

San Pablo Avenue

Specific Plan



Final Environmental Impact Report

SCH#: 2010112062

JUNE 2011

San Pablo Avenue

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SCH#: 2010112062

JUNE 2011



CITY OF SAN PABLO

City of New Directions

PREPARED BY

DYETT & BHATIA

Urban and Regional Planners

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I Introduction

This Final Program Environmental Impact Report (EIR) has been prepared by the City of San Pablo (City) in accordance with the California Environmental Quality Act (CEQA). The City is the lead agency responsible for ensuring that the proposed San Pablo Avenue Specific Plan complies with CEQA. The Final EIR consists of the Draft EIR (State Clearinghouse No. 2010112062), and responses to comments received on the Draft EIR during the 45-day public review period, and minor changes to Specific Plan policies in response to comments and to ensure consistency with the City's General Plan Update, which was adopted on April 18, 2011. 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 Planning Division, 13831 San Pablo Avenue, Building 3, San Pablo, CA 94806, and online on the City of San Pablo website at <http://www.ci.san-pablo.ca.us/DocumentView.aspx?DID=562>.

A Notice of Preparation for the EIR was published in May 2010 and recirculated on November 19, 2010, and a public scoping meeting was held June 1, 2010. The review period for the Draft EIR was from April 19, 2011 through June 2, 2011.

PURPOSE

This EIR is intended to disclose to City decision makers, responsible agencies, organizations, and the general public the potential impacts of implementing the proposed Plan. This program level analysis addresses potential impacts of activities associated with approval and implementation of the Plan, which is described in Chapter 2: Project Description, of the Draft EIR.

ORGANIZATION

This document contains the following components:

- Chapter 2 lists all of the agencies and individuals that submitted either written or oral comments on the Draft EIR; reproduces all comments and provides a unique number for each EIR comment in the page margin.
- Chapter 3 provides responses to comments, numbered, and in order according to the comments in Chapter 2.
- Chapter 4 lists revisions to the Draft EIR by chapter and page, in the same order as the revisions would appear in the Draft EIR.
- Appendix A lists revisions to the Draft Specific Plan.

PROCESS

Upon publication of the Final EIR, the Planning Commission and City Council will hold public hearings to certify the EIR and to consider adoption of the proposed Plan. The Commission and Council will determine the adequacy of the Final EIR, and, if determined adequate, will make findings and certify the document as compliant with CEQA.

*San Pablo Avenue Specific Plan
Final Environmental Impact Report*

Copies of the Final EIR have been provided to agencies and other parties that commented on the Draft EIR or have requested the Final EIR. The Final EIR is also available at the City of City of San Pablo Planning Division, 13831 San Pablo Avenue, Building 3 in San Pablo.

2 Comments on the Draft EIR

This chapter contains copies of the comment letters received on the Draft EIR of the proposed Plan. A total of four comment letters were received during the 45-day comment period. Each comment letter is numbered, and each individual comment is assigned a number in the page margin. Responses to each comment are provided in Chapter 3 of this document. Please note that only comments on the Draft EIR are addressed in this Final EIR. 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 4 of this document.

Comments Received on the proposed Plan

<i>Comment #</i>	<i>Date</i>	<i>Agency/Organization</i>	<i>Commenter</i>
<i>Agencies (Federal, State Regional, Local) (A)</i>			
A1	April 26, 2011	Department of Toxic Substances Control	Daniel Murphy
A2	May 31, 2011	Department of Transportation	Lisa Carboni
A3	May 2, 2011	East Bay Municipal Utility District	William Kirkpatrick
<i>Organizations/Individuals (B)</i>			
B1	January 12, 2011	Lytton Rancheria of California	Brenda Tomaras



Linda S. Adams
Acting Secretary for
Environmental Protection



Department of Toxic Substances Control

Leonard E. Robinson
Acting Director
700 Heinz Avenue
Berkeley, California 94710-2721



Edmund G. Brown Jr.
Governor

April 26, 2011

Ms. Tina Gallegos
Planing Division
City of San Pablo
13831 San Pablo Avenue, Building 3
San Pablo, California 94806

SAN PABLO AVENUE SPECIFIC PLAN DRAFT ENVIRONMENTAL IMPACT REPORT
SCH# 2010112062

Dear Ms. Gallegos:

Thank you for the opportunity to comment on the Draft Environmental Impact Report (DEIR) for the San Pablo Avenue Specific Plan.

The Department of Toxic Substances Control (DTSC) is a state agency responsible for overseeing and regulating cleanup of hazardous substances release site investigation and cleanup in California.

In reviewing the DEIR, we note identified General Plan Policies and Specific Plan Policies intended to reduce or mitigate impacts associated with development on or near hazardous substance release sites. Three such policies are identified as SN-I-20, 8-I-7 and 8-I-9.

SN-I-20 will require that applicants for development in potentially contaminated locations to perform inspection and cleanup. It will further require that remediation and cleanup be in compliance with Federal and State standards.

8-I-7 will require that contaminated sites in the Specific Planning area be remediated and cleaned up to levels required for proposed new land use. It will further require that remediation and cleanup be in compliance with Federal and State standards.

We respectfully wish to advise the City and future project proponents that the arbiters of compliance with Federal and State standards are Federal and State agencies, such as DTSC, and that appropriate agencies must be consulted to determine compliance.

A1-1

Tina Gallegos
April 26, 2011
Page 2

A1-2

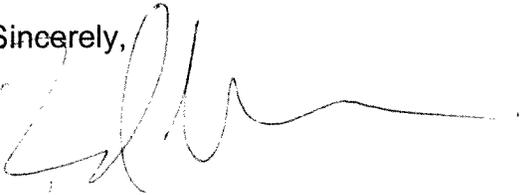
8-I-9 will require that project proponents provide evidence to the city of consultation with BAAQMD and the RWQCB in making refinements to project designs to reduce applicable hazardous materials and/or toxic air contamination risk.

We respectfully wish to advise the city and future project proponents that while the RWQCB and BAAQMD have jurisdiction over specific aspects of contamination which may impact specific media, those agencies are not exclusive regulators. Other agencies, such as DTSC, may also assert jurisdiction of release site investigation and remediation.

To the extent that these comments affect either of the Plans or the DEIR, we recommend that you make changes to reflect the wider regulatory involvement possible in the plan area.

If you have any questions, please call me at (510) 540-3772 or email at Dmurphy1@dtsc.ca.gov.

