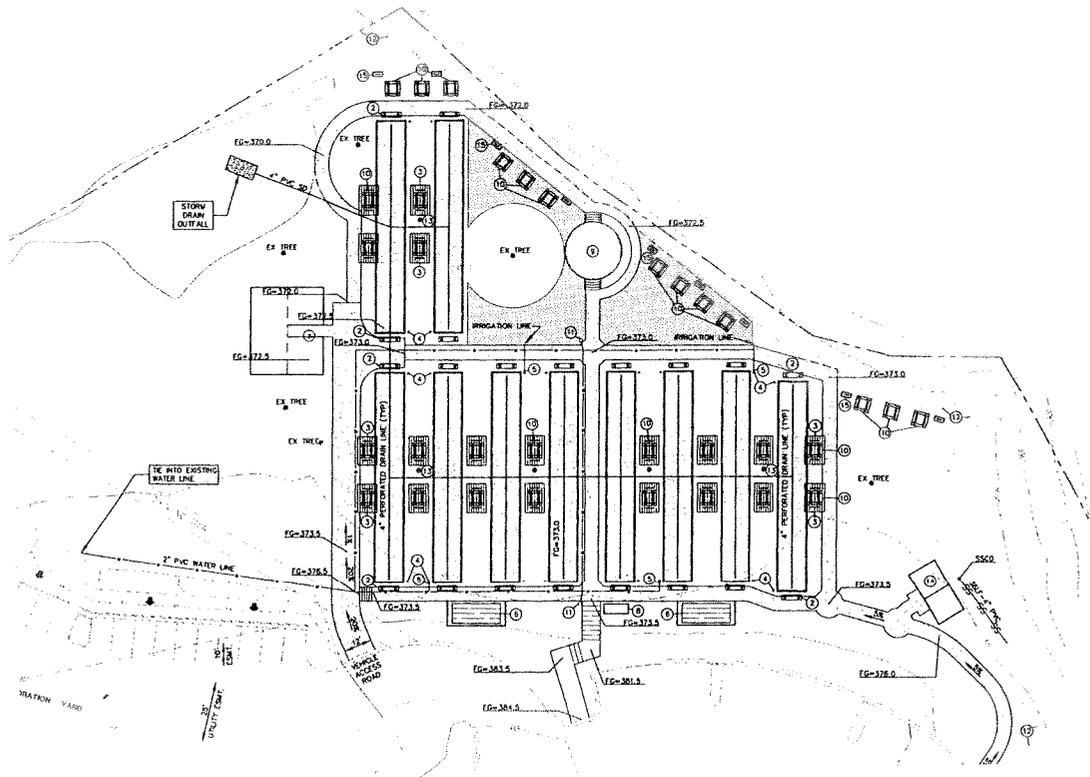

Bocce Ball Centre Initial Environmental Study/ Negative Declaration ENV 02-04



City of Clayton
Community Development Department
6000 Heritage Trail
Clayton, California 94517
925/673-7340

Final
July 2005

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Initial Environmental Study/
Negative Declaration
ENV 02-04**

**Prepared for:
City of Clayton
Community Development Department
6000 Heritage Trail
Clayton, California 94517
925/673-7340**

**Prepared by:
Raney Planning & Management
916/372-6100**

**Final
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INTRODUCTION

The Bocce Ball Foundation has proposed construction of bocce ball courts on an approximately 0.7-acre site owned by the City of Clayton. The project site is located in the City of Clayton, north of City Hall on Heritage Trail. Surrounding land uses include City Hall to the south, the city's corporation yard to the southwest, existing residences to the northwest, Mount Diablo Creek and Oakhurst Country Club to the northeast and east, and the Keller Ranch House and Clayton Community Library to the southeast.

The Bocce Federation's original proposal provided ten bocce ball courts on-site. Since the submittal of the original proposal, the number of courts has been reduced by the City Council to eight courts. This Initial Environmental Study/Negative Declaration (IES/ND) evaluates a "worst-case" scenario for the project, assuming the development of ten courts. However, an additional scenario, termed the "staff scenario," assumes the development of eight courts and is included in the noise and traffic sections of this IES/ND.

This Initial Environmental Study/Negative Declaration identifies potentially significant environmental impacts for the following environmental areas:

- Aesthetics
- Air Quality
- Biological Resources
- Cultural Resources
- Geology and Soils
- Hydrology
- Public Services
- Transportation

The environmental analysis determined that measures were available to mitigate potential adverse impacts to insignificant levels. As a result, this document serves as a Negative Declaration pursuant to Public Resources Code Sections 21064.5 and 21080(c), and Article 6 of the California Environmental Quality Act (CEQA) Guidelines.

In accordance with the requirements of CEQA Guidelines Section 15071, this Negative Declaration describes the project; identifies, analyzes, and evaluates the potential significant environmental impacts, which may result from the project; and identifies measures to mitigate adverse environmental impacts. With the mitigation measures identified in this document designed into the project by the project sponsor (Bocce Ball Federation), the project would not have a significant impact on the environment.

I. PROJECT / SPONSOR INFORMATION

1. Project Title: Bocce Ball Centre
State Clearinghouse Number 2005031128
2. Lead Agency Name and Address: City of Clayton
6000 Heritage Trail
Clayton, CA 94517
3. Contact Person and Phone Number: Jeremy Graves, AICP
(925) 673-7343
4. Project Location: Bounded by City Hall and Heritage Trail to the south
and Mount Diablo Creek to the east,
City of Clayton
5. Assessor Parcel Numbers: City Hall, Bocce Ball Courts - APN 118-370-041
Community Library, Keller Ranch House - APN 118-370-006
6. Project Sponsor: Howard Geller
Bocce Ball Federation
1511 Treat Blvd.
Walnut Creek, CA 94598
925/672-4499
7. Property Owner: City of Clayton
8. Clayton General Plan: *Existing:* Cultural Center
Proposed: Public/Quasi-Public Facilities

Clayton Town Center Specific Plan: *Existing:* Historic and Cultural
Proposed: Public Facility
9. Zoning: *Existing:* Agricultural District (A)
Proposed: Public Facility District (PF)
10. Project Description Summary:

The project involves the construction of a bocce ball facility on a currently vacant site. The approximate 0.7-acre Bocce Ball Centre would include 8 courts, picnic tables, team benches, an approximate 1,200 square-foot storage building, restrooms, court lights, barbecue grills, bleachers, a public address system, and other ancillary features associated with bocce ball courts. The site layout includes construction of storm drainage infrastructure and connections to the existing water and sewer infrastructure. In addition, a service road would be constructed along the western edge of the project site.

The environmental factors checked below would be potentially affected by this project. The following Evaluation of Environmental Impacts identifies at least one impact that is a "Potentially Significant Impact" or "Potentially Significant Unless Mitigated" for each of the checked environmental factors.

- | | | |
|---|---|---|
| <input type="checkbox"/> Aesthetics | <input type="checkbox"/> Agriculture | <input type="checkbox"/> Air Quality |
| <input type="checkbox"/> Biological Resources | <input type="checkbox"/> Cultural Resources | <input type="checkbox"/> Geology/Soils |
| <input type="checkbox"/> Hazards | <input type="checkbox"/> Water, Sewer, and Storm
water Systems | <input type="checkbox"/> Land Use & Planning |
| <input type="checkbox"/> Energy & Mineral Resources | <input type="checkbox"/> Noise | <input type="checkbox"/> Population & Housing |
| <input type="checkbox"/> Public Services | <input type="checkbox"/> Recreation | <input type="checkbox"/> Traffic and Transportation |
| <input type="checkbox"/> Utilities/Service Systems | <input type="checkbox"/> Mandatory Findings of Significance | |
| <input checked="" type="checkbox"/> None After Mitigation | | |

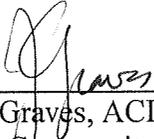
II. DETERMINATION

On the basis of this initial evaluation:

- I find that the Project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- I find that although the Project could have a significant effect on the environment, there will not be a significant effect in this case since the Project proponent has made revisions in the Project and has agreed to the mitigation measures listed in "Section V. List of Mitigation Measures". I further find that the mitigation measures and the information in this study constitute a MITIGATED NEGATIVE DECLARATION in accordance with Section 15071 of the State CEQA Guidelines.
- I find that the Project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- I find that the project MAY have a "potentially significant impact" or "potentially significant unless mitigated" on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- I find that although the project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR, including revisions or mitigation measures that are imposed upon the project, nothing further is required.

Signature

Date



Jeremy Graves, ACIP
Clayton Community Development Director

7/19/06

III. BACKGROUND

This Initial Environmental Study/Negative Declaration provides an environmental analysis pursuant to the California Environmental Quality Act (CEQA) for the proposed Bocce Ball Centre and the associated amendments of the *General Plan*, *Town Center Specific Plan* and zoning designations for the City Hall parcel and adjacent Community Library parcel. The Bocce Ball Federation, as project sponsor, has requested entitlements from the City of Clayton for development of the Bocce Ball Centre.

This Initial Environmental Study relies upon the program-level analysis provided in the *General Plan EIR*, the *Town Center Specific Plan*, and site-specific studies prepared for the project in the determination of impacts.

IV. PROJECT DESCRIPTION

Site Location and Description

The Bocce Ball Centre project site is located on a vacant site north of Clayton City Hall and west of Mount Diablo Creek. Clayton City Hall is located north of Clayton Road at 6000 Heritage Trail (see **Exhibits 1 and 2, Regional Location Map and Project Location Map**). Single-family residences are located northwest of the project site. The City corporation yard is southwest of the project site; the Oakhurst Country Club corporation yard, golf course, and related facilities are located to the northeast and east of the project site; and Mount Diablo Creek and the historic Keller Ranch House are located to the southeast.

The project site is irregularly shaped and slopes downward in a northerly direction approximately 10 feet from the southern boundary of the project site. Mount Diablo Creek runs contiguous to the eastern and northeastern border of the project site, and the land slopes down to the creek approximately 10 feet on either side of the creek. Although the borders of the site are sloped, the area proposed for construction is relatively flat. The maximum elevation change throughout the proposed construction area of the project site is approximately six feet, trending downward in a northerly direction (see **Exhibit 3, Site Plan**). (Full size copies of the site plan are available at the Clayton Community Development Department.) Vegetation on the site consists of native grasses, ruderal plants, and trees.

Project Description

The project involves the construction of a bocce ball facility on a currently vacant approximate 0.7-acre site. The Bocce Ball Centre project originally included 10 courts, a gazebo, picnic tables and team benches, an approximate 1,200-square-foot storage building, restrooms, court lights, barbeque grills, fencing around the site perimeter, bleachers, a public address system for occasional use, and other ancillary features associated with bocce ball courts. Upon further review of the project by City Council, the number of bocce courts has been reduced to eight and the gazebo has been removed from the site plan. In addition, the arborist report (see appendix) prepared for the project site recommends the removal of two eucalyptus trees on-site. The site layout submitted as part of the proposal package indicates that the project would include the construction of necessary storm drain infrastructure and the connection to the existing water and sewer infrastructure. In addition, a service road would be constructed along the western edge of the project site, and the City would enter into an

agreement with the project sponsor (i.e., Bocce Ball Federation) which would require the sponsor to assume all operation, maintenance, and replacement costs of the facilities.

The bocce ball games are played by two teams with an average of six to eight players (maximum of ten players) per team. With ten courts and two teams per court, 120 - 200 people could be playing simultaneously. With the addition of bystanders, up to 250 people could be expected in a conservative “worst-case” scenario. For the “staff scenario”, up to 128 players could be expected (16 players/court x 8 courts = 128).

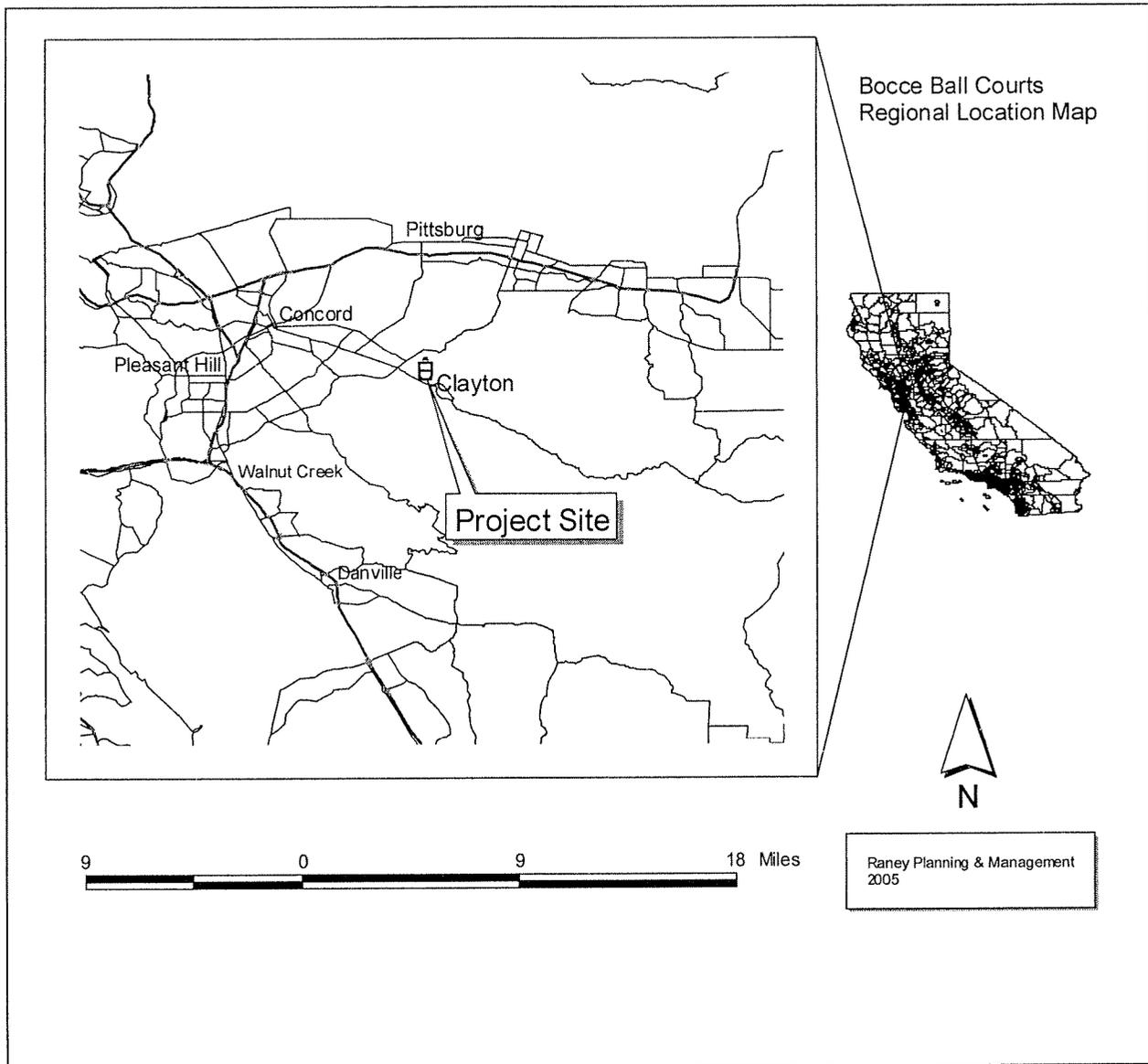
League play is expected to occur on Monday through Friday from 6:00 p.m. to 9:00 p.m. Open play is expected to occur on Saturdays and Sundays. Bocce ball games are played until two games out of three are won by one team. This typically takes 1½ to 2½ hours. Therefore, teams leave at various times, depending on when the games are finished.

Discretionary Actions

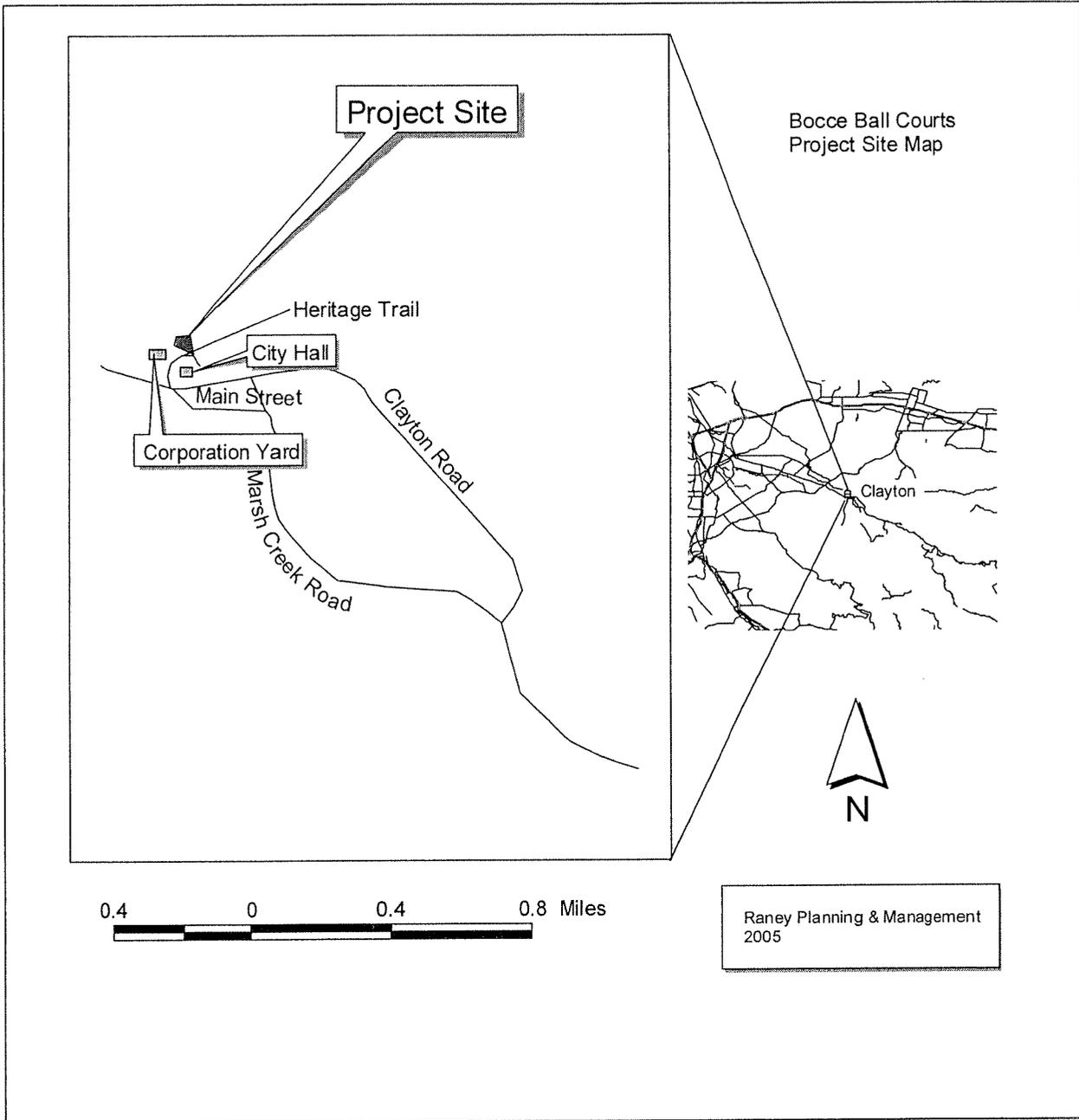
Approval of the project requires the following discretionary actions by the City:

- GPA 02-04: Amendment of the *General Plan* land use map from “Cultural Center” to “Public and Quasi-Public Facilities” for the City Hall and Community Library parcels;
- SPA 02-04: Amendment of the *Town Center Specific Plan* land use designation from “Historic and Cultural” to “Public Facility” for the City Hall and Library parcels;
- ZOA 07-04: Amendment of the Zoning Map from “Agricultural District” to “Public Facility District” for the City Hall and Library parcels;
- UP 01-04: Approval of a use permit to allow bocce ball courts; and
- SPR 05-05: Approval of a site plan review permit to allow the storage building.

Exhibit 1 Regional Location Map



**Exhibit 2
Project Location Map**



V. LIST OF MITIGATION MEASURES

Aesthetics

Mitigation Measure 1. As part of Site Plan Review process, the Planning Commission shall determine that the design of storage building and restroom is architecturally compatible with the historic character of the nearby historic buildings.

Mitigation Measure 2. A lighting plan shall be submitted for review and approval of the Community Development Department in conjunction with the project improvement plans. The plan shall include details to reduce glare and minimize spillover of light onto adjacent properties (e.g., timers to turn off lights at predetermined times; cut-off lenses; lamps oriented in a downward fashion; limitations on lamp heights).

Air Quality

Mitigation Measure 3. The following measures shall be adhered to during all construction phases of the project:

- a) Earthmoving or other dust-producing activities shall be suspended during periods of high winds, (i.e., instantaneous wind gusts of 25 mph or greater);
- b) Until stabilized by hydro-seeding or other techniques, all exposed or disturbed soil surfaces shall be watered with a soil stabilizer at least twice daily when construction activities occur, on any day of high winds (including weekends and holidays), and as directed by the City Engineer;
- c) Stockpiles of debris, soil, sand or other materials that can be blown by the wind, shall be watered with a soil stabilizer or covered;
- d) Construction areas, adjacent streets, and routes for construction traffic shall be swept of all mud and debris by a street sweeper on a daily basis (minimum) on any day when construction activities occur, including weekends and holidays;
- e) All trucks hauling soil, sand, or other loose materials shall be covered or maintain at least two feet of freeboard;
- f) A compliance officer, responsible for implementation and monitoring, shall be identified as part of the grading permit process.

Biological Resources

Mitigation Measure 4. Pre-construction nesting surveys for raptors shall be conducted if initial grading for the project is to be conducted during the months of April through July. The surveys shall be conducted by a qualified biologist (approved by the Community Development Director) no more than 30 days prior to initiation of grading or tree removal. If any raptors are found within the construction area after April of the construction year, grading and construction in the area shall either stop or continue only after the nests are protected by an adequate setback approved by a qualified biologist. If permanent avoidance of nests is not feasible, impacts on raptor nests shall be minimized by avoiding disturbances to the nest location during the nesting season unless a qualified biologist verifies that the birds have either a) not begun egg-laying and incubation, or b) that the juveniles from those nests are foraging independently and capable of independent survival at an earlier date.

Cultural Resources

Mitigation Measure 5.

- a). Prior to issuance of grading permits, the project sponsor shall submit a grading plan to the Community Development Department for review and approval to ensure that the grading plan is consistent with the recommendations of the archaeological investigation. Additionally, if historic and/or cultural resources, or human remains are encountered during site grading or other site work, all such work shall be halted immediately within the area of discovery and the project sponsor shall immediately notify the Community Development Department of the discovery. In such case, the project sponsor shall be required, at his expense, to retain the services of a qualified archaeologist for the purpose of recording, protecting, or curating the discovery as appropriate. The archaeologist shall be required to submit to the Community Development Department for review and approval a report of the findings and method of curation or protection of the resources. Further grading or site work within the area of discovery shall not be allowed until the proceeding steps have been taken.

- b). If areas of the Keller Ranch site, which have not been previously used for frequent parking, are used for parking, the project sponsor shall install gravel to protect the underlying resources.

Mitigation Measure 6. In the event that human remains are encountered during earthwork, work shall be stopped within 10 feet of discovery until the County Coroner's Office has been notified of the discovery. In the event that the remains are determined to be Native American or have the potential to be Native American, the Coroner's Officer and the consulting archaeologist shall notify the Native American Heritage Commission.

Geology and Soils

Mitigation Measure 7. Prior to issuance of a grading permit, the project sponsor shall submit, for the review and approval of the City Engineer, an erosion control plan that utilizes standard construction practices to limit the erosion effects during construction of the project. Actions should include, but are not limited to:

- a) Hydro-seeding;
- b) Placement of erosion control measures within drainage ways and ahead of drop inlets;
- c) The temporary lining (during construction activities) of drop inlets with "filter fabric";
- d) The placement of straw wattles along slope contours;
- e) Use of a designated equipment and vehicle "wash-out" location;
- f) Use of siltation fences; and
- g) Use of sediment basins and dust-binders.

Hydrology

Mitigation Measure 8. Prior to commencement of any site work, including site improvements, the project sponsor shall submit a completed Stormwater Pollution Prevention Plan (SWPPP) to the City Engineer. The SWPPP shall include:

- a) Sampling (pre-construction, during construction, and post-construction) of the stormwater outfall at Mount Diablo Creek for sediments generated by the project, in accordance with State General Permit regulations.
- b) Hydro-seeding or landscaping of all disturbed areas.
- c) Implementation of Best Management Practices.

- d) A site spill response plan.

Public Services

Mitigation Measure 9. Prior to the commencement of grading or construction activities, the project sponsor shall submit a recycling plan for construction materials to the City for review and approval. The plan shall include that all materials that would not be acceptable for disposal in the sanitary landfill be recycled/reused. Documentation of the material type, amount, where taken and receipts for verification and certification statements shall be included in the plan. The project sponsor shall submit a performance deposit, as established in the project's conditions of approval to the City to ensure recycling of demolition materials. In addition the project sponsor shall cover all staff costs related to the review, monitoring and enforcement of this condition through the deposit account.

Traffic and Transportation

Mitigation Measure 10.

- a). The project sponsor shall provide written notice to team members that parking is discouraged on residential streets in the vicinity of the project site, including Cardinet Drive and Wallace Drive. League and tournament registration materials shall specifically direct bocce players to the parking areas located at City Hall, Community Library, Keller Ranch (marked spaces only), and Town Center.
- b). The Planning Commission shall conduct a review of the parking conditions for the project to determine if adequate measures have been taken to discourage bocce parking in residential areas. The Commission may add, modify, or delete conditions regarding parking, the days of league play, or the number of courts used for league play depending upon the parking conditions.

VI. EVALUATION OF ENVIRONMENTAL IMPACTS

1. AESTHETICS

Issues		Potentially Significant Impact	Potentially Significant With Mitigation Incorporated	Less-Than-Significant Impact	No Impact
<i>Would the project:</i>					
a.	Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	✘	<input type="checkbox"/>
b.	Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a State scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	✘	<input type="checkbox"/>
c.	Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	✘	<input type="checkbox"/>	<input type="checkbox"/>
d.	Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	✘	<input type="checkbox"/>	<input type="checkbox"/>

- a. **Would the project have a substantial adverse effect on a scenic vista?..... Less-Than-Significant Impact**
- b. **Would the project substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a State scenic highway? Less-Than-Significant Impact**
- c. **Would the project substantially degrade the existing visual character or quality of the site and its surroundings? Less-Than-Significant Impact**

The project site is currently a vacant field and does not contain any structures or historic buildings. Rock outcrops or other significant natural features are not present on the project site. Although a number of trees are present on the project site, the project site plan indicates that the majority of these trees would be preserved and incorporated into the project landscaping. In addition, the project sponsor has plans to introduce more trees and other landscaping to the project site.

Clayton is located at the base of the north slope of Mount Diablo. The *Clayton General Plan* identifies scenic routes and corridors within the City, which have been established in recognition of panoramic views of Mount Diablo and associated foothills. The scenic routes include Clayton Road, Marsh Creek Road, and Concord Boulevard (p. V-9). The *General Plan* does not identify protected scenic resources for the subject site, but Clayton Road is afforded limited views of the project site.

Clayton Road was chosen as a scenic route due to the incidental and panoramic views of Mount Diablo, the foothills surrounding Mount Diablo, and the vegetation along the route. Mount Diablo is to the south of Clayton Road, and the project site is to the north, so the project would not obstruct views of Mount Diablo from the residences to the northwest of the project site. Furthermore, the development of bocce ball courts and associated amenities on

the low-lying project site would not interfere with views of Mount Diablo by motorists on Clayton Road or from the northern side of the project site.

Clayton City Hall (listed on the National Register) and the Keller Ranch House (listed on the California Register of Historic Resources) are historic buildings in the immediate vicinity of the project site. In addition, the *Town Center Specific Plan* indicates that new buildings built adjacent to buildings of historic character should be designed to be respectful of the older buildings. The majority of structures proposed for the project are of limited height and dimension, including the bocce courts, benches, restroom facility, and gazebo. These features would be constructed using similar materials to provide a uniform color/material scheme. The largest structure proposed for the site is an approximate 1,200 square foot storage building. Should the architectural design of the storage building not be compatible with the nearby historic buildings, a ***potentially significant*** impact would result.

Implementation of the following mitigation measure would reduce the potential impacts related to historic buildings to a *less-than-significant* level.

Mitigation Measure 1. As part of Site Plan Review process, the Planning Commission shall determine that the design of storage building and restroom is architecturally compatible with the historic character of the nearby historic buildings.

- d. Would the project create a new source of substantial light or glare which would adversely affect day or nighttime views in the area? Potentially Significant Impact**

The project site is currently vacant of structures, and light or glare is therefore not currently emitted from the project site. Conversion of the site into a bocce ball centre would include the installation of overhead lights for evening play, which would be a new source of light and glare. Although these lights would be located near the center of the site and existing trees and landscaping would partially shield residences from the new light source, residences near to the project site to the northwest and northeast would experience increased amounts of light and glare as a result of project implementation, resulting in a ***potentially significant*** impact.

Implementation of the following mitigation measure would reduce the potential impacts related to light and glare to a *less-than-significant* level.

Mitigation Measure 2. A lighting plan shall be submitted for review and approval of the Community Development Department in conjunction with the project improvement plans. The plan shall include details to reduce glare and minimize spillover of light onto adjacent properties (e.g., timers to turn off lights at predetermined times; cut-off lenses; lamps oriented in a downward fashion; limitations on lamp heights).

2. AGRICULTURE RESOURCES

Issues	Potentially Significant Impact	Potentially Significant With Mitigation Incorporated	Less-Than-Significant Impact	No Impact
<i>In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1977) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:</i>				
a. Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Involve other changes in the existing environment which, due to their location or nature, could individually or cumulatively result in loss of Farmland to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

- a. **Would the project convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to non-agricultural use? Less-Than-Significant Impact**

The *Contra Costa County Soil Survey* (1977) indicates that the soil type on project site is Perkins gravelly loam with 9 to 15 percent slopes (PaD). The *Soil Candidate Listing for Prime Farmland and Farmland of Statewide Importance* prepared by the California Department of Conservation, Farmland Mapping and Monitoring Program indicates that the PaD soil type does not meet the criteria for Prime Farmland as outlined in the U.S. Department of Agriculture’s Land Inventory and Monitoring (LIM) Project for the *Contra Costa County Soil Survey*. In addition, the *General Plan* and *Clayton Town Center Specific Plan* have not designated the site for agricultural uses. Therefore, the conversion of the project site from vacant land to a bocce ball facility would not result in adverse impacts to Prime Farmland and the impact would be **less-than-significant**.

- b. **Would the project conflict with existing zoning for agricultural use, or a Williamson Act contract? Less-Than-Significant Impact**

The Contra Costa County Assessor’s Office records indicate that the project site parcel is not under Williamson Act contracts (Pat Smires, February 4, 2005). As a result, the project would not conflict with Williamson Act contracts or existing agricultural zoning. In addition, although the project site is zoned as an “Agricultural District” and the site was formerly part of the DeMartini Winery and ranch, this zoning designation is no longer appropriate for the subject site. The primary use of the property is public facility uses (i.e., City Hall and corporation yard) and no longer agricultural and the site has been fallow since the mid-1990s. If the project site were utilized for farming purposes, potentially adverse impacts could result to the residences adjacent to the site due to dust, noise, and potential agri-chemical use. Therefore, development of the project would result in **less-than-significant** impacts to existing zoning and Williamson Act contracts.

