

SAN PABLO GENERAL PLAN 2030



Volume 4: Final Environmental Impact Report

SCH NO. 2008082069

February 2011

“Building San Pablo’s Tomorrow – Today”

SAN PABLO GENERAL PLAN 2030

Volume 4: Final Environmental Impact Report

SCH NO. 2008082069

February 2011



CITYOF SAN PABLO

City of New Directions

Prepared by

DYETT & BHATIA

Urban and Regional Planners

In association with:

Dowling Associates, Inc.
Environmental Science Associates
Charles Salter Associates

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I Introduction to the Final EIR

I.1 Introduction

This Final Environmental Impact Report (FEIR) on the proposed San Pablo 2030 General Plan has been prepared on behalf of the City of San Pablo in accordance with the California Environmental Quality Act (CEQA).

The proposed General Plan is intended to respond directly to changes experienced in San Pablo since the adoption of the current General Plan in 1996. New goals and policies are introduced to respond to the City's changing demographics and economic environment, land use demands, as well as State and federal laws. Plan policies and goals respond to key ideas from the community and focus on future community needs, economic development opportunities, housing demand, environmental resource conservation, health and safety, and quality of life.

The City Council will consider and certify this FEIR prior to taking action on the proposed San Pablo 2030 General Plan.

I.2 Purpose

This Final EIR has been prepared in compliance with the California Environmental Quality Act (CEQA) (Section 21000 et seq., California Public Resources Code, in accordance with the Guidelines for the Implementation of the California Environmental Quality Act (Section 15000 et seq., California Code of Regulations, Tit.14). It responds to comments addressing the Draft EIR, published November 19, 2010. The Final EIR is intended to aid the Lead Agency as it considers adoption of the San Pablo 2030 General Plan. This Final EIR Response to Comments, combined with the Draft EIR, constitutes the Final EIR on the project. This Final EIR amends and incorporates by reference the Draft EIR, which is available as a separately bound document from the City of San Pablo.

The primary purpose of this Final EIR is to respond to written and oral comments and recommendations received during the public review period. The review period of the Draft EIR (State Clearinghouse No. 2008082069) was from November 19, 2010 through January 14, 2011. A list of the individuals, agencies, and organizations that commented on the Draft EIR and copies of the written and oral comments are included in Chapter 3 of this document. Responses to comments are provided in Chapter 4. Some comment letters raised points relating to both the Draft General Plan and the Draft EIR. This Final EIR responds to comments only on the latter. To respond to some comments, revisions and refinements have been made to the Draft EIR environmental analysis. Comments on the Plan are addressed separately by the City of San Pablo as part of the administrative record for the General Plan. (See City staff report.)

The Draft EIR represents a good faith effort to disclose all significant environmental effects of implementing the proposed Plan, identify possible ways to minimize the significant effects, and describe reasonable alternatives to the proposed Plan. ("CEQA does not require a lead agency to

conduct every test or perform all research, study, and experimentation recommended or demanded by commentors..." Rather, a Lead Agency "need only respond to significant environmental issues and do[es] not need to provide all information requested by reviewers, as long as a good faith effort at full disclosure is made in the EIR." (CEQA Guidelines Sections 15204(a)) Information provided in the responses to comments and in the revisions to the Draft EIR clarifies and amplifies the analysis presented in the Draft EIR. However, no significant new information was added that would trigger recirculation of the Draft EIR under CEQA. Specifically, there are no new significant environmental impacts, or a substantial increase in the severity of any impact, identified in the comments or responses. Furthermore, while a significant unavoidable impact was identified in the Draft EIR (criteria pollutants), the narrative explains the numerous policy mitigations that are already offered in the proposed General Plan to reduce the potential impact. The analysis could not identify additional, feasible mitigation measures beyond those already included in the proposed Project. Therefore, this Final EIR does not offer a mitigation monitoring program.

I.3 Draft EIR Public Review Process

The Draft EIR was published on November 19, 2010 with the State Clearinghouse, which subsequently distributed it to responsible state agencies. On the same day, notice of availability of the Draft EIR was posted on the city website (on the webpage for the General Plan Update) and in the office of the County Clerk of Contra Costa County, and was made available at the Planning Department offices. The 45-day review period ended on January 2, 2011, however comments received through January 12, 2011 were accepted. Five sets of comments were received: from the California Department of Transportation, California Geological Survey, Contra Costa Health Services – Environmental Health, the Chevron Environmental Management Company, and the Lytton Rancheria of California. These comment letters are included in Chapter 3, for the record.

I.4 Decision-Making Process

Prior to taking action on the proposed Project, the lead agency must certify the Final EIR. More specifically, the City of San Pablo must certify that:

- The Final EIR has been completed in compliance with the CEQA;
- The City reviewed and considered the information contained in the Final EIR prior to considering the proposed Project; and
- The Final EIR reflects the independent judgment and analysis of the City. (CEQA Guidelines Section 15090)
- Prior to taking action on the proposed Project, the lead agency must prepare one or more written findings of fact for each significant environmental impact identified in the document. These findings must either state that:
 - The proposed Project has been changed (including adoption of mitigation measures) to avoid or substantially reduce the magnitude of the impact;
 - Changes to the proposed Project are within another agency's jurisdiction and have been or should be adopted; or

- Specific considerations make mitigation measures or alternatives infeasible. (CEQA Guidelines Section 15091)
- For impacts identified in the EIR that cannot be reduced to a level that is less than significant, the City may issue a Statement of Overriding Considerations for approval of the Project if specific social, economic, or other factors justify the proposed Project's unavoidable adverse environmental effects. If the City decides to approve the proposed Project for which the Final EIR has been prepared, the City will issue a Notice of Determination.

1.5 Organization of the Final EIR

The remainder of this document is organized as follows:

CHAPTER 2

Chapter 2 provides a table of revisions to the Draft EIR by chapter and page, in the same order as the revisions would appear in the Draft EIR. Revision attachments appear at the end of Chapter 2, also in the order they would appear in the Draft EIR.

CHAPTER 3

Chapter 3 lists all agencies, organizations, and persons who submitted either written or oral comments on the Draft EIR; reproduces and numbers all comment letters, and provides a unique number for each EIR comment in the left-hand margin.

CHAPTER 4

Chapter 4 provides responses to comments, numbered and in order according to the comment letters in Chapter 3.

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2 Revisions to the Draft EIR

This section includes revisions to the Draft EIR. These revisions have been made in response to comments or based on review by the EIR preparers. The revisions appear here in the order they appear in the Draft EIR. Text additions are noted in underline and text deletions appear in ~~strikeout~~. Changes to the Plan or Draft EIR as reflected here do not alter the conclusions presented in the Draft EIR regarding significant environmental effects or mitigation measures and therefore do not trigger recirculation.

REVISIONS TO THE DRAFT EIR

| Chapter | Page | Table/Figure | Correction (Add, Modify, Remove, or Replace) |
|---------|--------|--------------|--|
| 2 | 2-3 | | <p>Add paragraphs to the end of the page, as follows: <u>Within the City of San Pablo and the Planning Area are tribal trust lands of the Lytton Rancheria of California. The title to tribal trust lands is held by the federal government in a trust status for the benefit of current and future generations of tribal members. Trust status means that the land falls under tribal government authority and is generally not subject to state laws. Trust status creates limitations on the use of the land and requires federal approval for most actions; for instance, tribes may convey, sell, or acquire new trust land only with the consent of the federal government. Tribal fee lands are owned privately rather than by the federal government and are subject to state and local regulation.</u></p> <p><u>For purposes of this EIR, lands known to be owned by the Lytton Rancheria of California are indicated on Figure 2.2-1, but are not otherwise distinguished in the analysis. To the extent that there are known potential environmental effects as a result of implementation of the proposed Project, they are disclosed in the EIR and the document does not make distinctions between impacts based on land ownership status.</u></p> |
| 3.7 | 3.7-15 | | <p>Modify first paragraph as follows: Geotechnical investigations conducted within Seismic Hazard Zones must incorporate standards specified by CGS Special Publication 117A (2008), Guidelines for Evaluating and Mitigating Seismic Hazards.</p> <p>Modify footnote 19 as follows: CGS, 1997 <u>2008</u>.</p> |
| 3.10 | 3.10-7 | | <p>Add new headers and paragraphs before header “Wildfire Hazards”, as follows:</p> <p><u>OTHER POTENTIAL HAZARDOUS MATERIALS SITES IN THE VICINITY</u></p> <p><u>Old Valley Pipeline</u></p> <p><u>According to the Chevron Environmental Management Company, a portion of the former Old Valley Pipeline (OVP) existed along the</u></p> |

west side of the Burlington Northern Santa Fe Railroad right-of-way. The pipeline right-of-way, therefore, is outside the Planning Area and there is an active railroad right-of-way between the pipeline right-of-way and the Planning Area. Nonetheless, a brief description of the site is included in this environmental setting for full disclosure.