Sincerely,



Daniel Murphy, P.E., Chief
Contra Costa / Solano Unit
Department of Toxic Substances Control – Berkeley Office

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!*

May 31, 2011

CC080028
SCH #2010112062

Ms. Tina Gallegos
City of San Pablo
Planning Division
13831 San Pablo Avenue, Bldg. 3
San Pablo, CA 94806

Dear Ms. Gallegos:

San Pablo Avenue Specific Plan Project – Draft Environmental Impact Report (DEIR)

A2-1 Thank you for continuing to include the California Department of Transportation (Department) in the environmental review process for the San Pablo Avenue Specific Plan Project. The following comments are based on the DEIR. As the lead agency, the City of San Pablo is responsible for all project mitigation, including any needed improvements to State highways. The project's fair share contribution, financing, scheduling, implementation responsibilities and lead agency monitoring should be fully discussed for all proposed mitigation measures. This information should also be presented in the Mitigation Monitoring and Reporting Plan of the environmental document. Required roadway improvements should be completed prior to issuance of the Certificate of Occupancy. Since an encroachment permit is required for work in the State right of way (ROW), and the Department will not issue a permit until our concerns are adequately addressed, we strongly recommend that the City of San Pablo work with both the applicant and the Department to ensure that our concerns are resolved during the California Environmental Quality Act (CEQA) process, and in any case prior to submittal of a permit application. Further comments will be provided during the encroachment permit process; see the end of this letter for more information regarding encroachment permits.

Project Management

- A2-2
- Please clarify whether the Specific Plan includes a reduction in the number of lanes on San Pablo Avenue. If the number of lanes will be reduced, then please address potential impacts the project may have on the Interstate 80 (I-80) incident response plan, which will be implemented once the I-80 Integrated Corridor Mobility Project is completed.

A2-3

- On page E-8, the report references Caltrans providing ramp widening over the planning horizon for this Specific Plan. The Department is not clear which ramps are being proposed to be widened. Please clarify.

A2-4

- With regard to the proposed General Plan Policy C-1-8 on page E-10, mitigation measures need to be in place prior to project completion.

Cultural Resources

A2-5

The Cultural Resources studies and mitigation measures in the Cultural Resources Section of the DEIR satisfies environmental legal compliance for cultural resources within the State ROW for Caltrans. Should construction activities within the State ROW take place as part of this project, these mitigation measures shall be implemented for an archaeological discovery. If there should be an inadvertent archaeological or burial discovery within the State ROW, the Caltrans Office of Cultural Resource Studies shall be immediately contacted at (510) 286-5618. A staff archaeologist will evaluate the finds within one business day after contact. The Department requires review of any potential data recovery plans within the State ROW.

Forecasting

A2-6

In Appendix B, Citywide Transportation Modeling Figures and Results, the Department notes Intersection 23, I-80 eastbound ramps/ San Pablo Dam Road, demonstrates 2448 Vehicles per hour (vph) per northbound per through and left-turn under Existing Conditions, but it depicts 263 vph per northbound per through and left-turn under Cumulative Conditions. Please explain the decrease in traffic volume.

Encroachment Permit

A2-7

Please be advised that any work or traffic control that encroaches onto the State ROW requires an encroachment permit that is issued by the Department. To apply, a completed encroachment permit application, environmental documentation, and five (5) sets of plans clearly indicating State ROW must be submitted to the address below. Traffic-related mitigation measures should be incorporated into the construction plans during the encroachment permit process. See the website link below for more information. <http://www.dot.ca.gov/hq/traffops/developserv/permits/>

Michael Condie, District Office Chief
Office of Permits
California DOT, District 4
P.O. Box 23660
Oakland, CA 94623-0660

Ms. Tina Gallegos/ City of San Pablo
May 31, 2011
Page 3

Please feel free to call or email Luis Melendez of my staff at (510) 286-5606 or Luis_Melendez@dot.ca.gov with any questions regarding this letter.

Sincerely,

A handwritten signature in cursive script that reads "Lisa Carboni for".

LISA CARBONI
District Branch Chief
Local Development – Intergovernmental Review

c: State Clearinghouse

May 2, 2011

Tina Gallegos, Associate Planner
City of San Pablo
13831 San Pablo Avenue, Building 3
San Pablo, CA 94806

Re: Draft Environmental Impact Report for San Pablo Avenue Specific Plan,
San Pablo

Dear Ms. Gallegos:

see
attached
letter

East Bay Municipal Utility District (EBMUD) appreciates the opportunity to comment on the Draft Environmental Impact Report for the San Pablo Avenue Specific Plan located in the City of San Pablo (City). EBMUD provided written comments that still apply to the Notice of Preparation of an Environmental Impact report on December 21, 2010 (enclosed). EBMUD has the following additional comments.

GENERAL

A3-1

On page 3.8-8, under Water Supply, the third and fourth sentences of the second paragraph should add **terminal** before the word reservoirs:

“Raw water from the Pardee Reservoir ...to the East Bay treatment plants and **terminal** reservoirs.”

“EBMUD operates five **terminal** reservoirs within East Bay...”

A3-2

On pages 3.8-10 and 3.8-11, please revise the descriptions on the three EBMUD projects per updated information provided on EBMUD’s Project Updates website: <http://www.ebmud.com/about-ebmud/news/project-updates/project-updates>

A3-3

On page 3.8-19, under East Bay Municipal Utility District, the first sentence should be revised as follows:

“EBMUD is the regional entity formed to supply water to **parts of** Alameda County and ~~parts of~~ Contra Costa County.”

Tina Gallegos, Associate Planner
May 2, 2011
Page 2

If you have any questions concerning this response, please contact David J. Rehnstrom,
Senior Civil Engineer, Water Service Planning at (510) 287-1365.

Sincerely,

Will Maggion for WRK 5-2-11

William R. Kirkpatrick
Manager of Water Distribution Planning

WRK:AMW:sb
sb11_078.doc

Enclosure



December 21, 2010

Tina Gallegos, Associate Planner
City of San Pablo
13831 San Pablo Avenue, Building 3
San Pablo, CA 94806

Re: Notice of Preparation of an Environmental Impact Report - San Pablo Avenue
Specific Plan, San Pablo

Dear Ms. Gallegos:

East Bay Municipal Utility District (EBMUD) appreciates the opportunity to comment on the Notice of Preparation of an Environmental Impact Report for the San Pablo Avenue Specific Plan located in the City of San Pablo (City). EBMUD has the following comments.

GENERAL

A3-4

EBMUD is currently evaluating alternatives for the future construction and installation of a 36-inch diameter major transmission pipeline in 23rd Street, Road 20, and San Pablo Avenue at the intersection of San Pablo Avenue and Road 20 located within the specific plan area. EBMUD requests that the City notify and coordinate with EBMUD at the earliest planning stage for any street improvements in this area to ensure coordination.

