project's direct and indirect impacts. If the Project is to achieve full avoidance of indirect impacts to any individual special-status plants identified on site then Mitigation Measure 4.4-1 should be revised throughout to include establishment of a buffer area by a qualified botanist of an area in size as to ensure that viable populations will persist into the foreseeable future, any seedbank is protected, the buffer area will not be encroached upon by defensible space buffers, and that connectivity with nearby populations is maintained. Buffer areas should also be required to be protected and managed in perpetuity through a conservation easement held by a land trust or other entity with approval to hold conservation lands from CDFW prior to Project construction.

If the Project is unable to achieve full avoidance of impacts to special-status plants then Mitigation Measure 4.4-1 as currently written fails to reduce these impacts to a level of less-than-significant. First, Mitigation Measure 4.4-1 in the draft EIR does not provide a feasible compensatory mitigation measures as they refer to obtaining coverage under the ECCC HCP/NCCP. To reduce direct impacts to special-status plant species to a level of less-than-significant CDFW recommends that Measure 4.4-1 be revised to require protection and management in perpetuity through a conservation easement an area equivalent to a 3:1 mitigation ratio (conserved area to impact area) for permanent loss of special-status plant habitats that are identified. A qualified botanist should calculate the area of permanent loss and their contemplation of seedbank and seed/plant dispersal should be included in the calculations. If the Project collects seeds and replants off-site according to the recommendations by CDFW below then the mitigation ration may be reduced to 2:1.

Second, if the Project cannot avoid direct impacts to special-status plants then Mitigation Measure 4.4-1 proposes to collect seed and plant the seed off-site under the direction of the City of Antioch Planning Division. The failure rate for translocation of plant species is extremely high which makes effectiveness and success of this measure questionable as written in the draft EIR. CDFW recommends that the collection and replanting of seed mitigation have the following requirements prior to Project construction: replanting sites be identified by a qualified botanist in areas that historically supported the specific species; replanting areas are managed and

protected in perpetuity under a conservation easement; and specific replanting success criteria are developed for each species/area by a qualified botanist to ensure that any replanted populations are viable into the foreseeable future.

California Red-legged Frog, Mitigation Measure 4.4-4

The draft EIR concludes that the Project area is considered occupied habitat for California red-legged frog (*Rana draytonii*; CRLF) and that Project activities have the potential for significant impact to the species. To ensure impacts to CRLF are mitigated to less-than-significant, CDFW recommends Measure 4.4-4 be revised to incorporate specific and enforceable avoidance, minimization and compensatory mitigation measures. Revisions should include: a restricted work window; biological monitoring throughout the course of the Project; and inclusion of compensatory mitigation at a minimum of a 3:1 ratio (conserved habitat to impacted habitat) for permanent impacts, and a 1:1 ratio for temporary impacts to CRLF habitats.

California Tiger Salamander, Mitigation Measure 4.4-5

The draft EIR fails to reduce permanent loss of California tiger salamander (*Ambystoma californiense*; CTS) habitat to level of less-than-significant as it does not identify compensatory mitigation.

The draft EIR concludes that the Project area is occupied habitat for CTS and Project activities have the potential for significant impact to the species and habitat. To ensure impacts to CTS are mitigated to a level of less-than-significant, CDFW recommends Mitigation Measure 4.4-5 be revised to incorporate specific and enforceable avoidance, minimization and compensatory mitigation measures. These revisions should include: a restricted work window; biological monitoring throughout the course of the Project; and inclusion of compensatory mitigation at a minimum of a 3:1 ratio (conserved habitat to impacted habitat) for permanent impacts, and a 1:1 ratio for temporary impacts to CTS habitats. Calculation of the area of impact should include an area of 1.3 miles around any breeding ponds. If take of CTS cannot be fully avoided then CDFW recommends the Project obtain CTS take coverage through an Incidental Take Permit (ITP) issued by CDFW.

Foothill Yellow-legged Frog, Mitigation Measure 4.4-6

The draft EIR fails to reduce permanent loss of foothill yellow-legged frog (*Rana boylei*; FYLF) habitat to level of less-than-significant as it does not identify compensatory mitigation to offset this impact. The draft EIR concludes that the Project area is considered occupied habitat for FYLF and Project activities have the potential for significant impact to the species and habitat. To ensure impacts to FYLF are mitigated to a level of less-than-significant, CDFW recommends Mitigation Measure 4.4-6 be revised to incorporate specific and enforceable avoidance, minimization and compensatory mitigation measures. Revisions should include a restricted work window, biological monitoring throughout the course of the Project, and inclusion of compensatory mitigation at a minimum of a 3:1 ratio (conserved habitat to impacted habitat) for permanent impacts, and a 1:1 ratio for temporary impacts to FYLF habitats. If take of FYLF cannot be fully avoided then CDFW recommends the Project obtain FYLF take coverage through an ITP issued by CDFW.

