

**JAMES DONLON BOULEVARD EXTENSION  
FINAL  
ENVIRONMENTAL IMPACT REPORT**

**State Clearinghouse No. 2007102106**

*Volume 4  
Chapter 10*

**Prepared by:**

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**Prepared for:**

**City of Pittsburg  
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**March 2014**



# City of Pittsburg

Planning Department  
65 Civic Avenue  
Pittsburg, CA 94565-3814

March 10, 2014

TO: COMMENTING AGENCIES AND INTERESTED PARTIES

SUBJECT: **DRAFT ENVIRONMENTAL IMPACT REPORT - COMMENTS AND RESPONSES for the James Donlon Boulevard Extension Project**

To Whom It May Concern:

The City of Pittsburg would like to thank you for your comments and involvement in the environmental process related to the James Donlon Boulevard Extension. Enclosed is a document entitled Chapter 10 – Response to Comments for the above referenced project. Section 15088 of the *California Environmental Quality Act Guidelines* (CEQA) requires the Lead Agency to evaluate comments on environmental issues received from agencies and interested persons who reviewed the Draft Environmental Impact Report (EIR) and prepare a written response addressing each comment received. This document is provided as Chapter 10 of the Final Environmental Impact Report (EIR).

Attached to this letter are the comments you and all other commenters provided to the City in writing, in-person, or by mail, during the posted comment period along with the City's written response to each comment. Copies of the Final EIR, including all comments received, the corresponding written response, and Mitigation Monitoring Program can also be reviewed at the City of Pittsburg Planning Department, 65 Civic Avenue, Pittsburg, California 94565 during regular business hours 8:00 a.m. – 5:00 p.m. Monday through Friday (please note that the public counter is closed between 12 p.m. and 1 p.m.), and at the City of Pittsburg's web site at <http://www.ci.pittsburg.ca.us/> using the following links: City Services/Development Services/Planning/Environmental Review/James Donlon Boulevard Extension.

A public hearing has been tentatively scheduled with the City of Pittsburg City Council to consider the findings in the Draft and Final EIR on Monday, April 7, 2014 at 7:00 p.m. or soon thereafter, at the City Council Chambers, located at 65 Civic Avenue, Third Floor Council Chambers, Pittsburg, California.

Thank you for your participation in the environmental review process for the proposed James Donlon Boulevard Extension. **If you have any questions regarding this letter or the Comments and Responses, please contact Leigha Schmidt, Associate Planner, in the Planning Department at 925-252-4015 or by email at [lschmidt@ci.pittsburg.ca.us](mailto:lschmidt@ci.pittsburg.ca.us).**

Sincerely,

/s/

Dana Hoggatt Ayers  
Planning Manager





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## **10.0 RESPONSE TO COMMENTS**

### **10.1 Purpose**

As defined by Section 15050 of the California Environmental Quality Act (CEQA) Guidelines, the City of Pittsburg (City) is serving as "Lead Agency," for preparation of the Environmental Impact Report (EIR) for the James Donlon Boulevard Extension Project (proposed project). The Final EIR presents the environmental information and analyses that have been prepared for the proposed project, including comments received addressing the adequacy of the Draft EIR, and responses to those comments. In addition to the responses to comments, clarifications, corrections, or minor revisions have been made to the Draft EIR. The Final EIR, which includes the responses to comments, the Draft EIR, and the technical appendices, will be used by the City Council in the decision-making process for the proposed project.

### **10.2 Environmental Review Process**

The City prepared and distributed an Initial Study (IS) and Notice of Preparation (NOP), dated October 23, 2007, for the proposed project (State Clearinghouse [SCH] No. 2007102106). In conjunction with this public notice, a scoping meeting was held by the City of Pittsburg on November 6, 2007, to provide a forum for public comments on the scope of the EIR. Subsequent to the October 23, 2007 IS/NOP, the City issued a revised IS/NOP, due to revisions to the project description; the revised IS/NOP was circulated for a 30-day review period beginning on February 10, 2012, and ending on March 12, 2012. The City received 12 letters during the 2007 IS/NOP circulation and 10 letters during the 2012 IS/NOP circulation that were used in the preparation of the Draft EIR. The Draft EIR for the James Donlon Boulevard Extension Project was circulated for a 45-day public review period beginning on April 15, 2013 and ending on May 29, 2013. In association with the Draft EIR public review period, a public comment meeting was held on May 22, 2013 to allow for an additional opportunity for the public to provide verbal comments related to the Draft EIR. A total of seventeen (17) written comment letters and twenty-five (25) verbal comments were received on the Draft EIR.

Section 15088 of the State CEQA Guidelines requires that the lead agency evaluate comments on environmental issues received from persons and agencies that reviewed the Draft EIR and prepare a written response addressing each of the comments received. The response to comments is contained in this Volume 4, Chapter 10 of the EIR. Volumes 1 through 4 together comprise the Final EIR. A list of agencies, organizations, and interested parties who have commented on the Draft EIR is provided below in Table 10-1, *Public Comments Received on the Draft EIR*. A copy of each numbered comment letter and a lettered response to each comment is provided in Section 10.4, *Response to Comments*, of this chapter.



**Table 10-1 Public Comments Received on the Draft EIR**

<b>Letter/ Comment No.</b>	<b>Commenter</b>	<b>Commenter Type</b>
<b>Written Comments</b>		
<b>1</b>	California Governor's Office of Planning and Research, State Clearinghouse (May 31, 2013)	State
<b>2</b>	California Department of Forestry and Fire Protection (April 23, 2013)	State
<b>3</b>	California Department of Transportation, District 4 (May 29, 2013)	State
<b>4</b>	Contra Costa Water District (May 7, 2013)	Local
<b>5</b>	Contra Costa Local Agency Formation Commission (LAFCO) (May 22, 2013)	Local
<b>6</b>	Contra Costa County Flood Control and Water Conservation District (May 28, 2013)	Local
<b>7</b>	Contra Costa County – Department of Conservation and Development (May 29, 2013)	Local
<b>8</b>	East Bay Regional Park District (May 29, 2013)	Local
<b>9</b>	TRANSPLAN Committee (May 29, 2013)	Local
<b>10</b>	John Koontz (April 27, 2013)	Interested Party
<b>11</b>	Joseph G Siragusa (May 13, 2013)	Interested Party
<b>12</b>	Adrienne Brown (May 15, 2013)	Interested Party
<b>13</b>	Kinder Morgan (May 22, 2013)	Interested Party
<b>14</b>	Joseph G Siragusa (May 27, 2013)	Interested Party
<b>15</b>	Greenbelt Alliance (May 29, 2013)	Interested Party
<b>16</b>	California Native Plant Society (May 29, 2013)	Interested Party
<b>17</b>	Save Mount Diablo (May 29, 2013)	Interested Party
<b>Verbal Comments</b>		
<b>18</b>	<i>Public Comment Meeting, May 22, 2013</i> Pete Riso Debbie Riso Karen Cunningham Marilyn Torres Nancy Woltering Eve Mitchell	Interested Parties

### 10.3 Revisions to the Project Draft EIR

The following revisions are made to the text of the James Donlon Boulevard Extension Draft EIR. Amended text is identified by page number. Clarifications to the Draft EIR text are shown with underlining and text removed from the Draft EIR is shown with ~~striking through~~.



## Page 1-1

Development of this proposed project requires annexation of two privately-owned properties and a general plan amendment and pre-zone to designate the properties Open Space (OS) District, with ~~the option to provide~~ an Agricultural Preserve Overlay. In addition, the City also proposes to annex Kirker Pass Road right-of-way from Nortonville Road to the City limit line; which would potentially affect five additional properties due to slope easements or roadway widening. The proposed project is described in detail in Chapter 3, *Project Description*.