WATER SERVICE

EBMUD's Central Pressure Zone (service elevation range from 0 to 100 feet), Maloney Pressure Zone (service elevation range from 0 to 200 feet), and Aqueduct Pressure Zone (service elevation range from 100 to 200 feet) serves the San Pablo Specific Plan area. The Notice of Preparation does not reference specific development projects. Any development project associated with the San Pablo Avenue Specific Plan area will be subject to the following general requirements:

A3-5

Main extensions that may be required to serve any specific development projects to provide adequate domestic water supply, fire flows, and system redundancy will be at the project sponsor's expense. Pipeline and fire hydrant relocations and replacements due to modifications of existing streets, and off-site pipeline improvements, also at the project sponsor's expense, may be required depending on EBMUD metering requirements and fire flow requirements set by the local fire department. All project sponsors should contact

EBMUD's New Business Office and request a water service estimate to determine costs and conditions of providing water service to the development. Engineering and installation of new and relocated pipeline and services requires substantial lead-time, which should be provided for in the project sponsor's development schedule.

A3-6

Please note that depending on the size and/or square footage of individual projects within the specific plan area, a Water Supply Assessment (WSA) may be required. The lead agency for future individual projects within the specific plan area that meets the threshold of a WSA pursuant to Section 15155 of the California Environmental Quality Act Guidelines, and Section 10910-10915 of the California Water Code should contact EBMUD to request a WSA. EBMUD requires project sponsors to provide future water demand data and estimates for individual project sites for analysis of the WSA. Please be aware that the WSA can take up to 90 days to complete from the day on which the request is received.

A3-7

The project sponsor should also be aware that EBMUD will not inspect, install or maintain pipeline in contaminated soil or groundwater (if groundwater is present at any time during the year at the depth piping is to be installed) that must be handled as a hazardous waste or that may pose a health and safety risk to construction or maintenance personnel wearing Level D personal protective equipment. Nor will EBMUD install piping in areas where groundwater contaminant concentrations exceed specified limits for discharge to sanitary sewer systems or sewage treatment plants. Project sponsors for EBMUD services requiring excavation in contaminated areas must submit copies of existing information regarding soil and groundwater quality within or adjacent to the project boundary. In addition, the applicant must provide a legally sufficient, complete and specific written remedial plan establishing the methodology, planning and design of all necessary systems for the removal, treatment, and disposal of all identified contaminated soil and/or groundwater.

EBMUD will not design the installation of pipelines until such time as soil and groundwater quality data and remediation plans are received and reviewed and will not install pipelines until remediation has been carried out and documentation of the effectiveness of the remediation has been received and reviewed. If no soil or groundwater quality data exists or the information supplied by the project sponsor is insufficient EBMUD may require the project sponsor to perform sampling and analysis to characterize the soil being excavated and groundwater that may be encountered during excavation or perform such sampling and analysis itself at the project sponsor's expense.

WATER CONSERVATION

A3-8

Individual projects within the specific plan area may present an opportunity to incorporate water conservation measures. EBMUD would request that the City include in its conditions of approval a requirement that the project sponsor comply with the California Model Water

Tina Gallegos, Associate Planner

December 21, 2010

Page 3

Efficient Landscape Ordinance (Division 2, Title 23, California Code of Regulations, Chapter 2.7, Sections 490 through 495). Project sponsors should be aware that Section 31 of EBMUD's Water Service Regulations requires that water service shall not be furnished for new or expanded service unless all the applicable water-efficiency measures described in the regulation are installed at the project sponsor's expense.

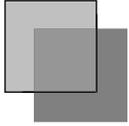
If you have any questions concerning this response, please contact David J. Rehnstrom, Senior Civil Engineer, Water Service Planning at (510) 287-1365.

Sincerely,



William R. Kirkpatrick
Manager of Water Distribution Planning

WRK:AMW:sb
sb10_248.doc



TOMARAS & OGAS, LLP

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Kathryn A. Ogas
Brenda L. Tomaras

kogas@mtowlaw.com
btomaras@mtowlaw.com

January 12, 2011

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 Avenue Specific Plan and DEIR

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 San Pablo Avenue Specific Plan (the “Project”). The Tribe is pleased to have the opportunity to provide our comments on the San Pablo Avenue Specific Plan and DEIR. 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.

B1-1

Since many of the mitigation measures and policies/goals overlap or rely on those from the San Pablo General Plan update, the Tribe would refer to its comments on the San Pablo General Plan Update (attached hereto for your convenience).

Consultation

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

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.

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.

B1-2

Comments on San Pablo Avenue Specific Plan and DEIR

In general, the Tribe agrees with the proposed mitigation measures and policies within the Specific Plan and its DEIR and believe that adherence to such measures and policies will provide for a well planned community area, while mitigating the impacts of the same.

B1-3

The Tribe would, however, like to reiterate a clarification it proposed for the General Plan which does not seem to have been adopted for the Specific Plan. That is, that 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.

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

(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 again request that the documents be revised to reflect the correct procedures.

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

A handwritten signature in black ink that reads "Brenda L. Tomaras". The signature is written in a cursive style with a long horizontal flourish extending to the right.

Brenda Tomaras
Attorneys for the Lytton Rancheria of California

3 Response to Comments on the Draft EIR

This chapter includes responses to each comment, and in the same order, as presented in Chapter 2. The responses are marked with the same number-letter combination as the comment to which they respond, as shown in the margin of the comment letters.

AGENCIES

A1: Department of Toxic Substances Control

A1-1: This comment regards the role of DTSC. The City acknowledges that DTSC is one of the State agencies that serve as arbiters of compliance with State standards, and that DTSC and other appropriate agencies must be consulted to determine compliance with these standards. No changes or additions to this EIR are deemed necessary in response to this comment.

A1-2: This comment asks that DTSC be added to the list of agencies to consult to reduce hazardous materials and/or toxic air contamination. In response to the comment, proposed Implementing Policy 8-I-9 in the Specific Plan has been updated, as documented in Chapter 4 and Appendix A of this Final EIR, to read as follows:

Require proponents of projects within 100 feet of existing hazardous materials case sites or TAC sources (as mapped on Figure 8-1) to investigate use compatibility at the location in question (some kinds of uses might be at lower risk than others), as well as potential feasible design-related risk mitigation measures. Project proponents must provide evidence to the City of consultation with the BAAQMD, RWQCB, and DTSC, as appropriate, in making refinements to project designs to reduce applicable hazardous materials and/or toxic air contaminant risk.

A2: Department of Transportation

A2-1: Comment noted. The City has multiple approaches for funding traffic mitigation, including impact fees paid on a project basis. New development that does require traffic improvements in order to avoid impacts on a state highway, namely Interstate 80, will be responsible for negotiating its fair share contribution toward the improvements. The City will be the lead agency responsible for implementing or monitoring the installation of required improvements and will arrange financing, scheduling, and implementation responsibilities with the Department of Transportation. No changes or additions to this EIR are deemed necessary in response to this comment.

A2-2: This comment requests clarification on whether the proposed Plan reduces the number of lanes on San Pablo Avenue. The Specific Plan does not include a reduction in the number of lanes on San Pablo Avenue, where two lanes per direction will be maintained. No changes or additions to this EIR are deemed necessary in response to this comment.