Alameda Whipsnake, Impacts Analysis

The draft EIR does not identify all habitat types present in the Project area potentially occupied by Alameda whipsnake (*Masticophis lateralis euryxanthus*; AWS) and therefore does not address a significant portion of potential impacts. Publicly available, peer-reviewed literature, documents AWS use of the following habitats: annual grassland, oak savanna, oak-bay woodland, mixed evergreen forest, riparian, and areas with rock outcrop features. CDFW recommends revising the draft EIR to indicate that these habitat types as viable habitat for AWS. Project construction may result in direct adverse effects including mortality of individuals. CDFW recommends that Project impacts such as the permanent destruction of AWS habitat and direct impacts associated with roadway mortalities be identified in a revised draft EIR. The draft EIR should also analyze cumulative impacts to the AWS due to fragmentation of habitat, permanent loss of habitat, and impacts associated with vehicle traffic on roadways.

Alameda Whipsnake, Mitigation Measure 4.4-7

The draft EIR fails to reduce permanent loss of AWS habitat to level of less-than-significant as it does not identify compensatory mitigation to offset this impact. CDFW recommends Mitigation Measure 4.4-7 be revised to include additional minimization and compensatory mitigation for Project impacts to AWS and their habitats to a less-than-significant level. CDFW recommends compensatory mitigation for impacts at a 3:1 ratio for permanently impacted habitat, and a 1:1 ratio for temporary impacts. If take to AWS cannot be fully avoided then CDFW recommends the Project obtain AWS take coverage through an ITP issued by CDFW.

Burrowing Owls, Mitigation Measure 4.4-10

The draft EIR fails to reduce permanent loss of burrowing owl (*Athene cunicularia*; BUOW) habitat to a level of less-than-significant as it does not identify compensatory mitigation to offset this impact. The draft EIR concludes that the Project area is considered occupied habitat for BUOW and Project activities have the potential for significant impact to the species. To ensure impacts to BUOW are mitigated to less-than-significant, CDFW recommends Mitigation Measure 4.4-10 be revised to incorporate specific and enforceable avoidance, minimization and compensatory mitigation measures. These revisions should include compensatory mitigation at a minimum of a 3:1 mitigation ratio (conservation to loss) for permanent impacts, and a 1:1 ratio for temporary impacts to BUOW habitats.

Swainson's Hawk, Mitigation Measure 4.4-11

The draft EIR concludes that the Project area is considered occupied habitat for Swainson's hawk (*Buteo swainsoni*; SWHA) and Project activities have the potential for significant impact to the species. To ensure impacts to SWHA are mitigated to a level of less-than-significant, CDFW recommends Mitigation Measure 4.4-11 incorporate survey protocols using the methodology prescribed in the *Recommended Timing and Methodology for Swainson's Hawks Nesting Surveys in California's Central Valley* (2000) and compensatory mitigation guidelines as prescribed in the (mitigation measures 1 through 4) in the Management Conditions section of the *Staff Report regarding Mitigation for Impacts to Swainson's Hawks (Buteo swainsoni) in the Central Valley of California* (1994). Both documents are available online at: <https://www.wildlife.ca.gov/Conservation/Survey-Protocols>. If impacts to SWHA cannot be fully

avoided then CDFW recommends the Project obtain SWHA take coverage through an ITP issued by CDFW.

CDFW also recommends that Mitigation Measure 4.4-11 be revised to include the following defined protection buffers as specific and enforceable avoidance and minimization measures in the event nesting SWHA are detected:

"If an active nest is identified, a 1/2-mile buffer in non-urban settings or a 1/4-mile buffer in urban settings shall be maintained around the nest until the young fledge. If any active Swainson's hawk nests are found within 1/2-mile of the Project site, CDFW shall immediately be contacted and additional measures may be required for Project activities."

San Joaquin Kit Fox Impacts Analysis and Wildlife Corridors

As proposed, the Project will have a significant unavoidable impact to San Joaquin kit fox (*Vulpes macrotis mutica*; SJKF) movement corridors and species recovery. Lone Tree Valley where the Project area is located contains some of the northernmost remaining suitable habitat for SJKF. Conservation of this remaining habitat is critical to the recovery of the species and maintenance of connectivity to historically occupied habitats northeast of the Project area in the Black Diamond Mines Regional Park. As proposed, the Project constricts the large tract of open, low gradient, low elevation grasslands habitats in Lone Tree Valley. This habitat type is critical for SJKF for movement corridors, the ability to avoid predators while moving across the landscape as well as maintenance of ground squirrels and other rodent populations, which make up the majority of the species diet. SJKF are not expected to utilize the Sand Creek corridor due to the structure of the habitat and potential for the species to be predated upon by wildlife utilizing this corridor as well as predation pressure and disease from domesticated animals in the homes surrounding the corridor.

