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March 16, 2020

Contra Costa County
Department of Conservation and Development
Community Development Division
Attn: Francisco Avila, Senior Planner
30 Muir Road
Martinez, CA 94553

Email: Francisco.Avila@dcd.cccounty.us

RE: Land Use Permit and Reclamation Plan Amendment Requests for Clayton Quarry (LP15-2030 & LP15-2031) – 515 Mitchell Canyon Drive, Clayton; Response to Notice of Preparation of an Environmental Impact Report

Dear Mr. Avila:

Thank you for the opportunity to submit comments in response to the Department of Conservation and Development's Notice of Preparation of an Environmental Impact Report (EIR) for the proposed amendments to the land use, drainage and encroachment entitlements and Reclamation Plan for the Clayton Quarry located at 515 Mitchell Canyon Drive in unincorporated Contra Costa County (County File Number LP15-2030/31).

The subject 181-acre site is not located within the City of Clayton municipal boundary nor within the voter-approved Urban Limit Line, but it is within the City of Clayton's Sphere of Influence (SOI). The City of Clayton has the comment authority of a responsible agency for projects within its SOI and that consist of actions that would have a direct effect on City conditions. The City's General Plan identifies quarry uses as one of the four categories identified in the unincorporated section of the SOI.

The City of Clayton previously submitted letters in August 2015, July 2017, and September 2018, in response to the County's request for comments on the permit

amendment requests associated with the Clayton Quarry. This letter is particularly responsive to the request for comments on the scope of the EIR to be prepared for the project in accordance with the California Environmental Quality Act (CEQA), though the City requests that County staff also consider the comments made in those prior comment letters with regard to the merits of the permit amendment requests and necessary findings for consideration of the project by County decision-making bodies.

As stated in a previous letter, the City has concerns regarding the amendment of the Reclamation Plan to no longer backfill the quarry pit with soil and alternatively have it fill with water to reach an end use as a lake. A quarry lake would preclude any viable usage of the property for many decades due to the steep slopes and instability of the benches around the quarry pit, making the land and the lake virtually unusable and in conflict with the intent of characterizing the quarry as reclaimed within a reasonable timeframe following the cessation of mining operations.

As indicated in previous correspondence, the City of Clayton envisions and supports the quarry area returning to a condition as close to natural as possible through revegetation and grading, and resulting in natural contours in areas affected by the mining operation. The aesthetic analysis in the EIR should include photosimulations or renderings of the views of the quarry from public rights-of-way and local trails in the City of Clayton, in near-term (one- and five-year), mid-term (10- and 25-year), and long-term (40- and 50-year) horizons. With the full reclamation effort projected to last an estimated 50 years, residents of properties proximate to the quarry would be subject to modified views for extended periods of time. The EIR should evaluate whether mitigation is necessary on a phased or intermediate basis to ensure that naturally-appearing views are established throughout the implementation of the revised Reclamation Plan, rather than just at the end of the Reclamation Plan. City staff is available to offer input on the selection of the visual vantage points to be used in the photosimulations.

The hope and goal from the City's perspective would be that, consistent with the City's General Plan, implementation of the Reclamation Plan would result in an overall minimal aesthetic impact, as though the quarry use never occurred. The City believes this can be achieved through terraforming the hillside in a manner that looks natural, as well as revegetating the area quickly and with appropriate densities of native species.

The Notice of Preparation indicates that the proposed Reclamation Plan includes a drainage plan that provides for the quarry pit to fill slowly with water with a controlled outflow that conveys stormwater to natural and human-made drainage facilities. The City of Clayton requests that the EIR analysis consider the potential downstream impacts to these drainage facilities, including habitat modification or bank destabilization, as a result of increased duration of flows, or an explanation of how the project would be implemented to avoid such hydrological impacts. The City also requests that the EIR evaluate potential ecosystem impacts as a result of the creation of a body of standing water over an extended period of time. More specifically, the City requests analysis of whether: 1) the additional flows or standing water could alter

existing habitat for native or sensitive species or the ecosystem on which those species rely; and 2) whether the project has the potential to attract or introduce new species or vectors to the area that could negatively affect humans or native or protected plant and animal species in the vicinity of the project site.

The City has previously expressed concerns regarding potential tree removal associated with the project. In the biological analysis of the EIR, the City requests further quantification of the trees to be removed and their size and species. Visual analysis of the tree removal, as well as any potential tree replacement, should also be considered in the aesthetic and visual analysis of the project. Additionally, anticipated volumes of traffic along the proposed alternate driveway from Mitchell Canyon, along with related potential vehicle noise and construction impacts on sensitive receptors, should be elaborated upon in the environmental analysis.

Public Notification Request

The City of Clayton wants to re-iterate its preference for the owners of real property within the area to be treated as stakeholders and notified throughout the public outreach, environmental and hearing processes. Previously, changes to the quarry have occurred without notification to the property owners, which created undue strain on the City of Clayton and resulted in City staff responding to numerous inquiries on projects that were outside of the City's jurisdiction. Therefore, the City of Clayton requests that the County use a larger radius than the typical 300 feet, to ensure that residents on Mitchell Canyon Road and the surrounding neighborhood are notified throughout the permit review process. Further, the City of Clayton requests continued inclusion on all public outreach and notifications associated with this project.

If you have any questions or wish discuss these comments further, please contact the City of Clayton Community Development Department at (925) 673-7300.

Sincerely,

Dana Ayers

Interim Community Development Director

cc: Ikani Taumoepeau, City Manager
Laura Hoffmeister, Assistant to the City Manager