- A2-3: This comment requests a clarification on the ramp widening projects referenced on Page E-8. The text refers to the I-80 ramps at El Portal Drive and San Pablo Dam Road/Amador Street, as cited in General Plan policy C-I-8. The text on that page of the Draft EIR has been updated to clarify; the revision is documented in Chapter 4 of this Final EIR to read as follows:

The emphasis is on enhancing and supporting multimodal solutions, and seeking Caltrans assistance for widening of the I-80 ramps at El Portal Drive and San Pablo Dam Road/Amador Street over the planning horizon for this Specific Plan.

- A2-4: The comment states that “mitigation measures need to be in place prior to project completion” and specifically references General Plan Policy C-1-8. Subsequent to publication of the DEIR, the city adopted the General Plan. With GP adoption in April 2011, Policy C-I-8 to accept LOS F as an interim standard was put in place as the mitigation measure. In addition, requests that “feasible traffic improvements” to improve the peak hour LOS be in place for the intersection of San Pablo Dam Road and San Pablo Avenue, and at I-80 ramps at El Portal Drive and San Pablo Dam Road/Amador Street are identified in the DEIR and are further discussed below, prior to the completion of the project.

Caltrans has already designed improvements for these two ramps, as well as the adjacent freeway access ramps at McBryde Avenue, and the reconstruction of the Riverside Avenue pedestrian overcrossing. These four improvements are estimated to cost \$118 million in total. The Caltrans Project Study Report (PSR) establishes the proposed project financing, which includes \$10.1 million from the City of San Pablo and Subregional Mitigation Fees. The PSR sets the project closeout date as January 2017, which is within the timeframe prior to full buildout of the Specific Plan.

With regard to improving the LOS at the intersection of San Pablo Dam Road (SPDR) and San Pablo Avenue (SPA), General Plan Implementing Policy C-I-9 lists two improvements that would allow the intersection to operate at LOS B in the AM peak hour and LOS E in the PM peak hour. Updated language in the EIR, as stated in Section 4 of this Final EIR, explains the conditions that would trigger implementation of these improvements, and states that once the I-80 ramp improvements are in place the City should conduct a focused analysis of SPDR/SPA intersection operations to determine modified or additional any improvements based on updated traffic volumes. While timing will depend upon the actual completion of the San Pablo Dam Road Interchange project and pace of future development within the Specific Plan area, this intersection is critical to the Specific Plan and a feasible improvement is a priority.

- A2-5: Comment noted.

- A2-6: This comment notes a discrepancy in Appendix B. There is a typo on the Existing Conditions volume figure of which the commenter refers. As detailed in the Traffix LOS worksheet in Appendix B, the northbound through traffic volume for the PM peak hour should be 244 rather than 2448. The corrected figure appears in Chapter 4 of this Final EIR.

- A2-7: 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.

A3: East Bay Municipal Utility District

The letter from EBMUD refers to written comments provided by EBMUD in response to the Notice of Preparation and notes that these still apply. These comments are attached to the comments received on the Draft EIR and are numbered A3-4 through A3-8.

- A3-1: This comment requests changes to wording about the water supply on page 3.8-8. The revision is documented in Chapter 4 of this Final EIR to read as follows:

Raw water from the Pardee Reservoir is transported approximately 91 miles from its source to the East Bay treatment plants and terminal reservoirs. EBMUD operates five terminal reservoirs within the East Bay: Briones, Chabot, Lafayette, Upper San Leandro, and San Pablo.

- A3-2: This comment requests updates to the descriptions of the EBMUD projects described on pages 3.8-10 and 11. These revisions are documented in Chapter 4 of this Final EIR to read as follows:

The Freeport Regional Water Project. In 2002, EDMUD reached an agreement with the City and County of Sacramento to share water from the Sacramento River during drought years. Construction on the Freeport Regional Water Project began in June 2007, and in 2009 EBMUD completed the 19 miles of pipeline that would allow water to be moved from the Sacramento River to EBMUD's system through the Folsom South Canal. With the project now completed, the East Bay will be able to acquire up to 100 mgd of water from the Sacramento River during dry years.

Seawater Desalination Research. EBMUD has been working with other Bay Area water agencies to explore ways to add desalinated water to the local water supply. Pilot testing was conducted in eastern Contra Costa County to collect data on technical feasibility and environmental impacts; next steps will be determined once a final report is completed.

Groundwater Banking Program. In 2008, EBMUD began constructing a state-of-the-art groundwater injection well that will move some water deep underground into a clean aquifer beneath San Lorenzo. Once completed, water can be injected when it is available in wet years and banked. Up to one million gallons of water per day can be drawn out as needed from this locally-stored supply. Once this Phase 1 is successfully operating, EBMUD will consider a larger Phase 2 Bayside Project that would store two to ten million gallons per day.

- A3-3: This comment requests changes to wording about the scope of the EBMUD service area on page 3.8-19. The revision is documented in Chapter 4 of this Final EIR to read as follows:

*San Pablo Avenue Specific Plan
Final Environmental Impact Report*

EBMUD is the regional entity formed to supply water to parts of Alameda County and Contra Costa County.

- A3-4: This comment requests that the City notify and coordinate with EBMUD at the earliest planning stage of any street improvements for the intersection of San Pablo Avenue and Road 20, regarding the construction and installation of a major transmission pipeline at the same location. The City acknowledges this request, although the proposed Plan does not call for any traffic improvements at that intersection. No changes or additions to this EIR are deemed necessary in response to this comment.
- A3-5: This comment states that any main extensions required to serve specific development projects will be at the project sponsor's expense, as will be pipeline and hydrant relocations and replacements due to modifications of existing streets. Off-line pipeline improvements may be required depending on EBMUD metering requirements and fire flow requirements, also at the project sponsor's expense.

The City of San Pablo recognizes its responsibility to abide by these requirements. As the Draft EIR notes, the City already collects impact fees to cover the cost of processing development requests, and for providing public facilities and services to new developments. These funds are levied for sewer, storm drain, parks, and transportation. Additional fees could be collected for a variety of services, including water hookups.

Regarding fire flow, proposed Plan policy 5-I-10 states "Ensure that fire flow capacity is adequate for new development and that necessary improvements, such as fire access roadways and fire hydrants, are installed and in service prior to building construction." The Implementation Plan in Table 9-1 of the proposed Plan calls on the City Fire Department to "Acquire additional emergency response equipment and provide fire flow capacity needed to serve new development" on an ongoing basis.

No changes or additions to this EIR are deemed necessary in response to this comment.