## Page 2-1, Paragraph 1

The James Donlon Boulevard Extension Project (proposed project) is a proposal by the City of Pittsburg (City) to construct a 1.71-mile extension of James Donlon Boulevard from the western edge of the approved Sky Ranch II Subdivision (Sky Ranch II) to Kirker Pass Road, within unincorporated Contra Costa County (County), but within the Urban Limit Line, City's Planning Area, and the City's Sphere of Influence (Figure 2-1, *Project Vicinity*, Figure 2-2, *Project Location*). The proposed project would provide a limited access arterial roadway to serve regional circulation needs and relieve existing traffic congestion on Buchanan Road, which currently receives a high volume of east-west commute traffic between the City of Antioch and the City of Concord. In addition to the extension of James Donlon Boulevard, the City proposes to upgrade Kirker Pass Road from Nortonville Road to the City limit line (approximately 0.63 mile) from a four-lane rural road to a four-lane urban road. A northbound to eastbound free right-turn from Kirker Pass Road to the extension of James Donlon Boulevard is also proposed. The proposed project requires annexation of two properties and Kirker Pass Road from Nortonville Road north to the City limit lines; a City General Plan amendment to designate the land as Open Space; and pre-zone to designate the properties Open Space (OS) District with ~~an option to provide~~ an Agricultural Preserve Overlay.

## Page 2-1, Paragraph 3

This Draft Environmental Impact Report (EIR) has been prepared by the City of Pittsburg as the Lead Agency under the California Environmental Quality Act (CEQA). The Draft EIR provides information about the environmental setting and impacts of the proposed project and alternatives. It informs the public about the proposed project and its impacts and provides information to meet the needs of local, State, and Federal permitting agencies that are required to consider the proposed project. The EIR will be used by the City to determine whether to approve the general plan amendment, pre-zone change, and to apply to the Contra Costa ~~County~~ Local Agency Formation Commission (LAFCO) for annexation of two properties.

## Page 2-4

- Annexation approval of assessor parcel numbers (APNs) 089-050-056 and 089-020-011 to the City of Pittsburg by the Contra Costa ~~County~~ LAFCO;
- Annex Kirker Pass Road from Nortonville Road north to the City limit line (parcels affected by Kirker Pass Road improvements include APNs 089-050-055, ~~075-060-007~~, 089-020-009, 089-020-014, and 089-020-015) to the City of Pittsburg by the Contra Costa ~~County~~ LAFCO;



- Amendment to the City of Pittsburg General Plan land use designations to designate all subject properties Open Space (change the Hillside Low Density Residential portions of APNs 089-050-056 and 089-020-011 to Open Space);
- Pre-zone the sphere of influence (SOI) to designate all subject properties Open Space (OS) District with ~~an option to add an~~ Agricultural Preserve Overlay (change the Hillside Planned Development (HPD) District pre-zone portion of APN 089-050-056 to pre-zone Open Space (OS) District with ~~an option to provide an~~ Agricultural Preserve Overlay District), refer to Figure 3-12, Proposed City Pre-Zoning;
- California Fish and Game Code Section 1600 et seq. permits (Streambed Alteration Agreements)

## Page 2-5

Figure 2-3, *Site Plan*, has been revised to include a label identifying Kirker Creek.

## Page 2-12

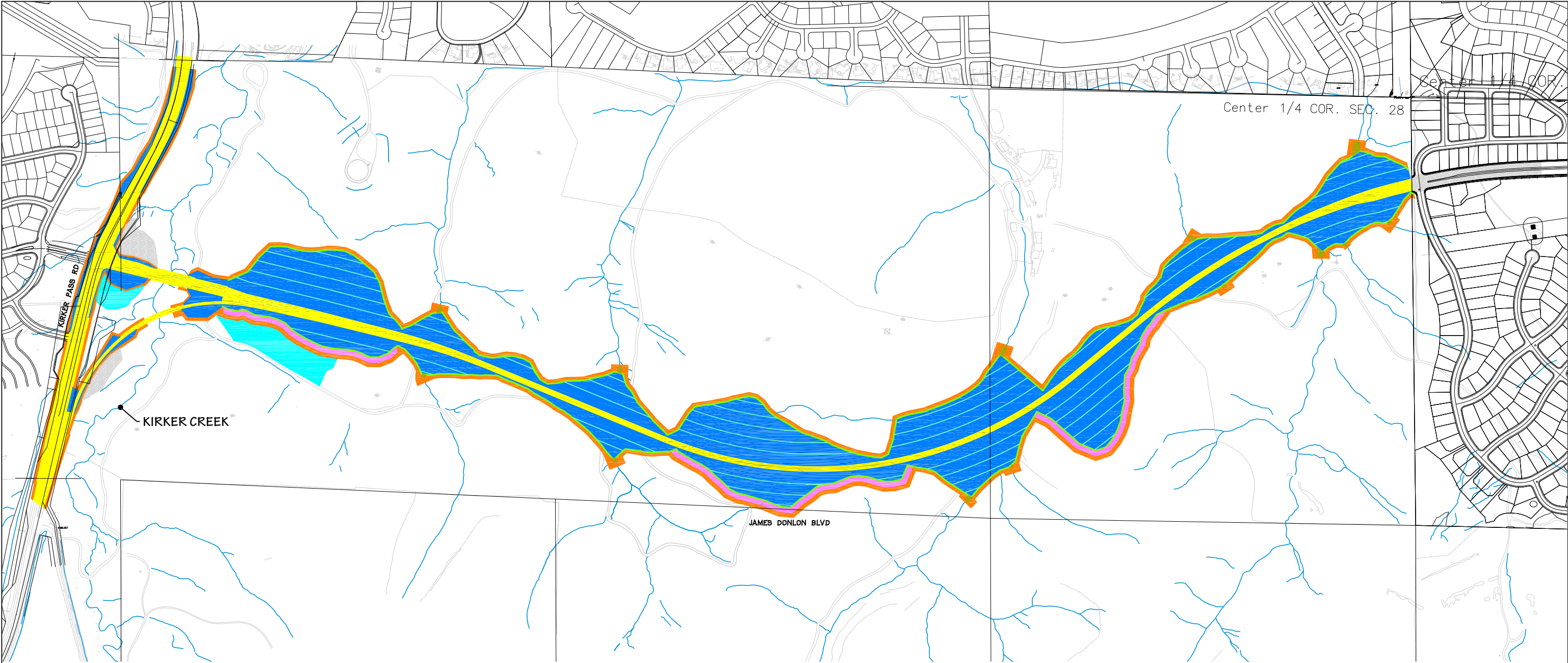
### *Transportation/Traffic*

- The proposed project would not reduce the delay index to unacceptable levels on roadway segments within the study area
- The proposed project would not conflict with adopted alternative transportation policies, plans, or programs






## Pages 2-17 and 2-18







### 2.4.3 Growth Inducement

Section 5.3, *Growth-Inducing Impacts*, analyzes the proposed project's "growth-inducing" affects. In summary, the jobs generated by the proposed project would not foster economic growth within the City. The proposed project would provide an alternate east-west connection through Contra Costa County, to alleviate existing and projected traffic congestions; therefore, the proposed project would not result in direct or indirect population and housing growth. The proposed project would amend the pre-zone to Open Space (OS) District with ~~the option of adding~~ an Agricultural Preserve Overlay and would amend the City General Plan land use designations from Hillside Low Density Residential and Open Space to Open Space. The existing ranch would be retained and cattle grazing would continue. The proposed James Donlon Boulevard extension would only be accessed from Kirker Pass Road on the west and the Sky Ranch II development, including Metcalf Street, Ventura Drive, and Somersville Road on the east. No access points would be provided to the existing cattle ranch property from the proposed project; therefore, the project would provide facilities through the agricultural land but not to the land. Thus, the proposed project would not directly or indirectly increase populations and would continue to provide obstacles to growth.



