

651 Pine Street
4th Floor, North Wing
Martinez, California 94553-0095

Phone: (925) 335-1210



CS (14) 12/3/09
Date: 12/1/09

AGENCY COMMENT REQUEST

We request your comments regarding the attached application currently under review.

DISTRIBUTION	Please submit your comments as follows:
<input checked="" type="checkbox"/> Building Inspection/Grading Inspection	Project Planner <u>Richard Norris</u>
<input checked="" type="checkbox"/> HSD, Environmental Health, Concord	<u>925-335-1310</u>
<input checked="" type="checkbox"/> HSD, Hazardous Materials	County File
<input checked="" type="checkbox"/> P/W - Flood Control (Full Size)	Number: <u>MS09-0077</u>
<input checked="" type="checkbox"/> P/W - Engineering Svcs (Full Size)	Prior To: <u>12/24/09</u>
___ Date Forwarded _____	We have found the following special programs apply to this application:
___ P/W Traffic (Reduced)	
___ P/W Special Districts (Reduced)	
___ Comprehensive Planning	
___ Redevelopment Agency/Housing	
<input checked="" type="checkbox"/> Historical Resources Information System	
<input checked="" type="checkbox"/> CA Native Amer. Her. Comm.	
<input checked="" type="checkbox"/> CA Fish & Game, Region <u>3</u>	
<input checked="" type="checkbox"/> US Fish & Wildlife Service	
<input checked="" type="checkbox"/> Fire District <u>consolidated</u>	
___ Sanitary District _____	___ Redevelopment Area _____
<input checked="" type="checkbox"/> Water District <u>Contra</u>	___ Active Fault Zone _____
<input checked="" type="checkbox"/> City <u>Antioch</u>	___ Flood Hazard Area, Panel # _____
<input checked="" type="checkbox"/> School District <u>Antioch unified</u>	___ 60 dBA Noise Control _____
___ Sheriff Office - Admin. & Comm. Svcs.	___ CA EPA Hazardous Waste Site _____
___ MAC _____	___ Traffic Zone _____
___ DOIT - Dep. Director, Communications	___ CEQA Exempt _____
___ CDD-GIS	___ Categorical Exemption Section _____
<input checked="" type="checkbox"/> LAFCO	
Community Organizations	
<input checked="" type="checkbox"/> - John Kopchik (HCP)	
<input checked="" type="checkbox"/> State Lands Commission	
<input checked="" type="checkbox"/> California Energy Commission (Mike Monasmith)	

Please indicate the code section of recommendations that are required by law or ordinance. Please send copies of your response to the Applicant & Owner.

- ___ No comments on this application.
___ Our comments are attached.

Comments: _____

Signature _____
Agency _____
Date _____

DOCKET
08-AFC-3
DATE DEC 01 2009
RECD. JAN 22 2010

**CONTRA COSTA COUNTY
DEPARTMENT OF CONSERVATION AND DEVELOPMENT
COMMUNITY DEVELOPMENT DIVISION**

PLANNER ASSIGNED

Richard Norris

MINOR SUBDIVISION APPLICATION

TO BE COMPLETED BY APPLICANT/OWNER

OWNER Name <u>Mirant Delta, LLC</u> Address <u>696 West 10th Street</u> City, State <u>Pittsburg, CA</u> Phone <u>925-427-3500</u> Zip <u>94565</u>	APPLICANT Name <u>Ronald Greenwell & Associates</u> Address <u>10 South Lake Drive, #1</u> City, State <u>Antioch, CA</u> Phone <u>925-778-7160</u> Zip <u>94509</u>
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By signing below, owner agrees to pay all costs, including any accrued interest, if costs not paid by the applicant.

By signing below, the applicant agrees to pay all costs for processing this application, plus any accrued interest, if costs not paid within 30 days of invoicing.

Check here if billings are to be sent to applicant rather than owner.

Owner's Signature *[Signature]*

Applicant's Signature *[Signature]*

CONTACT PERSON (Optional)
Name Andrea Ricci
Address 696 West 10th Street
City, State Pittsburg, CA
Phone 925-427-3554 Zip 94565

PROJECT DATA
Total Parcel Size 27 Acres
Number of Parcels/Units (1) one
Estimated Project Value *(Asterisk) - see message below
Comm./Ind. Sq. Footage N/A

Nature of Request: (Attach supplemental statement if necessary) Mirant Delta, LLC - Minor Subdivision Application

* Please see explanation in cover letter accompanying this application.