- c. **Would the project involve other changes in the existing environment which, due to their location or nature, could individually or cumulatively result in loss of farmland to non-agricultural use? Less-Than-Significant Impact**

Cumulative loss of farmland typically results when conversion of an agricultural property leads to the conversion of additional agricultural land. Although the subject property is zoned as “Agricultural District,” the surrounding land uses are not agricultural. Beyond Mount Diablo Creek to the northeast and east is the Oakhurst Country Club corporation yard, golf course, and associated facilities, and to the southeast is the historic Keller Ranch House. Residential uses lie to the northwest, and City Hall and the City corporation yard are located to the south. Since the project site is surrounded by urban, developed uses, a cumulative loss of farmland would not occur. Therefore, the project would have a *less-than-significant* impact on the cumulative loss of farmland.

3. AIR QUALITY

Issues	Potentially Significant Impact	Potentially Significant With Mitigation Incorporated	Less-Than-Significant Impact	No Impact
<i>Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:</i>				
a. Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e. Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

- a. **Would the project conflict with or obstruct implementation of the applicable air quality plan? Less-Than-Significant Impact**
- b. **Would the project violate any air quality standard or contribute substantially to an existing or projected air quality violation? Less-Than-Significant Impact**
- c. **Would the project result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?..... Less-Than-Significant Impact**

Regional Setting

Air quality in Clayton is primarily determined by meteorologic and topographic conditions. Clayton is located in the upper reaches of Clayton Valley. In general, valleys with box-end configurations such as the Clayton Valley have a greater susceptibility to poor air quality since temperature inversions can trap air masses. In addition, surrounding ridges and mountains block winds, which diminishes the flushing actions of winds.

The air pollution potential of the Clayton area is primarily influenced by air quality in the adjacent Concord area (*Clayton General Plan*, p. VII-18). Concord is particularly susceptible to air pollution due to regional airflow patterns in conjunction with upwind emission sources. When southwesterly or northwesterly winds occur, pollutants from the South Bay/Livermore area or North Bay are carried into the Concord area. South-southwesterly winds predominate about 40 percent of the time while northwesterly winds occur 5 to 10 percent of the time (*General Plan*, p. VII-18). Pollutant concentrations can also increase during relatively calm

periods because of local emission sources. Calm conditions occur about 30 percent of the time. Depending on the meteorological conditions at the time, pollutants in the Concord area would tend to migrate and possibly accumulate in the upper portion of the Clayton Valley at or near the Clayton Planning Area.

Air Quality Standards

The Environmental Protection Agency (EPA) and the California Air Resources Board (CARB) have established air quality standards for common pollutants. These ambient air quality standards represent the safest levels for each contaminant, according to the various thresholds of each pollutant for causing adverse health effects. The standards cover what are called “criteria” pollutants because health and other effects of each pollutant are described in criteria documents. Although the state and federal ambient standards were developed independently, with differing purposes and methods, both processes shared an attempt to avoid health-related effects. As a result, some differences between federal and state standards are known to exist, as illustrated in **Table 1**.

Table 1			
Federal and State Ambient Air Quality Standards			
<i>Pollutant</i>	<i>Averaging Time</i>	<i>Federal Primary Standards</i>	<i>State Standard</i>
Ozone	1-Hour	0.12 PPM	0.09 PPM
	8-Hour	0.08 PPM	—
Carbon Monoxide	8-Hour	9.0 PPM	9.0 PPM
	1-Hour	35.0 PPM	20.0 PPM
Nitrogen Dioxide	Annual Average	0.053 PPM	—
	1-Hour	—	0.25 PPM
Sulfur Dioxide	Annual Average	0.03 PPM	—
	24-Hour	0.14 PPM	0.05 PPM
	1-Hour	—	0.25 PPM
PM ₁₀	Annual Average	50 µg/m ³	20 µg/m ³
	24-Hour	150 µg/m ³	50 µg/m ³
PM _{2.5}	Annual Average	15 µg/m ³	12 µg/m ³
	24-Hour	65 µg/m ³	—

PPM = Parts-per-Million
 µg/m³ = Micrograms-per-Cubic Meter
 Data Source: Bay Area Air Quality Management District Web Site, www.baaqmd.gov

The US EPA established new national air quality standards for ground-level ozone and for fine particulate matter in 1997. The existing 1-hour ozone standard of 0.12 parts per million (PPM) is to be phased out and replaced by an 8-hour standard of 0.08 PPM. Implementation of the 8-hour standard was delayed by litigation, but was determined to be valid and enforceable by the U.S. Supreme Court in a decision issued in February of 2001; however, the new federal ozone standard is not yet in effect pending final resolution of this litigation and adoption of implementing regulations.

In 1997, new national standards for fine particulate matter (diameter 2.5 microns or less) were adopted for 24-hour and annual averaging periods. The current PM₁₀ standards were to

be retained, but the method and form for determining compliance with the standards were to be revised. Implementation of this standard was delayed by litigation and will not occur until the U.S. EPA has issued court-approved guidance.

The State of California regularly reviews scientific literature regarding the health effects and exposure to PM and other pollutants. On May 3, 2002, CARB staff recommended lowering the level of the annual standard for PM₁₀ and establishing a new annual standard for PM_{2.5}. The new standards became effective on July 5, 2003.

Air quality in the region is measured by the Bay Area Air Quality Management District (BAAQMD). The closest monitoring station is located in Concord. Ozone and nitrogen oxides (NO_x) are more regionally oriented pollutants and their levels have decreased in the Concord area since 1978 (*General Plan*, p. VII-19). At the same time, more localized pollutants (e.g., carbon monoxide (CO), sulfur dioxide, and total suspended particulates (TSP) experienced a peak in 1981 and have decreased since then). **Table 2** shows that concentrations of CO and NO_x at the Concord monitoring site meet state/federal standards. Ozone concentrations exceed both the state and federal standards, and exhibit wide variations from year-to-year related to meteorological conditions. Years where the summer months tend to be warmer than average tend to have higher average ozone concentrations while years with cooler than average temperatures tend to have lower than average ozone concentrations.

<i>Pollutant</i>	<i>Standard</i>	<i>Days Standard Exceeded During</i>		
		<i>2000</i>	<i>2001</i>	<i>2002</i>
Ozone	Federal 1-Hour	1	0	2
Ozone	State 1-Hour	7	9	10
Ozone	Federal 8-Hour	2	2	6
PM ₁₀	Federal 24-Hour	0	0	0
PM ₁₀	State 24-Hour	2	3	0
PM _{2.5}	Federal 24-Hour	0	1	0
Carbon Monoxide	State/Federal 8-Hour	0	0	0
Nitrogen Dioxide	State 1-Hour	0	0	0

Source: CARB, 2003.

Attainment Status

Ozone

The federal Clean Air Act and the California Clean Air Act of 1988 require that CARB, based on air quality monitoring data, designate air basins within the state where the federal or state ambient air quality standards are not met as “non-attainment areas.” In 1995, after several years of minimal violations of the federal one-hour ozone standard, the US EPA revised the designation of the Bay Area Air Basin from “non-attainment” to “attainment” for this standard. However, with less favorable meteorology in subsequent years, violations of the one-hour ozone standard again were observed in the basin. Effective August 1998, EPA downgraded the Bay Area’s classification for this standard from a “maintenance” area to an “unclassified non-attainment” area, as shown in **Table 3**.

Table 3					
Ambient Air Quality Standards & Bay Area Attainment Status (as of January 2003)					
Pollutant	Averaging Time	California Standards ¹		National Standards ²	
		Concentration	Attainment Status	Concentration ³	Attainment Status
Ozone	8 Hour			0.08 ppm	U
	1 Hour	0.09 ppm (180 µg/m ³)	N	0.12 ppm(235µg/m ³)	N
Carbon Monoxide	8 Hour	9.0 ppm (10 mg/m ³)	A	9 ppm(10 mg/m ³)	A
	1 Hour	20 ppm (23 mg/m ³)	A	35 ppm(40 mg/m ³)	A
Nitrogen Dioxide	Annual Average			0.053 ppm (100 µg/m ³)	A
	1 Hour	0.25 ppm (470 µg/m ³)	A		
Sulfur Dioxide	Annual Average			80 µg/m ³ (0.03 ppm ³)	A
	24 Hour	0.04 ppm (105 µg/m ³)	A	0.14 ppm (365 µg/m ³)	A
Particulate Matter (PM10)	1 Hour	0.25 ppm (655 µg/m ³)	A		
	Annual Arithmetic Mean	20 µg/m ³	N	50 µg/m ³	A
Particulate Matter – Fine (PM2.5)	24 Hour	50 µg/m ³	N	150 µg/m ³	U
	Annual Arithmetic Mean	12 µg/m ³	N	15 µg/m ³	U
Sulfates	24 Hour	25 µg/m ³	A	65 µg/m ³	U
Lead	Calendar Quarter			1.5 µg/m ³)	A
	30 Day Average	1.5 µg/m ³)	A		
Hydrogen Sulfide	1 Hour	0.03 ppm (42 µg/m ³)	U		
Vinyl Chloride (chloroethene)	24 Hour	0.010 ppm (26 µg/m ³)	No information available		
A=Attainment N=Nonattainment U=Unclassified					
mg/m ³ =milligrams per cubic meter		ppm=parts per million		µg/m ³ =micrograms per cubic meter	
Source: BAAQMD, September 2004.					

In addition, the Bay Area Basin is currently designated non-attainment for the state 1-hour standard.

Carbon Monoxide

As shown in **Table 3**, the state and federal attainment status for CO was upgraded to “attainment.”

PM₁₀

The state 24-hour standard for PM₁₀ is currently non-attainment, while the federal standard 24-hour standard is unclassified.

Operational Emissions

BAAQMD’s *CEQA Guidelines* identify average daily trips for recreational facilities. Since the Guidelines do not have specific information on bocce ball courts, daily trips for the project site have been estimated using conservative, worst-case scenario criteria. The project would consist of the construction of 10 bocce ball courts with a maximum of 20 players per court, resulting in a maximum of 200 players during any given day of play. When added to an estimate of approximately 50 onlookers (in a worst-case scenario), the total number of people that would be anticipated to attend an event would be approximately 250; however, the league is comprised predominantly of couples. Although up to 50 percent could thus reasonably be expected to carpool, a conservative assumption of 35 percent of carpooling individuals has been assumed for the purposes of this analysis. Another five percent of the 250 visitors would either walk, bike, or ride on horseback to the project site. With forty percent of individuals expected not to drive individually, a total of approximately 150 persons are anticipated to travel to and from the project site by automobile.

Since both in and out trip ends must be taken into account when tabulating the total number of trips a new project would generate, new daily trips during the worst-case scenario would be approximately 300. BAAQMD does not recommend detailed analysis of new projects generating under 2,000 daily trips because smaller projects typically fall under the threshold of significance for air quality impacts.

According to the BAAQMD, a project that generates operational and source emissions of NO_x, ROG, and PM₁₀ exceeding 80 pounds per day (ppd) would be considered to have significant air quality impacts. Given the small amount of daily trips expected as a result of the project, the standards of significance set by the BAAQMD would not likely be exceeded. Therefore, the project would have a *less-than-significant* impact on air quality standards and would not contribute substantially to an existing or projected air quality violation.

d. Would the project expose sensitive receptors to substantial pollutant concentrations? Potentially Significant Impact

BAAQMD’s *CEQA Guidelines* set forth thresholds of significance for construction impacts, which note that construction-related emissions are generally short-term in duration but may still cause adverse air quality impacts. Fine particulate matter, PM₁₀, is the pollutant of greatest concern with respect to construction activities. PM₁₀ emissions can result from a variety of construction activities, including excavation, grading, demolition, vehicle travel on unpaved surfaces, and vehicle and equipment exhaust. Construction-related emissions can cause substantial increases in localized concentrations of PM₁₀. Particulate emissions from construction activities can lead to adverse health effects as well as nuisance concerns such as reduced visibility and soiling of exposed surfaces. Consequently, construction activities associated with the development of the project may result in *potentially significant* impacts to PM₁₀ levels.

Implementation of the following mitigation measure would reduce the construction-related PM₁₀ impacts to a *less-than-significant* level. It should be noted that the BAAQMD guidelines state that construction impacts do not need to be quantifiably analyzed, and are assumed to be less-than-significant with implementation of standard mitigation measures, which are provided below.

Mitigation Measure 3. The following measures shall be adhered to during all construction phases of the project:

- a) Earthmoving or other dust-producing activities shall be suspended during periods of high winds, (i.e., instantaneous wind gusts of 25 mph or greater);
- b) Until stabilized by hydro-seeding or other techniques, all exposed or disturbed soil surfaces shall be watered with a soil stabilizer at least twice daily when construction activities occur, on any day of high winds (including weekends and holidays), and as directed by the City Engineer;
- c) Stockpiles of debris, soil, sand or other materials that can be blown by the wind, shall be watered with a soil stabilizer or covered;
- d) Construction areas, adjacent streets, and routes for construction traffic shall be swept of all mud and debris by a street sweeper on a daily basis (minimum) on any day when construction activities occur, including weekends and holidays;
- e) All trucks hauling soil, sand, or other loose materials shall be covered or maintain at least two feet of freeboard;
- f) A compliance officer, responsible for implementation and monitoring, shall be identified as part of the grading permit process.

e. **Would the project create objectionable odors affecting a substantial number of people? No Impact**

The project would not include industrial or intensive agricultural use; therefore, the project would not create odors or toxic air contaminants, and *no impact* would occur.

4. **BIOLOGICAL RESOURCES**

Issues	Potentially Significant Impact	Potentially Significant With Mitigation Incorporated	Less-Than-Significant Impact	No Impact
<i>Would the project:</i>				
a. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	×	<input type="checkbox"/>	<input type="checkbox"/>
b. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?	<input type="checkbox"/>	×	<input type="checkbox"/>	<input type="checkbox"/>
c. Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to marshes or vernal pools) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	×	<input type="checkbox"/>	<input type="checkbox"/>
d. Interfere substantially with the movement of any resident or migratory fish or wildlife species or with established resident or migratory wildlife corridors, or impede the use of wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	×	<input type="checkbox"/>
e. Conflict with any local policies or ordinances protecting biological resources, including trees?	<input type="checkbox"/>	×	<input type="checkbox"/>	<input type="checkbox"/>
f. Conflict with the provisions of an adopted habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	×

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

b. **Would the project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or US Fish and Wildlife Service? Potentially Significant Impact**

- c. **Would the project have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to marshes or vernal pools) through direct removal, filling, hydrological interruption, or other means? Potentially Significant Impact**

The project site consists of vacant land and is located immediately west of Mount Diablo Creek. The site consists of native grasses, ruderal (weedy) plants, and some trees. Surrounding land uses include residential to the northwest, city corporation yard to the west, public facilities to the south, the Oakhurst Country Club corporation yard and golf course to the northeast and east, and the Keller Ranch House and Clayton Community Library to the southeast.

A review of the California Natural Diversity Database (CNDDDB) was conducted to identify any occurrences of special-status species within and surrounding the project area. The project site is located within the Clayton 7.5 minute United States Geological Survey (USGS) quadrangle. A review of the 2001 California Native Plant Society (CNPS) *Electronic Inventory of Rare and Endangered Vascular Plants of California* was also conducted for the project area.

The CNDDDB shows occurrences of 33 special-status plant and animal species within the Clayton quadrangle. These species include several with legal protective status under the federal and state Endangered Species Acts, including San Joaquin kit fox, California red-legged frog, and Contra Costa goldfield. In addition, species with candidate and other protective status such as golden eagle, burrowing owl, white-tailed kite, prairie falcon, peregrine falcon, California tiger salamander, western pond turtle, Congdon's tarplant, fragrant fritillary, and recurved larkspur have been observed in the Clayton area.

According to the CNPS *Electronic Inventory of Rare and Endangered Plants*, three plant species under List 1B (rare, threatened, or endangered in California and elsewhere) occur or have the potential to occur within the Clayton quadrangle: caper-fruited tropidocarpum (*Tropidocarpum capparideum*), San Joaquin spearscale (*Atriplex joaquiniana*), and Mount Diablo buckwheat (*Eriogonum truncatum*). Habitat for all three of these species includes valley and foothill grasslands.

According to CNDDDB records, caper-fruited tropidocarpum has been observed in the City of Clayton, and is considered "seriously endangered," with only one to several highly restricted occurrences; it was previously presumed to be extinct, but was recently rediscovered in 2001. San Joaquin spearscale is "fairly endangered" with only a limited number of occurrences. However, Mount Diablo buckwheat, previously found in the Clayton quadrangle and elsewhere, is now under List 1A and is presumed extinct in California. Because the project site was in former use as a winery and ranch, it is unlikely for special-status plants to be located on-site.

However, vacant land such as the project site could provide suitable foraging habitat for various special-status birds and other migratory birds protected under the Migratory Bird Treaty Act. The trees on the project site could provide nesting habitat for various special-

status birds and other migratory birds. Should any nests be present on-site prior to development, these nests could be adversely affected by tree trimming and pruning, grading, and/or other construction activities. Therefore, the project would have a *potentially significant* impact to special-status species.

Implementation of the following mitigation measure would reduce the above impact to a *less-than-significant* level.

Mitigation Measure 4. Pre-construction nesting surveys for raptors shall be conducted if initial grading for the project is to be conducted during the months of April through July. The surveys shall be conducted by a qualified biologist (approved by the Community Development Director) no more than 30 days prior to initiation of grading or tree removal. If any raptors are found within the construction area after April of the construction year, grading and construction in the area shall either stop or continue only after the nests are protected by an adequate setback approved by a qualified biologist. If permanent avoidance of nests is not feasible, impacts on raptor nests shall be minimized by avoiding disturbances to the nest location during the nesting season unless a qualified biologist verifies that the birds have either a) not begun egg-laying and incubation, or b) that the juveniles from those nests are foraging independently and capable of independent survival at an earlier date.

- d. Would the project interfere substantially with the movement of any resident or migratory fish or wildlife species or with established resident or migratory wildlife corridors, or impede the use of wildlife nursery sites? Less-Than-Significant Impact**

The project site is bordered on three sides by existing development; residentially-developed land also occurs beyond the site to the west. Although Mt. Diablo Creek is contiguous to the northeastern and eastern boundary of the project site, the project would not infringe upon the creek, nor would the project include fill of the creek or its banks. Therefore, the development of the project site would result in a *less-than-significant* impact to wildlife corridors.

- e. Would the project conflict with any local policies or ordinances protecting biological resources, including trees? Potentially Significant Impact**

Several trees occur on the project site and are subject to protection under Chapter 15-70 (Tree Protection) of the *Clayton Municipal Code*. The project sponsor has indicated that while the majority of these trees would be retained with construction of the project, some trees may be trimmed or pruned. In addition, an arborist report prepared for the project site by HortScience, Inc. recommends the removal of two eucalyptus trees located along the northern portion of the project site adjacent to the Mount Diablo creek bank. Due to erosion of the creek bank, the near-term stability of the eucalyptus trees is in jeopardy. In accordance with Mitigation Measure 4 a pre-construction biological survey for nesting raptors is required prior to any construction or grading activities on the site. This mitigation measure will

ensure that raptors are not nesting in the eucalyptus trees prior to their removal. In accordance with the tree protection regulations, the project sponsor will need to obtain a tree removal permit prior to removal of any trees. It should be noted that the sponsor has also indicated that additional landscaping, including trees, would be part of the project's landscaping plan. As a result, the project would have *less-than-significant* impacts to trees.

f. Would the project conflict with the provisions of an adopted habitat conservation plan?..... No Impact

The East Contra Costa Habitat Conservation Plan (HCP) Association, which includes the City of Clayton as well as Contra Costa County, Pittsburg, Brentwood, and Oakley, is in the process of preparing an HCP covering a 185,000-acre planning area. The draft HCP planning area includes the project site and shows it for urban uses. A Preliminary Draft of the HCP can be viewed at the following website: www.cocohcp.org. Since the HCP has not been adopted, the City of Clayton does not have a Habitat Conservation Plan, and the project would have *no impact* on an adopted HCP. Construction and operation of a bocce ball facility would be consistent with the goals and policies of the draft HCP.

5. CULTURAL RESOURCES

Issues		Potentially Significant Impact	Potentially Significant With Mitigation Incorporated	Less-Than-Significant Impact	No Impact
<i>Would the project:</i>					
a.	Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b.	Cause a substantial adverse change in the significance of a unique archaeological resource pursuant to Section 15064.5?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c.	Directly or indirectly destroy a unique paleontological resource on site or unique geologic features?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d.	Disturb any human remains, including those interred outside of formal cemeteries.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

- a. **Would the project cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5?..... Potentially Significant Impact**
- b. **Would the project cause a substantial adverse change in the significance of a unique archaeological resource pursuant to Section 15064.5?..... Potentially Significant Impact**
- c. **Would the project directly or indirectly destroy a unique paleontological resource on site or unique geologic features? Potentially Significant Impact**
- d. **Would the project disturb any human remains, including those interred outside of formal cemeteries..... Potentially Significant Impact**

In November 2004, Holman & Associates conducted subsurface testing of the project site for cultural resources.

The Keller Ranch house, located east of the project site immediately east of Mount Diablo Creek, is a notable archeological and historical site in close proximity to the project area. Designated as CCo-22, this site is eligible for the California Register of Historic Resources and the National Register of Historic Places.

On the basis of the site testing, a portion of project site contains archaeological deposits of significance which indicate the project site is located on an extension of Cco-222 and is thus eligible for inclusion on the California and National Register of Historic Resources. Therefore, the project would result in a *potentially significant* impact to archaeological and historical resources.

The following mitigation measures would reduce the impact from the project to a *less-than-significant* level.

Mitigation Measure 5.

- a). Prior to issuance of grading permits, the project sponsor shall submit a grading plan to the Community Development Department for review and approval to ensure that the grading plan is consistent with the recommendations of the archaeological investigation. Additionally, if historic and/or cultural resources, or human remains are encountered during site grading or other site work, all such work shall be halted immediately within the area of discovery and the project sponsor shall immediately notify the Community Development Department of the discovery. In such case, the project sponsor shall be required, at his expense, to retain the services of a qualified archaeologist for the purpose of recording, protecting, or curating the discovery as appropriate. The archaeologist shall be required to submit to the Community Development Department for review and approval a report of the findings and method of curation or protection of the resources. Further grading or site work within the area of discovery shall not be allowed until the proceeding steps have been taken.
- b). If areas of the Keller Ranch site, which have not been previously used for frequent parking, are used for parking, the project sponsor shall install gravel to protect the underlying resources.

Mitigation Measure 6. In the event that human remains are encountered during earthwork, work shall be stopped within 10 feet of discovery until the County Coroner's Office has been notified of the discovery. In the event that the remains are determined to be Native American or have the potential to be Native American, the Coroner's Officer and the consulting archaeologist shall notify the Native American Heritage Commission.

6. GEOLOGY AND SOILS

Issues	Potentially Significant Impact	Potentially Significant With Mitigation Incorporated	Less-Than-Significant Impact	No Impact
<i>Would the project:</i>				
a. Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i. Rupture of a known earthquake fault, as delineated on the most recent Alquist - Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area based on other substantial evidence of a known fault?	<input type="checkbox"/>	<input type="checkbox"/>	✗	<input type="checkbox"/>
ii. Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	✗	<input type="checkbox"/>
iii. Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	✗	<input type="checkbox"/>
iv. Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	✗	<input type="checkbox"/>
b. Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	✗	<input type="checkbox"/>
c. Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	✗	<input type="checkbox"/>	<input type="checkbox"/>
d. Be located on expansive soil, as defined in the Uniform Building Code?	<input type="checkbox"/>	<input type="checkbox"/>	✗	<input type="checkbox"/>

a-i. Would the project expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault, as delineated on the most recent Alquist - Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area based on other substantial evidence of a known fault? Less-Than-Significant Impact

a-ii. Would the project expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving strong seismic ground shaking?..... Less-Than-Significant Impact

According to the *Clayton General Plan*, the most critical faults are the San Andreas, Calaveras, and Hayward faults, due to their recent activity and energy potential. Nevertheless, the Antioch and Concord faults have also produced damaging earthquakes in the relatively recent past. Prominent faults of undetermined status near the project area include the Pinole, Bollinger, Las Trampas, Frankling, South Hampton, Clayton-Marsh Creek, Midland, and Mount Diablo faults (p. VII-10).

According to the *Clayton General Plan*, the probability of an earthquake originating in Contra Costa that is felt indoors is low to intermediate on or near the Mount Diablo because

the bedrock and consolidated soils of the mountains are likely to perform satisfactorily under earthquake conditions, except where steep slopes, exposed or sheared surfaces, and relatively unconsolidated soils might make slumping or landslides possible. The potential for physical effects is not highly probably as a result of earthquakes originating outside the county. Additionally, the project site is not located within an Alquist-Priolo Special Studies Zone and the Clayton fault, which runs through the Clayton area, does not fall within the Alquist-Priolo requirements.

However, Clayton Valley, where the project site is located, does contain alluviated areas, which could amplify ground shaking in a seismic event. The Clayton fault, which runs through the Clayton area (see Exhibit VII-2 of the *Clayton General Plan*), is located within close proximity to the project site. The *Clayton General Plan* states that the Clayton fault alignment, while not classified as active, should be treated as active when considering planning activities (p. VII-10). An earthquake of moderate magnitude generated within the San Francisco Bay area, similar to those that have occurred in the past, could cause considerable ground shaking at the site. All structures would be designed using sound engineering judgment and the current Uniform Building Code (UBC) requirements, and would comply with City policies, which would ensure that seismic impacts on the project are *less-than-significant*.

aiii-iv. Would the project expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving seismic-related ground failure, liquefaction and landslides? Less-Than-Significant Impact

b. Would the project be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse? Less-Than-Significant Impact

Landslides can be triggered by moderate and major earthquakes as well as high rainfall and water saturation, and they generally occur in or near areas with hilly topography. Since the site is relatively flat, the susceptibility of the site to mudslides would not be considered adverse.

Other ground failure effects caused by shaking include liquefaction, lurch cracking, or settlement. Liquefaction potential generally exists in low-lying areas comprised of unconsolidated, saturated, clay-free sand and silts. According to the *Soil Survey of Contra Costa County* (1977), the project site contains Perkins gravelly loam, which is characterized by gravelly clay loam and well-drained soils underlain by weakly consolidated, gravelly old alluvium. Although the underlying soil is weakly consolidated, the site surface soils contain clay, precluding the general threat of liquefaction. Therefore, liquefaction and mudslides would have a *less-than-significant* impact on the project.

c. Would the project result in substantial soil erosion, creek erosion potential, or the loss of topsoil? Potentially Significant Impact

Construction of the bocce courts and service road would involve the disturbance and relocation of topsoil, rendering earth surfaces susceptible to erosion from wind and water during construction. Particularly, topsoil carried by water could run off the site and increase sedimentation in Mount Diablo Creek to the northwest during the construction phase of the project. Post-construction stormwater runoff generated on-site would be collected and directed to the bio-engineered outfall proposed at the northwest corner of the site. The discharged stormwater would then percolate into the soil. Because soil erosion, or the loss of topsoil, resulting from grading and excavation of the project site, would occur during project construction, a *potentially significant* impact would result.

Implementation of the following mitigation measure would ensure the impact is *less-than-significant*.

Mitigation Measure 7. Prior to issuance of a grading permit, the project sponsor shall submit, for the review and approval of the City Engineer, an erosion control plan that utilizes standard construction practices to limit the erosion effects during construction of the project. Actions should include, but are not limited to:

- a) Hydro-seeding;
- b) Placement of erosion control measures within drainage ways and ahead of drop inlets;
- c) The temporary lining (during construction activities) of drop inlets with “filter fabric”;
- d) The placement of straw wattles along slope contours;
- e) Use of a designated equipment and vehicle “wash-out” location;
- f) Use of siltation fences; and
- g) Use of sediment basins and dust-binders.

d. Would the project be located on expansive soil, as defined in the Uniform Building Code? Less-Than-Significant Impact

Expansive soils shrink and swell as a result of moisture changes. This can cause heaving and cracking of slabs-on-grade, pavements, and structures founded on shallow foundations.

As discussed in items (a-iv) and (b) above, the project site contains Perkins gravelly loam with 9 to 15 percent slopes (PaD). Perkins gravelly loam is a strongly sloping soil on old terraces. The Perkins series is characterized by gravelly clay loam. Expansive or clay soils, such as those found on the project site, are capable of developing significant swelling pressures with moisture variation in the soil. However, the project would comply with the current UBC requirements and would comply with City policies. Therefore, expansive soils would have a *less-than-significant* impact on the project.

7. HAZARDS

Issues	Potentially Significant Impact	Potentially Significant With Mitigation Incorporated	Less-Than-Significant Impact	No Impact
<i>Would the project:</i>				
a. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the likely release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f. Expose people or structures to the risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

- a. **Would the project create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?..... Less-Than-Significant Impact**
- b. **Would the project create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the likely release of hazardous materials into the environment? Less-Than-Significant Impact**
- c. **Would the project emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school? Less-Than-Significant Impact**

The routine transport, use, or disposal of hazardous materials is not typically associated with recreational uses, such as a bocce ball centre. In terms of potential hazards existing on-site, the project site is currently vacant and consists of fallow weeds. However, the site has been used for agricultural purposes in the past (site has not been used for agricultural purposes

within the past 20 years), and agricultural chemicals may leave residues in agricultural sites. These chemicals may be present in the soil from historic agricultural uses of the project area.

However, long-term effects of changing the site's use from agricultural to public service would likely be beneficial to the public, resulting in the reduction of agri-chemicals on the site. A decrease in these chemicals would benefit the adjacent residential neighborhoods and other nearby sensitive receptors. In addition, development of the subject property would cover the majority of the site's ground surfaces with landscaping, bocce courts, sidewalks, and buildings, reducing or eliminating residual pesticide concentrations and minimizing significant health risks to the public. Typical fertilizers and pesticides would be used to maintain project landscaping and would not pose an adverse risk to people associated with the bocce courts.

Therefore, the project would have *less-than-significant* impacts resulting from the routine transport, use, or disposal of hazardous materials and the possible release of hazardous substances.

- d. Would the project be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?..... No Impact**

The Hazardous Waste and Substances Site List of the Department of Toxic Substances Control (<http://www.dtsc.ca.gov/database/Calsites>) was searched for information regarding possible toxic sites within or on the project site; records of toxic sites or substances were not discovered for the site or any sites within the City. Therefore, *no impact* would occur as a result of this project.

- e. Would the project impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? No Impact**

Development of the project site would not interfere with an adopted emergency response plan or emergency evacuation plan. Construction vehicles would be located onsite and would therefore not impede the flow of traffic along Clayton Road or Heritage Trail. Therefore, *no impact* would occur.

- f. Would the project expose people or structures to the risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands? No Impact**

The project site is bordered by developed uses, vacant land to the west, and Mount Diablo Creek to the east. Wildlands do not exist in close proximity to the project site and thus the likelihood of wildfires in the project area is considered low. However, raised barbeque grills

are proposed to be located on-site and could create fire hazards should vegetation surrounding the barbeques catch on fire. The project would be supplied with water in the event of a fire. Proposed water lines would tie into the existing water line along Heritage Trail. In addition, a service road along the western boundary of the project site would provide access for emergency vehicles. Therefore, wildfires would have a *less-than-significant* impact on the project.