Specifically, the portion of the Project south of Sand Creek would obstruct or deter SJKF from being able to utilize Lone Tree Valley as a wildlife corridor. The ECCC HCP/NCCP analysis on viability of SJKF corridors concluded the following for eastern Contra Costa County:

"[M]ovement habitat through Horse and Lone Tree Valleys are the widest and shortest movement routes and the only routes within this area currently large enough to likely and consistently support a breeding pair of kit foxes (i.e., they provide a substantial habitat linkage)."

CDFW recommends that the Lead Agency revise the draft EIR to avoid this significant impact and evaluate an alternative that omits the portions of the Project south of Sand Creek.

San Joaquin Kit Fox, Mitigation Measure 4.4-14

CDFW recommends Mitigation Measure 4.4-14 be revised to state that no activity is authorized that permits the take of SJKF unless take authorization is provided by CDFW and the U.S. Fish and Wildlife Service. Destruction of occupied dens and handling of SJKF constitutes take under section 86 of the Fish and Game Code and would require an ITP as per section 2081 of the Fish and Game Code. To ensure permanent and temporary habitat loss of SJKF habitat is mitigated to a level of less-than-significant, CDFW recommends Mitigation Measure 4.4-14 be revised to

incorporate specific and enforceable compensatory measures. The revisions should include compensatory mitigation at the following ratios: a minimum of 3:1 ratio (compensatory mitigation to impacted habitat) for permanent impacts, a 5:1 ratio for construction of new roadways, and a 1:1 ratio for temporary impacts.

Ring-tailed Cat, Mitigation Measure 4.4-15

The Ring-tailed cat (*Bassariscus astutus*) is a Fully Protected species under State law and may not be taken or possessed at any time. CDFW recommends the measure be revised to adhere to Fish and Game code to fully avoid impacts to the species and to require immediate notification to CDFW if the species is detected in the Project area. This includes removal of relocation activities currently written in the measure.

Pallid, Townsend's Big-eared, Greater Mastiff, and Western Red Bats, Mitigation Measure 4.4-16

The draft EIR concludes that the Project site has suitable roosting habitat for the pallid bat (*Antrozous pallidus*), Townsend's big-eared bat (*Corynorhinus townsendii*), western red bat (*Lasirurs blossevillii*), and marginal habitat for the greater mastiff bat (*Eumops perotis*), and that Project activities have the potential for significant impact to the species. To ensure impacts to bat species are mitigated to a level of less-than-significant, CDFW recommends the draft EIR be revised to include the following specific and enforceable mitigation measure, as well as a restricted work window, and defined protection buffers in the event bats are detected:

"Bat Habitat Assessment and Avoidance: A Qualified Biologist shall conduct a habitat assessment for bat species within and adjacent to Project site where culverts, structures and/or trees would be removed or otherwise disturbed for a period of more than two (2) hours. The assessment shall occur no more than five (5) days prior to the initiation of construction and include a visual inspection of features within 50 feet of all Project sites for potential roosting features (bats need not be present). Habitat features found during the survey shall be flagged or marked. If bats (individuals or colonies, not just roosting habitat) are detected during the habitat assessment, no work shall proceed until CDFW has been consulted.

If any habitat features identified in the habitat assessment will be altered or disturbed by Project activities, a Qualified Biologist shall conduct two visual surveys for bats (observation of presence of bats during foraging period) and use of ultrasonic detectors (Anabat, etc.) during all dusk emergence and pre-dawn re-entry. Each survey needs to be conducted within one 24-hour period. In addition, a phased disturbance strategy shall be employed. Non-habitat trees or structural features shall be removed one (1) day prior to removal of habitat features. Permittee shall not attempt to directly disturb (e.g. shake, prod etc.) roosting features. Phased disturbance strategies shall only be permitted to occur from March 1 to April 15 or September 1 to October 15. Alternative actions may be developed in consultation with CDFW."

Fish and Game Code Section 1600, Mitigation Measure 4.4-18

CDFW recommends Mitigation Measure 4.4.18 be revised to include compensatory mitigation for impacts to riparian habitat and watercourses at a minimum of a 3:1 mitigation ratio (conservation to loss) for permanent impacts, and a 1:1 mitigation ratio for temporary impacts.