**LEGEND:**

PERMANENT IMPACTS			
	BENCH GRADING, INCL. 4' CONCRETE DITCH	74,212.05 SF	(1.704 ACRES)
	BENCH GRADING, INCL. 6' CONCRETE DITCH	137,670.80 SF	(3.160 ACRES)
	RIP RAP	11,709.91 SF	(0.269 ACRES)
	ROADWAY IMPROVEMENT	771,912.20 SF	(17.721 ACRES)
	KIRKER CREEK, DRAINAGE, TRIBUTARIES		

TEMPORARY IMPACTS		
	CONSTRUCTION EASEMENT	490,939.55 SF (11.270 ACRES)
	GRADING	2,099,688.32 SF (48.202 ACRES)
	BUTTRESSES	155,432.68 SF (3.568 ACRES)
	BORROW/STAGING AREA	132,382.79 SF (3.039 ACRES)
	STAGING AREA	141,273.89 SF (3.243 ACRES)
	NO CONSTRUCTION	



## Page 2-18

### 2.5.2 Alternative A – Northern Alignment

Under this alternative, the roadway alignment would commence at the edge of the approved Sky Ranch II subdivision and extend to the northwest, running parallel to the existing residential neighborhood to the north, joining Kirker Pass Road with a conventional “T” signalized intersection; refer to Figure 6-3, *Approximate Northern Alignment Alternative*. In addition, Alternative A would utilize a clear span bridge to cross Kirker Creek. The length of Alternative A would be approximately 1.9 miles, slightly longer than the proposed project. Similar to the proposed project, Alternative A would merge from a four-lane road to a two-lane road until just before its intersection with Kirker Pass Road, where it would again expand to a four-lane road. The alternative’s proposed roadway alignment would follow the natural topography of the land and meet City and California Department of Transportation (Caltrans) standards and regulations for highway design. All other design elements of Alternative A would generally mirror that of the proposed project including portions of the roadway being built to both highway and rural road standards. Similar to the proposed project, Alternative A would require annexation of approximately 475 acres to the City, annexing Kirker Pass Road from Nortonville Road north to the City limit line, amending the City General Plan to designate all subject properties Open Space, and pre-zone the sphere of influence (SOI) to designate all subject properties as Open Space (OS) District with an option to provide an Agricultural Preserve Overlay.

## Page 2-21

Table 2-1 Summary of Impacts - Beneficial

Impact	Level of Significance before Mitigation	Mitigation Measure(s)	Level of Significance after Mitigation
<b>Transportation/Traffic</b>			
THE PROPOSED PROJECT WOULD <u>NOT</u> REDUCE THE DELAY INDEX TO UNACCEPTABLE LEVELS ON ROADWAY SEGMENTS WITHIN THE STUDY AREA	Less than Significant	No additional mitigation measures are required	Beneficial Impact
THE PROPOSED PROJECT WOULD <u>NOT</u> CONFLICT WITH ADOPTED ALTERNATIVE TRANSPORTATION POLICIES, PLANS, OR PROGRAMS	Less than Significant	No additional mitigation measures are required	Beneficial Impact

## Chapter 3 Figure Additions

During the public circulation period, the City and project engineers continued to make minor engineering adjustments to the proposed project alignment. During this time, engineering design refinements and coordination with the East Contra Costa County (ECCC) Habitat Conservancy further defined the culvert sizes and locations. Therefore, Figure 3-8, *Project Culverts*, has been added to the EIR for reference.

The City determined that it would be beneficial to the public to provide a figure depicting the existing and proposed City limit lines compared to the existing urban limit line and City sphere of influence. Therefore, Figure 3-9, *Proposed Annexation Boundaries*, has been added to the EIR.

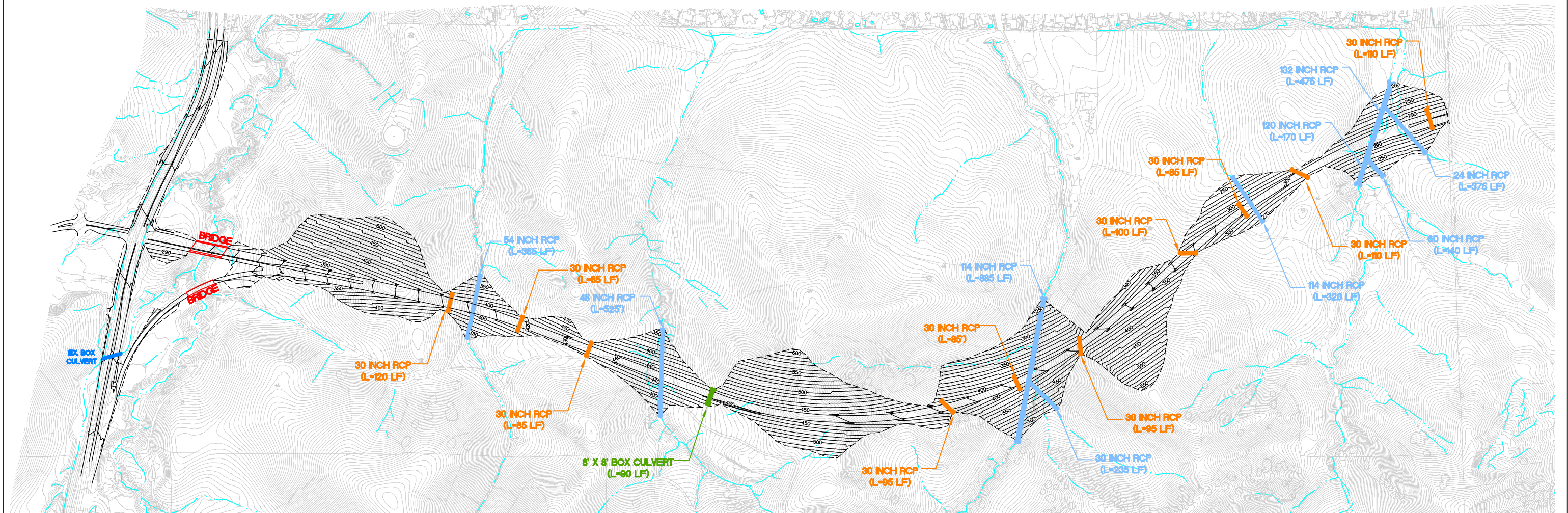




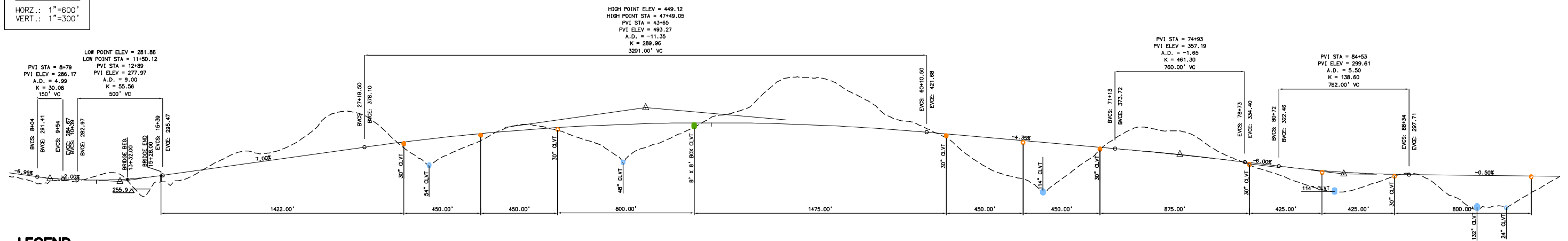
The City determined that it would be beneficial to the public to provide a figure depicting the proposed project boundaries, property lines, and APN numbers. Therefore, Figure 3-10, *Proposed Annexation Boundaries and Properties*, has been added to the EIR.