8. HYDROLOGY

Issues		Potentially Significant Impact	Potentially Significant With Mitigation Incorporated	Less-Than-Significant Impact	No Impact
<i>Would the project:</i>					
a.	Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b.	Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c.	Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d.	Substantially alter the existing drainage pattern of the site or area in a manner which would result in substantial erosion or siltation on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e.	Substantially alter the existing drainage pattern of the site or area or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f.	Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g.	Place housing within a 100-year floodplain, as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h.	Place within a 100-year floodplain structures which would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
i.	Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

a. **Would the project violate any water quality standards or waste discharge requirements? Potentially Significant Impact**

b. **Would the project otherwise substantially degrade water quality? Potentially Significant Impact**

The San Francisco Bay Regional Water Quality Control Board (RWQCB) recently issued an order requiring all municipalities within Contra Costa County (and the County itself) to develop more restrictive surface water control standards for new development projects as part of the renewal of the Countywide National Pollution Discharge Elimination System (NPDES) permit. Known as the "C.3 Standards," new development or redevelopment projects that disturb one or more acres of land area must contain, treat, and infiltrate stormwater runoff from the project site for projects that create one acre or more of impervious surfaces. Enhanced Best Management Practices (BMP) to protect stormwater runoff from development sites are also required under the C.3 Standards.

Additionally, the State Water Resources Control Board regulates all stormwater discharges associated with construction activities where clearing, grading, or excavation results in a land disturbance of one or more acres or located in sensitive areas (i.e., near creeks). Performance Standard NDCC-13 of the City's NPDES permit requires applicants to show proof of coverage under the State's General Construction Permit prior to receipt of any construction permits.

Although the project is under one acre it is located in a sensitive area and is therefore required to obtain the above-referenced permit and comply with the above-referenced standards. As mentioned previously, the development of the project site would involve potential erosion and discharge of sediment and/or urban pollutants into stormwater runoff during the construction phase of the project. The proximity of the project site to Mount Diablo Creek could lead to potential adverse effects to downstream water quality in Mount Diablo Creek and the Mount Diablo Creek watershed, which flows to Martinez Strait and Suisun Bay. Therefore, the project would have a *potentially significant* impact on erosion and water quality.

Implementation of the following mitigation measure, in addition to Mitigation Measure 7 (described above), would reduce the impacts to a *less-than-significant* level.

Mitigation Measure 8. Prior to commencement of any site work, including site improvements, the project sponsor shall submit a completed Stormwater Pollution Prevention Plan (SWPPP) to the City Engineer. The SWPPP shall include:

- a) Sampling (pre-construction, during construction, and post-construction) of the stormwater outfall at Mount Diablo Creek for sediments generated by the project, in accordance with State General Permit regulations.
- b) Hydro-seeding or landscaping of all disturbed areas.
- c) Implementation of Best Management Practices.
- d) A site spill response plan.

- c. **Would the project substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level? Less-Than-Significant Impact**

Water planning for the area is carried out by the Contra Costa Water District (CCWD). The major sources of water are the Sacramento River and the Sacramento River via the Contra Costa Water District Canal. Domestic water to serve the project would be supplied by CCWD, which relies primarily on water from the Sacramento-San Joaquin Delta, not pumped groundwater. Since Clayton does not rely on groundwater, impacts to ground water recharge would be irrelevant. The project would tie into an existing water line located west of the site, which would provide water for landscaping as well as drinking fountains. In addition, the 0.7-acre project is relatively small and would therefore not result in a substantial increase in impervious surfaces. Therefore, the project would have a *less-than-significant* impact to groundwater resource supply and/or recharge.

- d. **Would the project substantially alter the existing drainage pattern of the site or area in a manner which would result in substantial erosion or siltation on- or off-site? Less-Than-Significant Impact**

- e. **Would the project substantially alter the existing drainage pattern of the site or area or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site? Less-Than-Significant Impact**

- f. **Would the project create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff? Less-Than-Significant Impact**

The project includes the construction of a bocce ball facility on an approximate 0.7 acre site which is currently vacant. Construction of the project would add minor impervious surfaces to the site for pathways, decks surrounding the bocce ball courts, and ancillary buildings. The *Town Center Specific Plan* states that the quantity of runoff is increased as urban development takes place because more land surface is made impervious and water infiltration is diminished.

The *Specific Plan's* on-site drainage improvement policies include maintaining natural drainage patterns when possible, maintaining open channels in a "natural" state, and maintaining open creeks in as near natural a state as possible (p. 24). However, the project site would not be built in Mount Diablo Creek or the creek banks, and the creek would not be a part of the project. The drainage collection system planned for the project site would accommodate excess runoff. The project includes the construction of an on-site storm drainage system to collect stormwater runoff. Stormwater would be collected by a system of 4-inch perforated drain lines under each bocce ball court, and would eventually be carried northeast of the courts to a proposed bio-engineered storm drain rock outfall. Water entering the storm drain outfall would percolate into the ground via percolation.

Since the project site would accommodate additional runoff generated by buildout of the project and would not tie into any existing systems, discharge runoff into the creek, nor cause the need for improvements or additions to the City's drainage system, a *less-than-significant* impact would occur.

- g. **Would the project place housing within a 100-year floodplain, as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map? Less-Than-Significant Impact**

- h. **Would the project place within a 100-year floodplain structures which would impede or redirect flood flows? Less-Than-Significant Impact**

- i. Would the project expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?..... Less-Than-Significant Impact**

Clayton lies within the Mount Diablo Creek watershed. The creek drains an area of approximately 30 square miles and flows northerly and westerly through the cities of Clayton and Concord, the Concord Naval Weapons Station and eventually empties into Suisun Bay.

Flooding has occurred from Mount Diablo Creek in the Town Center area of Clayton and in the flood plain between Clayton Road and Kirker Pass Road. Mount Diablo Creek, which is adjacent to the project site on the east, flooded in 1938, 1952, 1955, and 1963. The Flood Insurance Rate Map (FIRM) prepared by the Federal Emergency Management Agency indicates that the 100-year floodplain is located adjacent to the project site. The FIRM shows that the 100-year floodplain is located in the Mount Diablo Creek channel. The on-site storage building would not be located in the floodplain. It should be noted that Policy 3 of the Specific Plan suggests that a 100-foot unobstructed buffer be maintained adjacent to Mount Diablo Creek. The proposed storage building would be setback approximately 100 feet from the top of the creek bank. Therefore, the project would result in a *less-than-significant* impact regarding the placement of structures in the 100-year floodplain.

9. LAND USE

Issues	Potentially Significant Impact	Potentially Significant With Mitigation Incorporated	Less-Than-Significant Impact	No Impact
<i>Would the project:</i>				
a. Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	✘	<input type="checkbox"/>
b. Conflict with any applicable land use plans, policies, or regulations of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, or zoning ordinance) adopted for the purpose of avoiding or mitigating on environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	✘	<input type="checkbox"/>

a. Would the project physically divide an established community? Less-Than-Significant Impact

The project site is currently vacant. While a residential neighborhood exists to the northwest, vacant land is directly west of the project site, and the City corporation yard and City Hall are south of the project site. Additionally, a golf course and related facilities are located east of Mount Diablo Creek. Since the project site is bounded by residential uses on only one side, the project would not divide an established community, and a *less-than-significant* impact would result.

b. Would the project conflict with any applicable land use plans, policies, or regulations of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, or zoning ordinance) adopted for the purpose of avoiding or mitigating on environmental effect? Less-Than-Significant Impact

The *General Plan* land use designations for the City Hall parcel (which includes the project site and the corporation yard) and the Community Library parcel (which includes the Keller Ranch House) are “Cultural Center.” In order to bring these facilities into greater conformance with the *General Plan*, the City Community Development Department is recommending a General Plan amendment of the City Hall and the Community Library parcels to “Public and Quasi-Public Facilities.” This designation allows “city facilities” such as bocce ball courts, City Hall, the corporation yard, library, and Keller Ranch House.

The *Town Center Specific Plan* designates the City Hall and the Library parcels as “Historic and Cultural.” In order to maintain consistency with the *General Plan*, the Community Development Department is recommending redesignating the City Hall and Community Library parcels to “Public Facility.”

The zoning designation of the City Hall and Library parcels is “Agricultural District.” The project site was formerly part of a winery and ranch, but has not been used for agricultural purposes for some 20 to 30 years. The Community Development Department is proposing to

bring the zoning designations into consistency with the *General Plan* and *Town Center Specific Plan* designations by redesignating the City Hall and Library parcels as Public Facility District, which would allow civic activities and recreational activities.

The requested amendments would bring the City Hall and Community Library parcels into consistency with City policies. Approval of a General Plan and Specific Plan map amendment, as well as a Zoning Ordinance amendment, requires public hearings by the Planning Commission and City Council. These hearings will be held concurrently with those for the use permit and site plan review permit for the project. Therefore, a ***less-than-significant*** impact would occur.

10. MINERAL RESOURCES

Issues		Potentially Significant Impact	Potentially Significant With Mitigation Incorporated	Less-Than-Significant Impact	No Impact
<i>Would the project:</i>					
a.	Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✗
b.	Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✗

- a. **Would the project result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state? Less-Than-Significant Impact**
- b. **Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan? Less-Than-Significant Impact**

The *Contra Costa County General Plan* states (p. 8-52) that the most important mineral resources that are mined in the County include crushed rock near Mt. Zion, west of Mitchell Canyon Road (approximately one mile south of the project site); shale in the Port Costa area; and sand and sandstone deposits, mined from several locations

Since the project site is not within the immediate vicinity of the Mt. Zion quarry, the project would not interfere with existing operations. Therefore, the project would have **no impact** to mineral resources.

11. NOISE

Issues	Potentially Significant Impact	Potentially Significant With Mitigation Incorporated	Less-Than-Significant Impact	No Impact
<i>Would the project result in:</i>				
a. Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	✗	<input type="checkbox"/>
b. A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	✗	<input type="checkbox"/>
c. Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	✗	<input type="checkbox"/>
d. A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	✗	<input type="checkbox"/>

- a. **Would the project result in exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies? Less-Than-Significant Impact**

- b. **Would the project result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project? Less-Than-Significant Impact**

The project involves the construction of up to ten bocce ball courts on a vacant site. Single-family residences are located northwest of the project site. The City Hall and corporation yard are southwest of the project site; the Oakhurst Country Club corporation yard, golf course, and related facilities are located to the northeast and east of the project site; and Mount Diablo Creek and the historic Keller Ranch House are located to the southeast.

The General Plan Noise Element indicates that noises above 70 Ldn shall be mitigated to below harmful levels and below levels of minimum annoyance (60 Ldn) where feasible. Maps showing existing and projected noise contours in the Noise Element (Exhibits VIII-1 and 2) do not identify the project site as subject to significant exterior noise exposure. Moreover, the Noise Contours (Exhibit VIII-3) show that the 60 Ldn contour along Clayton Road near Oak Street, in the vicinity of the project site, is located approximately 41 feet from the centerline of the roadway. The project site would be located over 200 feet from Clayton Road. Therefore, noise levels associated with vehicular traffic along Clayton Road would not adversely impact persons at the proposed Bocce Ball Centre.

Analysis of the noise impacts associated with any new project need also consider the effect that the project would have on surrounding uses. California Environmental Quality Act (CEQA) Guidelines define a project-level impact as being significant if it “increases substantially the ambient noise levels for adjoining areas.” In practice, significant noise impacts are usually identified in CEQA analyses if the project would result in a perceptible ambient noise level increase, commonly considered to be 3 dB.

Existing residential development is located northwest of the project site; the distance between the bocce courts to the closest residence is approximately 80 feet. Under a “worst case” scenario, the maximum number of people that would be anticipated to attend an event at the bocce ball centre would be approximately 250. Noise generated at the site would primarily result from social activities associated with playing bocce ball (i.e., talking, modest cheering, clapping, etc.). Bocce ball activity is not typically considered a significant noise-producing activity. For purposes of comparison, noise levels would be comparable to park activities. During the weekdays, bocce ball activities would be limited to three early evening hours, anticipated from 6 to 9 pm. Weekend operation of the bocce courts would be for “open play” as opposed to league play, which would be expected to result in a less intense usage of the bocce courts.

The proposed project would also include a public address system with speakers mounted on the court light poles. According to the project sponsor, the public address system is not anticipated to be used regularly, but would be used primarily for tournaments. The project sponsor would be required to obtain a noise permit pursuant to Municipal Code Chapter 9.30 (which requires notification of the nearby property owners) prior to each event involving use of the public address system.

Under the “staff scenario” approximately 128 people would be in attendance (16 players/court x 8 courts = 128 players). This 48 percent decrease in attendees would significantly diminish the noise impacts generated by the project.

In addition, the storage building and the restroom facility, which have been relocated along the western edge of the courts, would form a noise barrier to residences in the Cardinet and Wallace Drive neighborhood. The reduction in likely attendees and the relocation of the on-site buildings would further decrease the noise levels, which would be experienced under the “worst-case” scenario. However, impacts from noise under both scenarios would not be considered adverse. In addition, a sound fence (6 feet high) will be included five to ten feet west of the access road until the restroom and storage buildings are constructed to ensure that a barrier exists at the time of initiation of bocce ball activities.

The noise level increase in the surrounding area resulting from this project would be minimal and intermittent in nature and would not be expected to result in a permanent noise increase of 3 dB. Therefore, the project would have a *less-than-significant* noise impact.

- c. **Would the project result in exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels? Less-Than-Significant Impact**

- d. **A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project? Less-Than-Significant Impact**

The project would result in temporary increases in groundborne vibration and noise levels from grading and construction activities on the project site. Earthmovers, dump trucks, and similar equipment would be used to re-grade the site which would also generate potentially significant noise levels. After grading is complete, construction noise would include delivery of construction materials and similar operations that would generate noise. However, these impacts would be short-term in nature and would be reduced to a *less-than-significant* level through adherence to the City noise regulations which restrict the hours of construction.

12. POPULATION AND HOUSING

Issues	Potentially Significant Impact	Potentially Significant With Mitigation Incorporated	Less-Than-Significant Impact	No Impact
<i>Would the project:</i>				
a. Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (e.g., through projects in an undeveloped area or extension of major infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✘
b. Displace substantial numbers of people or existing housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✘

a. Would the project induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (e.g., through projects in an undeveloped area or extension of major infrastructure)?No Impact

An impact to population and housing is considered significant if the project would induce substantial population growth in an area either directly or indirectly. Since the project involves the construction of up to ten bocce ball courts and related features it would not directly affect population growth in the area. Therefore, the project would have a *no impact* on population growth.

b. Would the project displace substantial numbers of people or existing housing, necessitating the construction of replacement housing elsewhere? No Impact

The project does not involve displacement of housing or people. Therefore, the project would have *no impact* to existing housing or people.

13. PUBLIC SERVICES

Issues	Potentially Significant Impact	Potentially Significant With Mitigation Incorporated	Less-Than-Significant Impact	No Impact
<i>Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:</i>				
a. Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	✗	<input type="checkbox"/>
b. Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	✗	<input type="checkbox"/>
c. Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	✗
d. Parks and landscape maintenance?	<input type="checkbox"/>	<input type="checkbox"/>	✗	<input type="checkbox"/>
e. Other public facilities and services?	<input type="checkbox"/>	✗	<input type="checkbox"/>	<input type="checkbox"/>

- a. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for: Fire Protection?..... Less-Than-Significant Impact**

The project is located within the jurisdiction of the Contra Costa County Fire Protection District. Since the project would not directly contribute to the population of Clayton, but would serve as a public facility for the existing population, buildout of the project site would not affect the overall operations of the service providers or expand their district boundaries.

Construction of the project would be completed in conformity with applicable building, fire, and life safety codes. Additionally, buildings of significant size would not be constructed as part of the project. The flammable structures would be the fence gazebo, and the storage building. Additionally, the project would be supplied with water in the event of a fire. A fire hydrant is located at the city corporation yard and water lines proposed for the project would tie into the existing water line along Heritage Trail. In addition, a service road along the western boundary of the project site would provide access for emergency vehicles. Therefore, the project would have a *less-than-significant* impact to fire protection resources.

- b. Police Protection? Less-Than-Significant Impact**

Police services are provided by the Clayton Police Department, located within City Hall across from the project site. According to the Police Chief, the project would not affect the overall operations of the Police Department. Therefore, the project would have a *less-than-significant* impact to existing police services.

c. Schools?..... No Impact

The project would not increase the permanent population of Clayton. Therefore, additional capacity within the Mt. Diablo Unified School District would not be required, resulting in *no impact*. The facility could be made available for use by students from Mt. Diablo Elementary School for recreation activities.

d. Parks and Landscape Maintenance? Less-Than-Significant Impact

The project would be an addition to the City’s existing recreational facilities. The project sponsor would enter into an agreement with the City which obligates the project sponsor to cover all operational and maintenance costs of the facilities, including landscaping. Therefore, the project would have a *less-than-significant* impact associated with the provision of parks and landscape maintenance.

e. Other Public Facilities and Services?..... Potentially Significant Impact

The project will increase demands for other general governmental services, including maintenance, solid waste pickup, and related services. Any additional expenses generated by the project would be mitigated by the agreement between the project sponsor and the City as discussed in item “d” above. Since payment of use fees for solid waste and recycling service and/or taxes to the appropriate service provider generally offset any potential impacts to such service providers, these additional demands for other governmental services are not considered adverse.

Solid waste would continue to be collected by Pleasant Hill/Bayshore Disposal. The Keller Canyon Landfill is anticipated to have adequate capacity for 30 to 35 years. The City is required by AB 939 to ensure that it achieves and maintains the diversion and recycling mandates of the State. Construction of the project would generate leftover materials from woodcutting, concrete pours, pipe work etc. If these materials are placed in the sanitary landfill it could cause the City to violate State regulations and be subject to fines up to \$10,000 per day. Recycling and reuse of these materials would divert the materials from going to the landfill, and thus help the City stay in compliance with AB 939 mandates. Therefore, implementation of the project would result in a *potentially significant* impact.

Implementation of the following mitigation measure would reduce the impacts to a *less-than-significant* level.

Mitigation Measure 9. Prior to the commencement of grading or construction activities, the project sponsor shall submit a recycling plan for construction materials to the City for review and approval. The plan shall include that all materials that would not be acceptable for disposal in the sanitary landfill be recycled/reused. Documentation of the material type, amount, where taken and receipts for verification and certification statements shall be included in the plan.

The project sponsor shall submit a performance deposit, as established in the project's conditions of approval to the City to ensure recycling of demolition materials. In addition the project sponsor shall cover all staff costs related to the review, monitoring and enforcement of this condition through the deposit account.

14. RECREATION

Issues	Potentially Significant Impact	Potentially Significant With Mitigation Incorporated	Less-Than-Significant Impact	No Impact
<i>Would the project:</i>				
a. Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	✘	<input type="checkbox"/>
b. Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	✘	<input type="checkbox"/>

a. **Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated? Less-Than-Significant Impact**

b. **Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment? Less-Than-Significant Impact**

The bocce ball facility would be an addition to the recreational facilities in Clayton. The addition of recreational facilities requires maintenance to prevent physical deterioration. As noted above in Public Services item “d,” the City would enter into an agreement with the project sponsor which requires the project sponsor to assume all operational and maintenance costs of the facilities. Therefore, the project would have a *less-than-significant* impact on the physical deterioration of the proposed facilities, and would not have an adverse physical effect on the environment.

15. TRAFFIC AND TRANSPORTATION

Issues	Potentially Significant Impact	Potentially Significant With Mitigation Incorporated	Less-Than-Significant Impact	No Impact
<i>Would the project:</i>				
a. Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Substantially increase hazards due to a design features (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. Result in inadequate parking capacity?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f. Conflict with adopted policies supporting alternative transportation (e.g., bus turnouts, bicycle racks)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

a. **Would the project cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?** **Less-Than-Significant Impact**

b. **Would the project exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?** **Less-Than-Significant Impact**

The project site is located directly north of Heritage Trail off Clayton Road. Since Heritage Trail primarily serves as access to the city facilities (i.e., City Hall, Community Library, corporation yard) it is not analyzed in the *General Plan*. Clayton Road, which is the sole access route to Heritage Trail is discussed in the *General Plan*.

Clayton Road is a primary arterial road. According to the City Engineer, the generally accepted capacity numbers for arterials are 1,000 vehicles per hour per lane. Therefore, Clayton Road should be able to handle approximately 4,000 vehicles per hour (there may be a slight reduction during peak hours due to signals being used to meter traffic at Washington Boulevard). The City Engineer stated that at Washington Boulevard, the latest average daily trips for Clayton Road is approximately 25,000 trips, with a peak hour traffic count of approximately 2,300 trips.

Using a “worst-case” scenario, up to 250 attendees could be present at the bocce ball facility. Since the league is comprised predominantly of couples, up to 50 percent of the attendees could thus reasonably be expected to carpool. This analysis uses a conservative assumption of 35 percent for carpooling. Another five percent of the 250 attendees could be expected to walk, bike, or ride on horseback to the project site. With 40 percent of the attendees expected not to drive individually, a balance of approximately 150 vehicles are anticipated to travel to and from the project site. Since both in and out trip ends must be taken into account when tabulating the total number of trips generated by the project, new daily trips during the worst-case scenario would be a maximum of 300 trips. In addition, since the bocce ball league games are typically played after the peak hour traffic periods, the majority of trips would occur during lighter traffic periods. Games played on weekends would occur during the lighter traffic periods on weekends.

Exhibit III-2A of the *General Plan* indicates that peak hour traffic volumes can be calculated as 10 percent of daily traffic volumes. Using that estimation, the project would generate approximately 30 new trips during the peak hour period (300 x 10%). The addition of 30 vehicle trips to the existing 2,300 peak hour trips during AM and PM peak traffic hours would not exceed the maximum hourly vehicle capacity for Clayton Road, which has been estimated at 4,000 peak hour trips.

Since the project would not exceed maximum peak hour traffic capacity and would not add substantial amounts daily trips to existing traffic, the project would have a *less-than-significant* impact to existing traffic load and street system capacity.

- c. **Would the project substantially increase hazards due to a design features (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?** **No Impact**

The project would not include any unusual design features in the layout of the streets that would increase hazards. Therefore, *no impact* would result from the buildout of the proposed development.

- d. **Would the project result in inadequate emergency access?** **Less-Than-Significant Impact**

The primary access road to the project site is Heritage Trail via Clayton Road. The site plans indicate that a service road would run adjacent to the western border of the project site, providing emergency access to the bocce ball courts. In addition, compliance with the City standards ensures the provision of adequate emergency access. Therefore, a *less-than-significant* impact would occur.

- e. **Would the project result in inadequate parking capacity?**.....**Potentially Significant Impact**

Existing parking facilities at City Hall immediately south of the project site, as well as Clayton Community Library and Keller Ranch House east of the project site, would be utilized by attendees for the bocce ball facility. The City Hall parking lot has 26 parking

spaces, plus 2 handicapped accessible spaces; the Library has 62 spaces, plus 3 handicapped accessible spaces; the Keller Ranch House has 15 spaces in addition to an area that could accommodate 30 to 50 unmarked spaces. Therefore, the estimated maximum number of existing parking spaces is 158 spaces.

The Library is open on Monday and Wednesday evenings as well as weekends. As displayed in **Table 4**, peak usage for the Library is during the lunch hour on weekdays and during early evening hours from 5 p.m. to 8 p.m. on Mondays and Wednesdays. A large number of Library patrons are parents with children who carpool to the Library. A survey of parking spaces at the Library showed that approximately one third to one half of the 65 parking spaces are occupied between 5 p.m. and 6 p.m. during the Library’s weekday operating hours.

	Mon (1–9pm)	Tues/Th (10am– 6pm)	Wed (1–9pm)	Fri (closed)	Sat (1–6pm)	Sun (1–5pm)
10am-11am	--	96		--	79	--
11am-12pm	--	90		--	107	--
12pm-1pm	--	149		--	106	--
1pm-2pm	185	80	138	--	85	118
2pm-3pm	236	158	145	--	100	233
3pm-4pm	45	114	84	--	88	174
4pm-5pm	53	59	53	--	117	119
5pm-6pm	52	91	123	--	82	--
6pm-7pm	131	--	156	--	--	--
7pm-8pm	31	--	105	--	--	--
8pm-9pm	81	--	66	--	--	--

Source: Clayton Community Library, 2005

Since the Library’s operating hours would be concurrent with bocce ball play hours on Mondays, Wednesdays, and weekends, the potential exists for competition for parking spaces between the users of the Library and bocce ball facility. As discussed above in “Item b,” up to 150 vehicles could be expected to travel to the bocce ball facility under a “worst case” scenario. Assuming 30 parking spaces are occupied in the Library parking lot by Library patrons and users of the walking trails, a “worst case” scenario would have a demand for 180 parking spaces (150 bocce spaces + 30 Library spaces) and a supply of 158 parking spaces. This would result in an overflow in nearby areas of approximately 22 vehicles. The likely overflow areas would be on-street parking in the Town Center area (accessed by the existing pedestrian path and tunnel under Clayton Road) and on-street parking on the Cardinet Drive and Wallace Drive residential areas to the northwest of the project site.

For the “staff scenario” the City calculated a conservative carpooling estimate for bocce players based upon information gathered from representatives of bocce federations in central and east Contra Costa communities. The carpooling estimate assumes that 67 percent of the league players are couples and that 67 percent of these couples carpool. Applying a parking demand factor of 12.42 spaces/court (estimated by the city staff and assuming 16 players/court) to a day when the Library parking lot is used (i.e., Tuesday) shows that parking

for slightly more than 5 bocce courts would be accommodated by the on-site parking lots. Off-site parking would be necessary for the overflow. The amount of overflow would be dependent upon the number of additional courts. If 10 courts were built, 55 vehicles would overflow into off-site locations. On Thursdays and Fridays, when the Library parking lot has minimal usage, an overflow of approximately 21-24 vehicles could be expected. The overflow could be accommodated in the other off-site locations.

Although the vast majority of the parking demand for the bocce ball project and Library would be accommodated by existing parking spaces in the City Hall, Library, and Keller Ranch House parking lots, the possibility exists under a worst case scenario for vehicles to be parked along residential streets, which could result in a disturbance to residents of Cardinet Drive and Wallace Drive, resulting in a *potentially significant* impact.

Implementation of the following mitigation measure would reduce the impacts to a *less-than-significant* level.

Mitigation Measure 10.

- a). The project sponsor shall provide written notice to team members that parking is discouraged on residential streets in the vicinity of the project site, including Cardinet Drive and Wallace Drive. League and tournament registration materials shall specifically direct bocce players to the parking areas located at City Hall, Community Library, Keller Ranch (marked spaces only), and Town Center.
- b). The Planning Commission shall conduct a review of the parking conditions for the project to determine if adequate measures have been taken to discourage bocce parking in residential areas. The Commission may add, modify, or delete conditions regarding parking, the days of league play, or the number of courts used for league play depending upon the parking conditions.

f. Would the project conflict with adopted policies supporting alternative transportation (e.g., bus turnouts, bicycle racks)? Less-Than-Significant Impact

The Town Center is currently provided transit service by the Central Contra Costa Transit Authority. Bus route 110 currently provides service throughout the City and in the vicinity of the project site along Clayton Road. The construction of the bocce ball courts would not result in the need for expanded bus service. In addition, the site is provided pedestrian and bicycle access from the downtown area through an existing paved trail. The trail crosses Clayton Road through a tunnel undercrossing. Therefore, the project would have a *less-than-significant* impact to alternative transportation.

16. WATER, SEWER, AND STORMWATER SYSTEMS

Issues	Potentially Significant Impact	Potentially Significant With Mitigation Incorporated	Less-Than-Significant Impact	No Impact
<i>Would the project:</i>				
a. Have sufficient water supplies available from existing entitlements and resources, or are new or expanded entitlements needed?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. Result in exceedance of sewer collection facilities such that a risk of upset would occur?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g. Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h. Comply with federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

a. Would the project have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed? Less-Than-Significant Impact

b. Would the project require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? Less-Than-Significant Impact

As indicated on the site plan, a new water line would connect the project site to the existing water line west of the site. The project would be provided with potable water by tying into this existing line. The Contra Costa Water District provides water service to Clayton.

Water needs resulting from buildout of the project would be generated by drinking fountains, restrooms, the storage building, and irrigation of the project landscaping. The resulting water demand created by the project would be minimal.

In addition, the project sponsor would be required to adhere to State Building Code standards for installation of water-conserving plumbing fixtures and the City water-conserving guidelines for landscaping (Chapter 17.80 of the Municipal Code). Therefore, the project would have a *less-than-significant* impact on existing water supply and delivery infrastructure.

- c. **Would the project result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments? Less-Than-Significant Impact**
- d. **Would the project exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board? Less-Than-Significant Impact**
- e. **Result in exceedance of sewer collection facilities such that a risk of upset may occur?..... Less-Than-Significant Impact**

The wastewater collection system within the City of Clayton is owned by the City and is maintained by the City of Concord. Concord has a contract with Central Contra Costa County Sanitary District (CCCSD) to treat the wastewater. The CCCSD treatment plant has a maximum average dry weather flow (adwf) effluent discharge of 53.8 million gallons per day (mgd) and that the effluent is discharged into Suisun Bay. Construction of the project would generate a small amount of additional wastewater flows into the regional wastewater treatment plant. An increase in the gallons per day would occur as a result of the on-site restroom facilities planned for the project site. A maximum of 250 people (including players and observers) would occur on the project site simultaneously in a worst-case scenario. Many persons in attendance would be residents of Clayton, however, and the project would not directly add to Clayton's population; therefore, the project would not significantly contribute to wastewater flows. The project would thus have a *less-than-significant* impact to existing wastewater facilities and infrastructure.

- f. **Would the project require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? Less-Than-Significant Impact**

The project would include construction of new on-site storm water drainage infrastructure (See Section VIII c-e. for a detailed discussion). The design of the storm drain system proposed for the project site would be required to meet all applicable regulations. Therefore, a *less-than-significant* impact would occur to existing storm drainage facilities as a result of project implementation.

- g. **Would the project be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs? Less-Than-Significant Impact**
- h. **Would the project comply with federal, state, and local statutes and regulations related to solid waste? Potentially Significant Impact**

Solid waste would continue to be collected by Pleasant Hill/Bayshore Disposal. The Keller Canyon Landfill is anticipated to have adequate capacity for 30 to 35 years. The City is required by AB 939 to ensure that it achieves and maintains the diversion and recycling mandates of the State. Construction of the project would generate leftover materials from woodcutting, concrete pours, pipe work etc. If these materials are placed in the sanitary landfill it could cause the City to violate State regulations and be subject to fines up to \$10,000 per day. Recycling and reuse of these materials would divert the materials from going to the landfill, and thus help the City stay in compliance with AB 939 mandates. Therefore, implementation of the project would result in a *potentially significant* impact. Mitigation Measure 9 requires the project sponsor to provide the City with a recycling plan in response to impacts on Public Services (see discussion in Section 13 above). On the basis of Mitigation Measure 9, the impacts on landfill capacity and compliance with solid waste statutes would be reduced to a *less-than-significant* level.

17. MANDATORY FINDINGS OF SIGNIFICANCE

Issues	Potentially Significant Impact	Potentially Significant With Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a. Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input type="checkbox"/>	✘	<input type="checkbox"/>
b. Does the project have the potential to achieve short-term, to the disadvantage of long-term, environmental goals?	<input type="checkbox"/>	<input type="checkbox"/>	✘	<input type="checkbox"/>
c. Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	<input type="checkbox"/>	<input type="checkbox"/>	✘	<input type="checkbox"/>
d. Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	✘	<input type="checkbox"/>

a. Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory? Less-Than-Significant Impact

Although unlikely, the possibility exists that the project site supports special-status bird species and/or serves as foraging habitat for these species. This Initial Environmental Study/Negative Declaration includes mitigation measures that would reduce any potential impacts to a less-than-significant level. Furthermore, the cultural resources study prepared for the project site concludes that the implementation of the mitigation measures in association with the project would prevent elimination of important examples of California's history or prehistory. Therefore, the project would have *less-than-significant* impacts to special-status species, sensitive natural communities, and/or California's history.

b. Does the project have the potential to achieve short-term, to the disadvantage of long-term, environmental goals? Less-Than-Significant Impact

Development that converts rural areas to urban/suburban uses may be regarded as achieving short-term goals to the disadvantage of long-term environmental goals. However, the inevitable impacts resulting from population and economic growth are mitigated by long-range planning to establish policies, programs, and measures for the efficient and economical use of resources. Long-term environmental goals, both broad and specific, have been addressed previously in several documents, the most comprehensive being the *General Plan*. The project has included mitigation measures consistent with those outlined in the *General Plan*. Therefore, the impact is *less-than-significant*.