CDFW also recommends that the setback buffer for Sand Creek be increased to 200 feet to increase the viability of the Sand Creek corridor for wildlife movement through the area.

Additional Recommended Mitigation Measures

CDFW also recommends the following avoidance and minimization measures are included in the biological resources section of the draft EIR:

“Open Trenches: Any open trenches, pits, or holes with a depth larger than one-foot shall be covered at the conclusion of work each day with a hard, non-heat conductive material (i.e. plywood). No netting, canvas, or material capable of trapping or ensnaring wildlife shall be used to cover open trenches. If use of a hard cover is not feasible, multiple wildlife escape ramps shall be installed, constructed of wood or installed as an earthen slope in each open trench, hole, or pit that is capable of allowing large (i.e. deer) and small (i.e. snakes) from escaping on their own accord. Prior to the initiation of construction each day and prior to the covering of the trench at the conclusion of work each day, a Qualified Biologist or on-site personnel shall inspect the open trench, pit, or hole for wildlife. If wildlife is discovered, it shall be allowed to leave on its own accord.

Open Pipes Restriction: All pipes, culverts, or similar structures that are stored at the construction vertically or horizontally on-site for one or more overnight periods will be securely capped on both ends prior to storage and thoroughly inspected for wildlife prior to implementation at the Project site by a Qualified Biologist or Biological Monitor.

Fence and Sign Post Restriction: Any fencing posts or signs installed temporarily or permanently throughout the course of the Project shall have the top three post holes covered or filled with screws or bolts to prevent the entrapment of wildlife, specifically birds of prey. The Qualified Biologist or Biological Monitor shall be responsible for ensuring compliance with this measure throughout the course of the Project and shall inspect each post.”

ENVIRONMENTAL DATA

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database which may be used to make subsequent or supplemental environmental determinations. [Pub. Resources Code, § 21003, subd. (e)]. Accordingly, please report any special-status species and natural communities detected during Project surveys to the California Natural Diversity Database (CNDDDB). The CNDDDB field survey form can be found at the following link: <https://www.wildlife.ca.gov/Data/CNDDDB/Submitting-Data#44524420-pdf-field-survey-form>. The completed form can be mailed electronically to CNDDDB at the following email address: cnddb@wildlife.ca.gov. The types of information reported to CNDDDB can be found at the following link: <https://www.wildlife.ca.gov/Data/CNDDDB/Plants-and-Animals>.

FILING FEES

The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the fee

Ms. Alexis Morris
May 10, 2018
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is required in order for the underlying Project approval to be operative, vested, and final. (Cal. Code Regs, tit. 14, § 753.5; Fish and Game Code, § 711.4; Pub. Resources Code, § 21089).

CONCLUSION

CDFW recommends that compensatory mitigation for temporal and permanent loss of special-status plants and wildlife habitats be modified throughout the draft EIR to reduce significant mortality and displacement impacts resulting from Project construction and associated habitat loss to a level of less-than-significant. CDFW recommends compensatory mitigation ratios be included at the following ratios: 5:1 for newly created roadways to account for roadkill mortalities and fragmentation of wildlife movement corridors; 3:1 for impacts to special-status species habitats that are permanent in nature; and 1:1 for temporary impacts to special-status species habitats where remediation will take less than one year. Conserved habitats or lands should be protected in perpetuity under a conservation easement, and be managed in perpetuity through an endowment with an appointed land manager. To ensure significant impacts are adequately mitigated to a level less-than-significant, CDFW recommends that our revisions to mitigation measures, described above, be incorporated as enforceable conditions into the revised draft EIR.

The draft EIR fails to address the significant and unavoidable impacts from the Project to the species recovery and landscape level connectivity in the northern range of SJKF. CDFW has recommended that the Lead Agency include a Project alternatives analysis or revision of the Project description that does not include development south of Sand Creek to address this impact.

The impacts analysis addressing special-status plants has fatal errors and should to be revised using CDFW's recommendations above. Mitigation measures in the draft EIR should be revised to address impacts identified in a revised impacts analysis.

CDFW appreciates the opportunity to comment on the draft Environmental Impact Report to assist the City in identifying and mitigating Project impacts on biological resources. Questions or further coordination regarding this letter and impacts to plants and wildlife should be directed to Ms. Jeanette Griffin, Environmental Scientist, at (209) 234-3447 or Jeanette.Griffin@wildlife.ca.gov; or Ms. Melissa Farinha, Senior Environmental Scientist (Supervisory), at (707) 944-5579 or Melissa.Farinha@wildlife.ca.gov.