The City determined that it would be beneficial to the public to provide a figure depicting the proposed land use designations within the project boundaries. Therefore, Figure 3-11, *Proposed City Land Use Designations*, has been added to the EIR.

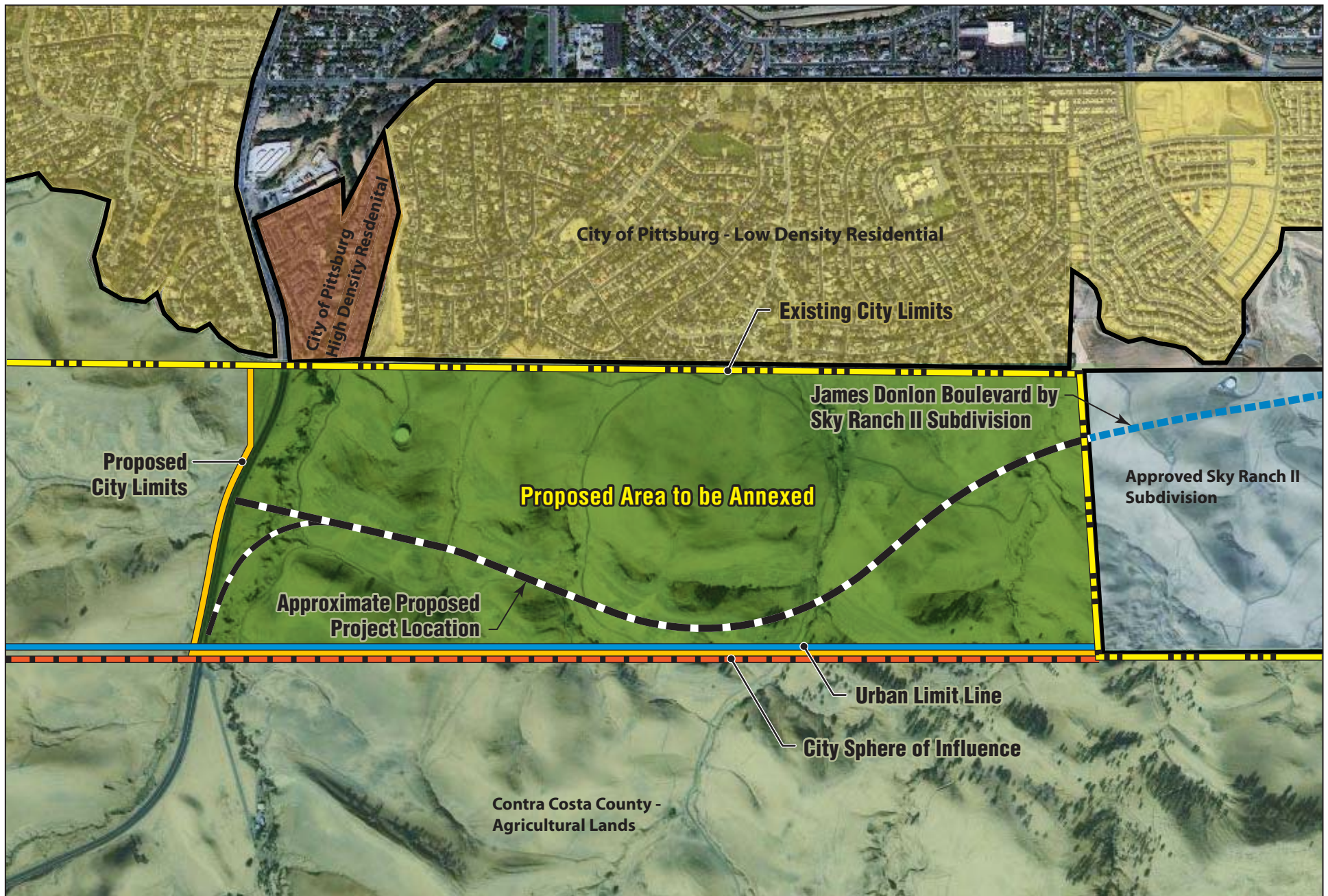
The City determined that it would be beneficial to the public to provide a figure depicting the proposed pre-zone classifications within the project boundaries. Therefore, Figure 3-12, *Proposed City Pre-Zoning*, has been added to the EIR.



PROFILE SCALE:  
HORIZ.: 1"=600'  
VERT.: 1"=300'







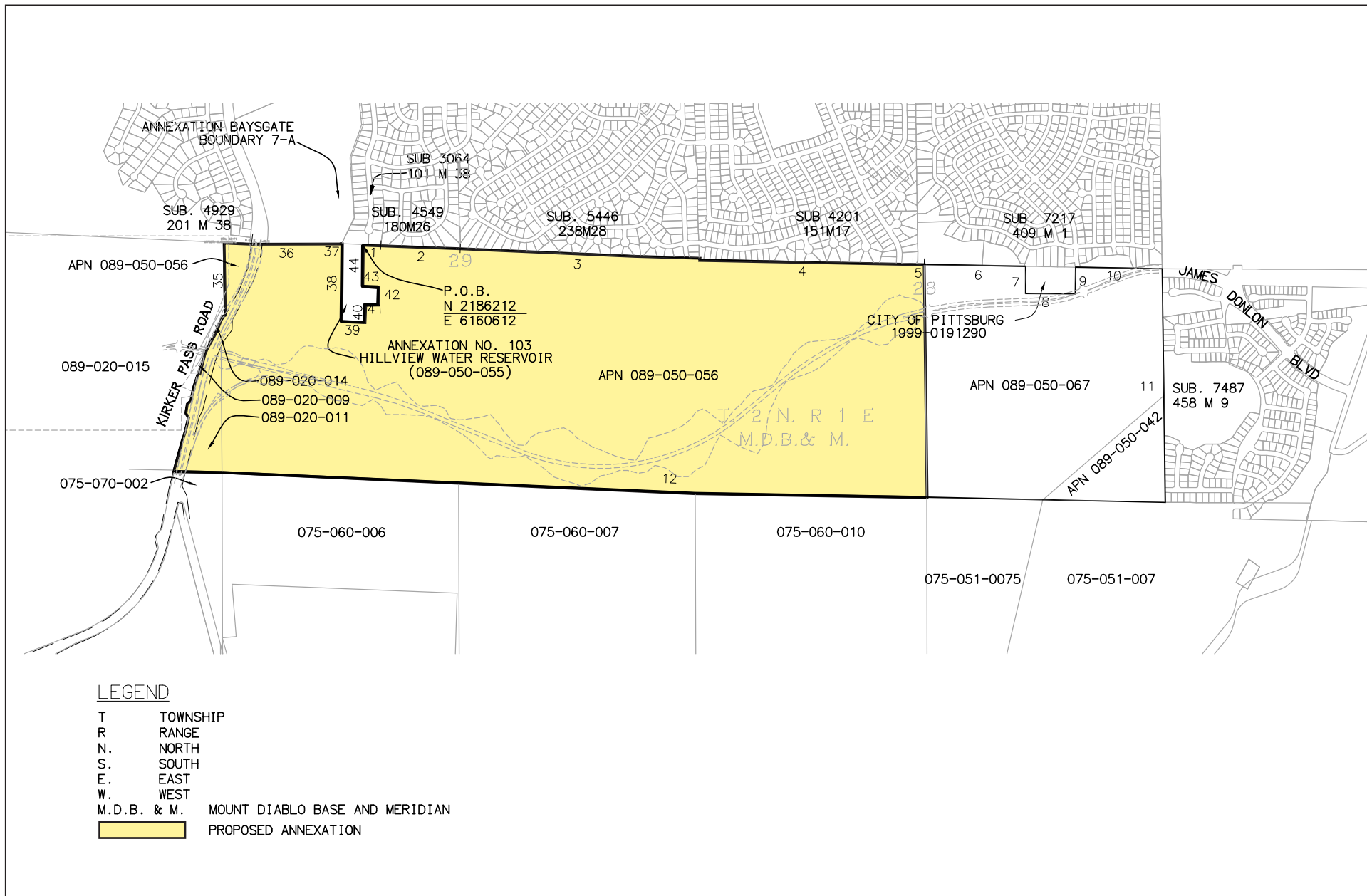
Source: USGS Aerial, 2006.