- c. **Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)? Less-Than-Significant Impact**

- d. **Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly? Less-Than-Significant Impact**

Although the project is zoned "Agricultural District," the site has not been farmed for some 20 to 30 years and does not contain prime farmland soils. Additionally, the project site would be developed in a generally urbanized and built-up area of Clayton, with surrounding land uses including residential, recreational, and city facilities. Therefore, the conversion of the project site from vacant land to a public facilities and recreational area would not result in adverse impacts to agricultural land. Other cumulative impacts may be identified in the categories of use of resources, demand for services, and physical changes to the natural environment. These cumulative impacts mentioned would be mitigated to a degree through project-specific mitigation measures identified above and through cumulatively applied measures as development occurs. Therefore, a *less-than-significant* impact would result from the development of the project.

VII. COMMENTS AND RESPONSES

Introduction

The Initial Environmental Study/Negative Declaration (IES/ND) (dated March 2005) was released for public review on March 18, 2005. The review period for the IES/ND closed on May 24, 2005.

This section contains all public comments received during the public review period and responses to the comments. Under the California Environmental Quality Act (CEQA) and implementing Guidelines, the City of Clayton, as the “lead agency” is not required to respond to comments on a negative declaration. In order to ensure that public questions and concerns regarding environmental issues are addressed, responses are provided to all comments on environmental issues. Comments on various features of the project or the proposed conditions of approval, which may not be related to the project’s environmental impacts, are noted for decision makers. Formal responses are not required nor provided for these issues.

Number	Commentator	Date
Planning Commission Public Hearings		
1	Minutes	March 22, 2005
2	Minutes	April 12, 2005
3	Minutes	April 26, 2005
4	Minutes	May 10, 2005
5	Minutes	May 24, 2005
Applicant, Residents, & Organizations		
6	Howard Geller	March 29, 2005
7	Mr. and Mrs. William Hart	April 4, 2005
8	Department of Fish and Game	April 6, 2005
9	Bill Walcutt	April 8, 2005
10	Raymond Dod	April 9, 2005
11	William and Roberta Morfeld	April 24, 2005
12	Clayton Bocce Ball Federation	April 29, 2005
13	Mr. and Mrs. William and Julia Hart	May 2, 2005
14	John and Pat Pollock	May 6, 2005
15	Contra Costa County Flood Control	June 2, 2005

Minutes
City of Clayton Planning Commission Meeting
Tuesday, March 22, 2005
Excerpt

Call to Order

Chair Miller called the meeting to order at 7:00 p.m. in the Library Meeting Room, Clayton Community Library, 6125 Clayton Road, Clayton.

Present: Chair Glenn Miller, Vice Chair Ben Jay, Commissioner Ed Hartley, Commissioner Keith Haydon, Commissioner Joe Odrzywolski

Absent: None

Staff: Community Development Director Jeremy Graves
Nick Pappani of Raney Planning and Management

Public Hearings

- 3. **ENV 02-04, Environmental Review.** The *Bocce Ball Initial Environmental Study/Negative Declaration*, prepared in accordance with the California Environmental Quality Act which analyzes the potential impacts caused by the project and identifies various measures to mitigate these impacts.

Commissioner Hartley explained that, as president of the Bocce Ball Federation, he has been advised that even though he has no financial interest in the project and, in order to avoid any appearance of conflict, he will recuse himself from Planning Commission consideration, except for his personal presentation as a member of the public. Commissioner Hartley recused himself from the meeting room during the discussion of the Bocce Ball project.

The public hearing was opened. Director Graves presented the staff report and noted that this is the first of at least three public hearings on the project.

Nick Pappani reviewed the *Bocce Ball Initial Environmental Study/Negative Declaration*, including aesthetics, biological resources, noise, and traffic.

Howard Geller, 1563 O'Hara Court, indicated:

1-1

- Previous locations considered a bocce ball court were the Downtown Park and the property owned by Kent Ipsen in the Town Center.
- When the necessary approvals are obtained for the project, the project sponsors will contribute funds for construction.
- Revised plans call for a 500 square-foot building designed to utilize similar exterior colors, materials, and design style of City Hall with a stone foundation.
- It is my goal to use excess funds for restoration of the Keller House.
- Parking analysis anticipates 150 players including 54 couples, 6-7 team members, with 4 players per team showing up.
- No dust will emanate from the bocce ball courts as oyster shells do not create dust.

1-2

Jerry North, 5995 Cardinet Drive, indicated:

- Opposed to the bocce ball courts being located within 100 feet of three residences on Cardinet Drive.
- Parking generated by attendees at the bocce ball courts will further exacerbate the parking problems along streets such as Cardinet Drive and Wallace Drive which are already impacted by public events in the City Hall/Town Center area.
- Ground lighting should be required.
- Alcohol should not be allowed since it creates danger, noise, and accidents.
- Impacts on property values will be adverse.
- The Planning Commission should deny the project, based on its currently-proposed location.

1-3

Chris Fregosi, 6000 Cardinet Drive, indicated:

- How will the number of people attending the bocce ball courts be regulated? *Chair Miller responded that the use permit process may establish conditions of approval that can limit the number of people attending.*
- The Keller House is not a viable option for parking during the Art and Wine Festival.
- Wednesday nights between March and October Skipolini's Pizza creates a parking demand that overflows into the Clayton Community Library parking lot.
- Closest residence is only located 100 feet from the proposed bocce ball site.
- A different location for the bocce ball court should be proposed.

1-4

Bob Pizzagani, 5988 Wallace Drive, indicated he was opposed to the project.

1-5

Dennis Quinlan, 5978 Wallace Drive, indicated:

- Cardinet Drive and Wallace Drive will be the first areas impacted by overflow parking.
- Enjoys the sport of bocce ball, but is concerned that the project will attract bocce players from places like Concord and Martinez.
- The barbecue area and picnic tables are a good idea.
- The landscaping and sound walls used for the Corporation Yard should be used for this project.

1-6

Barbara Dwyer, 5859 Clayton Road, indicated:

- Parking is a big issue as there are only 103 parking spaces available.
- This project would cause a significant impact on City services regarding litter as well as drinking and driving.
- Since there is no light source existing on the project site, all proposed lighting will be new.
- There will be a noise impact caused by the amplified system. *Staff noted that no amplification system is currently proposed.*
- All aesthetic features should be compatible with the Old West theme prevalent in the Town Center.
- There has been no opportunity for the community to express their opinion on whether bocce ball is an appropriate use of the property.

1-7

Roger Wunderling, 5609 Ohman Place, indicated:

- He is a member of the Bocce Ball Federation.
- His team has ten members and on many days only four players attend the bocce ball game.
- He has parked almost 100 cars at the Keller House site during the Fourth of July Festival.

1-7
CONT.

- Bocce ball players are not loud and vocal; bocce ball is a low-impact game.
- His team did not consume alcohol during the game. Other teams consumed alcohol only during their meal. People generally do not consume alcohol during play of the game.
- Number of guests tends to be minimal.
- The bocce project would be great for the City.
- If the property owners neighboring the project site observed bocce game play, they would not be as concerned about the project.

1-8

Chris Fregosi, 6000 Cardinet Drive, indicated:

- He plays bocce ball and is currently installing a bocce court in his back yard.
- The Planning Commission should take the time to observe a bocce game in Concord.

1-9

Dennis Quinlan indicated he thought that Clayton would build the best bocce courts in the County.

1-10

Howard Geller, 1563 O'Hara Court, indicated:

- Lights are included with the project, however they will only be used occasionally.
- Attendance at bocce ball games is dictated by the weather.
- The bocce ball season typically lasts from April through September.

1-11

Jerry North, 5995 Cardinet Drive, indicated that lights should not be allowed if there is no need for them.

There being no further public comments, the public testimony period was closed. Commission comments and questions included:

1-12

- How will overflow parking into the Town Center be addressed? *Staff responded that it was assumed that any overflow parking from the project park at on-street locations in the Town Center and neighborhood streets. The environmental review document provided a mitigation measure which addresses this issue.*
- Could the parking spaces in the City's Corporation Yard be utilized? *Staff responded that due to security of the equipment and police vehicles, public parking could not be allowed in the Corporation Yard.*
- If the City had a parking agreement with the Clayton Community Church, then the Church's parking lot could be used to accommodate the parking needs of the bocce ball court.
- Can alcohol use be regulated by the use permit? *Staff responded that the issue will be researched and explored further during Planning Commission review of the use permit.*
- The Keller House Master Plan shows public restrooms and a storage building. *Staff responded that funding has not been secured for the Keller Ranch improvements, hence some of the improvements shown in the Master Plan (e.g., storage buildings) may shift to the bocce site.*
- Parking analysis should take into consideration City Council and Planning Commission attendees.
- Parking plan may be necessary to address parking impacts created by out-of-towners who are unaware of neighborhood concerns.
- Would there be dust generated by bocce ball game play on decomposed granite or crushed oyster shells?
- More biological resource analysis is needed with regard to impacts upon the creek from the project.
- The decomposed granite used for the City Hall courtyard is not wearing well.

1-12
CONT.

- The architect for the Keller House restoration project, Tom Saxby, indicated that frequent use of the Keller House site for frequent overflow parking would be detrimental to the site.
- How many players are going to be Clayton residents vis-a-vis Concord residents? *Howard Geller replied that the majority of attendees would be Clayton residents.*

In summary the Commission requested the environmental consultant and staff to investigate the following issues:

1-13

- Distances between the project site and a nearby residences need to be taken into consideration.
- A study should be conducted of the project's impacts on parking.
- There are concerns regarding litter generation on and off the project site.
- For the noise generated by bocce ball game play, the empirical data should be bolstered or a noise study should be conducted.
- There should be an assessment done on the combined effects of drainage outfall from the City's Corporation Yard and the project.
- Possible dust generation from bocce ball play on decomposed granite and oyster should be analyzed.
- Noise attenuation structures such as barriers or soundwalls should be considered.
- Staff should discuss enforcement options with the project applicant.
- A traffic study should be conducted at the intersection of the Clayton Community Library parking lot and Heritage Trail.
- An analysis of the impacts of alcohol use in parks and public facilities in other cities should be conducted with applicable use permit conditions crafted as necessary.
- The fees charged for use of the project site and potential revenue generated should be provided.
- The maintenance necessary to upkeep the facility should be looked at.
- Project integration with the Keller House Master Plan should be taken into consideration.
- We should attempt to reduce spillover parking impacts to the Keller House site.

Chair Miller moved and Vice Chair Jay seconded a motion to continue ENV 02-04 to the meeting of April 12, 2005. The motion passed 4-0.

P\ng Comm\2005\Minutes\0322.excerpt-bocce

Comment 1, Clayton Planning Commission Meeting Minutes - March 22, 2005

Response 1-1: Comments by Howard Geller, project sponsor representative.

The commenter states that previous locations in the City of Clayton were considered for the bocce ball courts.

The comment does not address the adequacy of the IES/ND and therefore according to CEQA does not require a response.

The commenter states that funding for construction will be contributed by the project sponsor when the necessary approvals are obtained.

The comment does not address the adequacy of the IES/ND and therefore according to CEQA does not require a response.

The commenter states that the revised plans call for a 500 square foot storage building designed to utilize similar design of City Hall.

As described and evaluated in the IES/ND, the storage building could be up to 1,200 square feet.

The commenter states his goal to use excess funds for restoration of Keller Ranch House.

The comment does not address the adequacy of the IES/ND and therefore according to CEQA does not require a response.

The commenter provides additional assumptions regarding the parking analysis, such as the league would consist of 150 players with 54 couples. In addition, each team would have 6-7 members with 4 members generally showing up for a game.

The comment does not address the adequacy of the IES/ND and therefore according to CEQA does not require a response.

The commenter states that dust would not be generated from the courts.

The comment does not address the adequacy of the IES/ND and therefore according to CEQA does not require a response.

Response 1-2: Comments by Jerry North.

Opposed to courts being located within 100 feet of three residences on Cardinet Way:

Page 45 of the IES/ND as revised on March 25, 2005 notes that the distance between the bocce courts and the closest residence is approximately 80 feet. The IES/ND also notes that under a “worst case” scenario, the maximum number of people that would be anticipated to attend an event at the bocce call site would be approximately 250 (20 players/court x 10 courts = 200 players). Noise generated at the site would primarily result from social activities associated with playing bocce ball (i.e., talking, modest cheering, clapping, etc.). Bocce ball activity is not typically considered a significant noise-producing activity. For purposes of comparison, noise levels would be comparable to park activities. In addition, the project requires the approval of a Use Permit to allow the bocce courts and through the Use Permit the hours of operation can be regulated. The IES/ND concluded that there would be a less-than-significant impact noise impact from the project.

Since the release of the Public Review Draft of the IES/ND, the City Council has provided feedback that only eight courts should be constructed on-site. Therefore, the site plan has been revised to

reduce the number of courts to eight. In accordance with the parking analysis assumptions, approximately 128 people would be in attendance should eight courts be constructed (16 players/court x 8 courts = 128 players). This 48 percent decrease in attendees would significantly diminish the noise impacts generated by the project.

The modified site plan shows the restroom and storage buildings located on the west side of the bocce courts. One of the factors in locating these buildings in this configuration was to allow the buildings to act as a noise barrier to residences in the Cardinet and Wallace Drive neighborhood. The reduction in likely attendees and the modified site plan would further decrease the noise levels below those evaluated in the Public Review Draft of the IES/ND. As a result of the additional information, Section 11b of the IES/ND is hereby revised to read as follows (new wording is printed in double-underlined text):

Existing residential development is located northwest of the project site; the distance between the bocce courts to the closest residence is approximately 80 feet. Under a “worst case” scenario, the maximum number of people that would be anticipated to attend an event at the bocce ball centre would be approximately 250. Noise generated at the site would primarily result from social activities associated with playing bocce ball (i.e., talking, modest cheering, clapping, etc.). Bocce ball activity is not typically considered a significant noise-producing activity. For purposes of comparison, noise levels would be comparable to park activities. During the weekdays, bocce ball activities would be limited to three early evening hours, anticipated from 6 to 9 pm. Weekend operation of the bocce courts would be for “open play” as opposed to league play, which would be expected to result in a less intense usage of the bocce courts.

Under the “staff scenario” approximately 128 people would be in attendance (16 players/court x 8 courts = 128 players). This 48 percent decrease in attendees would significantly diminish the noise impacts generated by the project.

In addition, the storage building and the restroom facility, which have been relocated along the western edge of the courts, would form a noise barrier to residences in the Cardinet and Wallace Drive neighborhood. The reduction in likely attendees and the relocation of the on-site buildings would further decrease the noise levels, which would be experienced under the “worst-case” scenario. However, impacts from noise under both scenarios would not be considered adverse. In addition, a sound fence (6 feet high) will be included five to ten feet west of the access road until the restroom and storage buildings are constructed to ensure that a barrier exists at the time of initiation of bocce ball activities.

The proposed project would also include a public address system with speakers mounted on the court light poles. According to the project sponsor, the public address system is not anticipated to be used regularly, but would be used primarily for tournaments. The project sponsor would be required to obtain a noise permit pursuant to Municipal Code Chapter 9.30 (which requires notification of the nearby property owners) prior to each event involving use of the public address system.

The noise level increase in the surrounding area resulting from this project would be minimal

and intermittent in nature and would not be expected to result in a permanent noise increase of 3 dB. Therefore, the project would have a *less-than-significant* noise impact.

Parking required for the bocce courts would further exacerbate parking problems along existing streets:

The City has prepared a parking analysis, which examines usage of the parking spaces at the City Hall and the Community Library parking lots. Staff surveyed the number of parking spaces occupied in these lots at approximately 6:00 pm in on weekdays. This time of day coincides with the typical starting times for league play in the nearby communities. The City Hall parking lot has 28 spaces (including accessible spaces). Use of the City Hall spaces is fairly constant and averages 23 available spaces. The Library parking lot is directly dependent upon whether the Library is open past 6pm or whether public meetings are being held in the Community Meeting Room. On Mondays and Wednesdays when the Library is open in the evenings, the average number of available parking spaces is 39 and 36 respectively. Since a portion of this use is connected with students doing schoolwork, these numbers may diminish during summer months. However, during summer months, more walkers and Cardinet Trail users may use the Library parking lot as a beginning/ending point for their walks. Use of the Library parking lot on Tuesday is primarily driven by City Council and Planning Commission attendees. The typical City Council and Planning Commission meeting generates numbers comparable to Library usage on Monday and Wednesday evenings (e.g., 35-40 spaces). The lowest use of Library parking is on Thursday and Friday evenings, when typically 61-63 spaces are available. The Keller Ranch parking lot has 15 marked spaces; this parking lot was not used on a regular basis during the survey.

For the “staff scenario” the City calculated a conservative carpooling estimate for bocce players based upon information gathered from representatives of bocce federations in central and east Contra Costa communities. The carpooling estimate assumes that 67 percent of the league players are couples and that 67 percent of these couples carpool. Applying a parking demand factor of 12.42 spaces/court (estimated by the city staff and assumes 16 players/court) to a day when the Library parking lot is used (i.e., Tuesday) shows that parking for slightly more than 5 bocce courts would be accommodated by the on-site parking lots. Off-site parking would be necessary for the overflow. The amount of overflow would be dependent upon the number of additional courts. If all proposed 10 courts were built, 55 vehicles would overflow into off-site locations. On Thursdays and Fridays, when the Library parking lot has minimal usage, an overflow of approximately 21-24 vehicles could be expected. The overflow could be accommodated in the other off-site locations. In order to address the concerns of the Cardinet and Wallace Drive neighborhood, Section 15e of the IES/ND is hereby revised to read as follows (new wording is printed in double-underlined text):

Existing parking facilities at City Hall immediately south of the project site, as well as Clayton Community Library and Keller Ranch House east of the project site, would be utilized by attendees for the bocce ball facility. The City Hall parking lot has 26 parking spaces, plus 2 handicapped accessible spaces; the Library has 62 spaces, plus 3 handicapped accessible spaces; the Keller Ranch House has 15 spaces in addition to an area that could accommodate 30 to 50 unmarked spaces. Therefore, the estimated maximum number of existing parking spaces is 158 spaces.

The Library is open on Monday and Wednesday evenings as well as weekends. As displayed in **Table 4**, peak usage for the Library is during the lunch hour on weekdays and during early

evening hours from 5 p.m. to 8 p.m. on Mondays and Wednesdays. A large number of Library patrons are parents with children who carpool to the Library. A survey of parking spaces at the Library showed that approximately one third to one half of the 65 parking spaces are occupied between 5 p.m. and 6 p.m. during the Library's weekday operating hours.

	Mon (1-9pm)	Tues/Th (10am-6pm)	Wed (1-9pm)	Fri (closed)	Sat (1-6pm)	Sun (1-5pm)
10am-11am	--	96		--	79	--
11am-12pm	--	90		--	107	--
12pm-1pm	--	149		--	106	--
1pm-2pm	185	80	138	--	85	118
2pm-3pm	236	158	145	--	100	233
3pm-4pm	45	114	84	--	88	174
4pm-5pm	53	59	53	--	117	119
5pm-6pm	52	91	123	--	82	--
6pm-7pm	131	--	156	--	--	--
7pm-8pm	31	--	105	--	--	--
8pm-9pm	81	--	66	--	--	--

Source: Clayton Community Library, 2005

Since the Library's operating hours would be concurrent with bocce ball play hours on Mondays, Wednesdays, and weekends, the potential exists for competition for parking spaces between the users of the Library and bocce ball facility. As discussed above in "Item b," up to 150 vehicles could be expected to travel to the bocce ball facility under a "worst case" scenario. Assuming 30 parking spaces are occupied in the Library parking lot by Library patrons and users of the walking trails, a "worst case" scenario would have a demand for 180 parking spaces (150 bocce spaces + 30 Library spaces) and a supply of 158 parking spaces. This would result in an overflow in nearby areas of approximately 22 vehicles. The likely overflow areas would be on-street parking in the Town Center area (accessed by the existing pedestrian path and tunnel under Clayton Road) and on-street parking on the Cardinet Drive and Wallace Drive residential areas to the northwest of the project site.

For the "staff scenario" the City calculated a conservative carpooling estimate for bocce players based upon information gathered from representatives of bocce federations in central and east Contra Costa communities. The carpooling estimate assumes that 67 percent of the league players are couples and that 67 percent of these couples carpool. Applying a parking demand factor of 12.42 spaces/court (estimated by the city staff and assuming 16 players/court) to a day when the Library parking lot is used (i.e., Tuesday) shows that parking for slightly more than 5 bocce courts would be accommodated by the on-site parking lots. Off-site parking would be necessary for the overflow. The amount of overflow would be dependent upon the number of additional courts. If 10 courts were built, 55 vehicles would overflow into off-site locations. On Thursdays and Fridays, when the Library parking lot has minimal usage, an overflow of approximately 21-24 vehicles could be expected. The overflow could be accommodated in the other off-site locations.

Although the vast majority of the parking demand for the bocce ball project and Library would be accommodated by existing parking spaces in the City Hall, Library, and Keller Ranch House parking lots, the possibility exists under a worst case scenario for vehicles to be parked along residential streets, which could result in a disturbance to residents of Cardinet Drive and Wallace Drive, resulting in a *potentially significant* impact.

Implementation of the following mitigation measure would reduce the impacts to a *less-than-significant* level.

Mitigation Measure 10

(a). areas where parking is permitted for bocce players, including City Hall, Clayton Library, Keller Ranch House area, and the overflow parking in the Town Center area. League and tournament registration materials shall specifically direct bocce players to the parking areas located at City Hall, Community Library, Keller Ranch (marked spaces only), and Town Center.

(b). The Planning Commission shall conduct a review of the parking conditions for the project to determine if adequate measures have been taken to discourage bocce parking in residential areas. The Commission may add, modify, or delete conditions regarding parking, the days of league play, or the number of courts used for league play depending upon the parking conditions.

Ground lighting should be required:

Mitigation Measure 2 of the IES/ND requires the developer to submit a lighting plan for review and approval of the Community Development Department in conjunction with submittal of improvement plans. The plan shall include details to reduce glare and minimize spillover of light onto adjacent properties. The mitigation measure is adequate to ensure that the lighting installed on the project site would not adversely impact residences adjacent to the project site.

Prohibition of Alcohol:

The use of alcohol on the site is not expected to generate any environmental impacts. However, the following response has been provided. According to *Clayton Municipal Code* Section 11.04.190 no person shall consume any alcoholic beverage in any area of a park, including parking lots associated therewith, except by permit issued by the designated city official. The designated official for the City is the police chief. Therefore, in order for alcohol to be consumed on the bocce ball courts, a permit would need to be obtained from the Clayton Police Department.

Impacts on property values:

The comment does not address the adequacy of the IES/ND and therefore according to CEQA does not require a response.

Recommended denial of the project:

The comment expresses an opinion about the project and does not address the adequacy of the IES/ND; therefore according to CEQA does not require a response.

Response 1-3: Comments by Chris Fregosi.

How will number of people attending the bocce ball courts be regulated:

The number of people attending the bocce ball tournaments is not expected to exceed the worst-case scenario evaluated in the IES/ND, which determined that less-than-significant impacts would result from the project with the implementation of appropriate mitigation measures. The number of people playing bocce at one time will be regulated by the number of courts built and that can be used in accordance with the use permit issued by the City. In general, bocce games do not attract a significant number of spectators.

Keller Ranch House is not an option for parking during the Art and Wine Festival:

Please see Response 1-2 related to parking.

Wednesday night events in the City creates a parking demand that overflows into Clayton Library:

Please see Response 1-2 related to parking.

Closest residence is only located 100 feet from site:

Please see Response 1-2 related to noise.

A different location for bocce ball courts should be proposed:

The comment does not address the adequacy of the IES/ND and therefore according to CEQA does not require a response. In addition, the project sponsor has noted that additional locations for the bocce ball courts were previously considered, including the downtown park site and privately owned property at the corner of Oak and High Streets in the Town Center.

Response 1-4: Comments by Bob Pizzagone.

Opposed to the project:

The comment expresses an opinion about the project and does not address the adequacy of the IES/ND; therefore according to CEQA does not require a response.

Response 1-5: Comments by Dennis Quinlan.

Cardinet and Wallace Drive will be first areas impacted by overflow parking:

Please see Response 1-2 related to parking.

Use of bocce ball courts from Concord and Martinez players:

The comment does not directly address the adequacy of the IES/ND; therefore according to CEQA does not require a response. Furthermore, bocce ball courts currently exist in the City of Concord and Martinez where leagues are established.

Commenter in favor of installation of barbecues and picnic tables:

The comment expresses an opinion about the project and does not address the adequacy of the IES/ND; therefore according to CEQA does not require a response.

Landscaping and sound walls used for Corporation Yard should be used for bocce ball project:

Please see Response 1-2 related to noise.

Please see Response 1-2 for a discussion of noise.

Response 1-6: Comments by Barbara Dwyer.

Concerns over parking, only 103 spaces available:

Please see Response 1-2 related to parking.

Project impacts to City services resulting from littering and drinking and driving:

In terms of littering, the IES/ND notes on page 48 that the project sponsor would enter into an agreement with the City which obligates the project sponsor to cover all operational and maintenance costs of the facilities, which includes trash cleanup. In addition, a condition has been included requiring the project sponsor to patrol adjacent parking areas following all sponsored events to pick up trash. As noted in Section 13b of the IES/ND, according to the Police Chief, the project would not affect the overall operations of the Police Department.

Installation of project lighting:

Please see Response 1-2 related to lighting.

Noise impact resulting from amplification system:

Please see Response 1-2 related to noise.

All aesthetic features should be compatible with the "old west" theme prevalent in Town Center:

Mitigation Measure 1 of the IES/ND requires that as part of the Site Plan Review Process, the Planning Commission shall determine that the design of the storage building is architecturally compatible with the historic character of the nearby historic buildings. The historic character of these buildings can be characterized as an "old west" style. In order to ensure that the bathroom facility proposed for the project also matches the nearby historic buildings, Mitigation Measure 1 of the IES/ND is hereby revised to read:

Mitigation Measure 1. As part of Site Plan Review process, the Planning Commission shall determine that the design of storage building and restroom is architecturally compatible with the historic character of the nearby historic buildings.

Lack of opportunity for public to comment on whether the project is appropriate for property:

The public comment period for the bocce ball project was extended from a 20-day period (as allowed by the CEQA Guidelines) to over 60 days. Therefore, the number of days allowed for public comment exceeded the State mandated review period.

Response 1-7: Comments by Roger Wunderling.

Commenter states that he is a member of the Bocce Ball Federation:

The comment does not address the adequacy of the IES/ND; therefore according to CEQA does not require a response.

Commenter's team has 10 members and many times only four players attend games:

The comment does not address the adequacy of the IES/ND; therefore according to CEQA does not require a response.

Commenter has facilitated the parking of 100 cars at Keller Ranch House during July 4th festival:

The comment does not address the adequacy of the IES/ND; therefore according to CEQA does not

require a response.

The commenter states that bocce ball players are not loud:

The comment does not address the adequacy of the IES/ND; but rather supports the conclusions of the IES/ND.

The commenter states that alcohol consumption was intermittent:

The comment does not address the adequacy of the IES/ND; therefore according to CEQA does not require a response.

The commenter states that the number of guests tend to be minimal:

The comment does not address the adequacy of the IES/ND; therefore according to CEQA does not require a response.

The commenter states that the bocce ball project would be great for the City:

The comment expresses an opinion about the project and does not address the adequacy of the IES/ND; therefore according to CEQA does not require a response.

The commenter states that the adjacent property owners should observe bocce ball games:

The comment does not address the adequacy of the IES/ND; therefore according to CEQA does not require a response.

Response 1-8: Comments by Chris Fregosi.

The commenter states that he plays bocce ball:

The comment does not address the adequacy of the IES/ND; therefore according to CEQA does not require a response.

The commenter states that the Planning Commission should observe a bocce game in Concord.

The comment does not address the adequacy of the IES/ND; therefore according to CEQA does not require a response.

Response 1-9: Comments by Dennis Quinlan.

The commenter expresses his opinion that Clayton would build the best courts in the County:

The comment does not address the adequacy of the IES/ND; therefore according to CEQA does not require a response.

Response 1-10: Comments by Howard Geller, project sponsor.

Project lights will be used occasionally:

The comment does not address the adequacy of the IES/ND; therefore according to CEQA does not require a response.

Attendance at games is dictated by the weather:

The comment does not address the adequacy of the IES/ND; therefore according to CEQA does not require a response.

Bocce ball season typically lasts from April to September:

The comment does not address the adequacy of the IES/ND; therefore according to CEQA does not require a response.

Response 1-11, Comments by Jerry North.

Lights should not be allowed if there is no need:

Please see Response 1-2 related to lights.

Response 1-12: Comments by Planning Commission.

How will overflow parking in Town Center be addressed:

Please see Response 1-2 related to parking.

Could parking spaces in City's corporation Yard be utilized:

Due to the security needs of the equipment and vehicles, the Corporation Yard should remain fenced off and closed to public parking.

Parking agreement between City and Clayton Community Church:

Please see Response 1-2 related to parking.

Can alcohol be regulated by a Use Permit:

Please see Response 1-2 related to alcohol.

The Keller Ranch House shows public restrooms and storage building:

Funding has not been secured for the Keller Ranch improvements; therefore, it is necessary to shift some of the Keller Ranch improvements on the bocce ball site to ensure that they will be available at the appropriate time.

Parking analysis should take into consideration Planning Commission and City Council attendees:

Please see Response 1-2 related to parking.

Parking Plan may be necessary to address parking impacts created by out-of-towners who are unaware of neighborhood concerns:

Please see Response 1-2 related to parking.

Dust generated by bocce ball game play on decomposed granite or crushed oyster shells:

As discussed in the IES/ND, the project would not have adverse air quality impacts associated with operational emissions. Furthermore, routine court preparation activities would include watering down the courts before each league event, which would prevent the generation of dust from the courts.

The Commission requests more biological resource analysis for the project relative to the creek:

The biological analysis determined that with the implementation of appropriate mitigation measures, the project would have less-than-significant impacts to biological resources, including special-status plants and animals, as well as trees and creeks/riparian areas. The original site plan shows a restroom building on the east side of the project site to take advantage of the existing sewer manhole approximately 36 feet from the proposed restroom building. Although located in close proximity to Mount Diablo Creek, because construction of the restroom (and other project structures) would not

involve work within the creek, the IES/ND determined that impacts to the creek would not result. However, as a result of further discussion the site plan has been revised to shift the restroom to the west side of the site and to place all bocce courts, structures, permanent improvements, and fencing at least 12 feet from the top of the creek bank. This would allow the City Maintenance Department access to the creek and would also further ensure that the creek is not impacted in any way.

Decomposed granite used for City Hall is not wearing well:

The comment does not address the adequacy of the IES/ND. Paving materials for the project decks and walkways will be decomposed granite. The maintenance agreement to be established between the City and the project sponsor obligates the sponsor to cover all operational and maintenance costs of the facilities.