- A3-6: This comment notes that for certain projects with the Plan Area, a Water Supply Assessment may be required, and the City, as lead agency, would be responsible for contacting EBMUD to request a WSA, and that the project sponsor provide future water demand data. The City of San Pablo recognizes its duty to conform to existing legal requirements pertaining to WSAs. The City will continue to abide by these requirements in the future. No changes or additions to this EIR are deemed necessary in response to this comment.
- A3-7: This comment states that EBMUD will not inspect, install, or maintain pipeline in contaminated soil or groundwater. Comment noted. The proposed Plan does include Policy 8-I-7, "Require remediation and cleanup of any contaminated sites in the Specific Plan Planning Area to levels required for the proposed new land use, where hazardous materials have impacted soil, surface water, or groundwater. Remediation and cleanup will be in compliance with federal and State standards. Documentation of the site investigation and cleanup will be provided to City staff during development project review." No changes or additions to this EIR are deemed necessary in response to this comment.

A3-8: This comment requests that the City require that projects comply with the California Model Water Efficient Landscape Ordinance, and notes that Section 31 of EBMUD's Water Service Regulations require new and expanded service install all applicable water-efficiency measures at the project sponsor's expense.

The proposed Plan includes multiple policies related to water efficient landscapes, and makes use of the California Model Water Efficient Landscape Ordinance:

- Policy DG-25: “Encourage sustainable landscape design with the use of hardy, native, low-water consumption, drought-tolerant planting, as well as stormwater management systems. Utilize bioswales and rain gardens in street medians or landscape buffers. Employ moisture-sensitive irrigation systems.”
- Policy DG-26: “Refer to “Bay-Friendly Landscaping Guidelines” published by Stopwaste.org for a list of landscape materials that are appropriate for the climate...”
- Policy 5-I-3: “Promote efficient use of and conservation of water in the design of new streetscape and landscaped areas. This includes the installation of drought-resistant plant palettes. Use the California Model Water Efficient Landscape Ordinance (Division 2, Title 23, California Code of Regulations Chapter 2.7, Sections 490-495) during project review to ensure irrigation plans achieve all feasible water savings.”

In response to the comment about Section 31, the proposed Plan includes Policy 5-I-1, to “Maintain successful cooperation with independent agencies to continue adequate utility service throughout the San Pablo Avenue Specific Plan Planning Area,” and Policy 5-I-2, to “Promote efficient use and conservation of water in the design of new residential and commercial development. This includes the installation of water meters and low-flow showerheads, faucets and toilets.”

Proposed Policy 5-I-2 will be edited to state that EBMUD policy is to not furnish new or expanded water service unless the water-efficient measures in Section 31 are installed at the developer's expense. This revision is documented in Chapter 4 and Appendix A of this Final EIR to read as follows:

New and expanded development must install all applicable water-efficiency measures described in Section 31 of EBMUD's Water Service Regulations in order to be furnished with water service. These measures cover both indoor and outdoor water use in order to promote efficient use and conservation of water in the design of new residential and commercial development.

ORGANIZATIONS/INDIVIDUALS

B1: Tomares & Ogas, LLP, on behalf of the Lytton Rancheria of California

- B1-1: This comment refers to the Tribe's comments on the City's General Plan Update. These comments are about the General Plan and not this EIR.
- B1-2: This comment regards tribal consultation. No changes or additions to this EIR are deemed necessary in response to this comment.
- B1-3: This comment regards discovery of human remains, and specifically the clarification that the most likely descendent has 48 hours, not 24, once they are granted access to the site, not just notified, to make recommendations for treatment. This change has been made to the EIR and documented in Chapter 4 of this Final EIR to read as follows:

The Native American Heritage Commission are unable to identify a descendant or the descendant failed to make a recommendation within 48 hours of being granted access to the site.

4 Revisions to the Draft EIR

This chapter includes the 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~~.

Revisions to the Draft EIR are described in Table 4-1 and organized by chapter, page and table or figure, where applicable. Certain pages have been appended to the end of this chapter, for clarity purposes; these pages are referenced in the table.

Table 4.1: Revisions to the Draft EIR

Chapter - Page	Table/ Figure	Comment Addressed	Correction
E-8		A2-3	The emphasis is on enhancing and supporting multimodal solutions, and seeking Caltrans assistance for ramp-widening of the I-80 ramps at El Portal Drive and San Pablo Dam Road/Amador Street over the planning horizon for this Specific Plan.
E-24	Table ES-3	A1-2	<i>Revise Specific Plan Implementing Policy 8-I-9 as follows:</i> Require proponents of projects within 100 feet of existing hazardous materials case sites or TAC sources (as mapped on Figure 8-1) to investigate use compatibility at the location in question (some kinds of uses might be at lower risk than others), as well as potential feasible design-related risk mitigation measures. Project proponents must provide evidence to the City of consultation with the BAAQMD, and the RWQCB, <u>and DTSC, as appropriate,</u> in making refinements to project designs to reduce applicable hazardous materials and/or toxic air contaminant risk.
E-46	Table ES-3	A1-2	<i>Revise Specific Plan Implementing Policy 8-I-9 as shown above.</i>
E-49	Table ES-3	A3-8	<i>Revise Specific Plan Implementing Policy 5-I-2 as follows:</i> <u>New and expanded development must install all applicable water-efficiency measures described in Section 31 of EBMUD's Water Service Regulations in order to be furnished with water service. These measures cover both indoor and outdoor water use in order to promote efficient use and conservation of water in the design of new residential and commercial development. This includes the installation of water meters and low-flow showerheads, faucets and toilets.</u>
E-56	Table ES-3	A1-2	<i>Revise Specific Plan Implementing Policy 8-I-9 as shown above.</i>
3.2-20		*	The current analysis suggests that implementation of policy C-I-9 would allow the intersection to operate at LOS B with a v/c of 0.68 in the AM peak hour and LOS E with a v/c of 0.95 in the PM peak hour. <u>Absent a new model forecast with both the proposed local (General Plan and Specific Plan) and regional growth and the proposed interchange improvements, a review of the volume data and impact analysis identified the critical movements and the volume "trigger" when the intersection reaches</u>