Sincerely,



Gregg Erickson
Regional Manager
Bay Delta Region

cc: Office of Planning and Research, State Clearinghouse, Sacramento



July 11, 2019

Alexis Morgan

amorris@ci.antioch.ca.us

City of Antioch Community Development Department

P. O. Box 5007

Antioch, CA 94531

CEQA Project: **SCH # 2019060012**

Lead Agency: **City of Antioch**

Project Title: **The Ranch Residential Project**

The Division of Oil, Gas, and Geothermal Resources (DOGGR) oversees the drilling, operation, maintenance, and plugging and abandonment of oil, natural gas, and geothermal wells. Our regulatory program emphasizes the wise development of oil, natural gas, and geothermal resources in the state through sound engineering practices that protect the environment, prevent pollution, and ensure public safety. Northern California is known for its rich gas fields. DOGGR staff have reviewed the documents depicting the proposed project.

The Ranch Residential Project includes up to 1,177 dwelling units.

The attached map shows locations of two known abandoned dry holes within the project area. Based on the Project map submitted by the City of Antioch, both wells appear to be located within planned road ways or immediately adjacent to a roadway.

Note that DOGGR has not verified the actual location of the wells nor does it make specific statements regarding the adequacy of abandonment procedures with respect to current standards. The developer is advised to verify the locations of all wells where development is expected to disturb the soil above the wells and to mark or note the accurate locations for future reference. For wells in roadways, especially, care should be taken to route utilities around the wells and to avoid disturbing the wellheads.

For future reference, you can review wells located on private and public land at the Division's website: <https://maps.conservation.ca.gov/doggr/wellfinder/#close>

The local permitting agencies and property owner should be aware of, and fully understand, that significant and potentially dangerous issues may be associated with development near oil and gas wells. These issues are non-exhaustively identified in the following comments and are provided by DOGGR for consideration by the local permitting agency, in conjunction with the property owner and/or developer, on a

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parcel-by-parcel or well-by-well basis. As stated above, DOGGR provides the above well review information solely to facilitate decisions made by the local permitting agency regarding potential development near a gas well.

1. It is recommended that access to a well located on the property be maintained in the event re-abandonment of the well becomes necessary in the future. Impeding access to a well could result in the need to remove any structure or obstacle that prevents or impedes access. This includes, but is not limited to, buildings, housing, fencing, landscaping, trees, pools, patios, sidewalks, and decking.
2. Nothing guarantees that a well abandoned to current standards will not start leaking oil, gas, and/or water in the future. It always remains a possibility that any well may start to leak oil, gas, and/or water after abandonment, no matter how thoroughly the well was plugged and abandoned. DOGGR acknowledges that wells abandoned to current standards have a lower probability of leaking oil, gas, and/or water in the future, but makes no guarantees as to the adequacy of this well's abandonment or the potential need for future re-abandonment.
3. Based on comments **1** and **2** above, DOGGR makes the following general recommendations:
 - a. Maintain physical access to any gas well encountered.
 - b. Ensure that the abandonment of gas wells is to current standards.

If the local permitting agency, property owner, and/or developer chooses not to follow recommendation "**b**" for a well located on the development site property, DOGGR believes that the importance of following recommendation "**a**" for the well located on the subject property increases. If recommendation "**a**" cannot be followed for the well located on the subject property, then DOGGR advises the local permitting agency, property owner, and/or developer to consider any and all alternatives to proposed construction or development on the site (see comment **4** below).


4. Sections 3208 and 3255(a)(3) of the Public Resources Code give DOGGR the authority to order the re-abandonment of any well that is hazardous, or that poses a danger to life, health, or natural resources. Responsibility for re-abandonment costs for any well may be affected by the choices made by the local permitting agency, property owner, and/or developer in considering the general recommendations set forth in this letter. (Cal. Public Res. Code, § 3208.1.)
5. Maintaining sufficient access to a gas well may be generally described as maintaining "rig access" to the well. Rig access allows a well servicing rig and associated necessary equipment to reach the well from a public street or access way, solely over the parcel on which the well is located. A well servicing rig, and any necessary equipment, should be able to pass unimpeded along and over the route, and should be able to access the well without disturbing the integrity of surrounding infrastructure.