The Commission noted that the Keller Ranch House architect states frequent use of Keller Ranch House site for parking would be detrimental to site:

Holman & Associates, the archaeological consultant for the Bocce Ball project, indicates that the archaeological site on the Keller Ranch House property comes right to the surface at many points inside the ranch grounds. As for parking on the Keller Ranch House site, if parking is confined to those areas which have been used as a roadway and/or in back of the house where gravel has been added and where there has been a general compaction of the soils, no further physical harm will come to the cultural deposit. However, in areas of the ranch compound where soils are loose, frequent parking could damage cultural resources over time. Therefore, if vehicles park on the Keller Ranch site which have already been covered by gravel, no impacts would occur; however should additional areas be utilized for frequent parking, gravel should be imported to cover those areas. Therefore, Mitigation Measure 5 is hereby revised to read:

Mitigation Measure 5

(a). Prior to issuance of grading permits, the project sponsor shall submit a grading plan to the Community Development Department for review and approval to ensure that the grading plan is consistent with the recommendations of the archaeological investigation. Additionally, if historic and/or cultural resources, or human remains are encountered during site grading or other site work, all such work shall be halted immediately within the area of discovery and the project sponsor shall immediately notify the Community Development Department of the discovery. In such case, the project sponsor shall be required, at his expense, to retain the services of a qualified archaeologist for the purpose of recording, protecting, or curating the discovery as appropriate. The archaeologist shall be required to submit to the Community Development Department for review and approval a report of the findings and method of curation or protection of the resources. Further grading or site work within the area of discovery shall not be allowed until the proceeding steps have been taken.

(b). If areas of the Keller Ranch site, which have not been previously used for frequent parking, are used for parking, the project sponsor shall install gravel to protect the underlying resources.

The Commission asked how many bocce ball players would be Clayton residents versus Concord residents:

The comment does not address the adequacy of the IES/ND.

Response 1-13, Comments by Planning Commission.

Distances between the project site and nearest residences need to be taken into consideration:

Please see Response to 1-2 related to noise.

A study should be conducted of project's impact on parking:

Please see Response 1-2 related to parking.

Litter generation on- and off-site:

Please see Response 1-6 related to litter.

Empirical data for bocce ball noise should be bolstered or noise study conducted:

Please see Response 1-2 related to noise.

Combined effects of Corporation Yard and bocce ball drainage should be evaluated:

As noted in the IES/ND, the drainage collection system planned for the project site would accommodate excess runoff. The project includes the construction of an on-site storm drainage system to collect stormwater runoff. Stormwater would be collected by a system of 4-inch perforated drain lines under each bocce ball court, and would eventually be carried northeast of the courts to a proposed bio-engineered storm drain rock outfall. Water entering the storm drain outfall would percolate into the ground via percolation. The Corporation Yard drainage is currently routed to a similar location (northeast of the courts) through a separate swale. The City Engineer has stated that the combined drainage of the two sites would not result in adverse impacts but would be able to adequately percolate into the ground.

Dust generation from bocce ball courts:

Please see above response regarding court dust.

Noise attenuation structures such as barriers and soundwalls:

Please see Response 1-2 related to noise.

Enforcement options:

The comment does not address the adequacy of the IES/ND.

A traffic study should be conducted at the intersection of Clayton Community Library parking lot and Heritage Trail:

Recent evaluations by City Engineer have not identified any capacity issues associated with turning movements along Clayton Road at the Heritage Trail and Clayton Community Library entrances.

Analysis of impacts of alcohol use in parks and public facilities in other cities should be conducted:

Please see Response 1-2 related to alcohol.

Fees charged for use of the project site should be provided:

The comment does not address the adequacy of the IES/ND.

Maintenance evaluation:

Please see Response 1-6 related to maintenance.

Project integration with Keller Ranch House Master Plan:

Because funding has not been secured for the Keller Ranch improvements, it is necessary to shift some of the Keller Ranch improvements on the bocce ball site to ensure that they will be available at the appropriate time.

Reduce spillover parking impacts on Keller Ranch House site:

Please see Response 1-2 for a detailed parking discussion.

Minutes
City of Clayton Planning Commission Meeting
Tuesday, April 12, 2005
Excerpt

Call to Order

Chair Miller called the meeting to order at 7:00 p.m. at Endeavor Hall, 6008 Center Street, Clayton.

Present: Chair Glenn Miller, Vice Chair Ben Jay, Commissioner Keith Haydon, Commissioner Joe Odrzywolski

Absent: Commissioner Ed Hartley

Staff: Community Development Director Jeremy Graves
Assistant Planner Milan Sikela
Nick Pappani of Raney Planning and Management

Public Hearings

3C. The following public hearings pertain to the Bocce Ball Federation's proposal to construct a bocce ball facility on a currently vacant site on the north side of the City Hall parking lot, APN 118-370-041. The approximate 0.7-acre facility would include 10 bocce ball courts, an approximate 1,200 square-foot storage building, restrooms, court lights, and other ancillary features. Approval of the project requires the following discretionary actions:

- **ENV 02-04, Environmental Review.** The *Bocce Ball Initial Environmental Study/Negative Declaration*, prepared in accordance with the California Environmental Quality Act which analyzes the potential impacts caused by the project and identifies various measures to mitigate these impacts. *Continued from the meeting of March 22, 2005.*
- **GPA 02-04, General Plan Amendment.** An amendment of the *General Plan Land Use Diagram* from "Cultural Center" and "Private Open Space/Golf Course" to "Public and Quasi-Public Facilities" for the City Hall and Community Library/Keller Ranch House parcels.
- **SPA 02-04, Specific Plan Amendment.** An amendment of the *Town Center Specific Plan* land use designation from "Historic and Cultural" to "Public Facility" for the City Hall and Community Library/Keller Ranch House parcels.
- **ZOA 07-04, Zoning Ordinance Amendment.** An amendment of the *Zoning Map* from "Agricultural District" and "Planned Development District" to "Public Facility District" for the City Hall and Community Library/Keller Ranch House parcels.
- **UP 01-04, Use Permit.** Approval of a use permit to allow construction and operation of the bocce ball courts and associated facilities.
- **SPR 05-05, Site Plan Review.** Approval of a site plan review permit to allow the storage building.

The continued public hearings were re-opened. Director Graves introduced environmental consultant Nick Pappani and provided an overview of the City's review and approval process for the Bocce Ball project, including:

- The history of the project;
- Submittal of project plans by the Clayton Bocce Federation;
- Preparation of the environmental review document, based upon a "worst-case" scenario for the project;
- Public comment period on environmental review document started on March 18th and may be extended by the Planning Commission beyond April 26th;
- Approvals and plan amendments needed for the project;
- The Planning Commission and City Council's roles in the process;
- Tonight's meeting is part of the design process.

2-1 Jerry North, 5995 Cardinet Drive, indicated the following:

- Concerns over impacts caused by parking, lighting, and alcohol consumption.
- Parking on Cardinet Drive is much closer to the project site than Town Center parking.
- Playing bocce ball until 9:00 p.m. means clean-up until 10:00 p.m.; hence, time limits should be placed on bocce ball play.
- The Bocce Ball Federation is trying to play it both ways: on one hand, they're willing to downsize the project to get it approved; on the other hand, they want the project as large as possible.

2-2 Julie Hart, 5987 Cardinet Drive, indicated the following:

- She had submitted a letter which addressed numerous environmental concerns.
- The *Bocce Ball Initial Environmental Study/Negative Declaration* is inadequate.
- Overriding considerations are needed.
- There will be project impacts to Mount Diablo Creek.
- Impacts caused by water and sewer service need to be addressed.
- Impacts caused by loss of grassland habitat need to be addressed.
- Impacts caused by increases in traffic on neighborhood streets need to be addressed.
- Allowing parking on the Keller House site may affect historical resources.
- Mitigation measures listed in the letter sent by the Bocce Ball Federation are inadequate.
- Concerned over alcohol consumption on site.
- Picnic tables and barbecues will generate an increase in trash.
- Concerned about impacts caused by lighting and PA systems.

2-3 Chris Fergosi, 6000 Cardinet Drive, indicated the following:

- A site visit with a Bocce Federation representative occurred yesterday.
- Service road would be needed around perimeter.
- The project would create lighting, noise, and parking issues.
- There will be increased traffic on Mitchell Canyon Road.
- Lighting from the City's Corporation Yard can be seen from his residence.
- A more definitive site plan is needed.
- Should the California Department of Fish & Game establish the top of the creek bank?
- How do we regulate the number of nights that the league plays?
- Will the police chief have a conflict of interest on the alcohol permit since he has indicated to the press that he is a member of the Bocce Federation?

- 2-4 [John Hotch, 5864 Herriman Drive, indicated the following:
- Bocce ball is quiet like a golf game.
 - PA system is not needed.
 - Lighting would not be needed when bocce ball play occurs during daylight savings time.

- 2-5 [Carol Scaparro, 4907 Keller Ridge Drive, indicated the following:
- Played bocce ball for six years in Pleasant Hill and three years in Concord.
 - Lighting necessary at beginning and end of season.
 - Age of players range from 30 to 70 years of age.
 - Length of bocce ball games are typically one hour.

- 2-6 [Barbara Dwyer, 5859 Clayton Road, indicated the following:
- Many of her concerns were addressed in the Hart letter.
 - The parking mitigation measure, which requires notification of bocce team members to discourage parking on residential streets is not enforceable since it only goes to team members.
 - When the City Council reviewed the preliminary bocce ball proposal last spring, only four courts were proposed.
 - Only 36 parking spaces are usually available in the library parking lot and the lot is full or almost full all of the time.
 - Project is use of public property for private use. There has been no opportunity for discussion of other projects at the site such as tennis courts, public pool, or playground.
 - Project has negative impact on library patrons.
 - The lighting plan needs to be reviewed by the Planning Commission.

- 2-7 [Jerry Kosel, 1070 Feather Circle, indicated the following:
- There are many misperceptions about the impacts from bocce ball.
 - Lighting would be a non-issue since lighting can be directed downward.
 - A swimming pool would create more impacts, even if it served a broader segment of the City.
 - Bocce ball play is quiet and unobtrusive.
 - The bocce courts will benefit the community.

- 2-8 [Greg Alford, 5929 Cardinet Drive, indicated the following:
- Parking and traffic are huge issues.
 - There are lots of children playing in the streets of the Cardinet Drive neighborhood.
 - Bocce ball patrons are not rowdy.

- 2-9 [Ray Vignola, 331 Mount Sierra Place, indicated the following:
- He is in favor of the project and noted that the Community Services Commission will be reviewing the project.
 - Bocce ball is a good social sport.

- 2-10 [Ray Vogt, 103 Regency Drive, indicated the following:
- Traffic would be a problem.
 - Lots of bocce ball players are elderly and this is the only exercise they receive.
 - Bocce ball is a game that partially disabled people can play.

- 2-11 Bill _____, 5922 Wallace Drive, indicated the following:
- Bocce ball is a great sport.
 - Bocce ball courts should be located in a proper location.

- 2-12 Joe Simeona, 6001 Cardinet Drive, indicated the following:
- Has lived in same residence for 14 years.
 - Opposed to the project.
 - 10 bocce ball courts are too many.
 - Lighting from the Corporation Yard comes into his children's bedrooms.

- 2-13 Howard Geller, representative of the Bocce Federation, indicated the following:
- Reached out to the neighbors to make the project welcomed in the neighborhood.
 - Service road is needed to maintain the creek.
 - Light standards would be similar to the light standards used in the streets.
 - At its current membership level, the Bocce Ball Federation members would only use the courts one night a week.
 - Some of the project sponsors want this to be a public park that can be use by students from Mount Diablo Elementary School.

- 2-14 Assistant to the City Manager Laura Hoffmeister indicated that alcohol permits are issued by the Police Chief.

There being no further public comments, the public testimony period was closed. Commission comments and questions included:

- 2-15
- Could league play be divided into two nights to accommodate the same number of bocce ball players? *Howard Geller answered "yes"*.
 - Could bollard lighting or lighting on arbors be used?
 - Could number of courts?" be reduced by two? *Howard Geller answered "yes"*.
 - Parking permit system could be used.
 - Could sound wall be placed along west side of site
 - Specifics are needed on noise mitigation measures and conditions of approval.

Chair Miller moved and Commissioner Haydon seconded a motion to extend public comment period to the May 10, 2005 Planning Commission meeting. The motion passed 4-0.

Chair Miller moved and Commissioner Haydon seconded a motion to continue ENV 02-04, GPA 02-04, SPA 02-04, ZOA 07-04, UP 01-04, and SPR 05-05 to the meeting of April 26, 2005. The motion passed 4-0.

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Comment 2, Clayton Planning Commission Meeting Minutes - April 12, 2005

Response 2-1: Comments by Jerry North.

Impacts caused by parking, lighting, and alcohol consumption:

Please see Response 1-2 for a discussion of parking, lighting, and alcohol.

Parking concerns related to Cardinet Drive:

Please see Response 1-2 for a discussion of parking.

Time limits should be placed on bocce ball operations so that clean-up operations do not extend until 10pm.:

The project sponsor will be required to patrol adjacent parking areas following all sponsored events to pick up trash. These clean-up operations could proceed past 9pm; however, no impacts would result from such activities as minimal staffing and effort would be required.

The commenter states that the applicant has expressed confusing goals:

The comment does not address the adequacy of the IES/ND; therefore according to CEQA does not require a response.

Response 2-2: Comments by Julie Hart.

The commenter submitted a letter, which addressed numerous environmental concerns:

These comments are addressed in Responses to Letter 7.

The Bocce Ball IES/ND is inadequate:

The comment does not directly address the adequacy of the IES/ND.

Overriding considerations are needed:

The CEQA document prepared for the project site found that all impacts resulting from the project could be reduced to a less-than-significant level through implementation of appropriate mitigation measures; therefore, the appropriate document is a Negative Declaration. A Statement of Overriding Considerations need only be adopted by a lead agency when impacts have been determined to be significant and unavoidable and the lead agency desires to approve the project in consideration of other social or economic benefits that outweigh the significant and unavoidable impacts identified for the project.

Project impacts would occur to Mount Diablo Creek as a result of the project:

Please see Response 1-12.

Impacts caused by water and sewer service need to be addressed:

The IES/ND addressed the project's impacts to water and sewer service and determined that adequate water and sewer capacity is available to serve the project site, which would result in a minor demand for these services. In addition, the project sponsor will be required to construct the needed infrastructure lines.

Impacts on grassland habitat need to be addressed:

As stated in the IES/ND, the project site was formerly part of a winery and ranch, but has not been used for agricultural purposes for some 20 to 30 years. In addition, the site has been intermittently used as a deposition site by various parties, where soils have been stored temporarily. Therefore, as a result of the past use of the site, although special-status plants are known to occur within the Clayton Quadrangle, the potential for special-status plants occurring on-site would be considered low, and the IES/ND determined that a less-than-significant impact would result.

Impacts caused by increases in traffic on neighborhood streets:

The IES/ND determined that traffic impacts resulting from the project would be less-than-significant because Clayton Road, which provides the sole access to the site, would have adequate capacity to accommodate the “worst-case” estimate of vehicles generated by the project. Furthermore, because the number of courts has been reduced from 10 to eight, the number of vehicle trips generated by the project would be reduced; thereby, further decreasing traffic impacts. Please also see Response 1-12.

Parking on Keller Ranch House Property:

Please see Response 1-12.

Mitigation Measures listed in the Bocce Ball Federation Letter are inadequate:

See responses to this letter included in these responses to comments.

Alcohol consumption:

Please see Response 1-2.

Picnic tables and barbecues will generate an increase in trash:

Please see Response 1-6.

Impacts caused by lighting and PA system:

Please see Response to 1-2.

Response 2-3: Comments by Chris Fregosi.

The commenter notes that a site visit with the Bocce Ball Federation occurred:

The comment does not address the adequacy of the IES/ND.

Service Road would be needed around perimeter:

A condition has been included which requires all structures to be setback at least 12-feet in part to allow maintenance access by the City Maintenance Department.

Lighting, noise, and parking issues:

Please see Response 1-2.

Increased traffic on Mitchell Canyon Road:

Please see Response 2-2.

The commenter notes that lighting from Corporation Yard can be seen from his residence:

The IES/ND need only address potential impacts caused by the proposed project.

A more definitive site plan is needed:

A revised site plan has been submitted by the project sponsor.

Should the Department of Fish and Game establish the top of the creek bank:

Please see Response 1-12 for a detailed discussion of why the project would not adversely impact Mount Diablo Creek.

How are league play nights regulated:

Operational hours are regulated through the Use Permit required for the project.

The commenter raises concerns over alcohol permits and the police chief being the issuer of the permits since he is a member of the Bocce Ball Federation:

The comment does not address the adequacy of the IES/ND.

Response 2-4: Comments by John Hotch.

The commenter states that bocce ball is quiet:

The comment does not address the adequacy of the IES/ND.

The commenter states that a PA system is not needed:

The comment is on the merits of the project and does not address the adequacy of the IES/ND.

The commenter states that lighting would not be needed when played during daylight savings:

Lights are still proposed for the courts but would be designed so as to minimize light onto adjacent properties as specified in Mitigation Measure 2 of the IES/ND.

Response 2-5: Comments by Carol Scaparro.

The commenter states that she played bocce for six years in Pleasant Hill and three in Concord:

The comment does not address the adequacy of the IES/ND.

The commenter states that lighting is necessary at the beginning and end of season:

Please see Response 2-4.

The commenter states that player ages range from 30 to 70 years:

The comment does not address the adequacy of the IES/ND.

The commenter states that the length of bocce ball games are typically one hour:

The comment does not address the adequacy of the IES/ND.

Response 2-6: Comments by Barbara Dwyer.

The commenter states that many of her concerns were addressed in the Hart letter:

Please see Responses to Letter 7.

The parking mitigation measure of the IES/ND is not enforceable:

Please see Response to 1-2.

Only four courts were proposed when City Council reviewed bocce ball project last spring:

The comment does not address the adequacy of the IES/ND.

Only 36 parking spaces are usually available in library parking lot and it is usually full:

The comment does not address the adequacy of the IES/ND.

No opportunity for discussion of other project on the site, such as tennis courts:

The public comment period on the Bocce Ball IES/ND is intended for a discussion of the environmental impacts of the proposed project and the adequacy of the CEQA document. The proposed project is for a bocce ball facility.

Negative impact on library patrons:

Please see Response to 1-2.

Lighting plan needs to be reviewed by the Planning Commission:

Mitigation Measure 2 requires the project sponsor to submit a lighting plan for the review and approval of the Community Development Department. A Use Permit condition has also been included, which incorporates feedback from the Planning Commission given during the hearings for the project.

Response 2-7: Comments by Jerry Kosel.

The commenter states that there are many misperceptions about the impacts from bocce ball:

The comment does not address the adequacy of the IES/ND.

Lighting would be a non-issue since lighting would be directed downward:

The comment does not address the adequacy of the IES/ND.

A swimming pool would create more impacts than the project:

The comment does not address the adequacy of the IES/ND.

Bocce ball playing is quiet:

The comment does not address the adequacy of the IES/ND.

The bocce courts would benefit the community:

The comment is on the merits of the project and does not address the adequacy of the IES/ND.

Response 2-8: Comments by Greg Alford.

Parking and traffic are huge issues:

Please see Response 1-2 regarding parking and 2-2 regarding traffic.

A lot of children play in the streets of Cardinet Drive neighborhood:

Please see Response 1-2 regarding parking.

Bocce ball patrons are not rowdy:

The comment does not address the adequacy of the IES/ND.

Response 2-9: Comments by Ray Vignola.

The commenter expresses that he is in favor of the project and that the Community Services Commission will be reviewing the project:

The comment does not address the adequacy of the IES/ND.

The commenter states that bocce ball is a good social sport:

The comment does not address the adequacy of the IES/ND.

Response 2-10: Comments by Ray Vogt.

Traffic will be an issue:

Please see Response 2-2.

The commenter states that bocce ball players are elderly and that bocce ball is only exercise they receive:

The comment does not address the adequacy of the IES/ND.

The commenter states that bocce ball is a game that partially disabled people can play:

The comment does not address the adequacy of the IES/ND.

Response 2-11: Comments by Bill (last name unknown).

The commenter states that bocce ball is a great sport:

The comment does not address the adequacy of the IES/ND.

Bocce ball courts should be located in proper location:

The comment does not address the adequacy of the IES/ND.

Response 2-12: Comments by Joe Simeona.

The commenter states that he has lived in same residence for 14 years:

The comment does not address the adequacy of the IES/ND.

The commenter states that he is opposed to the project:

The comment does not address the adequacy of the IES/ND.

The commenter states that 10 bocce ball courts are too many:

The number of courts has been reduced to eight. Furthermore, the IES/ND found that with the implementation of appropriate mitigation measures, all impacts would be less-than-significant.

The commenter states that lighting from Corporation Yard comes into his children's bedroom:

The IES/ND need only address potential impacts caused by the proposed project.

Response 2-13: Comments by Howard Geller, project sponsor.

The commenter states that he reached out to neighbors to make the project welcome:

The comment does not address the adequacy of the IES/ND.

Service road is needed to maintain creek:

The comment does not address the adequacy of the IES/ND.

Light standards would be similar to standards used in the streets:

The comment does not address the adequacy of the IES/ND.

At its current membership level, the Bocce Federation would only use the courts one night/week:

The comment does not address the adequacy of the IES/ND.

Some of the project sponsors want this to be a public park that students can use:

The comment does not address the adequacy of the IES/ND.

Response 2-14: Comments by Laura Hoffmeister, Assistant to City Manager.

Alcohol permits are issued by the police chief:

The comment does not address the adequacy of the IES/ND.

Response 2-15: Comments by Planning Commission.

Could league play be divided into two nights to accommodate the same number of bocce players:

The comment does not address the adequacy of the IES/ND.

Could bollard lighting or lighting on arbors be used:

The comment does not address the adequacy of the IES/ND.

Could number of courts be reduced by two:

The number of courts has been reduced by two.

Parking permit system could be used:

Please see Response 1-2 related to parking.

Could sound wall be placed upon west side of site:

Please see Response 1-2 related to noise.

Specifics are needed on noise mitigation measures:

Please see Response 1-2 related to noise.

Minutes
City of Clayton Planning Commission Meeting
Tuesday, April 26, 2005
Excerpt

Call to Order

Chair Miller called the meeting to order at 7:00 p.m. in the Library Meeting Room, Clayton Community Library, 6125 Clayton Road, Clayton.

Present: Chair Glenn Miller, Vice Chair Ben Jay, Commissioner Keith Haydon, Commissioner Joe Odrzywolski

Absent: Commissioner Ed Hartley

Staff: Community Development Director Jeremy Graves

Public Hearings

3C. The following public hearings, which were continued from the meeting of April 12, 2005, pertain to the Bocce Ball Federation's proposal to construct a bocce ball facility on a currently vacant site on the north side of the City Hall parking lot, APN 118-370-041. The approximate 0.7-acre facility would include 10 bocce ball courts, an approximate 1,200 square-foot storage building, restrooms, court lights, and other ancillary features. Approval of the project requires the following discretionary actions by the City:

- **ENV 02-04, Environmental Review.** The *Bocce Ball Initial Environmental Study/Negative Declaration*, prepared in accordance with the California Environmental Quality Act which analyzes the potential impacts caused by the project and identifies various measures to mitigate these impacts.
- **GPA 02-04, General Plan Amendment.** An amendment of the *General Plan Land Use Diagram* from "Cultural Center" and "Private Open Space/Golf Course" to "Public and Quasi-Public Facilities" for the City Hall and Community Library/Keller Ranch House parcels.
- **SPA 02-04, Specific Plan Amendment.** An amendment of the *Town Center Specific Plan* land use designation from "Historic and Cultural" to "Public Facility" for the City Hall and Community Library/Keller Ranch House parcels.
- **ZOA 07-04, Zoning Ordinance Amendment.** An amendment of the *Zoning Map* from "Agricultural District" and "Planned Development District" to "Public Facility District" for the City Hall and Community Library/Keller Ranch House parcels.
- **UP 01-04, Use Permit.** Approval of a use permit to allow construction and operation of the bocce ball courts and associated facilities.
- **SPR 05-05, Site Plan Review.** Approval of a site plan review permit to allow the storage building.

The continued public hearings were re-opened. Director Graves noted that the City Council would be discussing the project on May 3, 2005 and presented the staff reports. He also read the letter submitted by William and Roberta Morfeld.

3-1 [Julie Hart, 5987 Cardinet Drive, indicated that any change in zoning should be done in compliance with the *California Environmental Quality Act* and the *General Plan*.

3-2 [Dennis Quinlan, 5978 Wallace Drive, indicated:
• Residents should be afforded maximum protection from project impacts.
• The review and approval process should be fair.

3-3 [Jennifer Mann, 1554 North Mitchell Canyon Road, indicated she was in opposition to the project.

3-4 [Terri Simeona, 6001 Cardinet Drive, indicated that there were concerns over the lack of public noticing for the project. *Staff explained that the public noticing for the project was done in compliance with State law.*

3-5 [Gregg Alford, 5929 Cardinet Drive, indicated he was in opposition to the project.

3-6 [Howard Geller, representative of the Clayton Bocce Federation, indicated that the Bocce Federation has maintained open communication through the process and has been meeting with the neighbors.

There being no further public comments, the public testimony period was closed.

Chair Miller moved and Commissioner Haydon seconded a motion to continue ENV 02-04, GPA 02-04, SPA 02-04, ZOA 07-04, UP 01-04, and SPR 05-05 to the meeting of May 10, 2005. The motion passed 4-0.

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Comment 3, Clayton Planning Commission Meeting Minutes - April 26, 2005

Response 3-1: Comments by Julie Hart.

Change in zoning should be done in compliance with CEQA and General Plan:

The zone change for the project is consistent with the *General Plan* because the project also includes a *General Plan* Amendment. The potential environmental impacts associated with the zone change have been evaluated in the IES/ND and determined to be less-than-significant with mitigation.

Response 3-2: Comments by Dennis Quinlan.

Comments regarding process and impacts:

The review and approval process for the document has been more than that mandated by state law in terms of the extended public review period. These responses have been offered to ensure that all of the public's comments are addressed.

Response 3-3: Comments by Jennifer Mann.

The commenter expresses that she is opposed to the project:

The comment does not address the adequacy of the IES/ND.

Response 3-4: Comments by Terri Simeona.

Lack of public noticing for the project:

Please see Response 1-6 related to processing.

Response 3-5: Comments by Gregg Alford.

The commenter expresses that he is opposed to the project:

The comment does not address the adequacy of the IES/ND.

Response 3-6: Comments by Howard Geller.

Commenter states that the Bocce Federation has maintained open communication throughout process:

The comment does not address the adequacy of the IES/ND.

Minutes
City of Clayton Planning Commission Meeting
Tuesday, May 10, 2005
Excerpt

Call to Order

Chair Miller called the meeting to order at 7:00 p.m. in the Library Meeting Room, Clayton Community Library, 6125 Clayton Road, Clayton.

Present: Chair Glenn Miller, Commissioner Ed Hartley, Commissioner Keith Haydon,
 Commissioner Joe Odrzywolski

Absent: Vice Chair Ben Jay

Staff: Community Development Director Jeremy Graves

Public Hearings

3C. The following public hearings pertain to the Clayton Bocce Ball Federation's proposal to construct a bocce ball facility on a currently vacant site on the north side of the City Hall parking lot, APN 118-370-041. The approximate 0.7-acre facility would include up to 10 bocce ball courts, a storage building up to 1,200 square-foot in size, restrooms, court lights, and other ancillary features. Approval of the project requires the following discretionary actions by the City:

- **ENV 02-04, Environmental Review.** The *Bocce Ball Initial Environmental Study/Negative Declaration*, prepared in accordance with the California Environmental Quality Act which analyzes the potential impacts caused by the project and identifies various measures to mitigate these impacts.
- **GPA 02-04, General Plan Amendment.** An amendment of the *General Plan Land Use Diagram* from "Cultural Center" and "Private Open Space/Golf Course" to "Public and Quasi-Public Facilities" for the City Hall (APN 118-370-041) and Community Library/Keller Ranch House (APN 118-370-006) parcels.
- **SPA 02-04, Specific Plan Amendment.** An amendment of the *Town Center Specific Plan* land use designation from "Historic and Cultural" to "Public Facility" for the City Hall and Community Library/Keller Ranch House parcels.
- **ZOA 07-04, Zoning Ordinance Amendment.** An amendment of the *Zoning Map* from "Agricultural District" and "Planned Development District" to "Public Facility District" for the City Hall and Community Library/Keller Ranch House parcels.
- **UP 01-04, Use Permit.** Approval of a use permit to allow construction and operation of the bocce ball courts and associated facilities.
- **SPR 05-05, Site Plan Review.** Approval of a site plan review permit to allow a storage building up to 1,200 square feet in size.

Commission Hartley recused himself from the meeting.

The continued public hearing was re-opened. Director Graves presented the staff report.

4-1

Howard Geller, representative of the Clayton Bocce Federation, indicated the following:

- Would like fence shifted to allow two picnic tables to be located on the north side of the bocce ball courts.
- Reduction in the number of bocce ball courts to six would be sufficient on busy nights but it would reduce the amount of revenue, and hence the Federation still requests 8 courts.
- Bocce Federation currently has fourteen teams set up for the 2005 season.
- Bocce Federation can restrict league play on busy nights.

4-2

Barbara Dwyer, 5859 Clayton Road, indicated the following:

- Strongly objects to project and she is not going to compromise.
- City Council, Planning Commission, and staff have a fiduciary responsibility to ensure that the City's resources are properly allocated.
- The Bocce Federation is a small minority of the public.
- The residents of Clayton should have been asked for input as to what would be an appropriate use for the project site.
- I have surveyed the Clayton Community Library parking lot during evenings when the library is open and during the weekends and, on average, there are six spaces available.
- Bocce ball and storage building do not fit the site.
- The project's *Initial Environmental Study/Negative Declaration* is inadequate regarding lighting, sound, and erosion impacts.
- The residents already have to cope with the noise generated from the City Corporation Yard.
- We have had to change our schedule to attend the public hearings.
- The public hearings for the bocce ball project are always at the end of each meeting's agenda.
- The neighbors were not approached by the project sponsors until approximately a week and a half ago.
- The question here should be: what uses for this site would best serve the residents of Clayton?

4-3

Julie Hart, 5987 Cardinet Drive, indicated the following:

- Per her April 2005 letter, she still has various environmental concerns.
- Qualified biologists should have been used for the project's *Initial Environmental Study/Negative Declaration*.
- Project impacts upon special status species should be evaluated.
- Page 26 of the California National Communities Data Base identifies approximately 33 special status species located within the Clayton quadrangle.
- An environmental impact report should be prepared for the project.

4-4

Jeff Glassauer, 5954 Wallace Drive, indicated the following

- The bocce ball project reeks of conflicts of interest.
- The petition against the project is a mandate from concerned residents.
- The City Council is shoving this project down our throat.
- Bocce ball courts should not be located next to residences.
- The people have spoken; you have a mandate.
- The Bocce Federation is a "good ol' boys" club.

Chris Fregosi, 6000 Cardinet Drive, displayed a revised site plan showing a narrower separation between the bocce ball courts and indicated the following:

4-5

- Thought there was going to be a compromise between the larger-scale proposal and the smaller-scale proposal.
- I spoke with the president of the Bocce Federation but project is still being proposed on a grand scale.
- Bocce ball courts should be located further away from residences.
- The changes shown on my revised site plan would move the bocce ball courts 50 feet further from the residences.
- This plan would have reduced cost since fewer picnic benches and arbors would be needed.
- Since buildings would be built in phases, there might not be a noise buffer at the outset. Hence, a sound fence should be provided.
- Five bocce ball tournaments per year is too many.
- Site lighting should be turned off no more than 15 minutes after completion of play.

Dennis Quinlan, 5978 Wallace Drive, indicated:

4-6

- Cardinet Drive and Wallace Drive would become auxiliary parking lots for the bocce site.
- Installation of a sound wall would be a good idea.