The historic pipeline was constructed in the early 1900s and carried crude oil from the southern San Joaquin Valley to the Bay Area. The pipeline was originally installed at depths ranging from 18 inches to 10 feet below ground surface. The steel pipeline was typically encased in a protective coating composed of coal tar and asbestos containing felt material (ACM). Operations for the OVP ceased in the 1940s, at which time the pipeline was taken out of commission. The degree and method of decommission varied; in some instances the pipeline was removed, while in others it remains in place.

Evidence of historic releases associated with the former OVP pipeline is sometimes identified during the course of underground utility work and other subsurface construction activities near the former pipeline right-of-way. Residual weathered crude oil associated with former OVP operations can usually be observed visually; however, analytical testing is necessary to confirm the identity of the affected material. Analytical results from risk assessments performed by CEMC at numerous historical pipeline release sites confirm that soil affected by the historic release of crude oil from the pipeline is non-hazardous.

3.11 3.11-15

Modify bullet B.2 as follows: The Native American Heritage Commission was unable to identify a descendant or the descendant failed to make a recommendation within ~~24~~ **48** hours of being granted access to the site after being notified by the commission.

Bibliography 6-8

Modify entry as follows: CGS, *Special Publication 117A, Guidelines for Evaluating and Mitigating Seismic Hazards, 2008.* ~~1997.~~

In addition to the revisions above, the following table replacements are made.

Replace Table 4.3-1 on Page 4-16 with the following (minor adjustments to the Proposed General Plan acres, with the total remaining the same):

Table 4.3-1 Comparison of Land Use Buildout by Alternative

| <i>Land Use¹</i> | <i>Proposed GP</i> | <i>Alternative A</i> | <i>Alternative B</i> | <i>No Project</i> |
|-------------------------------------|--------------------|----------------------|----------------------|-------------------|
| Low Density Residential | 526.5 ² | 522.9 | 522.9 | 535.4 |
| Medium Density Residential | 170.5 | 204.7 | 204.7 | 200.3 |
| High Density Residential | 66.4 | 38.5 | 32.4 | 40.1 |
| <i>Residential Land Subtotal</i> | <i>763.4</i> | <i>766.1</i> | <i>760.0</i> | <i>775.8</i> |
| Commercial | - | 127.7 | 127.7 | 229.2 |
| Neighborhood Commercial | 41.1 | 32.1 | 2.5 | - |
| Regional Commercial | 58.3 | - | 26.3 | - |
| <i>Commercial Land Subtotal</i> | <i>99.4</i> | <i>159.7</i> | <i>156.5</i> | <i>229.2</i> |
| Mixed Use Center North | 2.7 | 1.6 | 2.7 | - |
| Mixed Use Center South | 16.1 | 15.6 | 21.3 | - |
| Commercial Mixed Use | 57.3 | 21.0 | 11.3 | - |
| Commercial Mixed Use - 23rd St | - | 9.5 | 9.5 | - |
| Residential Mixed Use | 13.9 | 5.5 | 9.3 | - |
| Entertainment District ³ | 22.1 | 1.2 | 10.1 | - |
| <i>Mixed Use Land Subtotal</i> | <i>112.1</i> | <i>54.3</i> | <i>64.3</i> | <i>-</i> |
| Industrial | - | 9.1 | 9.1 | 22.2 |
| Light Industrial | - | 20.3 | 20.3 | - |
| Industrial Mixed Use | 26.4 | - | - | - |
| <i>Industrial Land Subtotal</i> | <i>26.4</i> | <i>29.4</i> | <i>29.4</i> | <i>22.2</i> |
| Public/Institutional | 231.6 | 227.4 | 227.4 | 229.8 |
| Parks, Recreation and Open Space | 57.3 | 53.2 | 52.5 | 33.3 |
| Others Subtotal | 288.9 | 280.6 | 279.9 | 263.1 |
| Total⁴ | 1,290.2 | 1,290.2 | 1,290.2 | 1,290.2 |

¹ Some land uses exist in certain alternatives only.

² Does not include 85 acres of Low Density Residential land in the Rollingwoods neighborhood. Although the neighborhood is within the proposed General Plan Planning Area, it has not been annexed into San Pablo and hence it is not included in the calculations.

³ The Entertainment District land use exists as an overlay in the proposed General Plan, but as a stand alone land use in Alternative A and Alternative B.

⁴ Total does not include roads and other right-of-ways.

Source: City of San Pablo, 2010; Dyett & Bhatia, 2010.

Replace Table 4.3-6 on page 4-25 with the following (minor adjustments to police and square footage numbers; they do not change the conclusions of the analysis):

Table 4.3-6 Demand for Police Facilities at Buildout by Alternative

| <i>Alternative</i> | <i>New Residents</i> | <i>Additional Police Needed</i> | <i>Additional Square Footage Projected for Police Facilities (square feet)</i> |
|--------------------|----------------------|---------------------------------|--|
| Proposed Plan | 2,750 | 3 | 600 |
| Alternative A | 3,260 | 5 | 1,000 |
| Alternative B | 2,230 | 4 | 800 |
| No Project | 1,960 | 3 | 600 |

Source: Dyett & Bhatia, 2010.

Replace Table 4.3-10 on page 4-28 with the following (minor adjustments; they do not change the conclusions of the analysis):

