

From: Jim Theodores
To: Dominique Vogelpohl
Cc: Donna Sasse
Subject: CDMS25-00003 Mitigated Neg Dec
Date: Thursday, July 30, 2026 10:37:46 AM

Dominique

Thank you for your attention in this matter . I am writing on behalf of my wife ,Donna Sasse and myself ,Jim Theodores . We are the residents and owner of 2465 Caballo Ranchero Drive Diablo , Ca 94528 and direct neighbors to the 2485 Caballo Ranchero property owners requesting the property subdivision changes as noted on the map you included with your July 10,2026 Notice of Public Review letter .

We do have some questions that hopefully you can help clarify before the public meeting date is set .

- 1) The driveway is to be reconstructed to a private road . What are the distinguishing differences going from driveway to a road with no public access ? Is it increased traffic ? Noise level ? Construction size ,length and width nuance ?
- 2) Are the trees designated for removal along the reconstructed road and our adjacent rear property line a hard and fast fact or can we request some or all trees to remain ? For example ,the trees along our rear property line we would likely want to remain, as they would continue to provide the only discernible visual barrier from our pool , back patio, and living room windows from looking directly into a new home near our property line , as well as likely act to diffuse family and garage noise. Same with the trees along the current driveway and our side property line . Why see open road when it can be buffered visually ?
- 3) How many square feet is the new home planned on Parcel B ?
- 4) Is the planned home one story ranch type or two story? If two stories , what is the height at it peak ? Are plan elevations in general available or under consideration along with this Neg Dec review ?
- 5) what other visual or noise barriers proposed ie. fencing or wall and their anticipated height in case trees have to be removed?
- 6) Is the new home designed for one family or designed and permitted for future expansion to accommodate an additional family as part of a family “ compound “ ?
- 7) when is the proposed construction start date ? End date ?
- 8) what other mitigation factors are under consideration as related to “ significant impacts to the environment “ Air quality ? Noise ? Traffic?Animals and their habitats ? Etc ?

I will forward other questions per your request as they come into consideration . I know you and your department are very busy , and greatly appreciate your time answering our questions . We are 80 year olds who have enjoyed living in Diablo , and in particular our home at 2465 Caballo Ranchero for 50 years (yes 50) . We know things change ,and truly want to be good neighbors , but are hopeful too for consideration of our concerns , primarily visual and noise impacts if they can be minimized or eliminated . For your information, I have reached out to Jeff ,the owner of 2485 to discuss these matters in person but have had no response to date , so once again, we appreciate your time addressing these matters.

Regards ,
Jim Theodores

From: [R Antovich](#)
To: [DCD PlanningHearing](#)
Cc: [Dominique Vogelpohl](#)
Subject: Re: County File CDMS25-00003 - Tentative Parcel Map, Lot-Width Variance, and Four Subdivision Ordinance Exceptions for 2485 Caballo Ranchero Drive, Diablo, CA (APN 195-352-014) - Public Hearing of Monday, August 17, 2026
Date: Sunday, August 9, 2026 7:32:43 PM

August 9, 2026

Contra Costa County Zoning Administrator, Department of Conservation and Development

30 Muir Road

Martinez, CA 94553

cc: Dominique Vogelpohl

Re: County File CDMS25-00003 — Tentative Parcel Map, Lot-Width Variance, and Four Subdivision Ordinance Exceptions for

2485 Caballo Ranchero Drive, Diablo, CA (APN 195-352-014) — Public Hearing of Monday, August 17, 2026

Dear Zoning Administrator:

We write as a neighboring property owner to formally **object to approval of the proposed minor subdivision, the requested lot-width variance, and all four requested exceptions** to the County Subdivision Ordinance described in the Notice of Public Hearing for County File CDMS25-00003. We respectfully request that the Zoning Administrator deny the application. This letter, together with any oral comments other neighbors or we provide at the hearing, is intended to preserve our right to raise these issues in any later proceeding, as the Notice itself advises.

I. The Legal Standard the County Must Apply

Approval of a tentative map is not a ministerial act. Under Government Code section 66474, the County is required to *deny* a tentative map if it finds, among other things, that the site is not physically suitable for the type of development, that it is not physically suitable for the proposed density, or that the design of the subdivision is likely to cause substantial environmental damage. These are mandatory findings, not discretionary preferences — the County cannot approve this map without affirmatively finding *against* each of them, and the record before the Zoning Administrator does not support those findings.

In addition, where a subdivision lies within a state responsibility area or a High Fire Hazard Severity Zone, Government Code Section 66474.02 independently requires the County to

make an affirmative, evidence-based finding that the subdivision is consistent with state fire-safe regulations (Public Resources Code §§4290–4291) and that structural fire protection and suppression services will actually be available to the new parcel. We ask the Zoning Administrator to confirm on the record, before the hearing proceeds, the precise Fire Hazard Severity Zone designation and responsibility status or rating for this, confirm that the rating will not rise to Very High Fire Hazard Severity Zone, and to make the required §66474.02 findings explicitly, with supporting evidence — not simply to note that a fire district exists nearby. Many in our neighborhood have lost fire insurance due to the highest High Fire Hazard Severity Zone rating, which appears to be increasing as the County continues its unchecked increase in Diablo residential density without increasing access and egress, fire suppression resources, undergrounding utilities, and road conditions, while restricting water resources.