OFFICE USE ONLY

Application Description: An application for a minor subdivision to create a 26.84 acre and an 86.79 acre parcel from an existing parcel.

Property Description: _____

Ordinance Ref. _____	Type of Fee:	FEE AMOUNT:	S-CODE	Assessor's No. <u>051-031-014</u>
Area <u>Antioch</u>	*Base Fee/Deposit	\$ 4,800.00	S-034	Site Address <u>3201 Wilbur Avenue</u>
Fire Dist. <u>Consolidated</u>	# of Lots x 300	\$ <u>600</u>	S-034	Zoning District <u>Heavy Industrial</u>
Sphere of Influence <u>Antioch</u>	Notification Fee	\$ <u>30</u>	S-052B	Census Tract <u>3060.02</u>
Flood Zone <u>AE</u>	#Addresses x \$1.50 + \$30		S-048	Atlas Page _____
Panel No. _____	Fish & Game Posting (if not CEQA exempt)	\$ 75.00	5884	General Plan <u>HI/OS</u>
x-ref Files _____	Environmental Health	\$ 47.00		Supervisory Dist. <u>5</u>
	Other	\$ _____		Rec'd by <u>Richard Norris</u>
	TOTAL	\$ <u>5,552</u>		Date Filed <u>11/30/09</u>
Concurrent Files: _____	Receipt # <u>CD11765 & CD11766</u>			File Number <u>M509-0011</u>
	Other _____			
	* ADDITIONAL FEES BASED ON TIME AND MATERIALS WILL BE CHARGED AFTER STAFF COSTS EXCEED BASE FEE			

INSTRUCTIONS ON REVERSE SIDE

Mirant Delta, LLC
696 West 10th Street, PO Box 192, Pittsburg, CA 94565
T 925 427 3500 F 925 427 3518 U www.mirant.com

2009 DEC -1 A 10:02

DEPARTMENT OF CONSERVATION
AND DEVELOPMENT



November 30, 2009

VIA HAND DELIVERY

Catherine O. Kutsuris, Director
Contra Costa County Department of Conservation and Development
Community Development Division
Application and Permit Center
651 Pine Street, 2nd Floor – North Wing
Martinez, California 94553

Re: Mirant Delta, LLC Minor Subdivision Application

Dear Ms. Kutsuris:

Mirant Delta, LLC (“Mirant Delta”) submits the enclosed Minor Subdivision Application (“Application”) for tax parcel number 051-031-014 located at 3201 Wilbur Avenue in Contra Costa County (the “Existing Parcel”). Also enclosed are three full size sets of a tentative parcel map meeting the requirements specified in Article 94-2.2 of the Contra Costa County Ordinance, and a check for \$4800.00.

Mirant Delta owns the Existing Parcel and is requesting that it be divided into two separate legal parcels, identified on the enclosed map as Parcel A and Parcel B. Because this is a division affecting fewer than five parcels, we understand that it can be processed as a minor subdivision and have prepared the Application accordingly.

Mirant Delta is dividing the Existing Parcel in anticipation of the planned sale of Parcel A to its affiliate, Mirant Marsh Landing, LLC (“Mirant Marsh Landing”). Mirant Marsh Landing is developing the proposed Marsh Landing Generating Station, a nominal 760 megawatt natural gas-fired power plant (“MLGS”) to be located on Parcel A. Mirant Marsh Landing has submitted an application for certification (“AFC”) to the California Energy Commission (“CEC”) that requests the issuance of a license to construct the MLGS. That application is pending in CEC Docket No. 08-AFC-3. Mirant Marsh Landing filed its AFC pursuant to the Warren-Alquist Act, California Public Resources Code section 25500, *et seq.*, which gives the CEC exclusive power to certify the MLGS, and specifies that the issuance of a CEC license is in lieu of all other state and local permits and approvals. During its licensing proceedings, the CEC acts as lead state agency under the California Environmental Quality Act (“CEQA”) (*see* California Public Resources Code sections 25519(c), and 21000 *et seq.*). The CEC’s regulatory process is functionally equivalent to, and satisfies all CEQA requirements for, the preparation of an Environmental Impact Report (*see* California Public Resources Code section 21080.5). The CEC process thus fulfills all requirements for review of the Project under CEQA. Mirant Delta plans to transfer Parcel A to Mirant Marsh Landing once the CEC approves the MLGS project.