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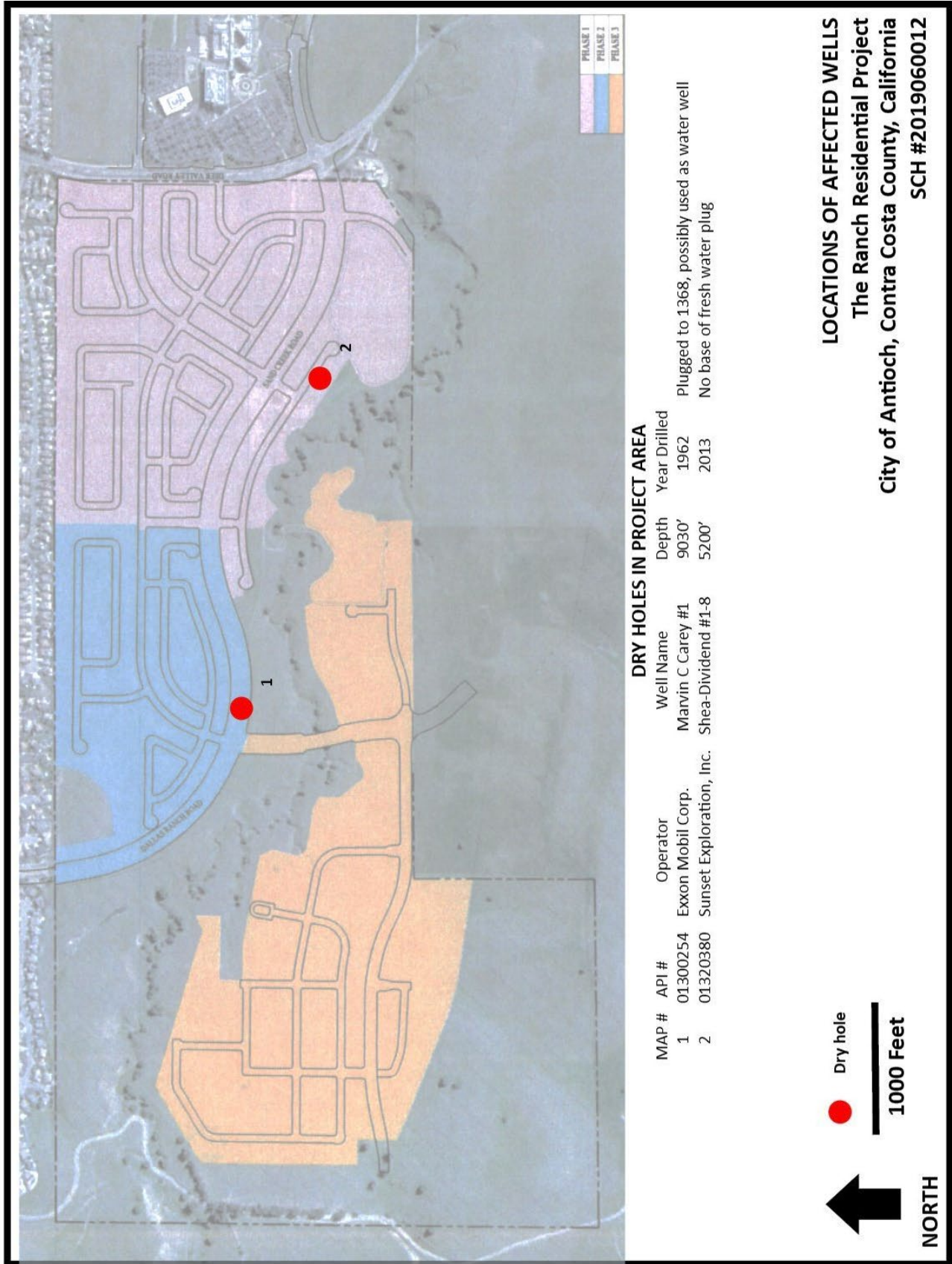
6. If, during the course of development of this proposed project, any unknown well(s) is/are discovered, DOGGR should be notified immediately so that the newly-discovered well(s) can be incorporated into the records and investigated. DOGGR recommends that any wells found in the course of this project, and any pertinent information obtained after the issuance of this letter, be communicated to the appropriate county recorder for inclusion in the title information of the subject real property. This is to ensure that present and future property owners are aware of (1) the wells located on the property, and (2) potentially significant issues associated with any improvements near oil or gas wells.

No well work may be performed on any oil or gas well without written approval from DOGGR in the form of an appropriate permit. This includes, but is not limited to, mitigating leaking fluids or gas from abandoned wells, modifications to well casings, and/or any other re-abandonment work. (NOTE: DOGGR regulates the depth of any well below final grade (depth below the surface of the ground). Title 14, Section 1723.5 of the California Code of Regulations states that all well casings shall be cut off at least 5 feet but no more than 10 feet below grade. If any well needs to be lowered or raised (i.e. casing cut down or casing riser added) to meet this grade regulation, a permit from DOGGR is required before work can start.)