II. The Subdivision Should Be Denied — The Site Is Not Physically Suitable for the Proposed Development

Diablo is a small unincorporated community in the foothills of Mount Diablo, served by narrow, winding roads that are insufficient to allow two opposing vehicles to pass without one pulling over off the road. The roads have weight restrictions, open-ditch drainage rather than engineered storm systems, and soils known locally for settlement and swelling in the winter months. In the last five years, Diablo has experienced increasing flooding and fires. The County has not addressed road maintenance, repair, or upgrades to handle traffic and the increased population, allowing unchecked development without due consideration. These are not abstract concerns; they bear directly on the mandatory §66474 findings:

Contra Costa County Ordinance Section 96-10.004 is critically important today because **undergrounding utilities eliminates roughly 98% of utility-spawned wildfire ignition risks** in a region facing severe climate and environmental pressures.

Undergrounding Utilities. Contra Costa County Ordinance Section 96-10.004 is critically important today because **undergrounding utilities eliminates roughly 98% of utility-spawned wildfire ignition risks** in a region facing severe climate and environmental pressures.

In Contra Costa County—which features substantial Wildland-Urban Interface (WUI) zones such as the East Bay Hills, Mt. Diablo foothills, and dry valleys—compliance with this code is a vital line of defense against catastrophic fires.

- Overhead utility lines pose several high-risk failure points during Northern California's hot, windy autumns.
- Compatibility with Tree Ordinances: Moving utilities underground helps the neighborhood comply with the county's Tree Protection Ordinances, supporting a lush, natural street canopy without infrastructure interference.
- Shifting the Cost Burden: Installing modern utility infrastructure is extremely expensive. This ordinance legally requires the developer to pay for and manage the trenching, conduit placement, and utility coordination up front.

Preventing Future Public Expense: If a developer were allowed to install inexpensive overhead lines, the future financial burden of fixing, upgrading, or eventually undergrounding those lines would fall on the county's public funds or on future homeowners via special tax assessments.

Fire hazard and restricted egress. Diablo sits in wildland terrain with a documented history of severe fire danger and constrained ingress/egress. Dividing this 1.9-acre parcel into two developable lots would add a new residence, construction traffic, and long-term occupancy to a road network that is already narrow and weight-restricted — precisely the condition §66474.02 is designed to scrutinize before approval, not after.

When a neighbor applies to subdivide a lot and requests an exception or waiver from Contra Costa County Code Section 96-14.0002 ("Improvement of County Streets"), they are formally seeking to be excused from installing standard frontage improvements, which may or may not be required. That request shifts that obligation onto the Diablo community, since the County provides no such service.

Worsening Localized Flooding and Drainage

- **Increases Impervious Surfaces:** Building a new home on a subdivided lot replaces natural soil with concrete foundations, driveways, and roofs. Rainwater can no longer soak into the ground.
- **No Runoff Control:** Section 96-14.0002 requires developers to manage the additional stormwater their project generates by adding functional curbs and gutters. Without them, unmanaged water floods directly onto narrow neighborhood streets or into neighboring properties.
- **Accelerates Road Erosion:** Excess, uncontrolled standing water breaks up asphalt quickly. On already dilapidated roads, unchecked runoff speeds the formation of potholes and washes out unstable shoulders.
- **Escalating Traffic Safety Risks**
- **Emergency Vehicles:** An increasing population, without mitigation of restricted access on narrow streets, creates unnecessary risk and hazardous conditions.
- **Adds Traffic to a Failing System:** Subdivisions bring more regular vehicle trips. Adding cars to a structurally failing, narrow street increases collision risks and accelerates general wear and tear.

Creating an Unfair Financial Burden on Neighbors

- **Passes Costs and Risks to the Community:** If the developer is granted an exception, they pocket the savings from skipping infrastructure upgrades. The expensive burden of fixing resulting drainage failures and broken roads is passed down to existing property owners or county taxpayers.
- **Precedent for Future Developers:** Approving one waiver makes it much easier for subsequent developers in Diablo to request the same relief, causing a domino effect of infrastructure neglect across the neighborhood.
- **Drainage and flooding:** The neighborhood's drainage is served by open ditches, and the roads are subject to flooding. The applicant's own exception requests

confirm this is not a manufactured concern. The applicant is asking to be relieved of the ordinance's "Collect and Convey" standard and to rely instead on the existing drainage pattern — the same pattern responsible for known flooding conditions causing road failures in this neighborhood. The County's laissez-faire approach, allowing unchecked development, waivers for development, deferred road maintenance, and improvements in Diablo without necessary roadway improvements, contributes to increased flooding of roads, premature road failure, and property damage.