2/19/14 JN 130944-18838 MAS

# JAMES DONLON BOULEVARD EXTENSION PROJECT ENVIRONMENTAL IMPACT REPORT **Proposed Annexation Boundaries**

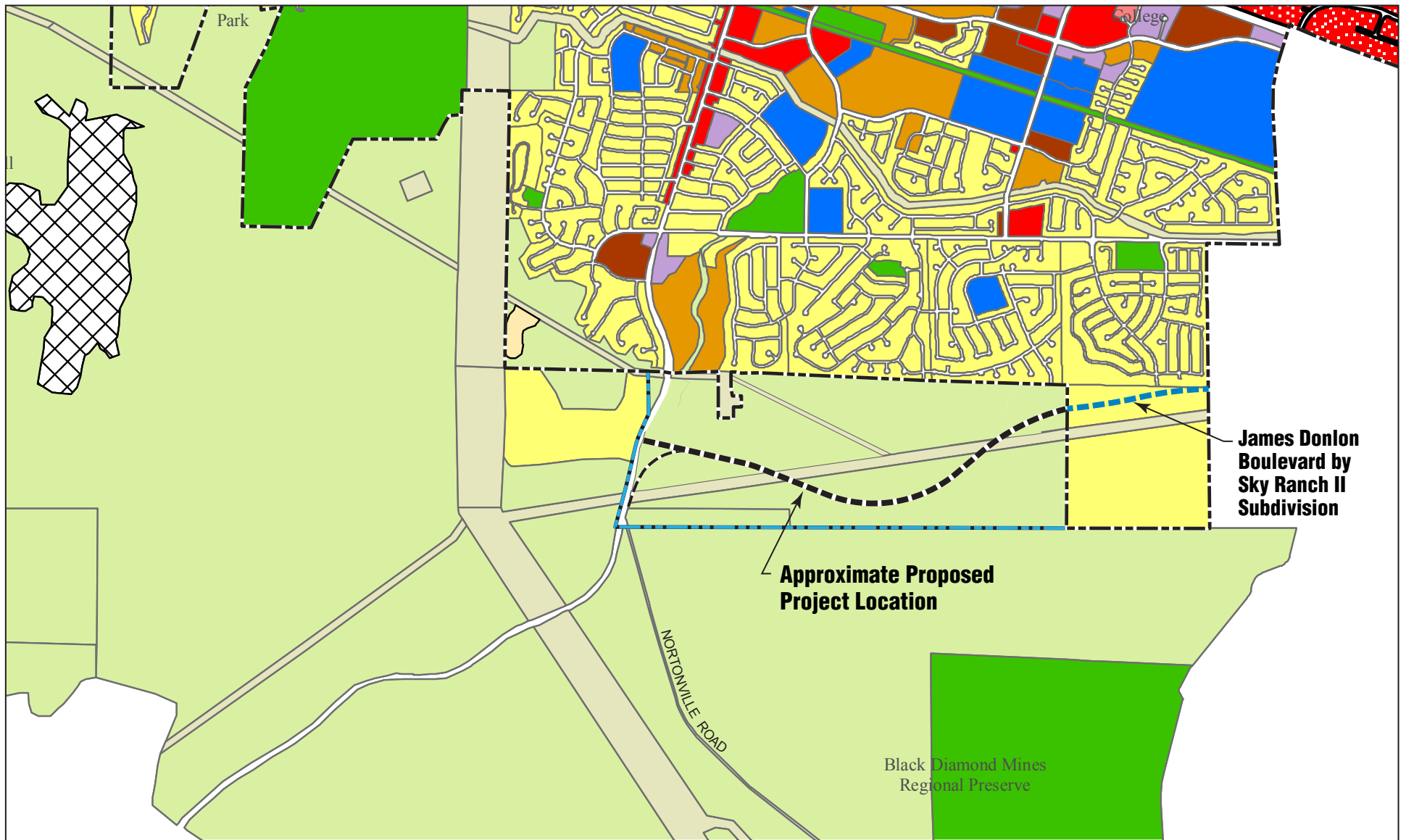
Figure 3-9



JAMES DONLON BOULEVARD EXTENSION PROJECT  
ENVIRONMENTAL IMPACT REPORT

## Proposed Annexation Boundaries and Properties





#### LEGEND

Existing City Limits	Hillside Low Density Residential	Public / Institutional
Proposed City Limits	Community Commercial	Park
Low Density Residential	Service Commercial	Open Space
Medium Density Residential	Regional Commercial	Utility / ROW
High Density Residential	Business Commercial	Landfill

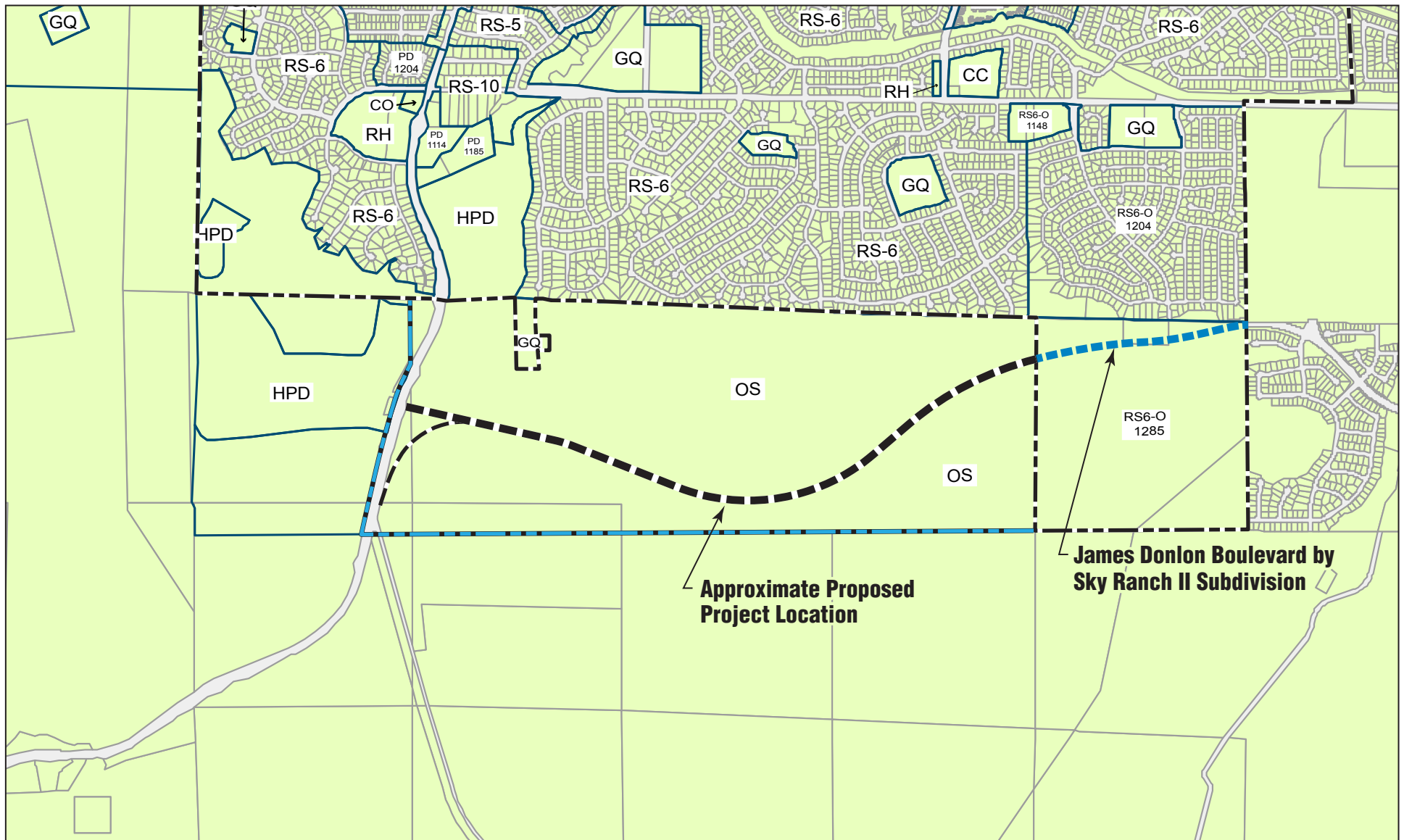
Source: City of Pittsburgh, General Plan, December 2011.