Howard Geller, representative of the Clayton Bocce Federation, indicated the following:

4-7

- Each bocce ball court requires at least two tables. Hence, the revised site plan proposed by Chris Fregosi does not have enough tables.
- If the Planning Commission decides that a sound fence is needed, the sound fence should not be located in the footprint of future buildings.
- The Bocce Federation can prohibit parking on Cardinet Drive. This parking restriction can be enforced.

There being no further public comments, the public testimony period was closed. Commission comments included:

4-8

- When would the on-site bathroom be open? *Assistant to the City Manager Laura Hoffmeister responded that the bathrooms would only be open during bocce ball game play only; not during the day.*
- For screening and aesthetic purposes, shrubs should be planted on the west side of the storage building comparable to the shrubs planted along the west side of the Corporation Yard.
- Will there be any discharge into Mount Diablo Creek? *Staff answered "no".*
- Parking should be discouraged in unmarked spaces at the Keller House site. *Staff indicated that a restriction on parking could be added as a condition of approval.*
- Staff would determine if the courts could be moved eastward.

Chair Miller moved and Commissioner Haydon seconded a motion to continue ENV 02-04, GPA 02-04, SPA 02-04, ZOA 07-04, UP 01-04, and SPR 05-05 to the meeting of May 24, 2005. The motion passed 4-0.

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Comment 4, Clayton Planning Commission Meeting Minutes - May 10, 2005

Response 4-1: Comments by Howard Geller, project sponsor.

The comment notes include several details regarding the design of the project, including location of fence, number of courts, times of league play:

The comment refers to the design of the project and not the adequacy of the IES/ND.

Response 4-2, Comments by Barbara Dwyer.

The comment raises concerns regarding parking, lighting, sound, erosion, noise, and the processing of the project:

Please see Response 1-2 related to parking, noise, and lighting. In terms of erosion, the IES/ND states that a Storm Water Pollution Prevention Plan (SWPPP) shall be prepared to ensure that during construction, sedimentation of the creek does not occur. In addition, discharge of stormwater to the creek would not occur during the operational phase of the project because the stormwater would be routed to the northwest corner of the site, where it would outfall and percolate into the ground.

Response 4-3, Comments by Julie Hart.

The comment states concerns regarding biological resources and the need for an EIR:

Please see Responses to Letter 7.

Response 4-4, Comments by Jeff Glassauer.

The commenter expresses concerns regarding the processing of the project and the location of the project:

The comment is on the merits of the project and does not address the adequacy of the IES/ND.

Response 4-5, Comments by Chris Fregosi.

Comments regarding number of bocce courts:

The number of courts for the project has been reduced to eight as a result of input from City Council. In terms of environmental impacts for the proposed project, the IES/ND determined that all impacts could be reduced to a level of less-than-significant.

Since buildings would be built in phases a sound fence should be provided:

A condition has been included requiring the installation of a sound fence, which would remain until the buildings are constructed, in order to shield noise.

Five tournaments a year is too many:

The comment does not directly address the adequacy of the IES/ND.

Site lighting should be turned off no more than 15 minutes after completion of play:

The comment does not directly address the adequacy of the IES/ND.

Response 4-6, Comments by Dennis Quinlan.

Concerns over parking and noise:

Please see Response 1-2 related to parking and noise.

Response 4-7, Comments by Howard Geller, project sponsor.

Comments regarding project design and parking:

The project design comments do not address the adequacy of the IES/ND. Please see Response 1-2 related to parking.

Response 4-8, Comments by Planning Commission.

When would bathrooms be open:

The project design comment does not address the adequacy of the IES/ND.

Shrubs should be planted on the west side of the storage building:

The revised site plan indicates shrubs along the west side of the storage building.

Will there be any discharge to Mount Diablo Creek:

Please see Response 4-2.

Parking should be discouraged in unmarked spaces at the Keller Ranch House site:

Please see Response 1-2 related to parking.

Could courts be moved further east:

The redesign of the site plan aimed at moving the courts as far east as possible while still allowing for a buffer from the creek of 12 feet.

Minutes
City of Clayton Planning Commission Meeting
Tuesday, May 24, 2005
Excerpt

Call to Order

Chair Miller called the meeting to order at 7:00 p.m. in the Library Meeting Room, Clayton Community Library, 6125 Clayton Road, Clayton.

Present: Chair Glenn Miller, Vice Chair Ben Jay, Commissioner Keith Haydon, Commissioner Joe Odrzywolski

Absent: Commissioner Ed Hartley

Staff: Community Development Director Jeremy Graves

Public Hearings

3. The following public hearings, which were continued from the meeting of May 10, 2005, pertain to the Clayton Bocce Ball Federation's proposal to construct a bocce ball facility on a currently vacant site on the north side of the City Hall parking lot, APN 118-370-041. The approximate 0.7-acre facility would include up to 10 bocce ball courts, a storage building up to 1,200 square-foot in size, restrooms, court lights, and other ancillary features. Approval of the project requires the following discretionary actions by the City:

- **ENV 02-04, Environmental Review.** The *Bocce Ball Initial Environmental Study/Negative Declaration*, prepared in accordance with the California Environmental Quality Act which analyzes the potential impacts caused by the project and identifies various measures to mitigate these impacts.
- **GPA 02-04, General Plan Amendment.** An amendment of the *General Plan Land Use Diagram* from "Cultural Center" and "Private Open Space/Golf Course" to "Public and Quasi-Public Facilities" for the City Hall (APN 118-370-041) and Community Library/Keller Ranch House (APN 118-370-006) parcels.
- **SPA 02-04, Specific Plan Amendment.** An amendment of the *Town Center Specific Plan* land use designation from "Historic and Cultural" to "Public Facility" for the City Hall and Community Library/Keller Ranch House parcels.
- **ZOA 07-04, Zoning Ordinance Amendment.** An amendment of the *Zoning Map* from "Agricultural District" and "Planned Development District" to "Public Facility District" for the City Hall and Community Library/Keller Ranch House parcels.
- **UP 01-04, Use Permit.** Approval of a use permit to allow construction and operation of the bocce ball courts and associated facilities.
- **SPR 05-05, Site Plan Review.** Approval of a site plan review permit to allow a storage building up to 1,200 square feet in size.

The continued public hearings were re-opened. Director Graves presented the staff report.

Vice Chair Jay indicated that he had listened to the taped recordings of the May 10, 2005 Planning Commission meeting.

5-1 Howard Geller distributed and review his May 24, 2005 letter to the Planning Commission and indicated that the Bocce Ball Federation will prune and maintain the sycamore tree.

5-2 Chris Fergosi, 6000 Cardinet Drive, indicated the following:

- First courts to be constructed should be located on the easternmost portion of the site which will lower the noise impacts upon the Cardinet Drive neighborhood.
- Horseshoe pits should be removed because playing horseshoes creates noise.
- Horseshoe pits should be replaced by picnic tables.
- The Bocce Ball Federation doesn't want to spend money for a proper project.
- Arbor is needed over seating wall.

5-3 Julie Hart, 5987 Cardinet Drive, indicated the following:

- A reduction in the number of tournaments to two or three would be better.
- The review process should be continued as more courts are added.
- Sound fence is a good idea. *Director Graves explained the difference between a sound fence and sound wall.*

5-4 Jerry North, 5995 Cardinet Drive, indicated that a sign should be installed prohibiting Bocce Ball parking on Cardinet Drive.

5-5 Jeff Glassauer, 5959 Wallace Drive, asked the following questions:

- Would the Bocce Ball Federation be required to get an alcohol permit? *Director Graves answered "yes".*
- Who would be liable for accidents on the site after the Bocce Ball Federation takes responsibility for the site?

5-6 Janice Trezise, 1267 Shell Circle, indicated the following:

- She is a former real estate appraiser and the bocce ball courts, as a recreational facility, could add value to the re-sale of homes in the Cardinet neighborhood. This could compensate for the impact caused by the Corporation Yard.
- The project site could have been used for senior housing or low-income housing. The neighbors should be happy it will be used for a bocce ball site.

5-7 Gregg Alford, 5929 Cardinet Drive, indicated the following:

- Sound fence is a good addition to the project.
- Sound fence at the Corporation Yard works pretty well.
- Used to live across the street from bocce ball courts in Antioch and got used to it.

There being no further public comments, the public testimony period was closed. Commission comments included:

- 5-8
- Bocce ball tournaments could be restricted to Sundays because the library is open on Saturdays.
 - Arbors should be constructed during the first phase.
 - If restrooms are not built, the Bocce Ball Federation must negotiate with the City Council to allow use of the City Hall restrooms.
 - Add wording for maximum of eight courts.
 - Adding four picnic tables is a good idea.
 - Extend sound fence to Mt. Diablo Creek at a diagonal.
 - An arbor should be added to portions of seating wall
 - Service road be concrete from top to front of building
 - There should be wording included in the use agreement that addresses the termination of the agreement by either party.
 - Sound fence is needed as a barrier.
 - Bocce Ball Federation should pay for the removal of all trees.
 - A sign should be included on the posting board that reminds the bocce ball players where the proper places to park automobiles are located.
 - A sign should be placed at the end of Cardinet Drive reminding bocce ball players where they should park.
 - The type of construction of the road should be specified.
 - The easternmost bocce ball courts should be constructed first, with subsequent construction occurring from east to west.
 - Shade landscaping and arbor should be provided on seating wall.
 - Reduce the number of tournaments (e.g. two to three) and discuss this reduction with the Bocce Ball Federation.
 - Add wording regarding organized play by parties other than the bocce league.
 - Freestanding picnic tables should be constructed in the first phase.
 - City Council should decide if the City Hall restrooms are to be open during the weekends.
 - City should be named as "additional insured".
 - There should be a maximum of eight courts.

Chair Miller moved and Commissioner Haydon seconded a motion to close the public comment period for ENV 02-04 and directed staff to prepare responses to comments. The motion passed 4-0.

Chair Miller moved and Commissioner Haydon seconded a motion directing staff to:

- **Prepare a resolution recommending City Council approval of GPA 02-04, SPA 02-04, and ZOA 07-04; and**
- **Continue the public hearings on GPA 02-04, SPA 02-04, ZOA 07-04, UP 01-04, and SPR 05-05 to the meeting of June 14, 2005. The motion passed 4-0.**

P:\ng Comm\2005\Minutes\0524.excerpt-bocce

Comment 5, Clayton Planning Commission Meeting Minutes - May 24, 2005

Response 5-1: Comments by Howard Geller, project sponsor.

The commenter states that the Bocce Ball Federation will prune and maintain the tree:

Please see Response 11-4.

Response 5-2: Comment by Chris Fregosi.

Comments regarding location of courts to reduce noise:

Please see Response 1-2 related to noise.

Horseshoe pits should be moved because playing horseshoes creates noise:

The horseshoe pits are located on the east side of the project, away from the residences.

Comments regarding project design:

The project design comments do not address the adequacy of the IES/ND.

Response 5-3: Comments by Julie Hart.

Two to three tournaments a year is preferable:

The comment does not directly address the adequacy of the IES/ND.

Sound fence is a good idea:

Please see Response 4-5 related to sound fence.

Response 5-4: Comments by Jerry North.

A sign should be installed indicating parking is prohibited along Cardinet Drive:

Please see Response 1-2 related to parking.

Response 5-5: Comments by Jerry Glassauer.

Would applicant be required to obtain an alcohol permit:

Please see Response 1-2 related to alcohol.

Response 5-6: Comments by Janice Trezise.

Comments related to re-sale value and alternative land uses for site:

These comments do not address the adequacy of the IES/ND.

Response 5-7: Comments by Gregg Alford.

Sound fence is a good idea:

The comment does not address the adequacy of the IES/ND; a sound fence has been conditioned for the project.

Response 5-8: Comments by Planning Commission.

Bocce ball tournaments could be restricted to Sundays because the library is open on Saturdays:

Please see Response 1-2 related to parking.

Comments regarding on-site arbor, restrooms, picnic tables, landscaping, signage wording, service road design, and number of tournaments:

These comments do not address the adequacy of the IES/ND.

Add wording for maximum of eight courts:

The Introduction of the IES/ND is hereby revised to reflect that the number of courts has been reduced from 10 to eight:

INTRODUCTION

The Clayton Bocce Federation has proposed construction of bocce ball courts on an approximately 0.7-acre site owned by the City of Clayton. The project site is located in the City of Clayton, north of City Hall on Heritage Trail. Surrounding land uses include City Hall to the south, the city's corporation yard to the southwest, existing residences to the northwest, Mount Diablo Creek and Oakhurst Country Club to the northeast and east, and the Keller Ranch House and Clayton Community Library to the southeast.

The Bocce Federation's original proposal provided ten bocce ball courts on-site. Since the submittal of the original proposal, the number of courts has been reduced by the City Council to eight courts. This Initial Environmental Study/Negative Declaration (IES/ND) evaluates a "worst-case" scenario for the project, assuming the development of ten courts. However, an additional scenario, termed the "staff scenario," assumes the development of eight courts and is included in the noise and traffic sections of this IES/ND.

The third and fourth paragraphs of "Project Description" on page 8 are revised to read:

Project Description

The project involves the construction of a bocce ball facility on a currently vacant approximate 0.7-acre site. The Bocce Ball Centre project ~~would~~ originally included 10 courts, a gazebo, picnic tables and team benches, an approximate 1,200-square-foot storage building, restrooms, court lights, barbeque grills, fencing around the site perimeter, bleachers, and other ancillary features associated with bocce ball courts. Upon further review of the project by City Council, the number of bocce courts has been reduced to eight and the gazebo has been removed from the site plan. In addition, the arborist report (see Appendix) prepared for the project site recommends the removal of two eucalyptus trees on-site. The site layout submitted as part of the proposal package indicates that the project would include the construction of necessary storm drain infrastructure and the connection to the existing water and sewer infrastructure. In addition, a service road would be constructed along the western edge of the project site, and the City would enter into an agreement with the project sponsor (i.e., Bocce Ball Federation) which would require the sponsor to assume all operation, maintenance, and replacement costs of the facilities.

The bocce ball games are played by two teams with an average of six to eight players (maximum of ten players) per team. With ten courts and two teams per court, 120 - 200 people could be playing simultaneously. With the addition of bystanders, up to 250 people could be expected in a conservative "worst-case" scenario. For the "staff scenario", up to 128 players could be expected (16 players/court x 8 courts = 128).

In addition, Biological Resources Section 4(e) of the IES/ND is revised to read:

Several trees occur on the project site and are subject to protection under Chapter 15-70 (Tree Protection) of the *Clayton Municipal Code*. The project sponsor has indicated that while the majority of these trees would be retained with construction of the project, some trees may be trimmed or pruned. In addition, an arborist report (see Appendix) prepared for the project site by HortScience, Inc. recommends the removal of several trees including a Siberian Elm and two eucalyptus trees located along the northern portion of the project site adjacent to the Mount Diablo creek bank. Due to erosion of the creek bank, the near-term stability of the eucalyptus trees is in jeopardy. In accordance with Mitigation Measure 4 a pre-construction biological survey for nesting raptors is required prior to any construction or grading activities on the site. This mitigation measure will ensure that raptors are not nesting in the eucalyptus trees prior to their removal. ~~adjacent to the proposed storage building may need to be removed from the site due to its poor structural condition.~~ In accordance with the City's tree protection regulations, the project sponsor will need to obtain a tree removal permit prior to removal of any trees. It should be noted that the sponsor has also indicated that additional landscaping, including trees, would be part of the project's landscaping plan. As a result, the project would have *less-than-significant* impacts to trees.

Extend sound fence to Mount Diablo Creek at a diagonal:

The Planning Commission may wish to require a sound fence along the western side of the bocce courts.

Bocce Ball Federation should pay for removal of trees:

The Federation will be responsible for the costs of tree removal.

A sign shall be installed at the end of Cardinet Drive reminding players where they should park:
Please see Response 1-2 related to parking.

Clayton Bocce Federation, Inc.
1563 O'Hara Court
Clayton, CA 94517

LETTER 6

RECEIVED

MAR 31 2005

CLAYTON COMMUNITY
DEVELOPMENT DEPT.

March 29, 2005

To: City of Clayton
600 Heritage Trail
Clayton CA. 94517

From: Howard Geller
Vice President

Subject: Bocce Ball Initial Environmental Study/Negative Declaration ENV 02-04 revised page 45

Dear Jeremy,

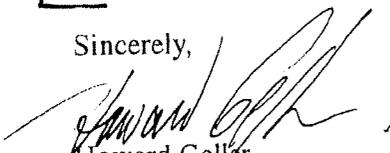
After reading the amended page I feel that the following corrections should be made.

6-1 Para #2 -line 2 - is approximately 80 feet should read: is approximately 100 feet to the closest court and approximately 350 feet from the farthest court. (Per Rick Angrisani, City Engineer)

6-2 Para #3 - line 2 - court light poles - should have the additions of - Facing away from the homes to lesson noise. Such a system will insure that sound levels can be minimized and yet still be effective versus bringing in a portable sound system with unmounted speakers requiring a higher sound level to achieve the same purpose.

6-3 Para 2 - Line 4 - Given the new information on attendance with use of 10 courts worse case scenarios would be approximately 140 @ 7 team mates per team and allowing for a few guest. During playoffs not all teams attend, as only the top teams play in the playoffs and all courts are not used, which would still be less than the worse case scenario.

Sincerely,


Howard Geller
Vice President

Letter 6: Letter from Clayton Bocce Federation – March 29, 2005

Response 6-1: Comment by project sponsor.

Comments regarding the amended page 45 of the IES/ND – distance to nearest residences:

The distance of 80 feet of the courts to the nearest residence as specified in the amended page 45 of the Public Review Draft of the IES/ND is approximate but is based upon measurements from the site plan. Furthermore, a change of the distance by 20 feet would not result in any changes to the conclusions of the IES/ND.

Response 6-2

Comments regarding court light poles:

The comment provides clarification that the speakers mounted on the court light poles would be mounted to face away from the nearby homes to lessen noise. This clarification does not necessitate a revision to the IES/ND as the analysis is currently adequate to address noise impacts.

Response 6-3

Comments regarding the worst-case scenario:

Please see Response 1-2 regarding parking and noise.

LETTER 7

April 4, 2005

RECEIVED

City of Clayton
6000 Heritage Trail
Clayton, California 94517

APR 7 2005

CLAYTON COMMUNITY
DEVELOPMENT DEPT.

Attn: Jeremy Graves, AICP
Community Development Director

**Re: Project: Bocce Ball Centre - ENV 02-04; GPA 02-04; SPA 02-04; UP 01-04; SPR 05-05;
ZOA 02-04**

Dear Mr. Graves:

7-1 [We have prepared this letter in response to the proposed project of the Bocce Ball Centre in the 0.7-acre site north of the Clayton City Hall property at 6000 Heritage Trail (APN: 118-370-041) and west of the Clayton Community Library – Keller Ranch House Property at 6125 Clayton Road, (APN: 118-370-006) in the city of Clayton. We have prepared this letter to convey the concerns of my family and our neighbors. The attached list presents the names addresses of residents in the vicinity of the proposed Bocce Ball Centre (project) that have grave concerns about the detrimental affects of this project on the neighborhood and the environment. These neighbors are also signatories to this letter. (Signatures attached).

7-2 [We have several concerns about this project that should be further addressed by the City of Clayton to fully ascertain the significance of impacts that could result from the proposed project. We believe that a Negative Declaration prepared pursuant to the California Environmental Quality Act (CEQA) will not adequately address significant and adverse impacts that would result from this project if it is constructed as proposed. We believe that a Negative Declaration is not an appropriate level of review considering the number of potentially significant adverse impacts that are now apparent. Below, we have listed potentially significant adverse impacts that would be regarded as significant pursuant to the CEQA. These impacts either require mitigation or overriding considerations from the City of Clayton. As such, a Negative Declaration is not an appropriate level of review for the proposed project.

7-3 [We believe that the level of analysis presented in the public records, and/or as available to the public, indicate that impacts to biological resources have not been adequately addressed by the City. It is apparent to us that live in the vicinity of the proposed project that the project will result in potentially significant adverse impacts to special-status plants and animals known from the vicinity of the project site. We also believe that potential impacts to waters of the U.S. as regulated by the U.S. Army Corps of Engineers (Section 404 of the Clean Water Act) and to waters of the state as regulated by the Regional Water Quality Control Board (Section 401 of the Clean Water Act and the Porter-Cologne Water Quality Control Act), and the California Department of Fish and Game (Section 1602 of the Fish and Game Code) are not addressed in the City's analysis of the effects of the proposed project. Until addressed and dismissed for valid reasons, environmental permitting, and required mitigation from the permitting agencies is a larger oversight of the proposed project.

7-4

The proposed project would be constructed immediately adjacent to Mt Diablo Creek. Any drainage from the project site that enters the creek from a point of discharge from the proposed project site will have significant and detrimental impacts to the waters of the U.S. and State. The City should consult with both the U.S. Army Corps of Engineers and the Regional Water Quality Control Board to fully evaluate the necessity of acquiring permits from these agencies for the proposed project. Special care should be given to the requirements of the Regional Water Quality Control Board to ensure that all storm water leaving the site is treated prior to entering Mt. Diablo Creek. As such, it is premature to adopt a Negative Declaration for this project in advance of meeting the permitted requirements of these resource agencies.

7-5

This creek is hydrologically connected with creeks that support the California red-legged frog (*Rana aurora draytonii*), a species that is protected pursuant to the Federal Endangered Species Act (FESA). This frog likely either resides in this creek or uses this creek as a migratory corridor. This frog routinely resides in habitats within 300 feet of occupied creek channels. The proposed project would impact this species and its habitat. Accordingly, the proposed project would result in potentially significant adverse impacts to this frog species. We believe that the U.S. Fish and Wildlife Service (USFWS) should be consulted regarding the proposed project to ensure the project is not in violation of the FESA. We believe that the project will have potentially significant adverse impacts to the California red-legged frog and that these impacts would not likely be appropriately reviewed by the community at large and the resource agencies at the level of review proposed (i.e., a negative declaration). At a minimum, an incidental take permit should be obtained for impacts to this frog species from the U.S. Fish and Wildlife Service. The significance of these impacts cannot be ascertained without conducting these studies. As such, it is premature to adopt a Negative Declaration for this project in advance of conducting these studies. Nor can the public at large and resource agencies fairly review any mitigation measures that would be required to address significant adverse impacts determined from any of these studies.

7-6

The project could also result in significant adverse impacts to nesting birds of prey and other resident and Neotropical migrant birds. There are red-tailed hawks (*Buteo jamaicensis*) that are known to have nested in the eucalyptus trees (*Eucalyptus globulus*) found on the site. A barn owl also nests in the eucalyptus trees in alternate years. California Fish and Game Codes §3503, 3503.5, and 3800 prohibit the "take, possession, or destruction of birds, their nests or eggs." Disturbance that causes nest killing or abandonment of eggs or young is considered a "take." Such a take would also violate federal law protecting migratory birds (Migratory Bird Treaty Act). There are many other passerines that routinely nest in this creek corridor which could be negatively impacted by the project during construction and later from the use and occupation of the project site. We believe that the project will have potentially significant adverse impacts to nesting raptors and that these impacts would not likely be appropriately reviewed by the community at large and the resource agencies at the level of a mitigated negative declaration. Again, the significance of these impacts cannot be ascertained without conducting these studies. As such, it is premature to adopt a Negative Declaration for this project in advance of conducting these studies. Nor can the public at large and resource agencies fairly review any mitigation measures that would be required to address significant adverse impacts determined from any of these studies.

7-7 Since the proposed project will affect grassland habitat, we also believe that a rare plant survey should be conducted to fully address potentially significant adverse impacts to sensitive plant species known from the vicinity of the project site. There are a number of federal and state listed plants species, and other rare plant species that if impacted would be regarded as significant impacts pursuant to the CEQA. Such impacts have not been evaluated by the City.

7-8 The proposed project will also result in significant increases in traffic notably on the streets adjacent to the development; Cardinet Drive and Wallace Drive. Parking issues in our neighborhood are also of great concern. There will be inadequate parking spaces on site, which will create an overflow onto these adjacent, residential streets. We believe that traffic impacts are not adequately analyzed and should be regarded as potentially significant and adverse pursuant to the CEQA. At a minimum, the City should provide a traffic analysis that can be reviewed by the citizens that will be affected by this project. The significance of these impacts cannot be ascertained without conducting these studies. As such, it is premature to adopt a Negative Declaration for this project in advance of conducting these studies. Nor can the public at large and resource agencies fairly review any mitigation measures that would be required to address significant adverse impacts determined from any of these studies.

7-9 The permitted consumption of alcohol on the property, which is city owned, will also result in egregious problems for the citizens that live in the neighborhood of the proposed project. There is the potential impact on the safety of the local residents, especially to our children, and the specter of inappropriate behavior around our young and impressionable children. There will be an increase in trash, which will include bottles, cans, food wrappers and other miscellaneous garbage. There is also the liability to the city could incur by allowing the unsupervised consumption of alcoholic beverages on the premises. We believe that in the absence of a full time staffed policing position, and in the absence of a fully funded maintenance program, that this facility will become a public nuisance. Under this circumstance the neighborhood will coalesce in an organized forum to cause the City to abate this public nuisance. The significance of these impacts has not been determined. As such, it is premature to adopt a Negative Declaration for this project in advance of conducting these studies.

7-10 Finally, we believe the proposed project will result in significant adverse noise impacts both during construction and after construction while in operation. The proposed P.A. system is not acceptable, and hours of use must be considered. Also, enforced non-use periods will be required to ensure that noise problems do not result in untenable significant adverse impacts to the adjacent neighbors.

7-11 To remain in compliance with the CEQA, potentially significant adverse impacts must be formally reviewed in a public forum. We believe that the Negative Declaration does not address all potentially significant adverse impacts of the project. Nor does it account for obvious mitigation measures that must be implemented by the City to reduce significant adverse impacts to a level considered less than significant pursuant to the CEQA.

7-11
CONT. CEQA reserves the use of Negative Declarations for projects without potentially significant adverse impacts. This project relies on mitigation and as yet incomplete studies to reduce the level of significance to less than significant. Considering the number of potentially significant adverse impacts, adopting a Negative Declaration for this project is unlawful and unacceptable from the perspective of fairly considering the affects of this project.

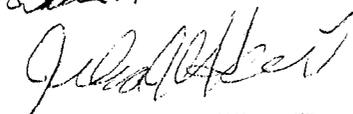
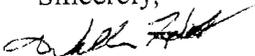
7-12 We believe that a Negative Declaration or even a Mitigated Negative Declaration is a grossly inadequate review. The sheer number of significant and potentially significant adverse impacts that this project will cause warrants the preparation of a full Environmental Impact Report. CEQA mandates that these impacts be fairly considered by the City, public at large, the resource agencies, and any and all other interested parties. Any CEQA review must be submitted to the State Clearing House for dissemination of public information and recordation of the City's proceedings dealing with the public circulation of project information and adopted resolutions.

7-13 We firmly believe that the quality of life in our neighborhood will be significantly adversely impacted by this project as proposed.

7-14 We believe that in addition to satisfactorily addressing and reconciling the noted environmental and biological issues, the following issues need to be addressed by the city. Adequate parking in the area of the Bocce Ball Centre such that there is no "overflow" of traffic and parking on our residential streets, (N. Mitchell Canyon Rd, Wallace Drive and Cardinet Drive). The current plan provides for no additional parking spaces, and the "unmarked" parking around Keller House is overstated.

7-15 We are aware that additional meetings are scheduled for April 12 and April 26, and we plan on being in attendance to discuss these concerns and address these issues. If you need to contact us, our number is (925) 672-8336.

Sincerely,



Mrs. and Mrs. William Hart
5987 Cardinet Drive
Clayton, California

Signatures collected 4/13/05 Letter delivered 4/14/05

CC:

California Department of Fish and Game, Region 3 Central Coast, 7329 Silverado Trail, Napa, California 94558; Attention: Mr. Scott Wilson, Habitat Conservation Planning Chief

U.S. Fish and Wildlife Service, Region 1, Endangered Species Division, 2800 Cottage Way, Room W2605, Sacramento, California. Attention: Ms. Cay Goude, Assistant Field Supervisor.

Regional Water Quality Control Board, San Francisco Bay Region, 1515 Clay Street, Suite 1400, Oakland, California 94612, Attention: Ms. Tina Low

U.S. Army Corps of Engineers, San Francisco District, 333 Market Street, 8th Floor, San Francisco, California 94105, Attention: Mr. Cal Fong, Branch Chief

Attachments: signatures/names and addresses

Keega Griggs	Richard J. Ginnocchio
Mr & Mrs Reginald Argueta	Donna Sheaton
Keith L. Bates	L. W. O.
Jayne Duxford	
Jeff Arthur	
Jan DeLeon	Sharon Tenney
Kristen Kelly	Kristen Tenney
Michael F. Mays	
Jennifer L. Mann	
Mrs Mrs Ken Jones	
David L. ...	
Pat ...	
Pat ...	
Steven ...	
Shirley ...	
Ken ...	

Chris FREGOSI

Norma North JERRY NORTH

Jerry North JERRY NORTH

Robert Pizzagone ROBERT PIZZAGONE

Jeanne Pizzagone JEANNE PIZZAGONE

John MOURIKTOS

Karrie Connors KARRIE CONNORS

Stanley H. FEE

Susan Martin SUSAN MARTIN

Jeff Martin JEFF MARTIN

Kim Azewedo KIM AZEVEDO

Sandy Beckman (PA, Ranking, lights, GREENS)

Mike Azewedo MIKE AZEVEDO

Gregg Alford GREGG ALFORD

Valerie Alford VALERIE ALFORD

Susan Levy SUSAN LEVY

Charm Levy CHARLES LEVY

Valerie Nelson VALERIE NELSON

Ronald A. Nelson RONALD A. NELSON

Judie Busch - Judie Busch

Ronald C. Busch RONALD C. BUSCH

Marcy Vines Marcy Vines

Donex Vines DONEX VINES

Priscilla Schmatzel PRISCILLA SCHMATZEL

James Schmatzel JAMES SCHMATZEL

PATRICIA HEWITT PATRICIA HEWITT

Richard Hewitt RICHARD HEWITT

Daniel L. Van Atta DANIEL L. VAN ATTA

Ruth M. Green RUTH M. GREEN

Tamara Aizerlar TAMARA AIZERLAR

Jonathan Berklin JONATHAN BERKLIN

Kevin Parker *KParker*

KRISTA PARKER *K Parker*

WILLIAM S. EMES - William S. Emes
Rose P. Emes - ROSE P. EMES

Chester W. Hilborn - Chester W. Hilborn
(Helen M. Hilborn) - HELEN M. HILBORN

Dennis Guindan - DENNIS GUINDAN
DOROTHY GUINDAN

Robert Lumban -
Terri Simona - Terri Simona

Joe Simona - Joe Simona

David Jennings - David Jennings
Alfon Jennings - Alfonso Jennings

Patricia C. Nelson - Patricia C. Nelson
Susan S. Heck - Susan S. Heck

David K. Heck - David K. Heck

Joyanne Babayan - Kyle C. Whittington

Justin Whittington
Justin Whittington

Alicia Bergalupo
8001 Kelok Way

Kurt
1507 N. MITCHELL CYN RD.

Ray C
(Galaxy Drive)

Lisa Simone
5971 Cardinet Dr.