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Chapter - Page	Table/ Figure	Comment Addressed	Correction
			<p><u>LOS F or capacity. These improvements would be needed when the traffic volumes of the critical movements on San Pablo Avenue increase by approximately 65 percent, to 1,265 vehicles for northbound through movement and 695 vehicles on the southbound left-turn movement compared to Existing Conditions in the PM peak hour. The forecasted growth represents approximately two-third of the Project's contribution to peak hour volumes for these critical movements. By monitoring PM peak hour volumes for these critical movements, the City could determine the timing for the proposed improvements to this intersection.</u></p> <p>Despite the potential benefits of the lane designations and signal timing improvements, there is still too much uncertainty around the effects of the Caltrans ramps improvements on traffic flow into this intersection. As the Caltrans analysis did not report V/C ratios but only LOS in terms of letter-grade, and as it found both the No Project condition and the future with Project condition to perform below standard at this intersection, Caltrans went no further in their analysis to try to measure or mitigate the impacts of their ramp improvements on this particular intersection. Without more data on changes in actual traffic flow between I-80 and the intersection of San Pablo Avenue and San Pablo Dam Road, the signal timing and/or lane designation changes necessary to improve future performance, and their effectiveness, remain uncertain. <u>In addition, the implementation of Caltrans ramps improvements is contingent on funding availability and is scheduled to occur no sooner than Year 2015-2016 time frame. Once the Caltrans ramp improvements are completed, the City should conduct a focused analysis of the intersection operations to identify the effects of the improvements on traffic volumes through this intersection and determine the effectiveness of the proposed lane designations and signal timing improvements or propose other improvements to mitigate the traffic impact.</u> Therefore, even with implementation of <u>the improvements identified in Policy C-1-9</u>this proposed mitigation measure, this analysis still finds a significant cumulative impact on traffic LOS at this intersection. However, the project's contribution to this significant cumulative effect is found to be less than considerable with the proposed mitigation reducing CCTA-based modeled LOS within an acceptable range for the duration of the planning period (to 2030).</p>
3.3-30	Table 3.3-5	A1-2	<i>Revise Specific Plan Implementing Policy 8-1-9 as shown above.</i>
3.3-32		A1-2	<i>Revise Specific Plan Implementing Policy 8-1-9 as shown above.</i>
3.8-8		A3-1	Raw water from the Pardee Reservoir is transported approximately 91 miles from its source to the East Bay treatment plants and <u>terminal</u> reservoirs. EBMUD operates five <u>terminal</u> reservoirs within <u>the</u> East Bay: Briones, Chabot, Lafayette, Upper San Leandro, and San Pablo.
3.8-10 to 3.8-11		A3-2	The Freeport Regional Water Project. In 2002, EDMUD reached an agreement with the City and County of Sacramento to share water from the Sacramento River during drought years. Construction on the Freeport Regional Water Project began in June 2007, and in 2009 EBMUD completed the 19 miles of pipeline that would allow water to be moved

Chapter - Page	Table/ Figure	Comment Addressed	Correction
			<p>from the Sacramento River to EBMUD’s system through the Folsom South Canal. The project is expected to be completed by late 2010. Once <u>With the project now</u> completed, the East Bay would <u>will</u> be able to acquire up to 100 mgd of water from the Sacramento River during dry years.</p> <p>Seawater Desalination Research. EBMUD has been working with other Bay Area water agencies to explore ways to add desalinated water to the local water supply. Pilot testing <u>was conducted</u> is under way in eastern Contra Costa County <u>to collect data on technical feasibility and environmental impacts; next steps will be determined once a final report is completed.</u></p> <p>Groundwater Banking Program. In 2008, EBMUD began constructing a state-of-the-art groundwater injection well that will move some water deep underground into a clean aquifer beneath San Leandro <u>Lorenzo</u>. Once completed, water can be injected when it is available in wet years and banked. Up to one million gallons of water per day can be drawn out as needed from this locally-stored supply. <u>Once this Phase 1 is successfully operating, EBMUD will consider a larger Phase 2 Bayside Project that would store two to ten million gallons per day.</u></p>
3.8-19	A3-3		EBMUD is the regional entity formed to supply water to <u>parts of</u> Alameda County and parts of Contra Costa County.
3.8-29	A1-2		<i>Revise Specific Plan Implementing Policy 8-I-9 as shown above.</i>
3.8-34	A3-8		<i>Revise Specific Plan Implementing Policy 5-I-2 as shown above.</i>
3.10-12	A1-2		<i>Revise Specific Plan Implementing Policy 8-I-9 as shown above.</i>
3.11-11	BI-3		The Native American Heritage Commission <u>are</u> was unable to identify a descendant or the descendant failed to make a recommendation within <u>4824</u> hours of being granted access to the site after being notified by the <u>commission.</u>
Appendix B	A2-6		<i>Replace the figure “Existing Lane Geometry & Peak Hour Volume AM (PM)” with the updated figure at the end of this chapter.</i>

*This revision has been made to remain consistent with the General Plan Update, as adopted April 18, 2011. The Draft EIR identifies a cumulatively significant impact at the intersection of San Pablo / San Pablo Dam Road. This finding is based on the volume forecasts available at that time as well as the level of service methodology applied based on the guidance provided the CCTA Technical Procedures and significance criteria.