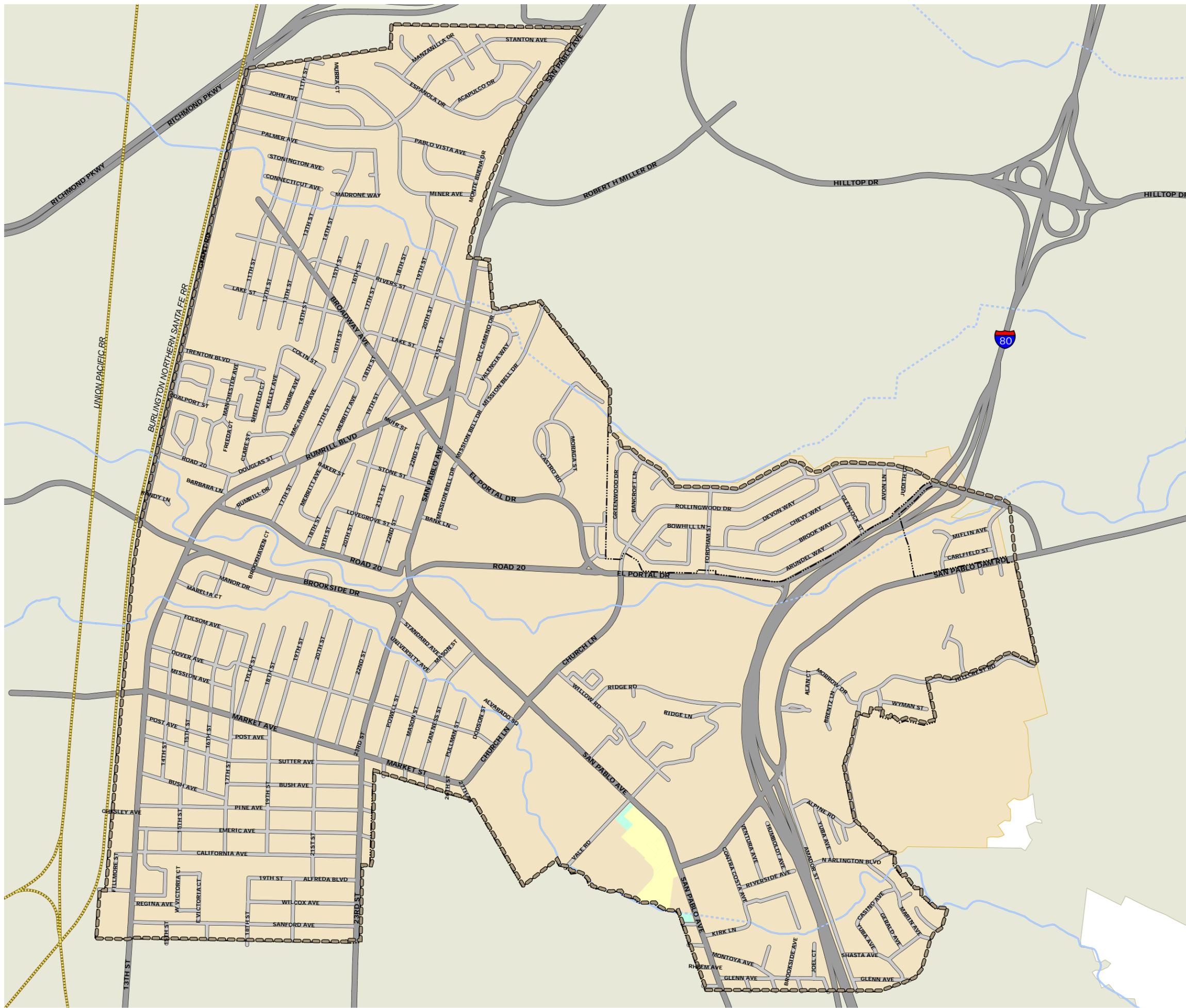
Table 4.3-10 Total Parkland at Buildout by Alternative

| <i>Alternative</i> | <i>Additional Residents</i> | <i>Additional Parkland (acres)</i> | <i>Park Ratio (acres per thousand residents)</i> | <i>Population at Buildout</i> | <i>Total Parkland (acres)</i> | <i>Overall Park Ratio (acres per thousand residents)</i> |
|--------------------|-----------------------------|------------------------------------|--|-------------------------------|-------------------------------|--|
| Proposed Plan | 2,750 | 24.4 | 8.9 | 34,950 | 46.4 | 1.3 |
| Alternative A | 3,260 | 20.3 | 6.2 | 35,460 | 42.4 | 1.2 |
| Alternative B | 2,230 | 19.6 | 8.8 | 34,430 | 41.7 | 1.2 |
| No Project | 1,960 | - | - | 34,160 | 22.0 | 0.6 |

Source; Dyett & Bhatia, 2010.

Replace Figure 2.2-1 with the figure on the following page, in order to illustrate tribal trust lands within the City of San Pablo.

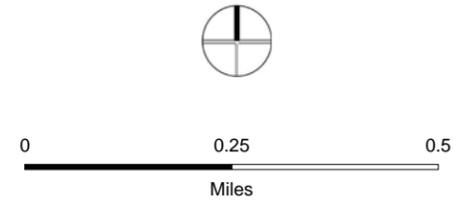
Figure 2.2-1
Planning Area Boundaries



-  Planning Area
-  City Limits
-  Sphere of Influence
-  Urban Limit Line

- Lytton Rancheria of California*
-  Tribal Trust (Reservation) Lands
 -  Tribal Fee Lands

-  Major Roads
-  Minor Roads
-  Railroads



SOURCE: Lytton Rancheria of California, 2011; Contra Costa County, 2010; City of San Pablo, 2010; Dyett & Bhatia, 2010.

3 Comments on the Draft EIR

This section contains copies of the comment letters received on the Draft EIR on the San Pablo 2030 General Plan. A total of five letters were received during the review period which extended from November 19, 2010 until January 14, 2011. Each comment letter is numbered, and each individual comment is lettered in the margin. Responses to each comment are provided in Chapter 4 of this document. Only comments on the Draft EIR are addressed in this Final EIR. Comments on the San Pablo 2030 General Plan are addressed separately by the City of San Pablo.

Where appropriate, the information and/or revisions suggested in these comment letters have been incorporated into the Final EIR. These revisions are included in Chapter 2 of this document.

Any documents incorporated herein by reference are available for viewing at the City of San Pablo Planning Department.

Comments Received on the San Pablo 2030 General Plan Draft EIR

| <i>Letter #</i> | <i>Date</i> | <i>Agency/Organization</i> | <i>Commenter</i> |
|-----------------|-------------------|---|---|
| 1 | December 23, 2010 | California Department of Transportation | Beck Frank, District Branch Chief, Federal Grants/Rail Coordination |
| 2 | December 28, 2010 | California Geological Survey | Charles Real, Supervising Engineering Geologist |
| 3 | January 5, 2011 | Contra Costa Health Services – Environmental Health | Joseph Doser, REHS, Supervising Environmental health Specialist |
| 4 | January 5, 2011 | Chevron Environmental Management Company | Lee Higgins |
| 5 | January 12, 2011 | Lytton Rancheria of California | Brenda Tomaras of Tomaras & Ogas, LLP |

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JERRY BROWN
GOVERNOR

STATE OF CALIFORNIA
GOVERNOR'S OFFICE *of* PLANNING AND RESEARCH
STATE CLEARINGHOUSE AND PLANNING UNIT



January 4, 2011

Tina Gallegos
City of San Pablo
13831 San Pablo Avenue
San Pablo, CA 94806

Subject: 2030 San Pablo General Plan
SCH#: 2008082069

Dear Tina Gallegos:

The State Clearinghouse submitted the above named Draft EIR to selected state agencies for review. On the enclosed Document Details Report please note that the Clearinghouse has listed the state agencies that reviewed your document. The review period closed on January 3, 2011, and the comments from the responding agency (ies) is (are) enclosed. If this comment package is not in order, please notify the State Clearinghouse immediately. Please refer to the project's ten-digit State Clearinghouse number in future correspondence so that we may respond promptly.

Please note that Section 21104(c) of the California Public Resources Code states that:

- "A responsible or other public agency shall only make substantive comments regarding those activities involved in a project which are within an area of expertise of the agency or which are required to be carried out or approved by the agency. Those comments shall be supported by specific documentation."

These comments are forwarded for use in preparing your final environmental document. Should you need more information or clarification of the enclosed comments, we recommend that you contact the commenting agency directly.

This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act. Please contact the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process.

Sincerely,

A handwritten signature in black ink that reads "Scott Morgan".

Scott Morgan
Director, State Clearinghouse

Enclosures
cc: Resources Agency

1400 10th Street P.O. Box 3044 Sacramento, California 95812-3044
(916) 445-0613 FAX (916) 323-3018 www.opr.ca.gov

**Document Details Report
State Clearinghouse Data Base**

SCH# 2008082069
Project Title 2030 San Pablo General Plan
Lead Agency San Pablo, City of

Type EIR Draft EIR
Description The purpose of the project is to update the City's existing General Plan to accommodate development through 2030. The Planning Area comprises a total of 1,790 acres (2.8 square miles) of both incorporated and unincorporated land bearing relation to the City's future growth. The proposed General Plan is intended to respond to the City's changing demographics and economic environment, land use demands, as well as State and federal laws. The EIR analyzed the potential consequences of adopting the proposed General Plan.