November 30, 2009

Page 2

Given these circumstances, the Application asks the County to approve the division of the Existing Parcel without any associated improvements. This reflects that fact that Mirant Delta is not proposing any improvements and instead seeks to divide the Existing Parcel into Parcel A and Parcel B solely for the purpose of facilitating the sale of Parcel A to Mirant Marsh Landing. The improvements contemplated by Mirant Marsh Landing are all part of the proposed MLGS. The MLGS requires a license from the CEC and all state and local approvals must be obtained through the CEC licensing process. Due to these requirements, Mirant Delta is not asking the County to review or approve any improvements as part of its Application. Given these circumstances, the proposed minor subdivision qualifies as a minor land division that is categorically exempt from the provisions of CEQA pursuant to Section 15315 of the CEQA Guidelines (Title 14, California Code of Regulations, section 15315).

We would be happy to arrange a meeting or a call to discuss any questions or concerns that may arise regarding Mirant Delta's Application or the permitting process applicable to the MLGS.

Thank you in advance for your assistance. Please do not hesitate to contact the undersigned should you have questions or require any additional information to process the Application.

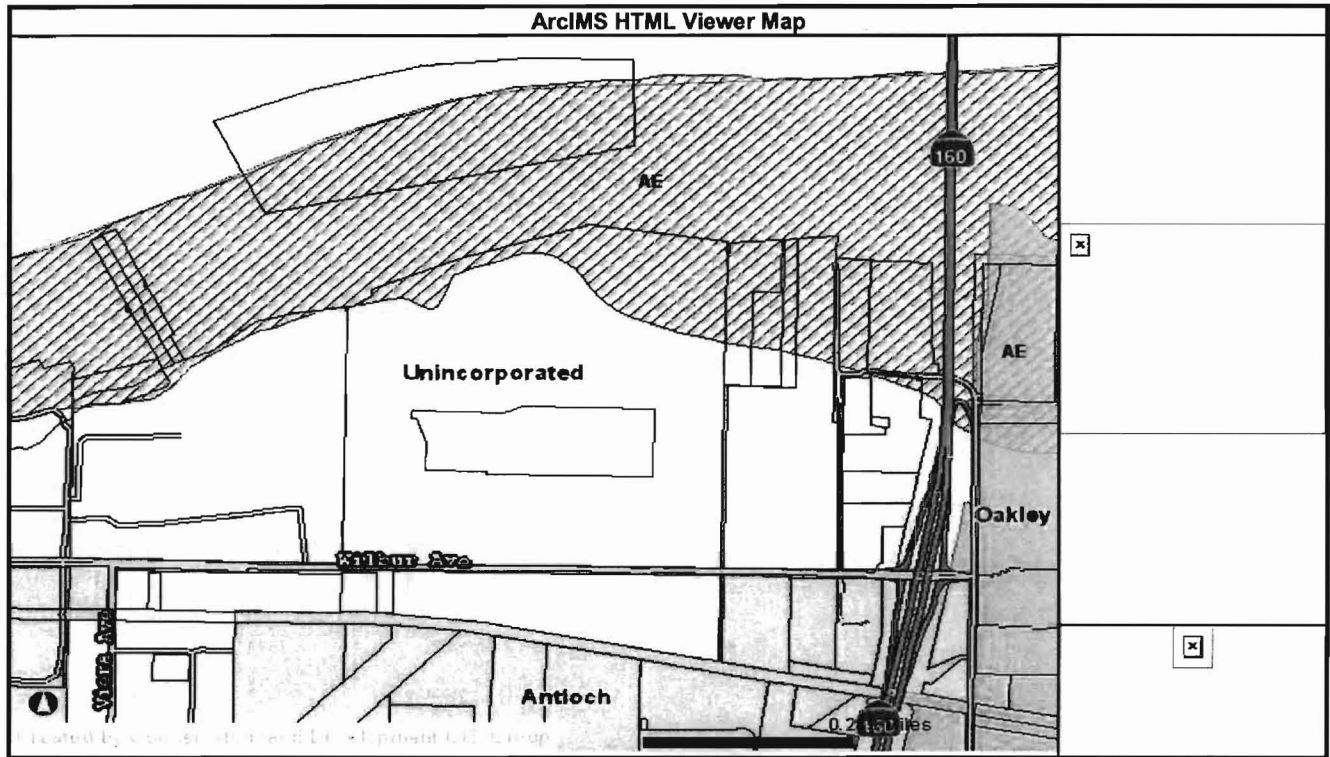
Very truly yours,

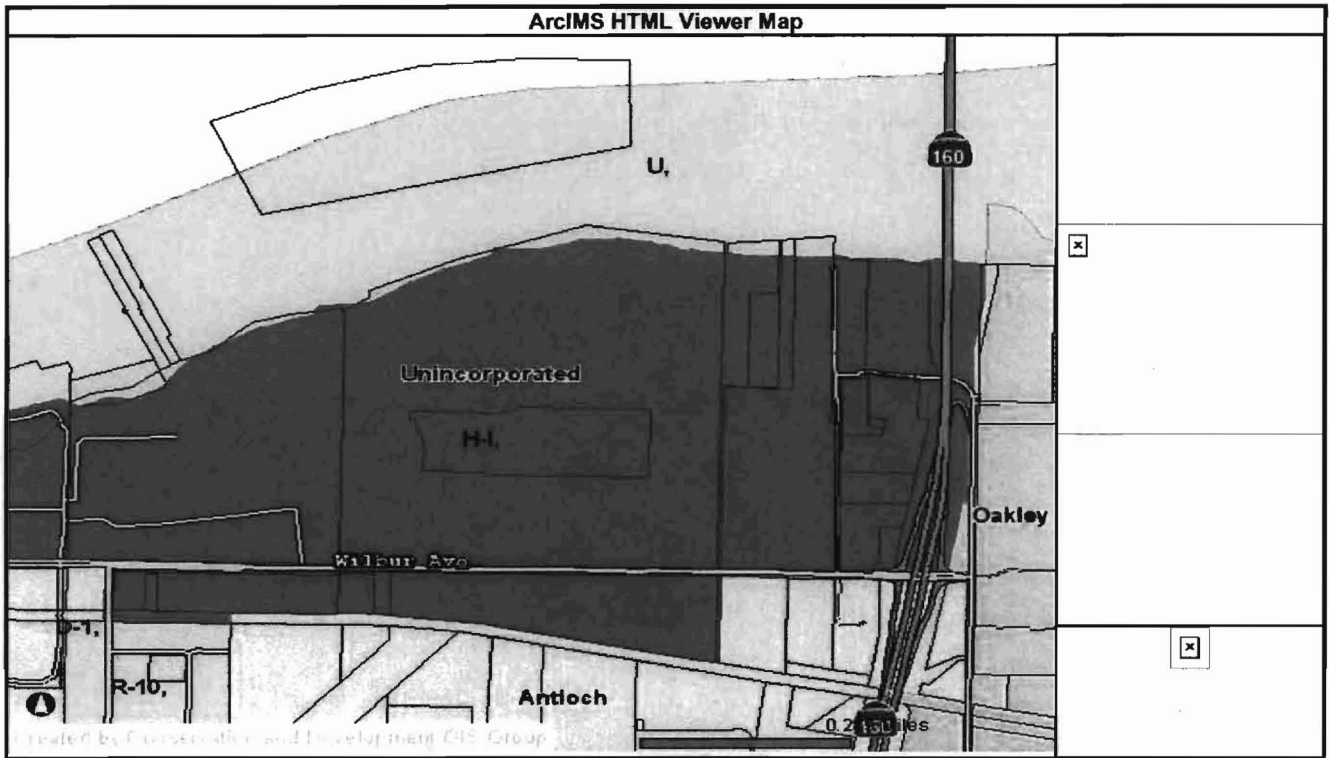


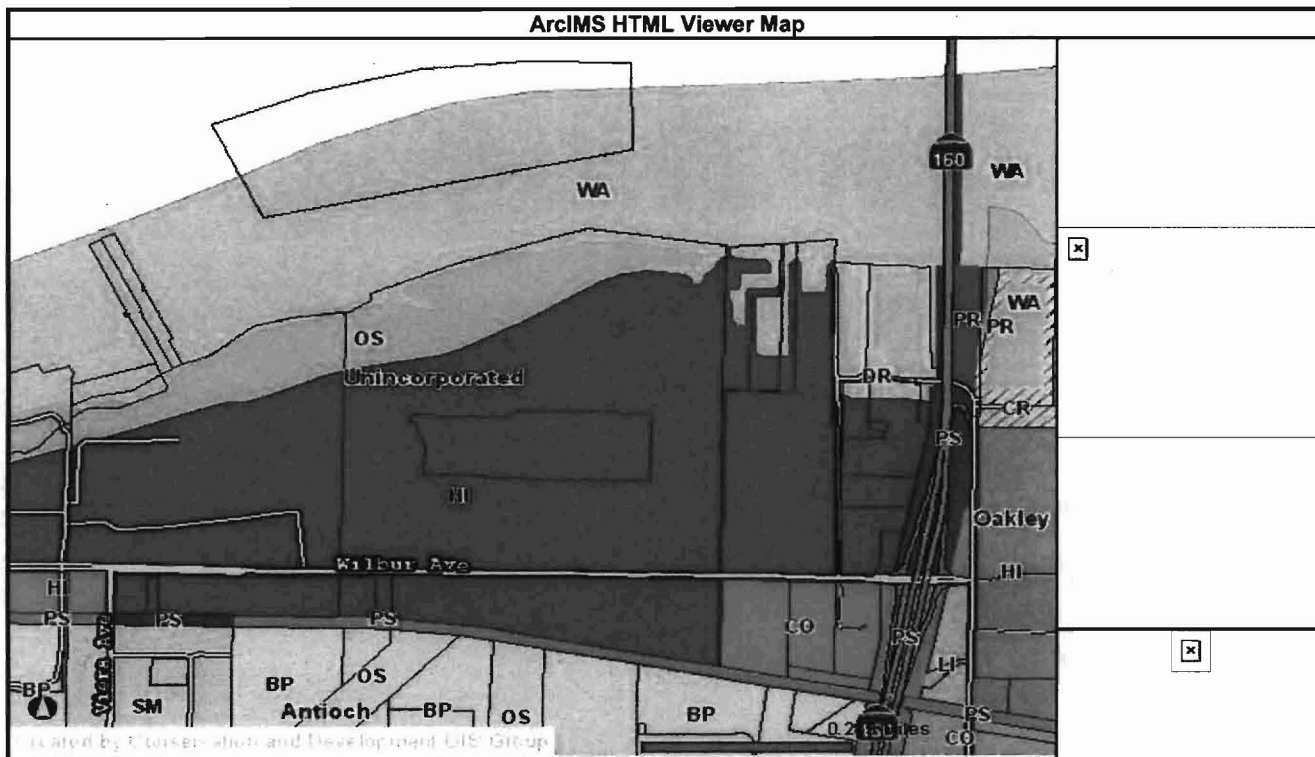
John Chillemi
President

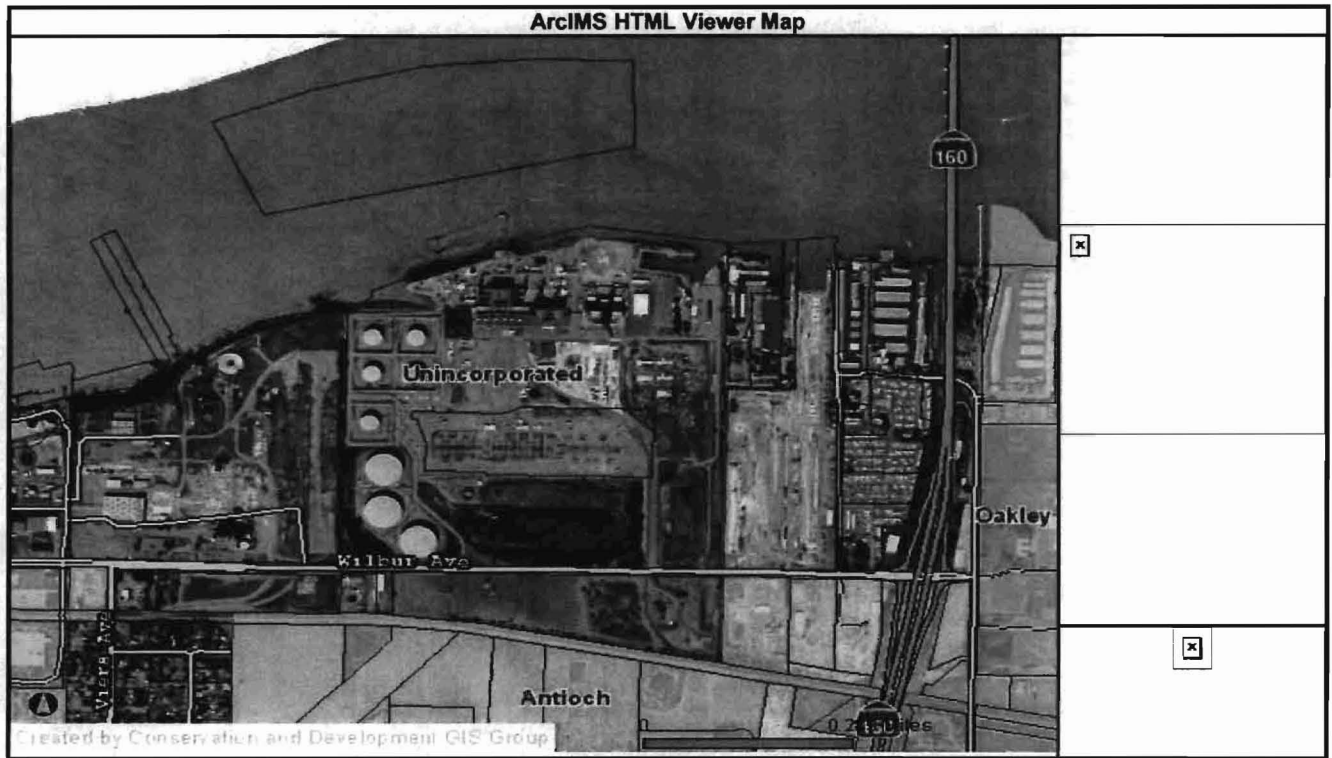
Attachments:

Parcel Maps
Form- Minor Subdivision Application
Check #7030602, \$4,800









TENTATIVE PARCEL MAP

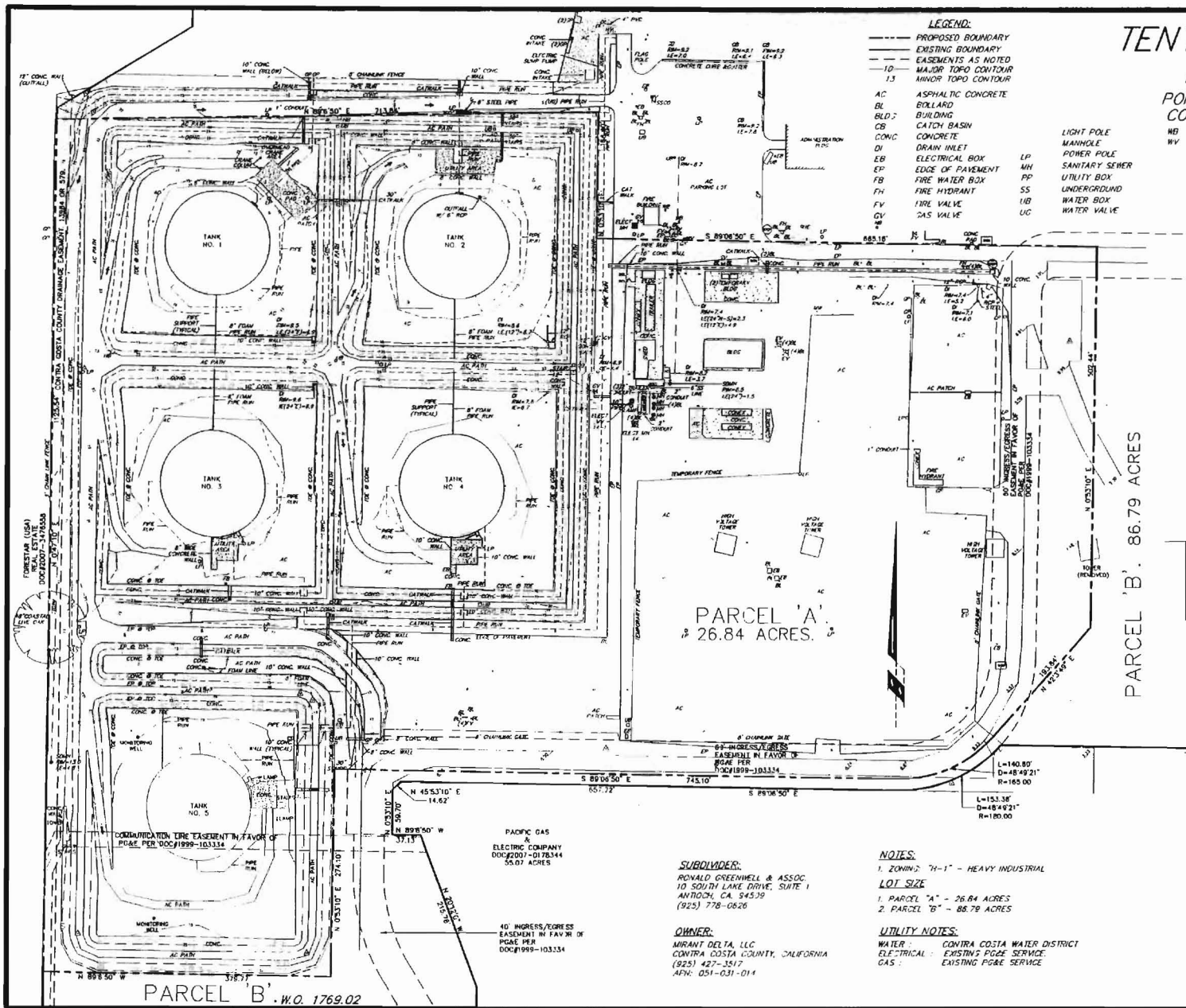
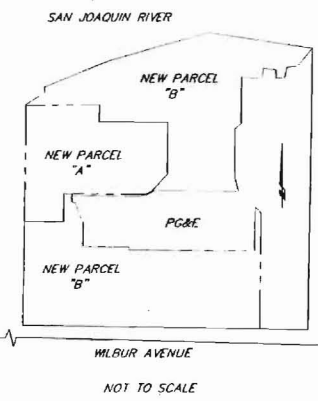
OF
MINOR SUBDIVISION MS 09-00011
PORTION OF PARCEL "A" (ROS 3386)
CONTRA COSTA COUNTY, CALIFORNIA