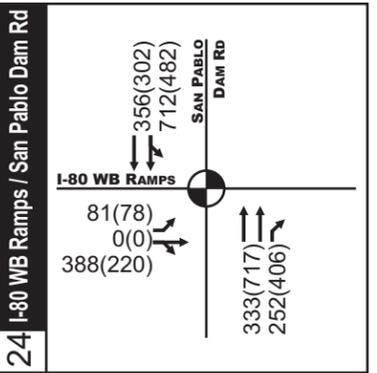
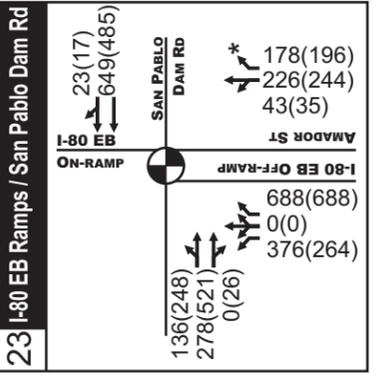
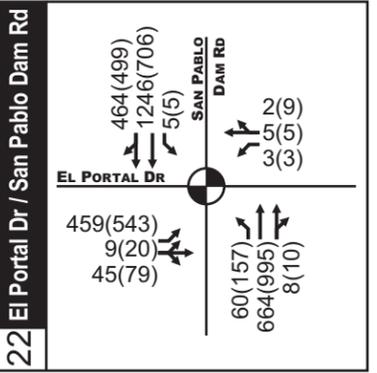
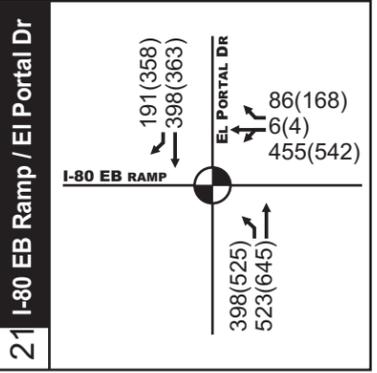
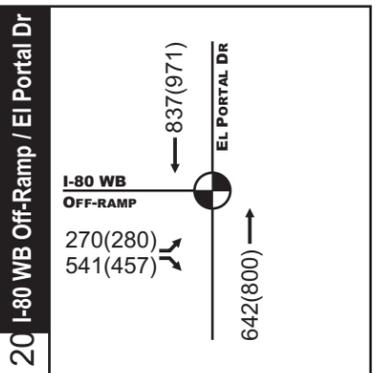
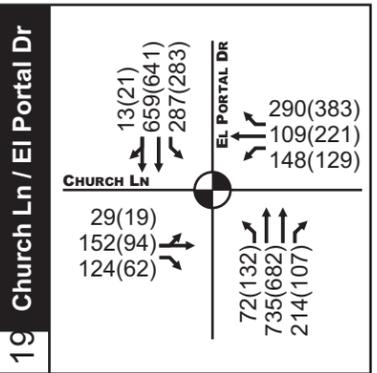
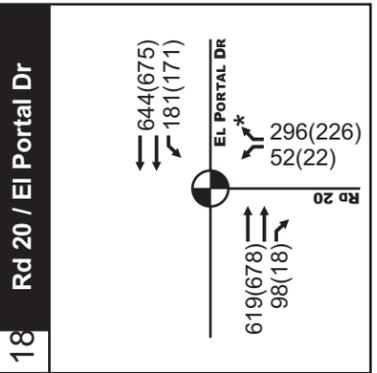
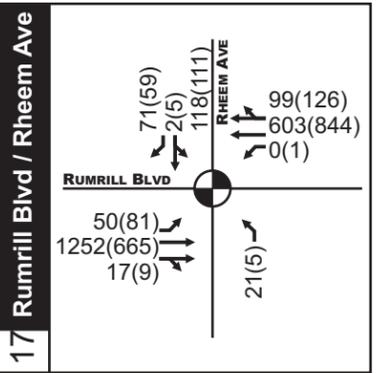
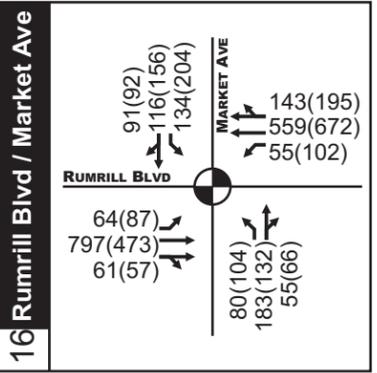
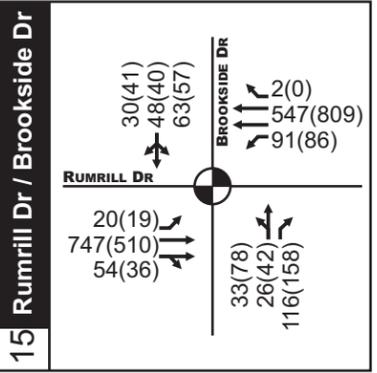
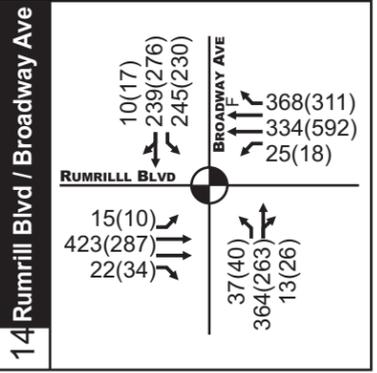
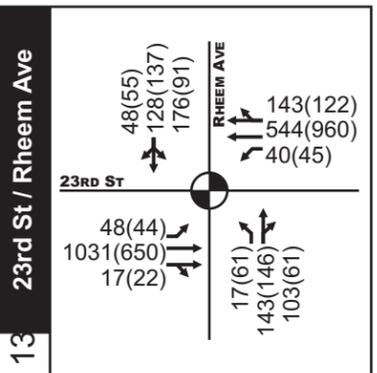
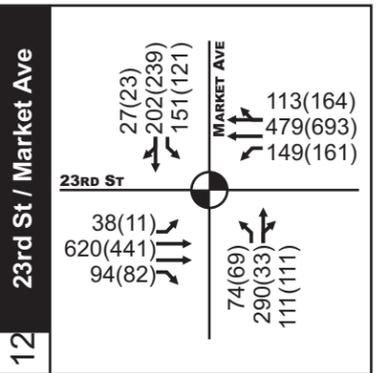
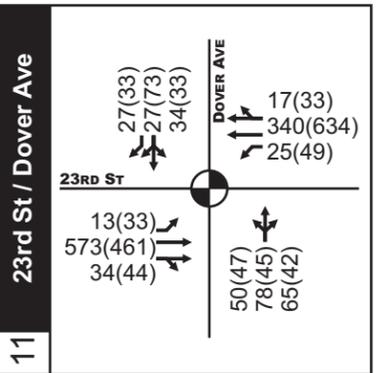
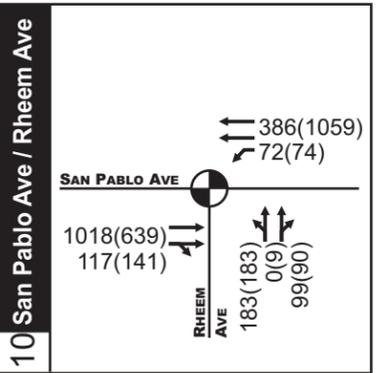
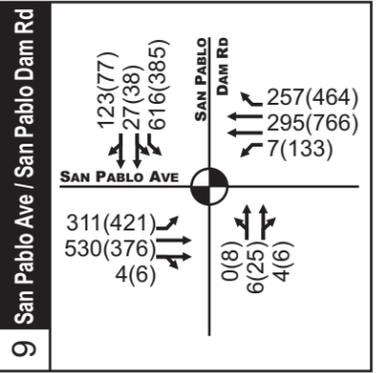
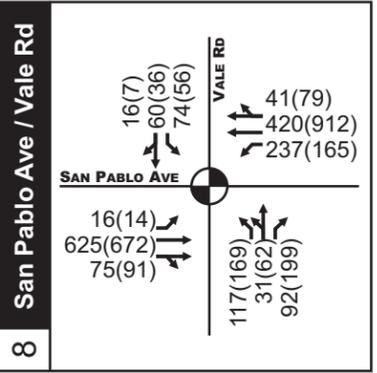
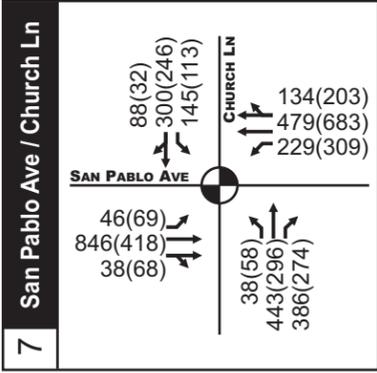
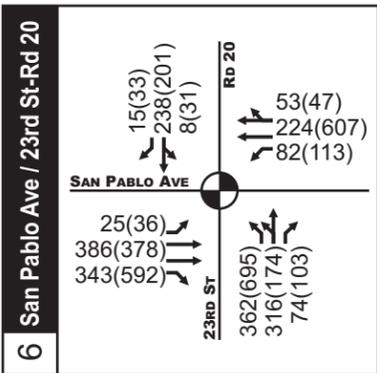
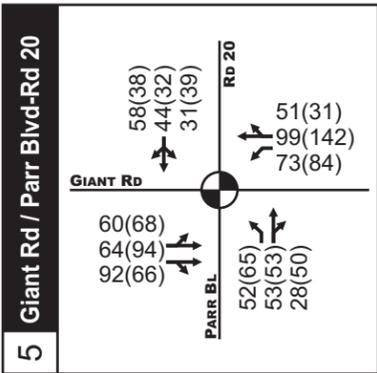
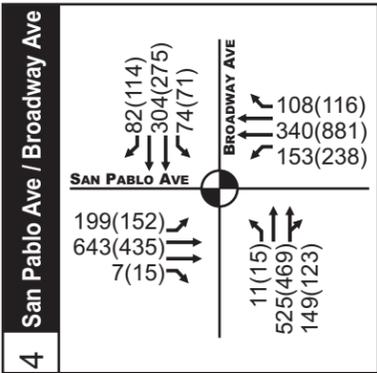
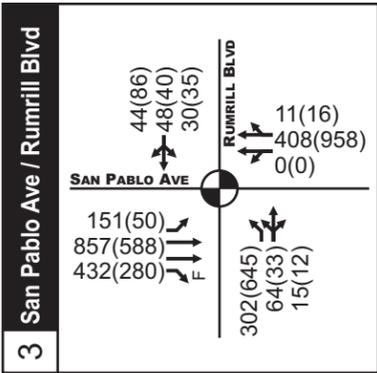
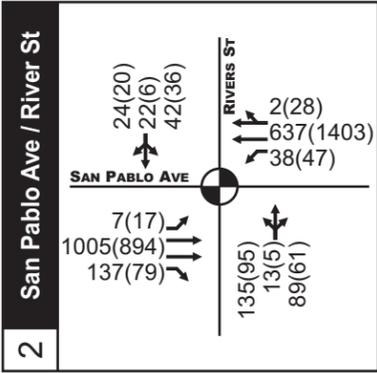
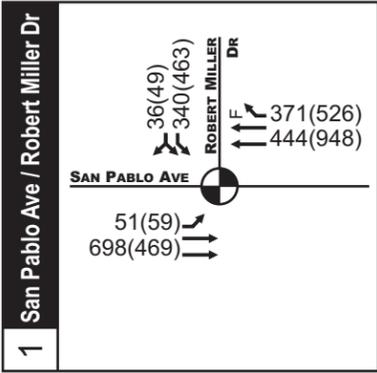
To provide further clarification to the General Plan policies cited in the Specific Plan EIR, specifically, Policy C-I-9, additional review of the data and analysis was conducted to identify a timeframe for monitoring and implementing improvements at this intersection. General Plan Policy C-I-9 ties the design, evaluation, and implementation of improvements at this intersection to “collection of more specific data from Caltrans on anticipated (or measured) changes to traffic volumes.” Absent a new model forecast with the proposed local (General