Lead Agency Contact

Name Tina Gallegos
Agency City of San Pablo
Phone (510) 215-3002 **Fax**
email
Address 13831 San Pablo Avenue
City San Pablo **State** CA **Zip** 94806

Project Location

County Contra Costa
City
Region
Lat / Long
Cross Streets
Parcel No.
Township **Range** **Section** **Base**

Proximity to:

Highways I-80
Airports
Railways
Waterways San Pablo Creek, Wildcat Creek, Rheem Creek
Schools West Contra Costa Unified
Land Use

Project Issues Aesthetic/Visual; Air Quality; Archaeologic-Historic; Biological Resources; Drainage/Absorption; Economics/Jobs; Flood Plain/Flooding; Forest Land/Fire Hazard; Geologic/Seismic; Noise; Population/Housing Balance; Public Services; Recreation/Parks; Schools/Universities; Septic System; Sewer Capacity; Soil Erosion/Compaction/Grading; Solid Waste; Toxic/Hazardous; Traffic/Circulation; Vegetation; Water Quality; Water Supply; Wetland/Riparian; Growth Inducing; Landuse; Cumulative Effects

Reviewing Agencies Department of Fish and Game, Region 3; Cal Fire; Office of Historic Preservation; Department of Parks and Recreation; Department of Water Resources; Office of Emergency Management Agency, California; California Highway Patrol; Caltrans, District 4; Department of Housing and Community Development; Resources Agency; Regional Water Quality Control Board, Region 2; Department of Toxic Substances Control; Native American Heritage Commission

Date Received 11/19/2010 **Start of Review** 11/19/2010 **End of Review** 01/03/2011

Note: Blanks in data fields result from insufficient information provided by lead agency.

DEPARTMENT OF TRANSPORTATION

111 GRAND AVENUE
P. O. BOX 23660
OAKLAND, CA 94623-0660
PHONE (510) 622-5491
FAX (510) 286-5559
TTY 711



*Flex your power!
Be energy efficient!*

COMMENT LETTER 1

December 23, 2010

CCGEN010
SCH#2008082069

Ms. Tina Gallegos
City of San Pablo
13831 San Pablo Ave. Building 3
San Pablo, CA 94806

Dear Ms. Gallegos:

City of San Pablo General Plan 2030—Draft Environmental Impact Report (DEIR)

Thank you for continuing to include the California Department of Transportation (Department) in the environmental review process for the City of San Pablo General Plan 2030. We have reviewed the DEIR and have the following comments to offer.

Forecasting

On Table 2.4-2, Population, Housing Units, Households and Jobs at Buildout, shows an increase of 990 housing units between 2010 and 2030. The additional housing units could significantly impact surrounding State facilities. Provide analysis for trip generation and traffic impacts once the specific housing locations and size are known.

1-A

Traffic Safety

Provide analysis for Interstate 80 McBryde Avenue west bound off ramp, which is adjacent to the city and should be included in Table 3.2-3 Study Intersections. Please include bicycle facilities improvements in Table 3.2-8 under Major Transportation Improvements.

1-B

1-C

Encroachment Permit

Any work or traffic control within the State Right of Way requires an encroachment permit that is issued by the Department. Traffic-related mitigation measures will be incorporated into the construction plans during the encroachment permit process. See the following website link for more information: <http://www.dot.ca.gov/hq/traffops/developserv/permits/>

1-D

To apply for an encroachment permit, submit a completed encroachment permit application, environmental documentation, and five (5) sets of plans which clearly indicate State ROW to the address at the top of this letterhead, marked ATTN: Michael Condie, Mail Stop #5E.

Ms. Gallegos/City of San Pablo
December 23, 2010
Page 2

Should you have any questions regarding this letter, please call me at (510) 622-5491.

Sincerely,



BECK FRANK
District Branch Chief
Federal Grants/ Rail Coordination

c: State Clearinghouse

"Caltrans improves mobility across California"

COMMENT LETTER 2

From: [Real, Chuck](#)
To: [Tina Gallegos](#)
Subject: RE: Draft EIR for General Plan
Date: Tuesday, December 28, 2010 12:33:40 PM
Attachments: [Real Charles R .vcf](#)

Dear Ms Gallegos,

At the California Geological Survey we review such documents for consistency with State law regarding geologic/seismic hazards, and the subject document generally addresses the topic well. Although we have zoned active faults in your community, we have not yet evaluated hazards defined under the Seismic Hazards Mapping Act as yet; however, the document does address these hazards with the appropriate available information. I

2-A

noticed that the document references an out-of-date version of CGS Special Publication 117 in regard to these secondary hazards (Ch 3.7-15). Here is a link to our latest version (2008), which has significant updates to the 1997 version:
<http://www.conservation.ca.gov/cgs/shzp/webdocs/Documents/sp117.pdf>. Note that the update is designated SP 117A. Because geotechnical practice for the evaluation and mitigation of seismic hazards is constantly evolving the latest version of this document should be referenced when updating the Safety Element of the General Plan, as there are important changes in the assessment and mitigation of liquefaction and landslide hazards.

Thank You for the opportunity to review this document,

Charles R. Real, GP 968
Supervising Engineering Geologist
California Geological Survey
801 K Street MS 12-31
Sacramento CA 94814-3531
(916) 323-8550
<mailto:creal@conservation.ca.gov>
<http://www.conservation.ca.gov/cgs>

<<Real Charles R .vcf>>

WILLIAM B. WALKER, M.D.
HEALTH SERVICES DIRECTOR
RANDALL L. SAWYER
INTERIM ENVIRONMENTAL HEALTH DIRECTOR



CONTRA COSTA
ENVIRONMENTAL HEALTH

2120 Diamond Blvd., Suite 200
Concord, California 94520
Ph (925) 692-2500
Fax (925) 692-2502
www.cocoeh.org

January 5, 2011

COMMENT LETTER 3

Tina Gallegos, Associate City Planner
City of San Pablo
Community Services Department
13811 San Pablo Ave.
San Pablo, CA 94806

RE: City of San Pablo Draft General Plan Update and Draft Environmental Impact Report

Dear Ms. Gallegos:

The Contra Costa Environmental Health Division (CCEHD) has received and reviewed the above-referenced documents. The following comments involve issues that would involve CCEHD if associated with this project:

1. A permit from CCEHD is required for any well or soil boring prior to commencing drilling activities, including those associated with environmental investigation and cleanup, and geotechnical investigation.
3-A
2. Any abandoned wells (water, environmental, or geotechnical) and septic tanks must be destroyed under permit from CCEHD. If the existence of such wells or septic tanks are known in advance or discovered during construction or other activities, these should be clearly marked, kept secure, and destroyed pursuant to CCEHD requirements.
3-B
3. A health permit is required for retail food facilities and public swimming pool/spas. Food facilities include restaurants, stores, bars, cafeterias, snack bars, kiosks at transit sites, and any business or operation that sells or gives food away to the public (including employees or students). Public swimming pools/spas include those found at health clubs, municipals pools, apartments, condominiums, and swim clubs; these facilities also include water parks, spray parks, and interactive water features.
3-C

Plans must be submitted to CCEHD and approved prior to the issuance of building permits for such facilities. Prior to the submission of plans, CCEHD staff is available to meet with prospective developers/operators to discuss the requirements for these facilities and the plan review process.

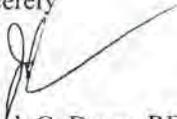


• Contra Costa Community Substance Abuse Services • Contra Costa Emergency Medical Services • Contra Costa Environmental Health • Contra Costa Health Plan •
• Contra Costa Hazardous Materials Programs • Contra Costa Mental Health • Contra Costa Public Health • Contra Costa Regional Medical Center • Contra Costa Health Centers •

4. Dumpster areas serving retail food facilities are required to have a drain to the sanitary sewer and provided with a hot/cold water supply. It is recommended that developers be informed of this requirement, since it is usually easier to plan for the installation of sewer and water in dumpster areas during initial construction rather than install these afterwards.
3-D
5. All retail food and swimming pool/spa facilities must have approved restrooms. This includes kiosks located at transit sites. It is recommended that developers be informed of this requirement, since it is usually easier to plan for the installation of restrooms during initial construction rather than install these afterwards.
3-E
6. Medical waste generators include hospitals, clinics, doctors' offices, veterinarians, and laboratories. These facilities must register with CCEHD and meet the requirements of the Medical Waste Management Act.
3-F
7. If the business generates waste tires, it must obtain a Tire Program Identification (TPID) number from CalRecycle and comply with the California Tire Recycling Act. CCEHD staff can provide the applicant with information regarding waste tire requirements.
3-G

These comments do not limit an applicant's obligation to comply with all applicable laws and regulations. If you should have any questions, please do not hesitate to call me at (925) 692-2535.