- Unstable, swelling soils: Winter settlement and soil swelling in Diablo are well known locally. Grading of roughly 1,260 cubic yards (160 cut, 1,100 fill) on a site with these soil characteristics warrants independent geotechnical scrutiny, not reliance solely on reports commissioned and paid for by the applicant. Increased traffic exacerbates road failures under these conditions.
- Cumulative road impact: The new development and the property redeveloped along Caballo Ranchero Drive since 2021 have each added construction traffic that damages and leads to premature wear of the same narrow road network. The Zoning Administrator is required to consider this project's incremental impact in light of that recent cumulative history, not in isolation.

Roadway Flooding and Accelerated Asphalt Decay

- Subgrade Saturation: When excess stormwater overflows unpaved ditches, it pools at the edges of narrow roads. Water seeping beneath the asphalt softens the road base, rapidly leading to potholes, alligator cracking, asphalt creep, and edge failure.
- Navigating Hazards: Narrow roads leave no escape routes around submerged road. Minor sheets of standing water crossing a tight roadway significantly elevate the risk of localized single-vehicle accidents.

Obstruction of Emergency and Utility Vehicles

- Erosion-Induced Road Narrowing: If a drainage ditch running parallel to a narrow road suffers a structural washout, the physical width of the drivable roadway shrinks.
- Heavy Truck Vulnerability: Fire engines, vacuum trucks, and garbage trucks place extreme weight loads on road edges. If the soil supporting the road is saturated or undermined by unregulated runoff, the pavement can collapse under the weight of a heavy vehicle, completely stranding the truck and blocking all neighborhood ingress/egress.

Severe Property Damage and Downstream Liability

- Negative Diversion: Uncontrolled stormwater always follows the path of least resistance. Waiving containment requirements allows the subdividing property owner to shift their runoff burden onto lower-lying adjacent yards, crawlspaces,

and foundations.

- Legal Disputes: Granting a discretionary waiver that bypasses the County's own code can lead to complex civil litigation between neighbors over man-made water diversion and property damage.

Each of these conditions supports a finding under §66474(c)–(e) that the site is not physically suitable for this development and that the design is likely to cause substantial environmental damage. I ask that the Zoning Administrator make specific, evidence-based findings on each point rather than treating them as generalized neighborhood color.

III. The Requested Variance and Four Exceptions Should Be Denied

The applicant separately requests relief from five standards: (1) the 140-foot minimum average lot width (reduced to 85 and 87 feet), (2) undergrounding of existing utilities, (3) frontage street improvements, (4) the "Collect and Convey" drainage standard, and (5) public maintenance of onsite detention structures. Under the County's ordinance code, this relief is processed as an exception under Chapter 92-6 of the Subdivision Ordinance. The applicant must demonstrate hardship or practical difficulty and show that the requested relief will not be detrimental to the public interest or to surrounding properties, which contradicts the circumstances here.

The application does not meet that burden:

- The lot-width standard, the undergrounding and frontage-improvement requirements, and the drainage and detention-basin maintenance standards all exist for reasons directly implicated by the conditions described above — adequate spacing and access in a fire-prone area, safe road frontage, and reliable public (not privately variable) drainage maintenance. Moreover, waiving the lot-width standard converts the Diablo country setting into a Blackhawk high-density residential track. Granting all five requests together does not merely accommodate a minor hardship; it formalizes, on a going-forward basis, the very conditions this letter identifies as unsafe.
- Reliance on the "existing drainage pattern" and "private maintenance" of drainage ditches is particularly concerning given this neighborhood's documented flooding history. Private maintenance depends entirely on the diligence of whichever owner holds title in a given year — the ordinance's public-maintenance requirement exists precisely so that drainage infrastructure serving multiple properties does not depend on one owner's discretion.
- We are not aware of any independent, County-commissioned geotechnical or hydrology review of this application that guarantees and warrants that there will be no impact from this development. If the project has been processed as categorically exempt from CEQA review, I ask the Zoning Administrator to reconsider that determination in light of the "unusual circumstances" exception recognized in *Berkeley Hillside Preservation v. City of Berkeley* (2015) 60 Cal.4th 1086 — the known soil, drainage, and fire conditions specific to this site are exactly the kind of unusual circumstances that can defeat a categorical exemption when they create a reasonable possibility of a significant environmental effect..

IV. Requested Action

For the reasons above, we respectfully request that the Zoning Administrator:

1. Deny the Tentative Parcel Map for failing to satisfy the mandatory findings of Government Code §66474 and §66474.02; or, at a minimum,
2. Continue the hearing pending (a) confirmation of the parcel's specific Fire Hazard Severity Zone and responsibility-area designation, (b) an independent, County-directed peer review of the applicant's geotechnical and drainage reports, and (c) reconsideration of any CEQA exemption applied to this project in light of the site-specific conditions described above; and
3. Deny the requested lot-width variance and all four requested exceptions for failing to satisfy the hardship and no-detriment findings required under Chapter 92-6 of the County Subdivision Ordinance.

We intend to attend and speak at the August 17, 2026, hearing and respectfully request that this letter be entered into the administrative record for County File CDMS25-00003.

Thank you for your consideration.

Respectfully,

Radomir and Deanna Antovich
Diablo, CA