Sincerely,

DocuSigned by:

Charlene L Wardlow
Northern District Deputy

Attachments: Map





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July 11, 2019

Alexis Morris
Planning Manager
Community Development Department
City of Antioch
P.O. Box 5007
Antioch, CA 94531-5007

Sent via email to: amorris@ci.antioch.ca.us

RE: Notice of Preparation of an Environmental Impact Report for The Ranch Project

Dear Ms. Morris:

The East Bay Regional Park District ("Park District") appreciates the opportunity to provide comments on the Notice of Preparation of a draft Environmental Impact Report (DEIR) ("NOP") for The Ranch Project ("Project"), following the West Sand Creek Tree, Hillside, and Open Space Protection, Public Safety Enhancement, and Development Restriction Initiative adopted by Antioch City Council on July 24, 2018. The Park District has previously provided comments on the Project. As discussed in the previous comment letters, the Park District has a long-term interest in the Sand Creek Focus Area, within which the Project is located, and currently manages three regional parks and preserves – Contra Loma Regional Park, Black Diamond Mines Regional Park, and the planned Deer Valley Regional Preserve – that border the Focus Area. The Park District is planning the public reuse of the former Roddy Ranch Golf Course, which is approximately one mile from the Project. Additionally, the Park District operates the Mokelumne Coast to Crest Trail to the north of the Project site.

The Park District seeks to ensure any development at the Project site protects the area's unique environmental resources and does not adversely affect the Park District's core mission of acquiring, developing, managing, and maintaining a high quality, diverse system of interconnected parklands that balance public use and education with protection and preservation of the region's natural and cultural resources. The Park District remains concerned about the potential effects of development within the Sand Creek Focus Area. The Sand Creek Focus Area is one of the last remaining large tracts of undeveloped land in the City of Antioch. The Park District is concerned the Project will result in direct impacts to the Park District's parkland, regional trails, and natural resources, and that it will harm special status species that make the parkland and surrounding areas, including the Sand Creek Focus Area, home. If not properly designed with meaningful and effective mitigation, this Project could negatively impact the Park District's parklands and limit the utility of the Sand Creek area and properties purchased through the East Contra Costa County Habitat Conservation Plan (ECCCHCP) for a publicly accessible natural preserve and wildlife corridor.

As the Project moves forward and environmental review is undertaken, the Park District would like to reiterate the following requests regarding access to trails (staging area), trail connections, trail crossing for bicyclists and pedestrians, biological resources, and open space preservation:

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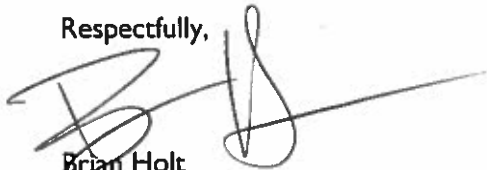
1. **Proposed Staging Area:** The Project calls for a staging area near Empire Mine Road to provide trail connections to the existing and proposed regional trail system. The DEIR should address the location, size, general function, traffic impacts, and operation and maintenance responsibilities of the staging area to provide additional access to the trail for visitors from outside the immediate neighborhood. In addition, a long-term funding mechanism should be put in place to maintain and operate the staging area. Since Empire Mine Road is currently closed to the public, but could be opened in the future, the DEIR should address emergency vehicle access on Empire Mine Road and include suitable measures to ensure Empire Mine Road is not reopened to public vehicular use, or thoroughly analyze any proposal to reopen the road to ensure the problems of vandalism, dumping, and illicit activity do not reoccur.
2. **Trail Connections:** The Project plans identify approximately 6 miles of trail along Sand Creek and throughout the Project site. A portion of the trails connect directly to the proposed staging area. The DEIR should consider the safety of all trail uses as well as slopes, views, site features, and impact on resources. In addition, a long-term funding mechanism should be put in place to maintain and operate the trails.
3. **Regional Trail Connections:** The Mokelumne Coast to Crest Trail is a regionally important trail that follows the Mokelumne River from the Sierras to Carquinez Strait in Martinez, and is located north of the Project. The DEIR should consider potential regional trail connections from Empire Mine Road through the development to the Mokelumne Coast to Crest Trail.
4. **Deer Valley Road Trail Crossing:** The NOP identifies bicycle lanes throughout the Project site and a pedestrian/bicycle bridge across Sand Creek. The Park District requests that the DEIR analyze the safety of bicyclists and pedestrians crossing Deer Valley Road and safety improvements such as a separated bicycle and pedestrian crossing to minimize conflict between automobiles and recreational trail users on this highly used roadway.
5. **Biological Resources:** The project vicinity is a biodiversity hotspot for rare or endangered species, including twenty-nine plant species on Mount Diablo and eleven that are endemic to the Mount Diablo region. The DEIR will need to fully evaluate the potential for impacts on biological resources, including impacts to the critically endangered Mount Diablo Buckwheat that was recently discovered to be thriving within Black Diamond Mines Regional Preserve, located in the project vicinity. Impacts to biological resources should also analyze for wildlife movement along wildlife corridors. Antioch has not yet completed its Habitat Conservation Plan/Natural Community Conservation Plan (HCP/NCCP). The DEIR will need to demonstrate and analyze how the Project will mitigate biologic resource impacts lacking an adopted HCP/NCCP or how the project will comply with any future HCP/NCCP that Antioch may adopt.
6. **Aesthetic Impacts:** The NOP identifies almost 230 acres of open space within the total 551.5-acre development area. The Antioch General Plan calls for the maintenance of viewshed corridors from public spaces. Since the Project is surrounded on three sides by open space and Park District lands, a thorough visual analysis should be conducted to evaluate the Project's impacts on nearby publicly protected open space lands, particularly views from Black Diamond Mines Regional Park trails and from a proposed Deer Valley Regional Park trail that will connect the former golf course to Empire Mine Road. Because the previous DEIR for the Project (March 2018) found the development of the Project would have a significant and unavoidable impact in degrading the visual character or quality of the project site and/or the site's surroundings, the Park District is concerned that a similar impact will occur to Aesthetics in the current Project. Also, as the previous DEIR relied on proposed "project development standards" and as-yet unwritten "design