2/19/13 JN 130944-18838 MAS

## JAMES DONLON BOULEVARD EXTENSION PROJECT ENVIRONMENTAL IMPACT REPORT Proposed City Land Use Designations

Figure 3-11



#### LEGEND

**CO** Commercial Office  
**OS** Open Space District  
**HPD** Hillside Planned Development  
**RS-6** Residential (6,000 square foot minimum lot size)

**RS6-O** Residential (6,000 square foot minimum lot size, Limited Overlay)  
**RS-10** Residential (10,000 square foot minimum lot size)  
**RH** High Density Residential District  
**GQ** Government and Quasigovernment District  
**PD** Planned Development

--- Existing City Limits  
 --- Proposed City Limits

Source: City of Pittsburgh, Zoning Map, June 2011.



## JAMES DONLON BOULEVARD EXTENSION PROJECT ENVIRONMENTAL IMPACT REPORT Proposed City Pre-Zoning

Figure 3-12



Page 3-1

**Table 3-1  
Proposed Project Statistics**

Project Activity	Proposed Project	
	2007	2012
Privately-Owned Parcels	7 total (APNs 089-050-056, 089-020-011, 075-070-002, 074-070-004, 089-020-009, 089-020-010, and 089-020-012)	<ul style="list-style-type: none"> <li>2 required for the extension (APNs 089-050-056 and 089-020-011)</li> <li>5 required for improvements to Kirker Pass (APNs 089-050-055 [Existing City Property], 075-060-007, 089-020-009, 089-020-014 and 089-020-015)</li> </ul>
Total Parcel Acreage	Approximately 675 acres	Approximately 475 acres
Total Permanent Conversion (ROW acquisition)	Approximately 75 acres	Approximately 70 acres
Annexation Properties	APNs 089-050-056 and 089-020-011	APNs 089-050-056 and 089-020-011
Right-of-Way Acquisitions (adjacent to Kirker Pass Road) and Annexation of Kirker Pass Road	APNs 075-070-002, 074-070-004, 089-020-009, 089-020-010, and 089-020-012	APNs 089-050-055 [Existing City Property], 075-060-007, 089-020-009, 089-020-014 and 089-020-015

Page 3-2

**Table 3-1  
Proposed Project Statistics**

Project Activity	Proposed Project	
	2007	2012
Landscaping and Revegetation	<ul style="list-style-type: none"> <li>Drought-tolerant species and ornamental vegetation consistent with City-approved landscaping themes</li> <li>Revegetate with native seed mix</li> </ul>	<ul style="list-style-type: none"> <li>Drought-tolerant species and <del>ornamental</del> <u>local ecotypes of native</u> vegetation consistent with City-approved landscaping themes</li> <li>Revegetate with native seed mix, <u>using local ecotypes of native plants to the extent feasible, in areas that are revegetated to natural (not landscaped) conditions</u></li> <li>No permanent irrigation for revegetated areas</li> </ul>
Buttresses	None	Provided to support 2:1 slope gradient
Stormwater Detention Basins	Detention basins and best management practices (BMPs)	<del>Bio-retention facilities</del> <u>Planned stormwater control devices and systems</u> and BMPs



## Pages 3-2 and 3-3

The project site is currently located within unincorporated Contra Costa County (County), but within the Urban Limit Line, City's Planning Area, and the City's Sphere of Influence. To facilitate construction of the roadway extension, the City proposes to annex two privately-owned properties, through which the roadway would cross, totaling approximately 475 acres east of Kirker Pass Road. The proposed project includes an amendment to the City General Plan to designate the land Open Space. It also includes a pre-zoning to designate the properties Open Space (OS) District, with ~~an option to provide~~ an Agricultural Preserve Overlay. In addition, the City proposes to annex the Kirker Pass Road right-of-way from Nortonville Road to the City limit line and, thus, that portion of Kirker Pass Road would become a City-maintained right-of-way.

## Page 3-3

The proposed project would be a public right-of-way constructed through two privately-owned properties (APNs 089-050-056 and 089-020-011). These two properties are proposed for annexation to the City as part of the roadway extension. In addition, slope easements or roadway widening along Kirker Pass Road may affect ~~five~~ four additional properties (APNs 089-050-055, ~~075-060-007~~, 089-020-009, 089-020-014 and 089-020-015). ~~Six~~ Five of the parcels comprising the project area are located within unincorporated Contra Costa County, near the western limits of the City of Antioch and the southern limits of City of Pittsburg, within the City of Pittsburg's Planning Area, Urban Limit Line, and Sphere of Influence. Parcel No. 089-050-055 is city-owned and is already within located within city limits. Approximately 70 acres of right-of-way and/or slope easements for grading would be required for the proposed project and would be purchased from the property owners or acquired through the use eminent domain.<sup>1</sup> Refer to Figure 3-1, *Project Vicinity*, and Figure 3-2, *Project Location*, for a depiction of the project location.

## Page 3-11

The four-lane portion of the James Donlon Boulevard at the Kirker Pass Road intersection would be designed to urban road standards with medians, curbs, gutters, sidewalks and streetlights. The two-lane portion of James Donlon Boulevard would be designed to rural road standards. James Donlon Boulevard would include shoulders that contain a paved eight-foot-wide area and an unpaved six- to ten-foot-wide graded area outside and adjacent to the paved shoulder. Additional proposed project features on James Donlon Boulevard include:

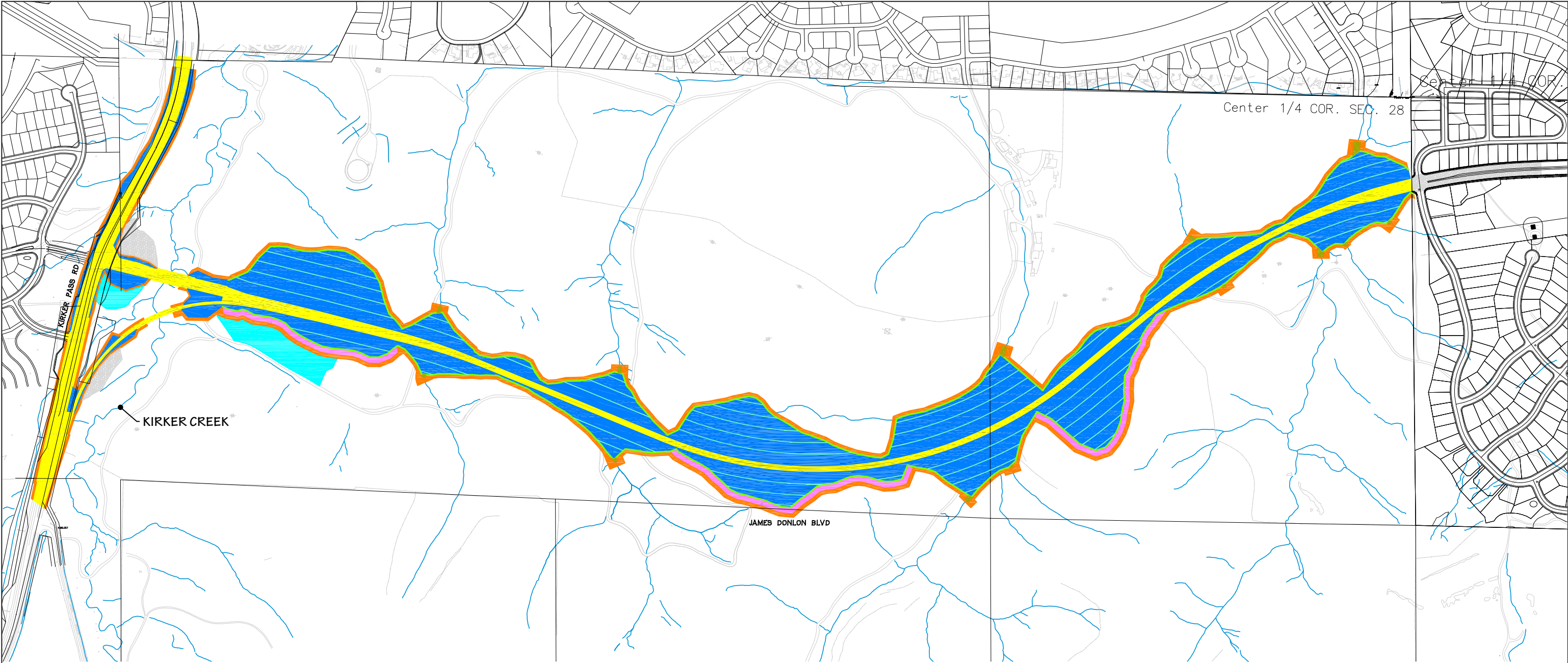
## Page 3-12

Figure 3-7, *Site Plan*, has been revised to include a label identifying Kirker Creek.





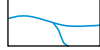
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<sup>1</sup> Eminent domain is the right of a governmental agency to take private property for public use with payment of compensation to the owner, but without the owner's consent.





**LEGEND:**

PERMANENT IMPACTS		
	BENCH GRADING, INCL. 4' CONCRETE DITCH	74,212.05 SF (1.704 ACRES)
	BENCH GRADING, INCL. 6' CONCRETE DITCH	137,670.80 SF (3.160 ACRES)
	RIP RAP	11,709.91 SF (0.269 ACRES)
	ROADWAY IMPROVEMENT	771,912.20 SF (17.721 ACRES)
	KIRKER CREEK, DRAINAGE, TRIBUTARIES	

TEMPORARY IMPACTS		
	CONSTRUCTION EASEMENT	490,939.55 SF (11.270 ACRES)
	GRADING	2,099,688.32 SF (48.202 ACRES)
	BUTTRESSES	155,432.68 SF (3.568 ACRES)
	BORROW/STAGING AREA	132,382.79 SF (3.039 ACRES)
	STAGING AREA	141,273.89 SF (3.243 ACRES)
	NO CONSTRUCTION	



## Page 3-13

### Section 3.3.3 Landscaping

Landscaping would be provided for the proposed medians, using native drought-tolerant species and ~~ornamental~~ native vegetation, consistent with City-approved landscaping themes. In addition, areas outside the roadway that would be impacted and/or graded would be revegetated using a native seed mixture. No permanent irrigation is proposed for these revegetated areas.

## Page 3-14

### 3.3.7 UTILITIES

There are several Pacific Gas and Electric (PG&E) transmission lines that traverse the project area. It would be necessary to relocate or raise three transmission towers in order to implement the proposed project. The proposed project would not require a permanent source of water or wastewater facilities and would not include the extension of water or wastewater pipelines within the roadway. However, the project would require a source of electricity for the proposed streetlights. Electricity would be provided by extending PG&E service to the proposed project. In addition, Kinder Morgan has a ten-inch, high-pressure, ~~natural gas~~ refined petroleum products pipeline within the project area that may be lowered in certain locations.

## Pages 3-14 and 3-15

- Annex two properties comprising approximately 475 acres to the City (APNs 089-050-056 and 089-020-011), refer to Figure 3-10, *Proposed Annexation Boundaries and Properties*
- Annex Kirker Pass Road to the City from Nortonville Road north to the City limit line (parcels affected by Kirker Pass Road improvements include APNs 089-050-055, ~~075-060-007~~, 089-020-009, 089-020-014, and 089-020-015), refer to Figure 3-10, *Proposed Annexation Boundaries and Properties*
- Amend City General Plan land use designations to designate all subject properties Open Space (change the Hillside Low Density Residential portions of APNs 089-050-056 and 089-020-011 to Open Space), refer to Figure 3-11, *Proposed City Land Use Designations*
- Pre-zone the SOI to designate all subject properties Open Space (OS) District with ~~an option to add an~~ Agricultural Preserve Overlay (change the Hillside Planned Development (HPD) District pre-zone portion of APN 089-050-056 to pre-zone Open Space (OS) District with ~~an option to provide an~~ Agricultural Preserve Overlay District), refer to Figure 3-12, *Proposed City Pre-Zoning*

## Page 3-15

- San Francisco Bay Regional Water Quality Control Board (RWQCB)
- Contra Costa ~~County~~ Local Agency Formation Commission (LAFCO)
- Contra Costa Flood Control and Water Conservation District



## Page 3-15

### 3.5.2 Entitlements Required

- Annexation approval of APNs 089-050-056 and 089-020-011 to the City of Pittsburg by the Contra Costa County LAFCO
- Amendment to the City of Pittsburg General Plan land use designations to designate all subject properties Open Space
- Pre-zone the SOI to designate all subject properties Open Space (OS) District, with an option to provide an Agricultural Preserve Overlay

## PAGE 3-16

- San Francisco Bay RWQCB Storm Water Pollution Prevention Plan (SWPPP)
- Transportation Encroachment Permit from the Caltrans District 4, if necessary for moving construction equipment to and from the project site
- Transportation Traffic Control Plan by Contra Costa County Public Works Department
- Grading Permits from the City of Pittsburg

## Pages 4.2-11 and 4.2-12

Table 4.2-1, Consistency with City of Pittsburg General Plan

Objectives and Policies	Consistency of Proposed Project
<b>Land Use Element</b>	
<p><b>Policy 2-P-73:</b> Allow Los Density Residential development in selected areas along Kirker Pass Road and other valley floors as appropriate, under the following criteria:</p> <ul style="list-style-type: none"><li>• Permanent greenbelt buffers be established to encompass: 1) the southerly 1/5 (approximately) of the Montreux property; and 2) the area south of the existing PG&amp;E transmission corridor and south of the final alignment of the Buchanan Road Bypass, just east of Kirker Pass Road.</li></ul> <p>The City will consider, in conjunction with subdivision applications on these properties and related environmental analysis, general plan and/or the transfer of lost development rights as a result of these greenbelts to other portions of these properties, while not increasing the overall number of units permitted on these properties.</p> <ul style="list-style-type: none"><li>• Natural topography be retained to the maximum extent feasible, and large-scale grading discourages;</li><li>• No development on minor and major ridgelines (as identified in Figure 4-2), with residential construction on flatter natural slopes encouraged;</li></ul>	<p><b>Consistent.</b> The proposed project does not include the construction of residential structures. The proposed project includes a <u>City General Plan Amendment</u> to change the land use designations for the proposed project properties from Utility/Right-of-Way, Hillside Low Density Residential, and Open Space to Open Space only. The proposed project also includes pre-zoning of the proposed project properties from Hillside Planned Development (HSD) District and Open Space (OS) District to Open Space (OS) District, with <del>the option to provide</del> an Agricultural Preserve Overlay District. The proposed project would not be located along a minor or major ridgeline (refer to Section 4.3, <i>Aesthetics</i>). The proposed project would be designed to protect biological resources to the greatest extent feasible (refer to Section 4.6, <i>Biological Resources</i>). The proposed project alignment has been designed to reduce the total roadway length, and includes buttresses that allow for steeper slopes and, thus, less grading (refer to Section 4.8, <i>Geology and Soils</i>).</p>