Sincerely



Joseph G. Doser, REHS
Supervising Environmental Health Specialist

cc: Christina Safholm, Environmental Health Specialist II

JGD:lj



Lee Higgins
Environmental Project
Manager

**Chevron Environmental
Management Company**
6111 Bollinger Canyon Road
BR1Y/3484
San Ramon, CA 94583
Tel (925) 543-2365
Fax (925) 543-2323
leehiggins@chevron.com

January 5, 2011

Stakeholder Correspondence – City of San Pablo

Ms. Tina Gallegos, AICP
Associate City Planner
City of San Pablo
13831 San Pablo Avenue
San Pablo, California 94806

COMMENT LETTER 4

Subject: Comments for the San Pablo General Plan 2030 Draft Environmental Impact Report
Chevron Environmental Management Company
Historical Pipeline Portfolio–Bakersfield to Richmond

Dear Ms. Gallegos:

4-A Chevron Environmental Management Company (CEMC) recently became aware of the San Pablo General Plan 2030 Draft Environmental Impact Report (EIR). The purpose of this letter is to notify the Planning Division as to the location of a formerly active crude-oil pipeline in San Pablo (Figure 1), and to provide background information about the former pipeline. The intent is that information regarding the location and construction of the former pipeline will be incorporated into the Final EIR and future project development and environmental plans.

A portion of the former Old Valley Pipeline (OVP) existed in San Pablo along the west side of the Burlington Northern Sante Fe Railroad right of way (ROW). The historic pipeline was constructed in the early 1900s and carried crude oil from the southern San Joaquin Valley to the Bay Area. Operations for the OVP ceased in the 1940s.

The pipeline was originally installed at depths ranging from 18 inches to 10 feet below ground surface. The steel pipeline was typically encased in a protective coating composed of coal tar and asbestos-containing felt material (ACM). When pipeline operations ceased, the pipeline was taken out of commission. The degree and method of decommission varied; in some instances the pipeline was removed, while in others it remains in place.

Evidence of historic releases associated with the former OVP pipeline is sometimes identified during the course of underground utility work and other subsurface construction activities near the former pipeline ROW. Residual weathered crude oil associated with former OVP operations can usually be observed visually; however, analytical testing is necessary to confirm the identity of the affected material. Analytical results from risk assessments performed by CEMC at numerous historical pipeline release sites confirm that soil affected by the historic release of crude oil from the pipeline is non-hazardous.

Figure 1 illustrates the location of the OVP ROW with respect to the City of San Pablo's General Plan Land Use designations.

Ms. Tina Gallegos, AICP – City of San Pablo
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CEMC recommends that the City of San Pablo or third-party project stakeholders be prepared to potentially address residual weathered crude oil, pipeline, and ACM from the former OVP during subsurface construction activities. This potentiality is easily managed with some advanced planning. CEMC would appreciate being informed of construction and land development projects in the vicinity of the former OVP ROW and any encountered petroleum, pipeline, and pipeline-related ACM.

In addition, to facilitate the identification of City of San Pablo development and infrastructure projects proposed for construction along the pipeline ROW, CEMC requests Geographic Information System (GIS) proposed land development planning data. At your request, CEMC will provide GIS data that illustrates the location of the former OVP in San Pablo.

For more information regarding this historic pipeline, please visit <http://www.hppinfo.com/>. If you have any questions, require additional information, or would like to request more detailed maps, please contact SAIC consultants Tom Burns (thomas.a.burns@saic.com) at (916) 979-3748 or Daniel Anzelon (daniel.b.anzelon@saic.com) at (858) 826-3316.

Sincerely,



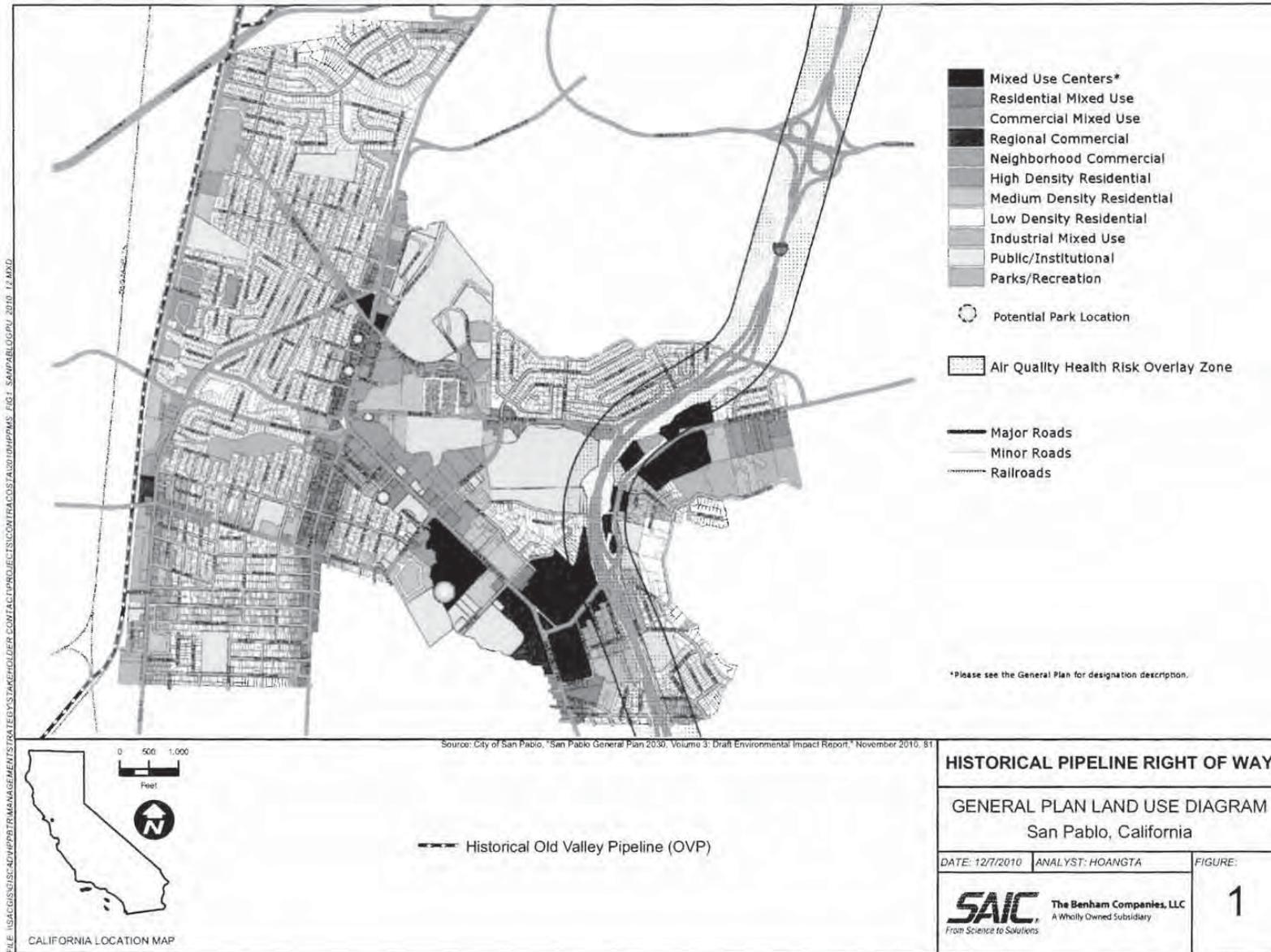
Lee Higgins

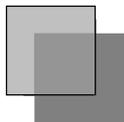
LPH/klg

Enclosure:

Figure 1. Historical Pipeline Right of Way – San Pablo General Plan Land Use Diagram

cc: Mr. Tom Burns – SAIC
3800 Watt Avenue, Suite 210, Sacramento, California 95821
Mr. Mike Hurd – SAIC (letter only)
1000 Broadway, Suite 675, Oakland, California 94607





TOMARAS & OGAS, LLP

10755-F SCRIPPS POWAY PARKWAY #281 • SAN DIEGO, CALIFORNIA 92131
TELEPHONE (858) 554-0550 • FACSIMILE (858) 777-5765 • WWW.MTOWLAW.COM

Kathryn A. Ogas
Brenda L. Tomaras

kogas@mtowlaw.com
btomaras@mtowlaw.com

January 12, 2011

COMMENT LETTER 5

Ms. Tina Gallegos, AICP
San Pablo City Hall
13831 San Pablo Avenue Building 3
San Pablo, CA 94806

SUBJECT: Comments on the Draft San Pablo General Plan and EIR

Dear Ms. Gallegos:

This comment letter is submitted on behalf of the Lytton Rancheria of California (hereinafter, “Lytton Rancheria” or “Tribe”), a federally recognized Indian tribe and sovereign government. The Lytton Rancheria is formally requesting, pursuant to Public Resources Code §21092.2, to be notified and involved in the entire CEQA environmental review process for the duration of the General Plan Update (the “Project”). The Tribe is pleased to have the opportunity to provide our comments on the San Pablo General Plan 2030 Draft Policies and related Draft EIR. The Tribe requests that all comments submitted by it or on its behalf be made part of the official record of approval for this Project and for SB 18 purposes.

As an active member of the community, a landowner, one of the City’s largest employers, and a contributor to the general fund, the Tribe understands the importance of the General Plan in framing the long range vision for the future of San Pablo and its people. In general, the Tribe is supportive of the plan objectives as identified by the General Plan Advisory Committee. The Tribe agrees that **Economic Development** should be a priority, and that the community should focus on quality of life objectives, including a Pedestrian and Bicycle-Friendly Community, development of Community Facilities, improvement of current Safety and Health services and establishment and protection of Parks and Open Space. The Tribe feels that its beneficial partnership with the City in its economic pursuits enables the City to more readily pursue these goals through the Tribe’s agreement with the City to pay a portion of the Tribe’s economic development revenues into the general fund.

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As such, for future planning efforts that may affect its operations in San Pablo the Tribe would respectfully request that it be contacted early in the planning process in order to provide its insights and perspective for consideration. This request also applies to the ongoing development of the San Pablo Avenue Specific Plan.

Reservation Property should be acknowledged and identified

5-A As a preliminary matter, the Tribe notes that neither the General Plan documents and maps, nor the Draft Environmental Impact Report acknowledge that there is a tribal reservation which is held in trust by the federal government within the boundaries of the City of San Pablo. Because the reservation land is tribal trust lands, it is not technically part of the Planning Area and the documentation and maps should accurately depict this. Nevertheless, the Lytton Rancheria maintains its commitment to work cooperatively with the City in the use and development of its properties – both trust and fee lands.

Consultation

5-B As a sovereign nation with lands within the boundaries of the City of San Pablo, the Lytton Rancheria holds a special status that requires government-to government consultation under general tribal consultation principles. It has been the intent of the Federal Government¹ and the State of California² that Indian tribes be consulted with regard to issues which impact tribal governmental concerns. The responsibility to consult with Indian tribes stems from the unique government-to-government relationship between the United States and Indian tribes. This arises when tribal interests are affected by the actions of governmental agencies and departments, such as approval of General Plans and EIRs. Therefore, in order to comply with CEQA and other applicable Federal and California law, it is imperative that the City consult with the Tribe in order to guarantee an adequate basis of knowledge for an appropriate evaluation of the Project effects, as well as generating adequate policies and mitigation measures. As such, the Tribe appreciates the City’s current effort to adequately consult with the Tribe and looks forward to continued consultation.

¹ See e.g., Executive Memorandum of April 29, 1994 on Government-to-Government Relations with Native American Tribal Governments, Executive Order of November 6, 2000 on Consultation and Coordination with Indian Tribal Governments, Executive Memorandum of September 23, 2004 on Government-to-Government Relationships with Tribal Governments, and Executive Memorandum of November 5, 2009 on Tribal Consultation.

² See e.g., California Public Resource Code §5097.9 et seq.; California Government Code §§ 65351, 65352.3 and 65352.4.

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Comments on San Pablo General Plan 2030 Draft General Plan Policies dated November 2010

Provided below are specific comments on the policy document and Draft EIR with a focus on those elements that are relevant to the ongoing operation of the existing San Pablo Lytton Casino and to the Tribe's interests as a whole.

5-C **Page 2-12- Hotel and Gaming:** The Tribe appreciates both the recognition by the City that the Casino is an important economic engine in the community, and that the City is interested in building on the Casino's presence to develop an entertainment destination to help attract additional visitors from outside the immediate region. The Tribe requests that it be involved in any such planning and development contemplated by the City.

Specifically the Plan states, "*San Pablo could plan for and encourage the growth of the hospitality and gaming industry to complement existing entertainment activities occurring in and around the Casino.*" The Tribe would request replacing the word "could" with "should" in the above sentence.

5-D **Page 2-22- Guiding Policy ED-G-7:** The Tribe supports all efforts to market and "*Promote a positive image of San Pablo as a desirable place to shop, live, or do business.*" Because the City offers various entertainment and recreation options such as the Casino, the Tribe would suggest adding the word "recreate" to the guiding policy: "*Promote a positive image of San Pablo as a desirable place to shop, live, recreate, or do business.*"

5-E **Page 2-23- Implementing Policies ED-I-17 through ED-I-20:** The Tribe supports the concept of developing economic development strategies that will benefit both the Casino and other businesses in the community. The Tribe will work closely with the City to help implement the policies noted above to draw additional visitors to the City, help establish San Pablo as a regional destination for shopping and entertainment and promote activities associated with the Casino in a broad range of media.

5-F **Page 2-24- Guiding Policy ED-G-8 and related Implementing Policies ED-I-21 through 26:** The Tribe appreciates our ongoing positive relationship with the City and supports all efforts to assist local businesses.

5-G **Page 2-26- Guiding Policy ED-G-10 and related Implementing Policies ED I-29 and 30:** The Tribe supports all efforts to promote a safe, clean and attractive environment in the community.

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- 5-H **Page 3-10- Mixed Use Center South:** The Tribe supports the designation of the former Circle S site for mixed use development. The Tribe believes this is an appropriate site for mixed use development and that the use and intent is consistent with and supportive of the entertainment district overlay and any implementing elements of the Draft San Pablo Avenue Specific Plan which may be developed.³
- 5-I **Page 3-14- Entertainment District Overlay:** The Tribe supports the implementation of the entertainment district overlay as a tool to allow for intensification of an underlying commercial or mixed use designation. The Tribe feels that the synergy that can be achieved by enhancing and upgrading uses in the vicinity of the Casino will bring positive economic and quality of life benefits to the community.
- 5-J **Page 3-24- Regional Retail:** The Tribe supports the designation and development of regional retail centers near the intersection of San Pablo Avenue and San Pablo Dam Road to “*create a vibrant entertainment and retail destination within walking distance of the Casino.*” The Tribe feels it is important to emphasize traffic and circulation improvements to ensure that new development is served adequately without impacting surrounding uses.
- 5-K **Page 3-25- Guiding Policies LU-G-7and 8 and Implementing Policies LU-I-25 through 27:** The Tribe supports the retention and enhancement of existing uses in the City and the implementation of high quality design standards in new commercial, industrial and entertainment development.
- 5-L **Page 3-28- Special Planning Subarea- San Pablo Avenue- and related Guiding and Implementing Policies:** San Pablo Avenue is a critical corridor within the City and deserves special recognition and focus in the General Plan. The Tribe supports the City noting that “*The development envisioned on the southern stretch is an entertainment/regional serving district that would promote a variety of local and regional serving uses, including retail and recreation for all age groups, while continuing to offer and encourage the goods and services that are currently in place, such as medical uses.*” The Tribe would suggest the inclusion of the Casino at the end of the quoted sentence given our role as the entertainment anchor in the City.
- 5-M **Page 4-9- Guiding Policies GME-G-2 thru 3 and Implementing Policies GME I-3 through 7:** In light of our Municipal Services Agreement with the City of San Pablo and the Redevelopment Agency of San Pablo, the Tribe supports policies aimed at ensuring adequate infrastructure and facilities are in place to meet future demands and that new development pay its fair share of needed transportation improvements.