David - David Moschetti
5971 Cardinet Dr

Jeff Glassader
JEFF GLASSADER
5959 WALLACE DRIVE
CLAYTON 94517

Wendy Reden
5917 Cardinet Dr
Clayton 94517

Printed Names and addresses of signatories- in order of signatures:
As signed on page 5:

Helga Aloff
5931 Wallace Drive

Mr. And Mrs Aryeetey
5907 Wallace Drive

Keith Bates
5900 Wallace Drive

Janine and Jeffrey Huston
1531 N. Mitchell Canyon Road

David and Kristen Tehaney
1543 N. Mitchell Canyon Road

Michael and Jennifer Mann
1554 N. Mitchell Canyon Road

Mr and Mrs. Ken Jones
1555 N. Mitchell Canyon Road

Louis Buscaglia
1567 N. Mitchell Canyon Road

Patricia Nieman
5903 Cardinet Drive

Steven and Patricia Vanhorn
5938 Cardinet Drive

Michelle Cooper
5941 Cardinet Drive

Ray Dod
5944 Cardinet Drive

Delores Ginochio
5953 Cardinet Drive

Donna Shealor
1576 N. Mitchell Canyon Road

Signatures as signed on page 6:

Chris and Julie Fregosi
6000 Cardinet Drive

Jerry and Norma North
5995 Cardinet Drive

Robert and Jeanie Pizzagoni
5988 Wallace Drive

John Mourelatos
5986 Cardinet Drive

Karrie Connors and Stacy Hunter
5983 Cardinet Drive

Jeffrey and Susan Martin
5965 Cardinet Drive

Michael and Kimberly Azevedo
5935 Cardinet Drive

Sandy Beckham
5941 Cardinet Drive

Gregg and Valeri Alford
5929 Cardinet Drive

Signatures as signed on page 7:

Charles and Susan Levy
5904 Cardinet Drive

Ronald and Valerie Nelson
5950 Cardinet Drive

Ronald and Judith Busch
5932 Cardinet Drive

Derek and Marcy Vines
131 Hurd Place

James and Priscilla Schmalzel
5956 Cardinet Drive

G. Richard and Janet Couchet
5974 Cardinet Drive

Daniel L. Vanatta
5979 Wallace Drive

Terry and Ruth McGovern
5965 Wallace Drive

Jonathan and Tamara Aszklar
5943 Wallace Drive

Signatures as signed on page 8

Kevin and Krista Parker
Wallace Drive

William S and Rose P. Emes
5962 Wallace Drive

Chester W and Helen M Hilbourn
5970 Wallace Drive

Dennis and Delores Quinlan
5978 Wallace Drive

Joe and Terri Simeona
6001 Cardinet Drive

David and Alyson Jennings
5947 Cardinet Drive

Patrick and Lucy Nelson
5950 Cardinet Drive

Linda Landgraf
5977 Cardinet Drive

David and Susan Heck
1542 N. Mitchell Canyon Road

Marcia Heden
5959 Cardinet Drive

Suzanne Babayan
1561 N. Mitchell Canyon Road

Kyle and Kirsten Whittlinger
201 Southbrook Place

Julio and Sandra Famiglietti
1519 N. Mitchell Canyon Road

Signatures as signed on page 9:

Alison Bacigalupo
8001 Kelok Way

Kenneth Yamamoto
1507 N. Mitchell Canyon Road

Lisa Simone and David Nostrati
5971 Cardinet Drive

Jeff Glassauer
5954 Wallace Drive

Wendy Roden
5917 Cardinet Drive

Letter 7: Letter from Mr. and Mrs. William Hart – April 4, 2005

Response 7-1

The commenters acknowledge that they have concerns regarding the project:

The comment is an introductory comment and does not raise concerns regarding the adequacy of the IES/ND.

Response 7-2

The commenter states that they believe a Negative Declaration is inappropriate for the project:

Please see Response to Comment 2-2.

Response 7-3

Impacts to biological resources are not adequately addressed:

Please see Response 1-12 related to biological resources.

Response 7-4

Impacts to Mount Diablo Creek:

Please see Response 1-12 related to impacts to Mount Diablo Creek. In addition, the drainage system for the proposed project has been designed to route stormwater runoff from the project site to the northeast corner of the site to a rock outfall, where the runoff would infiltrate into the ground via percolation. As a result, stormwater would not be discharged into Mount Diablo Creek.

Response 7-5

Impacts to California red-legged frog:

The project plans were routed to the California Department of Fish and Game (CDFG) for review. The City received a letter from the Department on April 6, 2005 (See Letter 8), which stated that the Department does not have any specific comments regarding the proposed project and its effect on biological resources. The revised site plan requires all project structures to be set back from the creek by 12 feet.

Response 7-6

Impacts to nesting raptors and other migratory birds:

The IES/ND notes that the project would have potentially significant impacts to nesting raptors and other migratory birds. As a result, Mitigation Measure 4 was included in the IES/ND in order to reduce the impacts to a less-than-significant level. Generally, the mitigation measure requires a pre-construction survey to determine if raptors and/or other migratory birds are nesting on-site. If nesting birds are detected, the appropriate protection measures shall be taken.

Response 7-7

Impacts to special-status plant species:

Please see Response 2-2 related to special-status plant species.

Response 7-8

Impacts from traffic and parking:

Please see Responses 1-2 related to parking and 1-13 and 2-2 related to traffic.

Response 7-9

Impacts from alcohol consumption and trash:

Please see Response 1-2 related to alcohol consumption and 1-6 related to trash.

Response 7-10

Impacts from noise:

Please see Response 1-2 related to noise.

Response 7-11

A Negative Declaration is an inappropriate document for the project:

Please see Response 2-2 related to the Negative Declaration.

Response 7-12

Negative Declaration is an inappropriate document for the project and EIR should be prepared:

Please see Response 2-2 related to the Negative Declaration.

Response 7-13

The commenters state that they believe the quality of life in their will be adversely affected:

The comment does not directly address the adequacy of the IES/ND.

Response 7-14

Parking, biological, and traffic issues need to be adequately addressed in the IES/ND:

Please see Response 1-2 related to parking; Responses 1-13 and 2-2 related to traffic; and Responses 2-2 and 1-12 related to biological resources.

Response 7-15

The commenters note that they plan on being in attendance at the additional public hearings:

The comment does not address the adequacy of the IES/ND.



DEPARTMENT OF FISH AND GAME

<http://www.dfg.ca.gov>

POST OFFICE BOX 47
YOUNTVILLE, CALIFORNIA 94599
(707) 944-5500



LETTER 8

April 6, 2005

Mr. Jeremy Granes
City of Clayton
Community Development Department
6000 Heritage Trail
Clayton, CA 94517

RECEIVED

APR 7 2005

CLAYTON COMMUNITY
DEVELOPMENT DEPT.

Dear Mr. Granes:

Bocce Ball Centre
Clayton, Contra Costa County
SCH # 2005031128

8-1

The Department of Fish and Game (DFG) has reviewed the document for the subject project. We do not have specific comments regarding the proposed project and its effects on biological resources. Please be advised this project may result in changes to fish and wildlife resources as described in the California Code of Regulations, Title 14, Section 753.5(d)(1)(A)-(G)¹. Therefore, a de minimis determination is not appropriate, and an environmental filing fee as required under Fish and Game Code Section 711.4(d) should be paid to the Contra Costa County Clerk on or before filing of the Notice of Determination for this project.

If you have any questions, please contact Mr. Carl Wilcox, Habitat Conservation Manager, at (707) 944-5525.

Sincerely,

for Scott Wilson
Robert W. Floerke
Regional Manager
Central Coast Region

cc: State Clearinghouse

¹ <http://ccr.oal.ca.gov/>. Find California Code of Regulations, Title 14 Natural Resources, Division 1, Section 753

Letter 8: Letter from Department of Fish and Game – April 6, 2005

Response 8-1

The Department of Fish and Game notes that the Department does not have any specific comments regarding the proposed project and its effects on biological resources:

The comment does not raise concerns regarding the adequacy of the IES/ND.

LETTER 9

From: WRWalcutt@aol.com
Sent: Friday, April 08, 2005 1:32 PM
To: jgraves@ci.clayton.ca.us
Subject: Bocce Ball Courts

Clayton Planning Commission,

9-1 I am very concerned with the intensity of development for the proposed Bocce Ball Center. I still believe that this is a good location for Bocce Ball courts, however when I voted to move forward with this project it was my understanding that there would be only four courts. These four courts would occupy a small portion of the site thus allowing room for other public uses in the future. This is a public site and we should try to accommodate the needs of the broader community. Please limit the number of courts to the original four court proposal, so we can save room for other community activities.

9-2 Also, when this issue came before the City Council I was told by the representative from the Bocce Ball Federation that there would be no need for lights on the courts because all the games are played in the summer and it stays light until 8:30pm. **I am still opposed to lighting these courts** because of the impact on the adjacent neighborhood.

9-3 And last, the representative from the Bocce Ball Federation assured me they would conduct a comprehensive Community Outreach Program to address the concerns of the adjacent neighborhood before this issue came to the Planning Commission. Obviously, this was not done. We know from the Diablo Point experience that it works. It is still not too late for the Federation to be a good neighbor and meet with concerned citizens.

Thank you for your consideration of these important issues.

Council Member Bill Walcutt

RECEIVED

APR 7 2005

CLAYTON COMMUNITY
DEVELOPMENT DEPT.

Letter 9: Letter from Clayton Councilmember Bill Walcutt – April 8, 2005

Response 9-1

The commenter has concerns over the intensity of the project and believes that the number of courts should be reduced to four:

The number of courts for the project has been reduced to eight as a result of input from City Council. Comments regarding the design of the project are outside the scope of the environmental document. In terms of environmental impacts for the proposed project, the IES/ND determined that all impacts could be reduced to a level of less-than-significant.

Response 9-2

The commenter states that he is opposed to court lights because of their impact to adjacent neighborhood:

Please see Response 1-2 related to lighting.

Response 9-3

The commenter states that the applicant did not conduct community outreach as was assured to him:
The comment does not raise concerns regarding the adequacy of the IES/ND.

RECEIVED

APR 11 2005

CLAYTON COMMUNITY
DEVELOPMENT DEPT.

April 9, 2005

Mr. Jeremy Graves
Community Development Director
City of Clayton

Dear Mr. Graves

This letter is in opposition to the currently proposed Bocce Ball Centre being considered for City of Clayton property adjacent to City Hall. My opposition to this proposal is based on several grounds:

- 10-1 1. The proposal seems to call for building of a permanent facility on City property, a facility primarily for the benefit of a private group, a group with some with, presumptively, some City residents as members. I've not found mention of any compensation for this use of City property. The Negative Declaration states that the facility is to be used exclusively by the league on weekdays, with some public use on weekends
- 10-2 2. The Negative Declaration is rather dismissive of the limited parking available for the proposed use, and assumes that overflow parking will be in downtown areas, to the detriment of local business and/or on nearby residential streets. I also found no mention of the parking demands of evening meetings in the Library Meeting Room. Additionally, parking on the Keller House property would be on grassy areas which would present a fire hazard from the vehicle catalytic converters during the summer and fall.
- 10-3 3. The lighting and noise from the expected number of evening users would likely affect wildlife along the creek areas, as well as nearby residences. Nearby trees and bushes serve as nesting areas for a variety of birds, including red tailed hawks and phainopepla, a rare species in this region.
- 10-4 4. The size of development, from the number of courts, number of tables and size of the "utility building" is not in keeping with the location, and it implies that the facility is primarily for the use of people from outside Clayton.
- 10-5 5. The proposed facility would have only limited grass areas and other plantings, with most area covered by crushed rock and oyster shell.

For these reasons, the proposed Bocce Ball Centre seems inappropriate for the proposed location, or, for that matter, on City property at all.

10-6

I could support a much more modest proposal with significantly more public access, but that is not what is currently under consideration. Uses of the property under consideration should be guided by the current zoning, and with full consideration of the recreational and aesthetic value to the residents of the City of Clayton.

Please also consider that Clayton does not need another divisive project, now or in the future.

Sincerely,



Raymond Dod
5944 Cardinet Drive
Clayton, California 94517

Letter 10: Letter from Raymond Dod – April 9, 2005

Response 10-1

The commenter states that no mention has been made as to how the public will be compensated for the development of the City property with a bocce ball facility, which primarily serves a private group:

This comment does not address the adequacy of the IES/ND and is outside the scope of CEQA.

Response 10-2

Impacts to parking:

Please see Response 2-2 related to parking. In addition, it is not anticipated that vehicles will be parking on grassy areas.

Response 10-3

Impacts to wildlife along creeks and in the on-site shrubs:

Please see Response 7-6 and 1-12 related to biological resources.

Response 10-4

Size of development is not appropriate for the location:

The comment refers to the design of the project and not the adequacy of the IES/ND. The IES/ND found that all impacts could be reduced to a less-than-significant level through implementation of appropriate mitigation measures.

Response 10-5

The commenter notes that the proposed facility would have only limited grass areas:

The comment refers to the design of the project and not the adequacy of the IES/ND.

Response 10-6

The commenter notes that he does not support the current proposal and the site should be built out per existing zoning:

The comment is on the merits of the project and does not address the adequacy of the IES/ND.

LETTER 11

RECEIVED

APR 26 2005

CLAYTON COMMUNITY
DEVELOPMENT DEPT.

April 24, 2005

Mr. Jeremy Graves
Clayton City Offices
6000 Heritage Way
Clayton, CA 94517

Re: Bocce ball courts

Dear Mr. Graves:

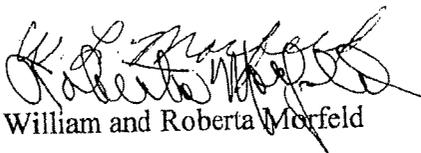
11.1

We were out of town and unable to sign Mr. Hart's letter in opposition to the courts. We did express our opposition at the last planning commission meeting. We would think the untenable parking situation would be enough to put this project out of consideration. The library is open two nights a week until nine and has several evening events at other times. The parking just won't handle it. We would like to add a couple more points. First one of

11.2

the pro-court speakers noted that "Concord doesn't want us." This bears further study. Why doesn't Concord want them? Secondly you stated in your address to the audience that perhaps the bocce federation could find another property for the project design they have in mind. We heartily agree. A project like this has no place so close to a residential neighborhood. Let them find a setting where there will be no impact on any residential neighborhood or our library. Then the project would be a good addition to the city.

Sincerely,


William and Roberta Morfeld

Letter 11: Letter from William and Roberta Morfeld – April 24, 2005

Response 11-1

Parking impacts:

Please see Response 1-2 related to parking.

Response 11-2

Alternative location for the project:

Please see Response 1-3.

LETTER 12

Clayton Bocce Federation
P.O. Box 434
Clayton, California 94517

Received

APR 29 2005

City of Clayton

April 29, 2005

Hon. Gregory J. Manning
City of Clayton
6000 Heritage Trail
Clayton, California 94517

Re: **Proposed Clayton Bocce Ball Centre**
Applicant: City of Clayton
Sponsor: Clayton Bocce Federation

Dear Mayor Manning:

12-1 This purpose of this letter is to provide the Clayton City Council (Council) with a comprehensive status report on the development of the proposed Clayton Bocce Ball Centre (Centre). The Clayton Bocce Federation (CBF) appreciates the opportunity to present this status report in preparation for the Council's May 3 meeting. We understand that this meeting will allow the Council to review the development of the Centre and, with input from staff, the CBF, and our neighbors, provide further guidance and direction to all concerned regarding the development of this important civic improvement for the citizens of Clayton.

Background

12-2 On November 4, 2003, the Council approved, by a vote of 5-0, a request by the CBF to work with staff for the creation of bocce ball courts in Clayton. The proposed site is a portion of the 0.7-acre site northeast of City Hall, adjacent to and south of Mount Diablo Creek (Site). The Council's unanimous vote came after a detailed presentation by the CBF on previous efforts to locate bocce ball courts in Clayton, first in the future downtown park, and, then the currently vacant Site bordered by Oak and Center Streets adjacent to Skipolini's Pizza.

On April 20, 2004, the Council, sitting as the Redevelopment Agency (RDA), approved the use of \$26,000 of the \$100,000 previously set aside in the City's Capital Improvement Project (CIP) for construction of bocce courts. The Council was informed that the proposed scope of the project included up to six courts (although previous meetings had noted the potential and desire for eight courts), with associated amenities such as picnic tables, shade trellis between courts, end court seats for players, bleachers, a small storage building, optional gazebo, and the need for lighting for early evening play. The RDA increased this initial commitment by \$4,000 at its July 6, 2004 meeting.



12-2
CONT.

This initial funding of \$30,000 was designed to cover the costs for a planning consultant to prepare environmental documentation, planning staff to consider, manage and review consultant work product, associated processes such as use and site permits, and funds for the preparation of concept and engineered construction documents. The Council's agreement to provide redevelopment funds for the planning process was with the understanding from the CBF that, once the Council approved final construction plans, the CBF would undertake the task of raising all funds for the actual construction of the courts. Once constructed, the CBF would be responsible for the operations and maintenance of the Centre, pursuant to a written agreement that is still to be negotiated.

In the intervening eighteen months since the Council approved the concept of locating bocce courts behind City Hall, many hours of staff time, and volunteer time by members of the CBF, have gone into the planning and development process. An archeological survey was performed and an Initial Environmental Study/Negative Declaration (IES/ND) was prepared. The Planning Commission first considered the proposed Centre, as did our neighbors, at its March 22, 2005, meeting. Prior to that meeting, the City mailed a "Notice of Intent to Adopt a Negative Declaration" to property owners within 300 feet of the Site and to interested parties.

The proposed Centre has generated significant public comment since the March 22 Planning Commission meeting. Several dozen people, both for and against bocce courts, have attended the March 22, April 12 and April 26 meetings. The Clayton Pioneer ran a front-page article in its April 17 issue, which included a letter to the editor opposing the Centre. On or about April 7, a letter was sent to staff signed by approximately 86 people that raised environmental and use issues. An anonymous flyer was distributed to residents in the Cardinet/Wallace area making representations regarding alleged negative impacts if the proposed Centre becomes a reality. Representatives of the Clayton Bocce Federation, along with Vice Mayor David Shuey, have met with a group of residents living in the Cardinet/Wallace area to discuss the project and open a dialogue regarding design and use issues for the proposed Centre. This dialogue continues.

Given the public attention generated by the proposed Centre, the CBF welcomes the decision to bring this matter back before the Council for additional discussion and further guidance.

The balance of this letter will address many of the issues raised thus far by concerned citizens in the context of the stated goals of the CBF and the purpose, design, use and operation of the proposed Centre.

The Clayton Bocce Centre Would Be A Valuable Civic Addition

12-3

If approved, the Clayton Bocce Centre will be a valuable addition to Clayton's civic and social scene. Bocce is a very popular, non-impact, sport that is easy to learn and can be played by anyone. Bocce also is a social game where people have a good time to the virtual exclusion of argument and conflict. The CBF has facilitated informal bocce play since 2002, playing on Sundays at Newhall Park in Concord. As many as 160 players, ranging from 12 to 85 years old, some physically handicapped, have enjoyed bocce on Sunday afternoons for the last three years. More than one-half of the people who have played on Sundays are Clayton residents. More than 80% of those who played are couples. The vast majority of those who play never played bocce before. Now they are hooked. Those who enjoy bocce have respect for the courts and facilities they use. Although we played on 'someone else's courts,' no one ever complained that we left trash laying around or in any other way showed a lack of respect for the property used.

12-3
CONT.

Those who are involved in trying to bring bocce courts to Clayton are doing it for simple reasons: civic pride and community service. No one is trying to make a profit. The funding for construction is going to come from private funds donated also for reasons of civic pride and community service. Volunteers who will freely give their time to their community will do the operation and maintenance of the courts. The money earned from league play will go towards operation and maintenance of the courts.

The CBF wants the Centre to be an accepted part of the community. In order for that to happen, the Centre will have to be designed, operated, and maintained in an above-board and transparent manner that harmonizes the legitimate goal of the CBF and the needs and concerns of the surrounding neighbors and other uses of adjacent property. That goal is simple: to provide a venue to allow Clayton residents, and those visiting Clayton, to enjoy each other's company playing a game anyone can enjoy. If we are successful in attracting people to Clayton for that purpose, we believe that those people also will choose to patronize existing Clayton businesses (primarily our restaurants). This, in turn, can be part of a catalyst to attract revenue-generating businesses to downtown Clayton, something this City very much needs.

The Current Plans

The current concept drawings before the Planning Commission call for the installation of ten courts, lights, tables, trellises, benches, stands, BBQ's, a storage facility, bathroom, gazebo, and two horseshoe pits. At staff insistence, other features, such as a service road surrounding the Site, were added.

We understand that loading up the design with this many features is too busy and aggressive. However, you have to start someplace, and we decided to start by trying to visualize what could fit, and are prepared to adjust that vision to determine what will fit, and what makes sense. This is the function of the planning process and those in favor of bocce courts, and those who have concerns, have a legitimate role in working through this process to achieve, to the extent possible, a design acceptable to all concerned.

12-4

The CBF has already considered several of the concerns raised by neighbors in the Cardinet/Wallace area and endorses adjusting the plans to meet some of their well taken concerns and to implement some of their positive suggestions for the design of the Site.

We also understand that an issue has arisen related to the health of certain trees on the proposed Site. We have reviewed the recent arborist report, which recommends the removal of some trees because of their health and potential impact on public safety if they fall. We believe the Council's May 3 deliberations also should consider the impact of this report on the Site in general and the project in particular.

An integral part of the planning process is the negotiation and approval, by the Planning Commission and the Council, of a use permit that will govern the operations and maintenance of the courts. Among the many issues to be resolved in the use permit are the ten items addressed below:

12-4
CONT.

- (1) Environmental Issues – It is well understood that environmental issues must be addressed for any project of size and the proposed Centre is no exception. We believe that a properly crafted negative declaration can, and will, accommodate relevant environmental concerns. A draft negative declaration has been prepared and is currently being considered by the Planning Commission, followed by the Council.
- (2) Number of Courts – The number of courts must be sufficient to allow the CBF to conduct league play that generates revenue sufficient to satisfy our future obligations of operation and maintenance of the courts. One way of approaching this may be to establish a hard limit of a certain number of courts. Another, more flexible approach, is to allow the construction of courts in a defined area. The CBF acknowledges that, under any approach, ten courts are too many. Someone has suggested that the CBF wanted to limit the number of courts to four. This has never been the case. We believe there must be a minimum of six to eight courts to make the CBF viable for league play.

Related to the number of courts, or the area in which courts will be allowed, is whether the area would be enclosed. While we have not focused on this aspect, it needs to be addressed at the May 3 meeting. We understand the sentiment that the courts should be completely open to allow public play. We also understand the desire for, and clearly endorse, public play. However, there needs to be a balance that allows public access while also protecting the investment of everyone involved. Between these two end points is the possibility for a sensibly designed enclosure, and regulations for open public play, that satisfies both end points and may even provide further attractiveness to the area and have the support of our neighbors.

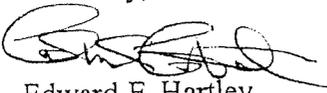
- (3) League Play – The CBF anticipates operating the Clayton Bocce League during the week. We have never represented to anyone the prospect of operating leagues on weekends. How many nights a week there will be league play is something that must still be determined after guidance from the Council, and working with staff, the Planning Commission and the Community Services Commission. That decision process is also impacted by other uses of the parking facilities adjacent to the courts, and must take into consideration the public's use of the Clayton Library.
- (4) Operating Hours – In order for league play to become a reality, the operating hours must reasonably accommodate the working schedules of the players and the concerns of the neighbors. We believe that having league play from 6:00/6:30 p.m. to 9:00/9:30 p.m. can accommodate both concerns. We also plan for the public to have access to these courts for day and weekend play. It is also possible that weekend tournaments will be played, subject to negotiation of a use permit for such events.
- (5) Lights – League play must include the use of lights. We have never represented otherwise. If lights are disallowed, private funding of the courts would be useless as league play would be limited to working hours or weekends, which would not allow the CBF to generate revenue sufficient to operate and maintain them. That said, the CBF does not intend to turn night into day with stadium lighting. All that is needed is strategically placed lighting that adequately illuminates the courts. There is a middle ground between stadium lighting and no lighting and we intend to find that middle ground to accommodate league play and neighbor concerns. One area we are looking into initially is the style and illumination power of lighting that is already approved for the future downtown park.

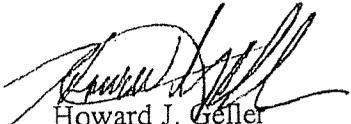
12-4
CONT.

- (6) Alcohol and Food – Some people have suggested that the CBF intends to sell alcohol. We have never expressed such intent or made any such representation. Those communities that have bocce courts have allowed the presence of alcohol pursuant to a use permit. We intend to apply for the same permission. We know the Concord league has an alcohol use permit with the city and that it seems to work well;
- (7) Parking – We have already presented data to the Planning Commission indicating, based on the demographics of those who played on Sundays (where nearly 80% of our league is made up of couples who drive together to the courts), that eight courts will not present a parking problem, and that the nearly 100 parking spaces at City Hall and the Library will be sufficient. Also, there is plenty of parking just through the tunnel in downtown Clayton that is not used at night. The CBF will put up whatever notices or signs or implement regulations necessary to discourage parking on Cardinet Dr. In fact, given the equipment most people bring to the games (e.g., coolers), negotiating the steps leading from the trail to Cardinet Dr. makes parking there highly inconvenient;
- (8) Public events - The CBF, once league play is established and robust, foresees the potential for having weekend tournaments at the Centre. The exact parameters of future tournament play are presently unknown. However, any such events would need to go through the appropriate permitting process. Whether the Centre should be amenable for hosting other public events is an issue raised by our neighbors and will be discussed, along with all other issues, with public input and the approval and oversight of the City;
- (9) Noise – Many statements have been made, and words published, that having bocce courts at the proposed Site will mean constant noise from those playing bocce, rising to the level of a public nuisance. For those of us who have played league bocce, we believe that this is highly overstated. That said, noise concerns must not be dismissed out of hand and will be addressed in the same above board manner as the rest of this project; and
- (10) Storage/Restroom – The CBF needs an outbuilding for office/storage purposes not to exceed 500 sq. ft. Also, we endorse the inclusion of restrooms in the current plans and would be in favor of a single outbuilding that includes both.

Thank you for the opportunity to provide this status report. We ask that this letter be included in the Council packet and posted on the City's web Site. We look forward to the meeting on May 3.

Sincerely,


 Edward E. Hartley
 President
 Clayton Bocce Federation


 Howard J. Geller
 Vice President
 Clayton Bocce Federation

cc: Gary Napper, City Manager
Chris Fregosi

Letter 12: Letter from Clayton Bocce Federation – April 29, 2005

Response 12-1

The comment indicates the purpose of the letter:

The comment is an introductory comment and does not raise concerns regarding the adequacy of the IES/ND.

Response 12-2

The comment provides a detailed background of the project:

The comment does not raise concerns regarding the adequacy of the IES/ND.

Response 12-3

The comment discusses the game of bocce ball and the benefits the project would have on the City:

The comment is on the merits of the project and does not address the adequacy of the IES/ND.

Response 12-4

The comment provides various details regarding the design and operation of the bocce ball project:

The comment is on the design of the project and does not address the adequacy of the IES/ND.

May 2, 2005

City of Clayton
6000 Heritage Trail
Clayton, California 94517

Attn: Clayton City Council

**Re: Project: Bocce Ball Centre - ENV 02-04; GPA 02-04; SPA 02-04; UP 01-04; SPR 05-05;
ZOA 02-04**

Dear Members of the Clayton City Council:

13-1 As homeowners of some of the neighboring properties to the proposed Bocce Ball Centre on the 0.7 acre site north of Clayton City Hall, we have had a few meetings with Ed Hartley and Howard Geller of the Bocce Ball Federation to discuss this proposed development. David Shuey of the Clayton City Council has been in attendance at most of these meetings, acting as a neutral, third party, there to oversee and help mediate the meetings.

13-2 Our concerns regarding the proposed development, as outlined in our letter dated April 4, 2005, and the inadequacies of the Negative Declaration remain and still need to be addressed. However, under the assumption that these issues can be satisfactorily resolved, we have compiled a suggested amended design and conditions for the Bocce Ball project. The implementation of these suggested changes and amendments could greatly alleviate the resistance that we currently have against this development.

We propose that the number of courts be set at six vs. the original concept of ten. Deleting the two northwestern and westerly courts would lessen the visual and noise impact to the residential neighborhood on Cardinet and Wallace Drive. Additional amendments to the original bocce plan are as follows:

- 13-3
- Reduce number of picnic tables on the perimeter to 10.
 - No barbecues
 - No gazebo
 - Lights attached to court trellis, lighting directed away from the residences.
 - Storage building positioned to the East location, attached to the restrooms. Reduce size from 1200 sq. ft to 500-750 sq. ft. This will reduce construction cost as well as cost to access road.
 - No PA system
- 

13-3
CONT.

- Parking, league members to sign an affidavit that they or any guest will not park on the neighboring Wallace/Cardinet Drive streets. The city to install signs at N. Mitchell Canyon Road and Caufield Drive designating the area as residential parking only. This will allow the Clayton Police Department to enforce parking rules.
- Enclose bocce courts with adequate fencing such that it can be managed by the Bocce Federation. This will alleviate potential to vandalism.
- Sound barrier from the creek to the current walking path. See attached drawing and photos. The sound fence that surrounds the corporate yard to the North/Northeast would fit well within keeping the enhancement of the environment.
- The existing trees and foliage along the Western/N. Western portion of the parcel to allow an additional natural buffer between the residences and the bocce development.
- The remaining land on this site as well as the adjacent remaining vacant area to the west and southwest of the development, adjacent to the maintenance yard, is to remain undeveloped, with the current walking path to remain in place.

13-4

Our initially noted concerns regarding the inadequacy of the Negative Declaration are still in effect and still need to be addressed. There has been little to no resolution of many of the issues stated in our original letter. For example, there is the potential impact to the biological resources, animal and plant life in the vicinity of the project. The proximity to the Mt Diablo Creek and potential adverse impacts the development creates needs to be fully researched by qualified personnel. The Negative Declaration notes that there are issues with the Biological Resources of the site that have potentially significant adverse impacts. These include several special status plant and animal species, some of which are noted to include the California red-legged frog, the California tiger salamander, the San Joaquin kit fox, and migratory birds. With the exception of addressing the nesting raptors, no mitigating measures are given for the other noted biological resources that are potentially significantly impacted.

13-5

Impact on parking needs to be more appropriately analyzed and mitigated. The Negative Declaration does not provide an adequate analysis or mitigating measures regarding the parking situation. It is not appropriate to consider the adjacent neighborhood should serve as the "overflow" parking area for this proposed development. The ramifications of permitting the consumption of alcohol on city owned property needs to be reviewed, and potential liability addressed. The P.A. system and its impact on noise levels have not been researched, and we believe it will create unacceptable levels of noise.

13-6

Many of the mitigating measures determined in the Negative Declaration do not reflect that they were determined by people qualified in that specific area. The "Staff and Sources" listed at the end of the Negative Declaration does not reference any individuals or biologists, noting only publications or reference guides. The noted exceptions are Holman and Associates for the archeological review, the Contra Costa County Assessor's Office, and the Acting Branch



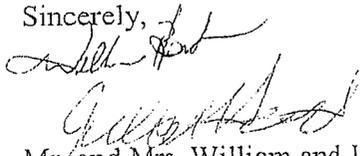
Manager of the Clayton Community Library. As we stated in our original letter, we believe that a Negative Declaration, or even a Mitigated Negative Declaration for this proposed project is an extremely inadequate review. The sheer number of significant and potentially significant adverse impacts that this project will cause warrants the preparation of a full Environmental Impact Report.

13-6
Cont.