guidelines" to "maximize the aesthetic quality of future development within the project site," the current DEIR should include specific design guidelines and development standards so that the Park District and the public can better understand how the Project's potential aesthetic impacts will be minimized.

- 7. Off-site Infrastructure Improvements:** The Project includes the construction of infrastructure improvements. The DEIR should include clear descriptions of all infrastructure improvements, including any off-site extension for public utilities. While the infrastructure improvements may be constructed within the public right-of-way or within public utility easements, the DEIR should also describe and mitigate for any potential impacts to open space or Park District lands that may be adjacent to the off-site improvements. While the off-site improvements originally proposed in the March 2018 DEIR at the water tank and paved road located to the west of the Project is on the City of Antioch land, the Park District has an interest in the proposed infrastructure because it is surrounded by the Park District's Black Diamond Mines Regional Park.

The Park District appreciates the opportunity to provide these comments on the NOP and looks forward to working with the City of Antioch and the project proponent to address these issues should a project move forward. Please feel free to contact me at (510) 544-2623 or bholt@ebparks.org should you have any questions.

Respectfully,



Brian Holt
Chief of Planning/GIS

Cc:

Robert Doyle, General Manager
Colin Coffey, EBRPD Board of Directors

ANDREW A. BASSAK
PARTNER
DIRECT DIAL (415) 995-5006
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July 11, 2019

VIA E-MAIL AND U.S. MAIL
amorris@ci.antioch.ca.us

Alexis Morris
Planning Manager
City of Antioch
P.O. Box 5007
Antioch, CA 94531-5007

Re: Notice of Preparation of a Draft Environmental Impact Report
for The Ranch Residential Project

Dear Ms. Morris:

On behalf of The Zeka Group, we have reviewed the June 2019 Notice of Preparation of a Draft Environmental Impact Report ("NOP") for The Ranch Residential Project, and submit the following comments regarding the scope and content of the environmental information that must be included in the proposed Environmental Impact Report ("EIR").

First, the NOP fails to describe the probable environmental effects of the project with any detail. Merely providing a bullet point list of nearly every environmental impact area listed in Appendix G of the CEQA Guidelines is not sufficient. It is also not clear why Agricultural Resources and Mineral Resources were omitted from the list of probable environmental effects given the history of the property.

Second, the City must prepare an initial study even if it is clear that an EIR will be required. A contemporaneous initial study will identify environmental impacts of the project that do not require further analysis in the EIR, and allow the EIR to focus on the Project's significant environmental impacts.

Third, the City should clarify the entitlements and approvals needed. For example, the NOP describes the need for a large lot parcel map to split the site into five parcels. However, a parcel map is typically limited to minor subdivisions of four lots or less.

Finally, we request that, following the receipt of comments, the City hold a further scoping meeting regarding the proper scope and contents of the EIR. This will enable interested stakeholders to engage in dialog with the City and the Project developer about key issues early in the process.

Alexis Morris
July 11, 2019
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We look forward to reviewing and providing further comments on the draft EIR.

Very truly yours,

A handwritten signature in blue ink, appearing to read 'A. Bassak', with a long horizontal flourish extending to the right.

Andrew A. Bassak

cc: Louisa Zee Kao (*Via Email*)
Laveille Voss (*Via Email*)
Christopher A. Rheinheimer (*Via Email*)