³ The Tribe has responded to the NOP for the San Pablo Avenue Specific Plan and has requested that the City involve the Tribe in the planning process.

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- 5-N **Page 4-12 Guiding Policy GME-G-7 and Implementing Policies GME I-8 through 17:** The Tribe encourages the City to continue to be an active participant in regional transportation planning efforts.
- 5-O **Page 5-4- and 5-7 and Figure 5-1- Mixed Use Boulevard designation and Pedestrian Priority Zone:** The Tribe agrees with the designation of San Pablo Avenue as a Mixed Use Boulevard in the Draft General Plan policy document. This designation is consistent with future plans for the Entertainment District Overlay and Mixed Use designation for the former Circle S property to the northwest of the Casino and, if implemented, would enhance the function of the corridor for all modes of travel while also improving the overall visual quality of the corridor. The Tribe also agrees with the designation of the area surrounding the intersection of San Pablo Dam Road and San Pablo Avenue as a Pedestrian Priority Zone.
- 5-P **Page 5-8 and 5-9 Planned Improvements to Accommodate Build-out:** The Tribe supports completion of Planned Improvement 4, I-80/ San Pablo Dam Road Interchange Reconstruction. For Planned Improvement 12, Wildcat Creek Trail: 23rd Street to eastern San Pablo City limit the Tribe would request that the Tribe be included in any alignment planning given the narrow space available between the edge of the existing Casino structure and the Creek.
- 5-Q **Page 5-25 Measurement Standards- C-I-8 and 9:** The Tribe supports the inclusion of this standard (C-I-8) as it reflects current conditions. The Tribe remains committed to working closely with the City to ensure adequate circulation in the vicinity of the Casino following completion of the improvements at the I-80 ramp.
- 5-R **Page 6-19- Public Utilities:** The Tribe recognizes that, except for storm drain infrastructure, all other utilities are administered by independent agencies. As users of public utilities through the Tribe's Municipal Services Agreement with the City and the Redevelopment Agency, the Tribe encourages the City to continue to focus on cooperative planning efforts with these agencies to ensure the future provision of services adequate to serve existing and future users.
- 5-S **Page 7-17- Guiding Policies OSC-G-4 and 5 and Implementing Policies OSC-I-10 through 12:** The Tribe is committed to the preservation and enhancement of natural resource features in the community. Given the proximity of Wildcat Creek to the existing Casino, future activities undertaken to enhance the Casino or the Tribe's other properties may interact with Policy OSC-1-10. For future improvements in proximity to the Creek the Tribe would work closely with the City to ensure that the intent of this policy is met while recognizing site constraints and tribal sovereignty.

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- 5-T **Page 7-29- Guiding Policy OSC-G-6:** The Tribe supports the identification and preservation of cultural resources within the City of San Pablo.
- 5-U **Page 9-27 Guiding Policies SN-G-6:** The Tribe supports the development of a comprehensive approach to the provision of police and emergency services. The Tribe also supports efficient and coordinated response to emergencies and natural disasters and will continue to work with the City to ensure that the Tribe is fully prepared to respond to any future needs.

San Pablo General Plan 2030 Draft Environmental Impact Report (EIR) SCH No. 2008082069, November 2010

The Tribe recognizes that the Draft EIR is a program EIR that evaluates the General Plan as a whole and identifies broad, regional effects that may occur with implementation. It is further recognized that the program EIR does not assess site-specific impacts and that future projects may be subject to individual environmental review. Our review focused on specific policies and mitigation measures that may impact operation of the Casino and other tribal interests. The majority of our comments on the policy document above are also applicable to the Draft EIR as the document relies on implementation of policies contained in that document to mitigate a wide range of potential impacts. Our specific comments are noted below.

- 5-V **Page E-5- Executive Summary- Areas of Controversy – Traffic Generation:** The Tribe recognizes that with build out of the General Plan, the intersection of San Pablo Avenue and San Pablo Dam Road will operate at an unacceptable level of service. The Tribe also recognizes the physical constraints for increasing road capacity at this intersection. Therefore, the Tribe supports the adoption of policies proposed specifically to reduce the traffic congestion at this intersection and additional policies intended to mitigate traffic impacts throughout the Planning Area. The designation of San Pablo Avenue as a Mixed Use Boulevard and implementation of elements of the Draft San Pablo Avenue Specific Plan, once developed, should improve the overall function of the corridor and provide enhanced pedestrian, transit and bicycle access.
- 5-W **Page E-6- Impacts Summary and Environmentally Superior Alternative:** The Tribe supports selection of the proposed General Plan as the preferred alternative recognizing the proposed General Plan has doubled the acreage designated for mixed use and better supports the City's long term economic development needs than the other alternatives considered.
- 5-X **Page 2-9 Chapter Two: Project Description- Regional Oriented Retail-Entertainment District:** As noted earlier in our comments, the City has identified the area adjacent to the Casino for development of a Retail-Entertainment District. Specifically, the Plan calls for redevelopment of the existing FoodMaxx site, San Pablo Towne Center site, and Big Lots site

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into a new entertainment/retail district. The new district would be designed to provide better visual and circulation linkages with the existing Lytton San Pablo Casino and would be developed with a mix of higher intensity retail and entertainment uses intended to establish San Pablo as the region's entertainment destination. The Tribe supports this designation and looks forward to providing input to the City as the plans evolve.

5-Y **Page 3.11-15 Cultural Resources:** As a clarification, the process for the discovery of human remains does not appear to have taken into account some recent updates in Public Resources Code Section 5097.98. Specifically, the most likely descendent has forty-eight hours in which to inspect the site and make recommendations once given access to the site:

(a) Whenever the commission receives notification of a discovery of Native American human remains from a county coroner pursuant to subdivision (c) of Section 7050.5 of the Health and Safety Code, it shall immediately notify those persons it believes to be most likely descended from the deceased Native American. The descendants may, with the permission of the owner of the land, or his or her authorized representative, inspect the site of the discovery of the Native American human remains and may recommend to the owner or the person responsible for the excavation work means for treatment or disposition, with appropriate dignity, of the human remains and any associated grave goods. The descendants shall complete their inspection and make recommendations or preferences for treatment within 48 hours of being granted access to the site.

(b) Upon the discovery of Native American remains, the landowner shall ensure that the immediate vicinity, according to generally accepted cultural or archaeological standards or practices, where the Native American human remains are located, is not damaged or disturbed by further development activity until the landowner has discussed and conferred, as prescribed in this section, with the most likely descendants regarding their recommendations, if applicable, taking into account the possibility of multiple human remains. The landowner shall discuss and confer with the descendants all reasonable options regarding the descendants' preferences for treatment. (Public Resources Code Section 5097.98)

Therefore, the Tribe would request that the documents be revised to reflect the correct procedures.

Ms. Tina Gallegos

Lytton Rancheria Comments on San Pablo GP Update and DEIR

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- 5-Z **Page 3.11-16 Cultural Resources:** The Tribe appreciates the recognition by the City that adequate up front review and investigation of properties for their potential to contain cultural resources is a crucial component of strong policies and goals for the protection of such resources. Early investigation is crucial to early detection of possible resources on a piece of property anticipated for development, which in turn allows all parties to make informed decisions at early stages of planning and development. Such early decision making typically results in greater protections and preservation of resources. The Tribe therefore supports and encourages implementation of policies which require early and adequate investigation of the potential for development properties to contain cultural resources.