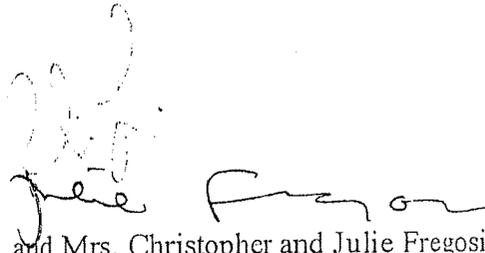
We appreciate that the City Council has provided us with the opportunity to address them with our concerns regarding this development, and also that the Planning Commission has extended the time available for public comment through to at least the first meeting of May. We trust that additional time, as needed, will be taken such that the impact of this development can be fully researched and reviewed. These additional inspections and reports need to be conducted by individuals who are qualified in their respective fields to ascertain any potentially significant adverse impacts. The proper procedure will determine appropriate mitigation measures such that these can be reduced to less than significant. As a result, if the bocce development does receive approval and is built, it will not result in an adverse impact on the environment, the city of Clayton, or the surrounding neighborhood now or in the future.

Thank you for your continued attention to this matter. We will be in attendance at the City Council meeting scheduled for May 3, 2005. If you need to contact us, our numbers are (925) 672-8336 for Mr. and Mrs. William Hart; and (925) 673-8560 for Mr. and Mrs. Christopher Fregosi.

Sincerely,



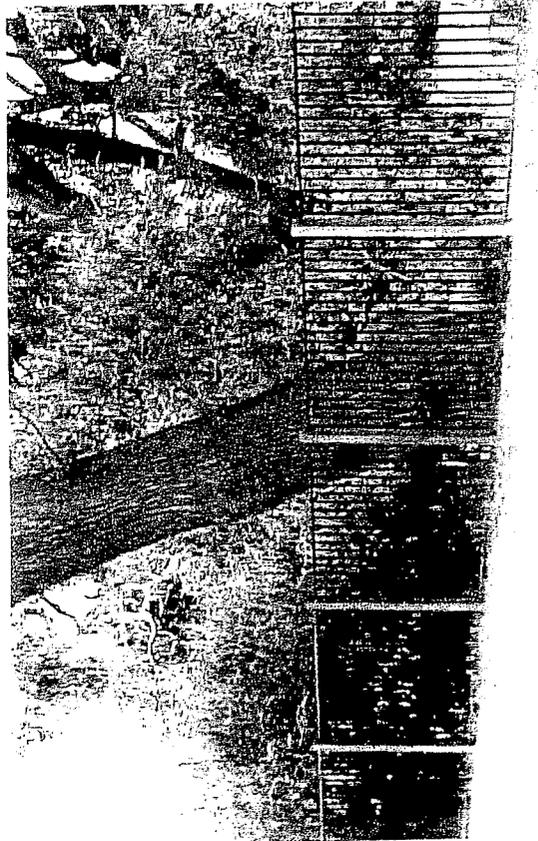
Mr. and Mrs. William and Julia Hart
5987 Cardinet Drive



Mr. and Mrs. Christopher and Julie Fregosi
6000 Cardinet Drive

cc: Jeremy Graves, AICP - Clayton Community Development Director
Gary Napper - Clayton City Manager

Attachments: Cardinet/Wallace Proposal- Bocce Court



Barrier Fence



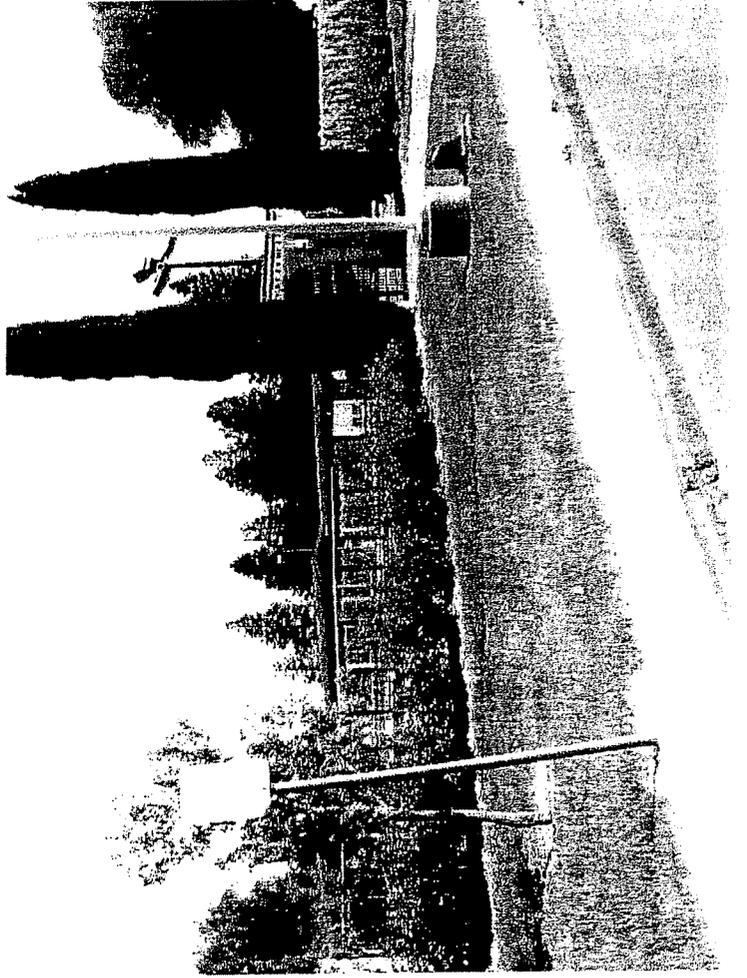
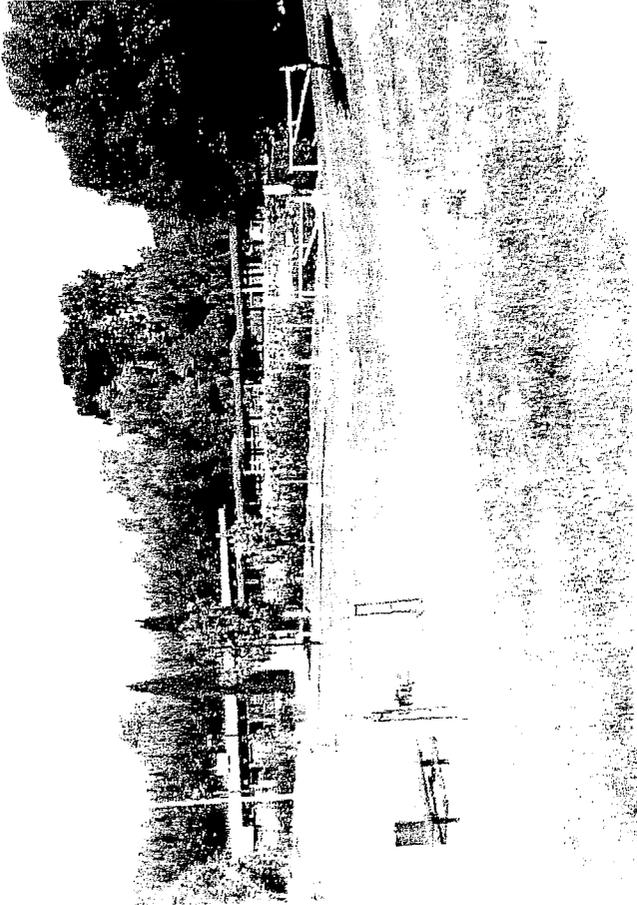
Sound Wall/Fence

Pittsburg Bocce Courts

Six Courts

Fence Area with locking front gates

Public Park



Center Line	CL	1/2 of Length
-------------	----	---------------

Standard Bocce Court Materials & Construction

Sideboards & Backboards - Must extend 6 to 12 inches above the playing surface. Made with rigid treated lumber, minimum of 2 inches thick. Must be backed by concrete or 4x4 posts spaced a maximum 4 feet apart. The sideboards must be sufficiently supported or have a hard plastic/rubber bumper along sideboards so that a ball hitting the sideboards at an angle greater than 30 degrees will consistently bank off the sideboards.

Court Material - The court must be constructed similar to standard tennis courts with a minimum 3 inch base of crushed stone on a compacted sub-base and then covered with 2 inches minimum of clay type materials compacted for a hard, smooth, level surface. The top surface must be kept as level as possible and kept treated with a fine grade of loose topping clay that can be brushed to smooth the court. Clay courts must be wet down to keep the clay properly conditioned and compacted. A continuous watering system under the clay surface like good tennis courts is preferred. Drain holes must be provided to prevent standing water on the court. Bocce court contractors are hard to find, however, tennis court contractors are more plentiful and can easily do excellent bocce courts.

Painting - The sideboards & backboards may be painted (preferably white). Easily visible vertical lines 2 inches wide must be painted on the sideboards to indicate the location of the foul lines and center line. Vertical lines 1 inch wide may be painted on the sideboards & backboards to indicate the 12 inch lines for the initial pallino throw.

Other Improvements - Other court improvements such as, scoreboards, protective court end walls, roofs, benches, ball racks, walkways, lighting, handicapped accommodations, etc. are the option of the club. However, no improvement shall interfere with the standard playing rules or playing on the basic court defined above.

www.boccestandardsassociation.org



Product Questions or Special Requests? - Call 1-800-693-6368. Order for 1-800-693-6368 between 8:30am and 6:00pm EST Monday-Friday and Saturday 4:00pm EST.

[Home](#) > [Product Categories](#) > [Bocce Court](#)

Related Products

Letter 13: Letter from Mr. and Mrs. William and Julia Hart – May 2, 2005

Response 13-1

The commenters note that they have had a few meetings with the project sponsors:

The comment is an introductory comment and does not raise concerns regarding the adequacy of the IES/ND.

Response 13-2

The commenters state that their concerns regarding the adequacy of the Negative Declaration still need to be addressed:

Please see Responses to Letter 7.

Response 13-3

The commenter states that the number of courts should be reduced to six and suggests additional modifications to the project design:

The number of courts for the project has been reduced to eight as a result of input from City Council. Comments regarding the design of the project are outside the scope of the environmental document. In terms of environmental impacts for the proposed project, the IES/ND determined that all impacts could be reduced to a level of less-than-significant. For noise and parking impacts, see Response 1-2.

Response 13-4

Impacts to biological resources, including animals and plants, as well as impacts to creek:

Please see Response 1-12, 2-2, 7-5, and 7-6 related to biological resources

Response 13-5

Impacts on parking and impacts from alcohol and proposed P.A. system:

Please see Response 1-2 related to parking, noise, and alcohol consumption.

Response 13-6

Negative Declaration is an inappropriate document for the project and EIR should be prepared:

Please see Response 2-2 related to the Negative Declaration.

LETTER 14

John & Pat Pollock
5864 Herriman Drive
Clayton, CA 94517

Received

MAY 10 2005

City of Clayton

May 6, 2005

Hon. Gregory J. Manning
City of Clayton
City Council Members
Planning Commission Members
City Manager

RE: CLAYTON BOCCE COURTS

14-1 [John and I have lived in Clayton for 38 years and are in **favor** of the bocce courts. We have attended the meetings and most of our opinions have been expressed adequately by other people. Some very important points need further emphasis:

14-2 [**Bocce Ball is very much a family game;** we were first introduced to the game when our son and his family invited us to join their Martinez team. We enjoyed 3 years of bocce with 3 young families and ourselves being in the 50+ group. We brought picnics and enjoyed the game, socializing and interacting with the children. Of yes, lots of children and as you know only 4 players play at one time, so we had time between games to play not only with our Grandchildren but the whole group of them. We brought picnics because we didn't have convenient "close by" restaurants to stop at or order from as we do in Clayton. The average player age was between 35 to 40 years old and we felt we were certainly not in the majority at the 50+ age! Additionally, I would like to stress that when bocce is over there is **NEVER** any sitting and chatting for any amount of time. We've just spent 2 hours socializing and people have things to do, getting children ready for bed and themselves ready for work. **So, game over and it is over, period.**

We are not a special interest group with only 86 players! **We have hundreds and hundreds of citizens that want to play bocce** but can't play on the weekends. Since Clayton does not have bocce courts we have to play on Sunday at Concord Newell Park or not at all. Sunday is not conducive to family play or really any play and that is exactly why Newell Park Courts were available.



14-2
CONT.

We joined the Sunday Clayton Bocce at Newell Park to demonstrate our interest and support in having bocce come to Clayton. Our team consists of 5 couples and yes, only 5 cars if all 10 players are there; which is rare as remember this is vacation season. It only requires 4 people and very often that is the case, which brings us to 2 cars. On lady at the City Council Meeting mentioned that she would like to see a children's play area at the Clayton Bocce Centre and I say to that...Absolutely...I want this bocce court to be for the people and families of Clayton.

A lot of Clayton residents live close enough to walk downtown and we love doing that and how lucky we are. More importantly, wouldn't it be great to have this bocce court as a destination, certainly helping our restaurants and attracting more businesses to downtown.
Clayton very much needs this Bocce Ball Center to happen.

John and I look forward to playing bocce with Clayton and hope that the 8 courts are approved so that everyone in Clayton will have the opportunity to play. John and I have played bocce for 6 years and know that this centre will be a huge success for Clayton and won't have a negative impact on the neighbors of Cardinet/Wallace areas with the warranted compromises made to the center on their behalf.

Sincerely,



Pat Pollock
672-6240

Letter 14: Letter from John and Pat Pollock– May 6, 2005

Response 14-1

The commenters introduce themselves:

The comment is an introductory comment and does not raise concerns regarding the adequacy of the IES/ND.

Response 14-2

The comment discusses the game of bocce ball:

The comment is on the merits of the project and does not address the adequacy of the IES/ND.



Contra Costa County
FLOOD CONTROL
& Water Conservation District

LETTER 15

Maurice M. Shiu
ex officio Chief Engineer

255 Glacier Drive, Martinez, CA 94553-4825
Telephone: (925) 313-2000
FAX (925) 313-2333

June 2, 2005

RECEIVED

JUN 6 2005

CLAYTON COMMUNITY
DEVELOPMENT DEPT.

Our File: 3097-06
APN: 118-370-041,006

Jeremy Graves, AICP
Community Development Department
6000 Heritage Trail
Clayton, CA 94517

Dear Mr. Graves:

We have reviewed the Bocce Ball Centre Initial Study/Negative Declaration ENV 02-04, located on Clayton Road and southwest of Mount Diablo Creek. Our office received the document on April 19, 2005. We submit the following initial comments:

15-1 1. This project is located in Drainage Area 97 (DA 97), an unformed drainage area. There is no drainage fee ordinance in effect and no drainage area fees are due at this time for this drainage area.

15-2 2. The project site is located in the Mount Diablo Creek Watershed. Mount Diablo Creek is inadequate to convey design flows over extended reaches between the project and downstream to Bailey Road. Although a development of this size, alone, would not result in a significant increase in flows to the downstream reaches of Mount Diablo Creek, the cumulative effect of development could have a significant effect. The District recommends, as we have in the past, that all development within the Mount Diablo Creek Watershed be required to construct downstream improvements OR contribute to a drainage deficiency fund for Mount Diablo Creek, based on a rate of \$0.25 per square foot of new impervious surface.

The City may collect and hold the monies for future creek improvements or it may transfer the monies to the County's deficiency trust fund for Mount Diablo Creek.

15-3 3. We recommend that the City condition the developer to design and construct storm drain facilities to adequately collect and convey storm water entering or originating within the development to the nearest adequate man-made drainage facility or natural watercourse, without diversion of the watershed, per Title 9 of the County Ordinance Code.

15-4 4. Mt. Diablo Creek runs along the northern property line of this project. We recommend this development adhere to a creek structure setback from Mt. Diablo Creek similar to the requirements found in the County's Title 9 Ordinance, Section 9.14 We recommend that the City condition the developer to dedicate development rights over the setback area to the City.

15-5 5. We recommend that the City condition the developer to contact the appropriate environmental regulatory agencies such as the U.S. Army Corps of Engineers, State Department of Fish and Game, and State Regional Water Quality Control Board to obtain all the necessary permits for this project, or show that such permits are not necessary.



Jeremy Graves, AICP

June 2, 2005

Page 2 of 2

15-5
CONT. We appreciate the opportunity to review information involving drainage matters and welcome continued coordination. If you have any question, you may reach Alexander Rivas at (925) 313-2359 or me at (925) 313-2396.

Very truly yours,



Tim Jensen
Associate Civil Engineer
Flood Control Engineering

TJ:AR:gpp
G:\GrpData\FldCt\CurDev\CITIES\Clayton\3097-06\Bocce Ball Neg Dec-City Hall.doc

c: Greg Connaughton, Flood Control
Bob Faraone, Flood Control

**Letter 15: Letter from Contra Costa County Flood Control and Water Conservation District –
June 2, 2005**

The comment letter from the Contra Costa County Flood Control and Water Conservation District was received after the close of the public comment period on the IES/ND. The following response is provided to the comment letter as a courtesy.

Response 15-1

The comment states that the project is located in Drainage Area 97 and that no fee is in effect at this time:

The comment does not address the adequacy of the IES/ND.

Response 15-2

The comment states that the District recommends that all development within the Mount Diablo Creek Watershed be required to construct downstream improvements or contribute to a drainage deficiency fund for Mount Diablo Creek:

Since the project will not directly discharge to Mount Diablo Creek, there is no increase in flows of Mount Diablo Creek from the project.

Response 15-3

The commenter recommends that City condition the developer to design storm drainage facilities to adequately convey runoff to the nearest adequate man-made drainage facility without diversion of the watershed:

The proposed project would generate a minimal increase in stormwater. The proposed drainage system has been designed so that stormwater runoff can be discharged on-site at a rock outfall, where the runoff would percolate into the ground. The project would not result in the diversion of an existing watershed.

Response 15-4

The commenter recommends that setbacks from the creek be conditioned:

The revised site plan requires all project structures to be setback from the creek by 12 feet.

Response 15-5

All necessary permits from appropriate regulatory agencies should be obtained:

The project requires a NPDES permit, which will be obtained from the Regional Water Quality Control Board by the project sponsor.

VIII. STAFF AND SOURCES

Raney Planning & Management

Cindy Gnos, Division Manager
Nick Pappani, Senior Associate, Principal Author
Jessica Hankins, Associate

City of Clayton

Jeremy Graves, AICP, Community Development Director
Rick Angrisani, P.E., City Engineer
Laura Hoffmeister, Assistant to the City Manager

The following documents are referenced information sources utilized for this analysis:

1. Bay Area Air Quality Management District. *BAAQMD CEQA Guidelines*, 1996 (revised, 1999).
2. California Department of Conservation. *Soil Candidate Listing for Prime Farmland and Farmland of Statewide Importance, Contra Costa County*. Based on the Contra Costa County Soil Survey for Contra Costa County.
3. California Department of Fish and Game. *California Natural Diversity Database RareFind*. Version 3.0.5. 2003.
4. California Native Plant Society. *Inventory of Rare and Endangered Plants*. <<http://www.northcoast.com/~cnps/cgi-bin/cnps/sensinv.cgi>>. 24 Oct. 2004. Accessed 26 Oct. 2004.
5. California Stormwater Quality Association. *New Development and Redevelopment Handbook*, 2003.
6. *City of Clayton General Plan*, as amended December 21, 2004.
7. *Clayton Town Center Specific Plan*, March 1990.
8. Department of Toxic Substances Control. *Department of Toxic Substances Control Hazardous Waste and Substance's Site List (Cortese List)*. <http://www.dtsc.ca.gov/database/Calsites/Cortese_List.cfm>. 2003.
9. East Contra Costa County Habitat Plan Association. www.cocohcp.org. Accessed February 2005.
10. Federal Emergency Management Agency. *Flood Rate Insurance Map, City of Clayton, Contra Costa County, Community Panel Number 0600270001 C*, revised September 7, 2001.
11. Holman & Associates. *Mechanical Subsurface Testing of the Proposed Bocce Ball Courts, Clayton, Contra Costa County, California*. December 8, 2004.
12. *Marsh Creek Specific Plan EIR*. City of Clayton. June 1995.
13. Office of Historic Preservation. www.ohp.parks.ca.gov. Accessed February 2005.
14. Personal communication with Ms. Pat Smires, Contra Costa County Assessor's Officer, February 4, 2005.
15. Personal communication with Ms. Karen Hansen-Smith, Acting Branch Manager of the Clayton Community Library, March 10, 2005.
16. Urban Emissions Model (URBEMIS) 2002 for Windows, Air Emissions from Land Development, Version 7.5.0.
17. US Department of Agriculture, Soil Conservation Service. *Soil Survey of Contra Costa County, California*. 1977.

ENV\2004\02-04-IES-Final

APPENDIX

Tree Preservation Report by Hortscience, Inc.

April 15, 2005

Mr. Jeremy Graves
City of Clayton
6000 Heritage Trail
Clayton CA 94517

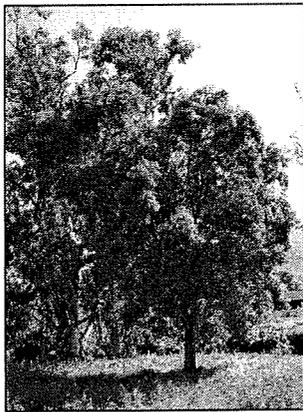
Subject: Tree survey
Clayton Courts

Dear Mr. Graves:

The City of Clayton is planning to construct a group of bocce ball courts, known as the Clayton Courts project. The proposed site is between the north end of the City Hall parking lot and Mount Diablo creek. Current site use is unmanaged meadow. You requested that I examine several trees within and adjacent to the proposed project area and comment on their condition and suitability for incorporation into the project. Assistant City Manager Laura Hoffmeister met me at the site and provided a copy of the current site plan (dated April 14, 2005). This letter summarizes my observations and assessment.

Description of Trees

I examined nine (9) trees (see enclosed **Tree Survey Form**). Numerically coded metal tags were attached to the trunk. Trees are referenced by the tag number. I measured the diameter of the trunk at a point 54" above grade and visually assessed the health and structural condition of each tree. Descriptions of each tree are listed below.



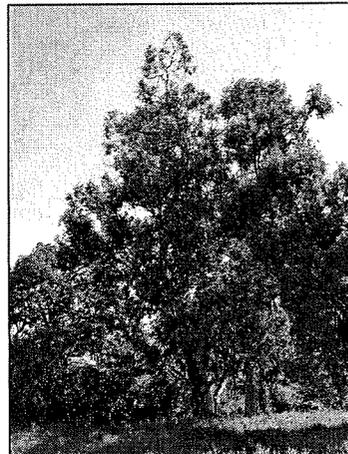
#175. Green ash (*Fraxinus pennsylvanica*).

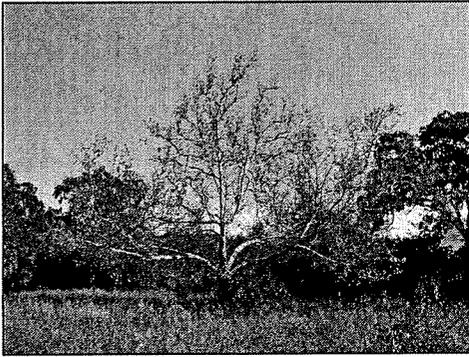
A 25" diameter, well-structured vigorous specimen located in the eastern edge of the meadow area (left photo). I've tentatively identified it as green ash, a rather unusual species for the east bay. If preserved, a cable – brace system should be considered for the west-facing stem.

#176 & 177. Blue gum (*Eucalyptus globulus*).

Two large (39" & 60,60") mature trees growing at the edge of the bank of Mount Diablo creek (photo

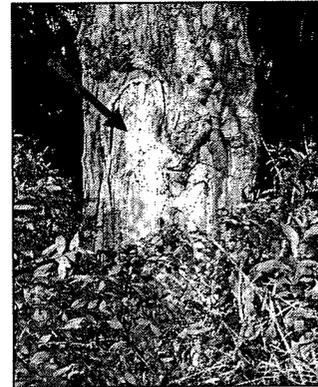
at right). The bank has eroded, exposing roots of both trees. A willow also located in this area has failed due to bank erosion. Tree structure and vigor are generally good. The crowns of both trees extend over the proposed project area.





#178. Sycamore (*Platanus racemosa*). Located in the meadow area, this 21" diameter tree has a well-developed crown with three low scaffold limbs (photo at left). It appears somewhat unhealthy at this time due to infection by the fungal disease anthracnose. This is a minor, mostly nuisance pest. The tree will recover as the growing season progresses. In general, the sycamore would be more vigorous if it received regular irrigation.

- **#179. Calif. black walnut (*Juglans hindsii*).** A mature tree (20" diameter) in declining health. The upper crown has died as have smaller lateral limbs.
- **#180. Siberian elm (*Ulmus pumila*).** A large (38") tree in poor condition located on the west side of the project. A wound on the NE side of the trunk encompasses up to 50% of the circumference (red arrow, photo at right). The wound face is decayed. The low-hanging nature of the canopy is in part due to numerous branch failures.
- **#181 & 182. Black locust (*Robinia pseudoacacia*).** Two semi-mature (14") non-vigorous trees in poor overall condition located in the SW corner of the project area.
- **#183. Tree of heaven (*Ailanthus altissima*).** A thicket of 11 or more stems ranging from 2" to 10" in diameter. While these stems are generally healthy, the species is very invasive. As such, it is not appropriate for use in a landscape setting.



In summarizing the overall appropriateness of the nine trees for inclusion in the proposed project, I assessed their suitability for preservation. This rating includes tree health and structure, but also incorporates factors such as species tolerance to construction, tree age and longevity and species invasiveness. Based on the factors, I rated the suitability for preservation as follows:

- **Good:** Green ash (#175), sycamore (#176)
- **Poor:** Blue gum (#176, 177), Calif. black walnut (#179), Siberian elm (#180), black locust (#181, 182), tree of heaven (#183)

Evaluation of Plans

The plans propose construction of 10 bocce ball courts, storage structure, rest rooms and picnic areas as well as an access road on the west side of the project. Plans did not include grading and drainage information. Tree trunks were located but canopies were not depicted.

Impacts to trees and potential for retention are summarized as follows:

- Plans call for incorporating trees #175 and 178 into the new project. In the case of the green ash, a lawn area would be installed beneath the canopy. For the sycamore (#178), a mulch area would encompass most of the dripline with lawn being installed on the periphery. The keys to retaining both trees are: 1) limit grading operations to 15' from the trunk and 2) provide supplemental irrigation during construction. For the west side of tree #175, the limit of grading may be 10'.
- Tree #179, the walnut, is retained adjacent to court #9. The trunk would be approximately 5' from the court which would be placed within the dripline. This tree is not suitable for retention in the project.
- Trees #180 – 183 form a buffer planting between the project area and the subdivision to the northwest. They appear to be proposed for retention. Given the poor suitability for preservation of these trees, they can only be retained if all development activity remains outside the dripline.
- Trees #176 and 177 are not depicted on the plan. Based on my assessment of their location (approximately 40' north of #175), a group of picnic tables would be placed within the dripline. While the trees would provide shade, there is a safety concern associated with falling branches. A more important consideration involves the creek bank and the short-term stability of these trees. It is clear that the bank has eroded in the past and undermined a willow the point of failure. Blue gum roots have been exposed by action of the water. Unless the creek bank is stabilized, it is only a matter of time before these trees are undermined and fail.

In summary, I recommend the following:

- Retain trees #175 and 178 based on the guidelines in the following section.
- Retain trees #180 – 183 so long as no construction activity and/or development occur within the dripline.
- Remove trees #176, 177, and 179.

Tree Preservation Guidelines

1. A **TREE PROTECTION ZONE** shall be established around each tree to be preserved. No grading, excavation, construction or storage of materials shall occur within that zone. Protective fencing shall be installed prior to the start of any work. Fences shall be 6 ft. chain link or equivalent as approved by consulting arborist. Fences are to remain until all grading and construction is completed. The **TREE PROTECTION ZONE** shall be:
 - #175. 15' from the trunk on all sides except the west where it shall be 10'.
 - #178. 15' from the trunk on all sides.
 - #180 – 183. The dripline.
2. Underground services including utilities, sub-drains, water or sewer shall be routed around the **TREE PROTECTION ZONE**.
3. Any herbicides placed under paving or other surface materials must be safe for use around trees and labeled for that use.

4. Irrigation systems must be designed so that no trenching will occur within the **TREE PROTECTION ZONE**.
5. Trees #175 and 178 shall be pruned to clean the crown and to provide clearance. All pruning shall be completed by a Certified Arborist or Tree Worker and adhere to the *Best Management Practice -- Pruning* prepared by the International Society of Arboriculture. Tree #175 should be evaluated for installation of a cable – brace system to support the west-facing scaffold limb.
6. Chipped pruning shall be placed within the **TREE PROTECTION ZONE** to a depth of 4" to 6".
7. Trees to be removed shall be felled so as to fall away from **TREE PROTECTION ZONE** and avoid pulling and breaking of roots of trees to remain.
8. All down brush and trees shall be removed from the **TREE PROTECTION ZONE** either by hand, or with equipment sitting outside the **TREE PROTECTION ZONE**. Extraction shall occur by lifting the material out, not by skidding across the ground.
9. Prior to beginning work, the contractors working in the vicinity of trees #175 and 178 are required to meet with the Consulting Arborist at the site to review all work procedures, access routes, storage areas and tree protection measures.
10. If injury should occur to any tree during construction, it should be evaluated as soon as possible by the Consulting Arborist so that appropriate treatments can be applied.
11. Construction trailers, traffic and storage areas must remain outside the **TREE PROTECTION ZONE** at all times.
12. All underground utilities, drain lines or irrigation lines shall be routed outside the **TREE PROTECTION ZONE**. If lines must traverse through the protection area, they shall be tunneled or bored under the tree as directed by the Consulting Arborist.
13. No materials, equipment, spoil, waste or wash-out water may be deposited, stored, or parked within the **TREE PROTECTION ZONE** (fenced area).
14. Any additional tree pruning needed for clearance during construction must be performed by a qualified arborist and not by construction personnel.
15. Trees #175 and 178 shall be irrigated on a schedule to be determined by the Consulting Arborist. Each irrigation shall wet the soil within the **TREE PROTECTION ZONE** to a depth of 30".
16. Any roots damaged during grading or construction shall be exposed to sound tissue and cut cleanly with a saw.

Summary

Nine trees in the vicinity of the Clayton Courts project evaluated. Two trees, a green ash (#175) and a sycamore (#178) are in good condition and should be incorporated into the project. Four trees (#180 – 183) are in poor condition but are located outside proposed project areas. They may be retained so long as no use areas are placed within the dripline. Three trees (#176, 177 and 179) are recommended for removal either due to poor condition (#179) or safety concerns.

Sincerely,

James R. Clark, Ph.D.
Certified Arborist WE-0846
Registered Consulting Arborist #357

Enc. ***Tree Survey Form***

Clayton Courts
 Clayton CA
 April 2005

Tree No.	Species	Trunk Diameter (in.)	Condition 1=poor 5=excellent	Suitability for Preservation	Comments
175	Green ash	25	5	Good	Center of meadow area; good form & structure; low branch to W. separating from rest of canopy; probable cable.
176	Blue gum	39	3	Poor	Top of creek bank; single straight trunk; crown one-sided to E. due to competition with #177; high lateral branch over project; exposed roots on creek side.
177	Blue gum	60,60	3	Poor	Top of creek bank; codominant trunks @ base & 10' with 2 large, low scaffold branches, 1 towards project; crown heavy to S. & W.; 2 main stems have slight separation between them; exposed roots on creek side.
178	Sycamore	21	4	Good	Good tree with spreading crown due to 3 low scaffold limbs; anthracnose.
179	Calif. black walnut	20	2	Poor	Crown has died back.
180	Siberian elm	38	2	Poor	Big tree where canopy hangs to ground; huge wound on NE side of trunk; covers 40 to 50% of circumference; decayed behind wound face; history of branch failure.
181	Black locust	14	2	Poor	Poor vigor; codominant trunks @ 5' with narrow attachment; long cavity on NE; extensive twig dieback.
182	Black locust	14	2	Poor	Poor vigor; poor form; codominant trunks @ 8' form flat-topped crown; partially suppressed by #181; twig dieback.
183	Tree of heaven	2 to 10	3	Poor	Grove of 11+ stems.