FOR
MIRANT DELTA LLC.

BY
RONALD GREENWELL AND ASSOCIATES, INC.
ANTIOCH, CALIFORNIA
SCALE: 1"=60'
NOVEMBER, 2009
CONTOUR INTERVAL = 1 FOOT

LEGEND:

---	PROPOSED BOUNDARY	LP	LIGHT POLE
---	EXISTING BOUNDARY	MM	MANHOLE
---	EASEMENTS AS NOTED	PP	POWER POLE
10	MAJOR TOPO CONTOUR	SS	SANITARY SEWER
13	MINOR TOPO CONTOUR	UG	UTILITY BOX
AC	ASPHALTIC CONCRETE	WB	UNDERGROUND
BL	BOLLARD	WV	WATER BOX
BLD.	BUILDING		WATER VALVE
CB	CATCH BASIN		
CONC	CONCRETE		
DI	DRAIN INLET		
EB	ELECTRICAL BOX		
EP	EDGE OF PAVEMENT		
FB	FIRE WATER BOX		
FH	FIRE HYDRANT		
FV	FIRE VALVE		
GV	GAS VALVE		



PARCEL 'A'
26.84 ACRES.

PARCEL 'B' 86.79 ACRES

MS 09-00011

SURVEYOR'S STATEMENT
THIS MAP CORRECTLY REPRESENTS A SURVEY MADE BY ME OR UNDER MY DIRECTION IN COMPLIANCE WITH THE REQUIREMENTS OF THE PROFESSIONAL LAND SURVEYORS' ACT AT THE REQUEST OF MIRANT DELTA, LLC., IN OCTOBER, 2009.
DATED: _____
PHILIP C. WOOTTON P.L.S. 8198
LICENSE EXPIRES 06/30/10