General Comment: Given the relatively limited growth anticipated with Plan build-out (990 residential units and an annual population growth of 0.4 percent over the 20 year plan horizon), overall impacts to infrastructure and provision of services associated with plan implementation are modest within the regional context. The policies being considered as part of the Draft General Plan Policy document, if fully implemented, would be expected to result in a more vibrant and liveable community with improved economic development opportunities.

Please let me know if you have any questions about the information provided. I may be reached by telephone at (858) 554-0550 or by email at BTomas@mtowlaw.com.

Sincerely,

Tomaras & Ogas, LLP

Brenda Tomaras

Attorneys for the Lytton Rancheria of California

4 Responses to Comments on the Draft EIR

This chapter includes responses to each comment, and in the same order, as the comments are presented in Chapter 3. The responses are marked with the same number letter combination as the comment to which they refer, as shown in the margin of the comment letters. In accordance with CEQA Guidelines Section 15088(b), City staff transmitted responses to written comments submitted by agencies for their information prior to City Council's review and certification of the Final EIR.

4.1 Letter I: Caltrans

- 1-A: This comment regards traffic impacts of specific housing projects subsequent to the General Plan. As explained in the EIR on page 1 of the Introduction, "as a program EIR, the preparation of this document does not relieve the sponsors of specific projects from the responsibility of complying with the requirements of CEQA... the lead agency responsible for reviewing these projects shall determine the level of review needed, and the scope of that analysis will depend on the specifics of the particular project." This EIR presents a programmatic traffic analysis that represents the lead agency's good faith effort to understand citywide transportation issues in the future. For specific future housing projects, CEQA will require further consideration of the potential for project-specific transportation impacts. No changes or additions to this EIR are deemed necessary in response to this comment.
- 1-B: This comment regards additional analysis for the Interstate-80 McBryde Avenue west-bound off-ramp. The lead agency is responsible for conducting a reasonable investigation of the potential environmental effects of the proposed Project, and in the case of transportation, the analysis already includes five other adjacent I-80 ramp intersections. This intersection was not included in the traffic analysis primarily because it falls outside the Planning Area as defined in the General Plan and Draft EIR (only one studied ramp intersection falls outside the Planning Area, and it was included because it is a "partner" ramp of two others that fall within the Planning Area). Secondly, according to the list of major improvements in the Contra Costa County Transportation Authority's Countywide Comprehensive Transportation Plan (reflected in Table 3.2-8 of the EIR), this particular ramp is scheduled to be removed in the medium-term, with McBryde-bound traffic channeled to the San Pablo Dam road exit. Therefore, modeling of build-out conditions at this ramp interchange would be unrealistic.

The EIR already analyzes freeway delay on the entire north and south-bound stretches of I-80 between the Alameda County line and the Carquinez Bridge, and the intersection analysis already identifies a potentially significant cumulative impact related to multimodal transportation service objectives (MTSOs) because of the uncertainty surrounding level of service at the intersection of San Pablo Avenue and San Pablo Dam Road. This uncertainty, and therefore significance, is in large part due to the effects of the I-80 San Pablo Dam Road Interchange Project itself, the one that will remove the McBryde exit and channel traffic to the San Pablo Dam Road exit. Therefore, it is the

position of the lead agency that inclusion of the McBryde ramp interchange will not help to uncover new, substantively different or more severe environmental effects than those already documented in the existing analysis, and therefore the addition of this intersection to the analysis is unnecessary. No changes or additions to this EIR are deemed necessary in response to this comment.

- 1-C: This comment regards the classification of bicycle facility improvements. As explained in the response to comment 1-B above, Table 3.2-8 of the EIR represents area improvements already “on the books” in the Contra Costa County Transportation Authority’s Countywide Comprehensive Transportation Plan. These projects are mapped on Figure 3.2-6, and they do include a couple of bicycle projects. In comparison, the proposed bicycle system illustrated on Figure 3.2-5 includes existing and proposed facilities, many of which are not yet included in the countywide plan. The City of San Pablo recognizes that bicycle system improvements must be properly planned and accounted for in order to be realized, and through General Plan policy C-I-18, the City will take the first major step of preparing a Bicycle Master Plan that would thoroughly program these improvements, including maintenance requirements and safety standards. This plan would then feed into the countywide plan and later capital improvements programs. For the purposes of this analysis, the contents of Table 3.2-8 are correct. No changes or additions to this EIR are deemed necessary in response to this comment.
- 1-D: This comment regards permits for encroachment on the State right-of-way. The City of San Pablo recognizes its duty to conform to existing legal requirements pertaining to State traffic ways. The City will continue to abide by these requirements in the future, whether in the context of transportation improvements or other development activity. No changes or additions to this EIR are deemed necessary in response to this comment.

4.2 Letter 2: California Geological Survey

- 2-A: This comment provides notice of a newer version of CGS Special Publication 117. In response, Chapter 3.7 Geology and Seismicity page 3.7-15 of the EIR, and the associated bibliographical reference, are revised to reflect this latest version. The revisions to these pages are documented in Chapter 2 of this Final EIR.

4.3 Letter 3: Contra Costa Health Services

- 3-A through 3-G: These comments pertain to potential issues involving the Contra Costa Environmental Health Division. It is the lead agency’s understanding that none of the requirements specified in this letter are plan-level requirements (regulations pertaining to well or soil boring activities, abandoned wells or septic tanks, food facilities or spas, dumpsters, medical waste centers, or new businesses generating waste tires). As none of these activities are specifically proposed or implemented through the proposed Project, no changes or additions to this EIR are deemed necessary in response to these comments.

4.4 Letter 4: Chevron Environmental Management Co

4-A: This comment informs the City about the location and characteristics of the Old Valley Pipeline (OVP), a formerly-active crude-oil pipeline that runs along the western side of the Burlington Northern Santa Fe Railroad right-of-way. This alignment is neither within the city limits of the City of San Pablo nor within the Planning Area for purposes of the General Plan or DEIR (Please see figures 2.2-1 and 3.10-1 for reference). Nonetheless, the City appreciates the information about this potential hazardous material site due to its proximity to the Planning Area. In response to this comment, Chapter 3.10 Hazardous Materials and Wildfire Hazards page 3.10-7 of the EIR is revised to include a short description of the OVP and its historic location. The revision is documented in Chapter 2 of this Final EIR.

4.5 Letter 5: Lytton Rancheria of California

5-A: This comment regards tribal trust lands. In response to this comment, Chapter 2 Projection Description page 2-3 is revised to include reference to and definition of tribal trust lands. The revision is documented in Chapter 2 of this Final EIR.

5-B: This comment regards tribal consultation. No changes or additions to this EIR are deemed necessary in response to this comment.

5-C through 5-U: These comments concern the substance of the San Pablo General Plan, rather than the Draft EIR which provides environmental review of that plan. Upon review of each of the comments in this section, the lead agency has determined that the comments either a) do not suggest any changes or revisions, or b) suggest changes or revisions to a part of the General Plan that is not referenced or pertinent to the environmental review (e.g. economic development policies). While these comments are greatly appreciated, the City of San Pablo will respond to comments on the General Plan separately from the proceedings of the EIR. No changes or additions to this EIR are deemed necessary in response to these comments.

5-V: This comment regards traffic generation. No changes or additions to this EIR are deemed necessary in response to this comment.

5-W: This comment regards agreement with the selection of the environmentally superior alternative. No changes or additions to this EIR are deemed necessary in response to this comment.

5-X: This comment regards the project description. No changes or additions to this EIR are deemed necessary in response to this comment.

5-Y: This comment regards discovery of human remains, and specifically the clarification that the most likely descendant has 48 hours, and not 24, to inspect the site and make recommendations for treatment. In response to this comment, Chapter 3.11 Cultural

Resources page 3.11-15 is revised to reflect this recent update to Public Resources Code Section 5097.98. The revision is documented in Chapter 2 of this Final EIR.

- 5-Z: This comment regards “up front” review and investigation of properties for their potential to contain cultural resources. No changes or additions to this EIR are deemed necessary in response to this comment.