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Plan and Specific Plan) and regional growth and the proposed interchange improvements, a review of the volume data and impact analysis identified the critical movements and the volume “trigger” when the intersection reaches LOS F or capacity.

Based upon additional review of the data and analysis, the improvements would be needed when the traffic volumes of the critical movements on San Pablo Avenue increase by approximately 65 percent, to 1,265 vehicles for northbound through movement and 695 vehicles on the southbound left-turn movement compared to Existing Conditions in the PM peak hour. The forecasted growth represents approximately two-third of the Project’s contribution to peak hour volumes for these critical movements. By monitoring PM peak hour volumes at this intersection, the City could determine the timing for the improvements to this intersection.

In addition, given the implementation of Caltrans ramps improvements is contingent on funding availability and is scheduled to occur no sooner than Year 2015-2016 time frame, the City may conduct a focused analysis of the intersection operations once the Caltrans ramp improvements are completed to identify the effects of the improvements on traffic volumes through this intersection and determine the effectiveness of the proposed lane designations and signal timing improvements or propose other improvements.



LEGEND

- Traffic lanes
- Free Right Movement
- Signalized Intersection
- Stop sign Controlled Movement



Appendix A: Revisions to the Draft Specific Plan

This Final EIR document responded to comments on the Draft EIR and, subsequently, identified relevant changes to the Plan and Draft EIR. In addition to these changes, City staff made a minor change following public comment on the Draft General Plan Update.

The table below describes changes made to the proposed Specific Plan. These changes were also discussed in Chapter 3: Response to Comments on the EIR. It is organized by chapter and only reflects substantive changes. (Typos, formatting, clarifications, and updated cross-references are not recognized in the table.) Statements in **bold** are followed by actual text and/or edits. Page, table, figure, goal, and policy numbers refer to the numbers in the March 2011 Public Review Drafts.

Revisions to the Draft Specific Plan

<i>Chapter - Page</i>	<i>Table/ Figure</i>	<i>Correction</i>
5-8		Revise Specific Plan Implementing Policy 5-I-2 to respond to a comment by EBMUD as follows: <u>New and expanded development must install all applicable water-efficiency measures described in Section 31 of EBMUD's Water Service Regulations in order to be furnished with water service. These measures cover both indoor and outdoor water use in order to promote efficient use and conservation of water in the design of new residential and commercial development. This includes the installation of water meters and low-flow showerheads, faucets and toilets.</u>
5-8		Delete Policy 5-I-4 (duplicate of 5-I-3)
5-8		Renumber Policy 5-I-5 to 5-I-4
5-8		Renumber Policy 5-I-6 to 5-I-5
5-8		Renumber Policy 5-I-7 to 5-I-6
5-8		Renumber Policy 5-I-8 to 5-I-7
5-10		Renumber Policy 5-I-9 to 5-I-8
5-10		Renumber Policy 5-I-10 to 5-I-9
5-10		Renumber Policy 5-I-11 to 5-I-10
7-9		Update the text of Housing Element Program H-2.1.6 to reflect a revision to include off-site provision of units, in addition to on-site provision and in-lieu fee payment, as follows: <u>Explore the feasibility of establishing an Inclusionary Housing Ordinance, consistent with recent case law, to require the development of units affordable to lower income households in all new housing developments, with the possible options of providing the units off-site and payment of an in-lieu fee payment for developers that cannot provide units on-site.</u>

8-14

Revise Specific Plan Implementing Policy 8-I-9 to respond to a comment by DTSC as follows:

Require proponents of projects within 100 feet of existing hazardous materials case sites or TAC sources (as mapped on Figure 8-1) to investigate use compatibility at the location in question (some kinds of uses might be at lower risk than others), as well as potential feasible design-related risk mitigation measures. Project proponents must provide evidence to the City of consultation with the BAAQMD, ~~and the RWQCB,~~ and DTSC, as appropriate, in making refinements to project designs to reduce applicable hazardous materials and/or toxic air contaminant risk.