SUBDIVIDER:
RONALD GREENWELL & ASSOC.
10 SOUTH LAKE DRIVE, SUITE 1
ANTIOCH, CA 94539
(925) 778-0626

OWNER:
MIRANT DELTA, LLC
CONTRA COSTA COUNTY, CALIFORNIA
(925) 427-3517
APH: 051-031-014

NOTES:
1. ZONING: "H-1" - HEAVY INDUSTRIAL
LOT SIZE
1. PARCEL "A" - 26.84 ACRES
2. PARCEL "B" - 86.79 ACRES

UTILITY NOTES:
WATER: CONTRA COSTA WATER DISTRICT
ELECTRICAL: EXISTING PG&E SERVICE
GAS: EXISTING PG&E SERVICE

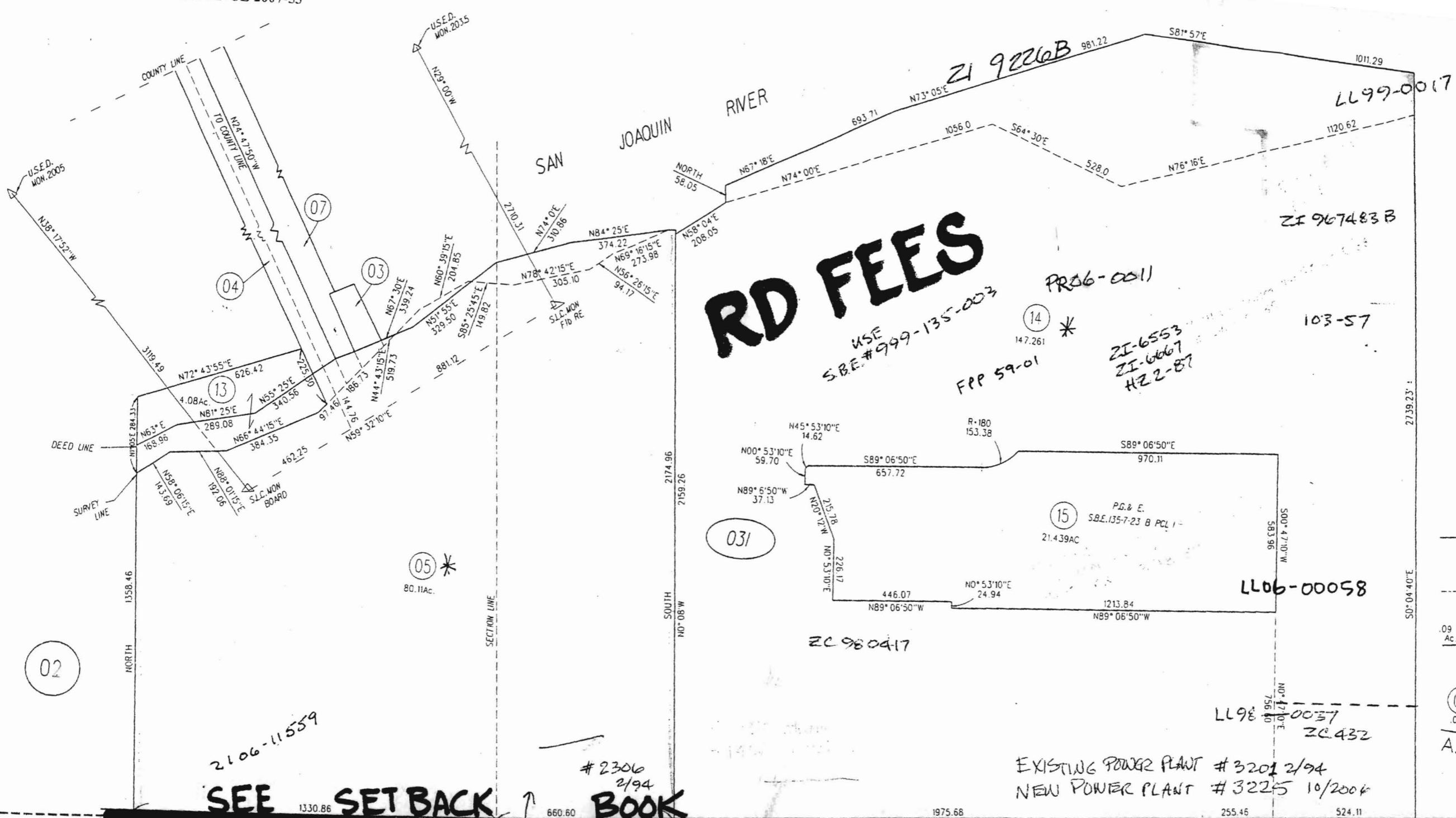
PARCEL 'B' W.O. 1769.02

* PARCEL SUBJECT TO CCC
HABITAT CONSERVATION
PLAN/NATURAL COMMUNITY
CONSERVATION PLAN
ORDINANCE 2007-53

PC SEC. 16,17, 20 & 21 T2N R2E M.D.B.M.

F-23

1" = 400'

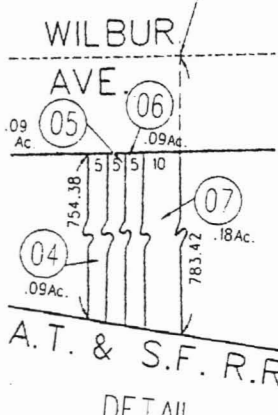


RD FEES

USE
S.B.E. #999-135-003
PR06-0011
FPP 59-01
ZI-6553
ZI-6667
HZ 2-87

SEE SET BACK BOOK

EXISTING POWER PLANT #3201 2/94
NEW POWER PLANT #3225 10/2004



RD FEES

A.T. & S.F.
D-29J

D-29-G

ZM:F-23

6/19/95
ASSESSOR'S MAP
BOOK 51 PAGE 03
CONTRA COSTA COUNTY, CALIF.