Objectives and Policies	Consistency of Proposed Project
<ul style="list-style-type: none"> <li>• Development designed and clustered so as to be minimally visible from Kirker Pass Road;</li> <li>• Creeks and adjacent riparian habitat protected;</li> <li>• As assessment of biological resources completed; and</li> <li>• Be limited to a maximum density of 3.0 du/a.c.</li> </ul>	
<b>Policy 2-P-107:</b> Support permanent open space preservation of the Black Diamond Mines Regional Preserve. Retain remaining vacant acreage within the subarea as open space.	<b>Consistent.</b> The proposed project includes a general plan amendment to change the land use designations for the proposed project properties from Utility/Right-of-Way, Hillside Low Density Residential, and Open Space to Open Space only. The proposed project also includes pre-zoning of the proposed project properties from Hillside Planned Development (HSD) District and Open Space (OS) District to Open Space (OS) District, with <del>the option to provide</del> an Agricultural Preserve Overlay District.
<b>Policy 2-P-109:</b> Ensure the rural character of the existing agricultural grazing lands is retained.	<b>Consistent.</b> The proposed project includes a general plan amendment to change the land use designations for the proposed project properties from Utility/Right-of-Way, Hillside Low Density Residential, and Open Space to Open Space only. The proposed project also includes pre-zoning of the proposed project properties from Hillside Planned Development (HSD) District and Open Space (OS) District to Open Space (OS) District, with <del>the option to provide</del> an Agricultural Preserve Overlay District. In addition, refer to Section 4.4, <i>Agriculture and Forestry Resources</i> , for a discussion on agricultural impacts as well and Section 4.3, <i>Aesthetics</i> , regarding any changes in the visual character of the area.

## Page 4.2-13

**Table 4.2-2, Consistency with Contra Costa County General Plan**

Objectives and Policies	Consistency of Proposed Project
<b>Land Use Element</b>	
<b>Goal 3-A:</b> To coordinate land use with circulation, development of other infrastructure facilities, and protection of agriculture and open space, and allow growth and maintenance of the County's quality of life. In such environment all residential, commercial, industrial, recreational and agricultural activities may take place in safety, harmony, and mutual advantage.	<b>Consistent.</b> The proposed project includes a general plan amendment to change the City land use designations for the proposed project properties from Utility/Right-of-Way, Hillside Low Density Residential, and Open Space to Open Space only. The proposed project also includes pre-zoning the proposed project properties from Hillside Planned Development (HSD) District and Open Space (OS) District to Open Space (OS) District, with <del>the option to provide</del> an Agricultural Preserve Overlay District. These changes are compatible with maintaining the County Agricultural Lands land use designation and the A-4 (Agricultural Preserve) zoning. In addition, refer to Section 4.4, <i>Agriculture and Forestry Resources</i> , for a discussion on agricultural impacts as well and Section 4.3, <i>Aesthetics</i> , regarding any changes in the visual character of the area.
<b>Goal 3-G:</b> To discourage development on vacant rural lands outside of planned areas which is not related to agriculture, mineral extraction, wind energy or other appropriate rural uses; discourage subdivision down to minimum parcel size of rural lands that are within, or accessible only through,	<b>Consistent.</b> The proposed project does not include the construction of residential structures. The proposed project includes a general plan amendment to change the land use designations for the proposed project properties from Utility/Right-of-Way, Hillside Low Density Residential, and Open Space to Open Space only. The proposed project also includes pre-zoning of the proposed project properties



Objectives and Policies	Consistency of Proposed Project
geologically unstable areas; and to protect open hillsides and significant ridgelines.	from Hillside Planned Development (HSD) District and Open Space (OS) District to Open Space (OS) District, with the option to provide an Agricultural Preserve Overlay District. The proposed project would not be located along a County designated scenic ridge; however, it is located 0.3 mile north of a scenic ridge (refer to Section 4.3, <i>Aesthetics</i> ). The proposed project would be designed to protect biological resources to the greatest extent feasible (refer to Section 4.6, <i>Biological Resources</i> ). The proposed project alignment has been designed to reduce the total roadway length, and includes buttresses that allow for steeper slopes and, thus, less grading (refer to Section 4.8, <i>Geology and Soils</i> ).

## Page 4.2-14

The Cortese-Knox-Hertzberg Act also provides guidance of proposed LAFCO actions (i.e., annexation) when the project site is considered “agricultural land” or “prime agricultural land” pursuant to the definitions in Sections 56016 and 56064, while Section 56856.5 provides guidance of when the project site is located on lands subject to Williamson Act contracts.

### ***Cortese-Knox-Hertzberg Act Sections 56016 and 56064***

The definition of “agricultural land” as defined by the Cortese-Knox-Hertzberg Act is as follows:

*“Agricultural lands” means land currently used for the purpose of producing an agricultural commodity for commercial purposes, land left fallow under a crop rotational program, or land enrolled in an agricultural subsidy or set-aside program.*

The definition of “prime agricultural land” as defined by the Cortese-Knox-Hertzberg Act is as follows:

*56064. “Prime agricultural land” means an area of land, whether a single parcel or contiguous parcels, that has not been developed for a use other than an agricultural use and that meets any of the following qualifications:*

*(a) Land that qualifies, if irrigated, for rating as class I or class II in the USDA Natural Resources Conservation Service land use capability classification, whether or not land is actually irrigated, provided that irrigation is feasible.*

*(b) Land that qualifies for rating 80 through 100 Storie Index Rating.*

*(c) Land that supports livestock used for the production of food and fiber and that has an annual carrying capacity equivalent to at least one animal unit per acre as defined by the United States Department of Agriculture in the National Range and Pasture Handbook, Revision 1, December 2003.*

*(d) Land planted with fruit or nut-bearing trees, vines, bushes, or crops that have a nonbearing period of less than five years and that will return during the commercial bearing period on an annual basis from the production of unprocessed agricultural plant production not less than four hundred dollars (\$400) per acre.*

*(e) Land that has returned from the production of unprocessed agricultural plant products an annual gross value of not less than four hundred dollars (\$400) per acre for three of the previous five calendar years.*

The Rincon Clay Loam, 2 to 9 Percent Slopes, has a Storie Index Rating of grade one – excellent, which is a Storie Index Rating between 80 and 100. ~~Construction activities on this soil type would include the improvements to the existing Kirker Pass Road (refer to Figure 4.8 2, Soils Map).~~ All other soils within



~~the project area have Storie Index Ratings of 79 or less.~~ Two soils types, Rincon Clay Loam, 2 to 9 Percent Slopes, and Capay Clay, 2 to 9 percent slopes, are classified as having an Irrigated Capability Class 2 (NRCS 2013). No construction activities would occur on ~~the~~ Capay Clay, while construction activities on ~~the~~ Rincon Clay Loam in the project area would occur only to facilitate the improvements along Kirker Pass Road (refer to Figure 4.8-2, *Soils Map*). All other soils within the project area have Storie Index Ratings of 79 or less.

The proposed project site is used as an existing cattle ranch. Therefore, the properties to be annexed into the City are considered “agricultural land” and “prime agricultural land” under the Cortese-Knox-Hertzberg Act for the proposed LAFCO action (i.e., annexation). The existing ranch operations would continue after the proposed annexation and roadway construction. In addition, Figure 3-8, *Project Culverts*, above, provides the locations and size of the culverts for drainages and wildlife crossings. These range in size from 24 inches (2 feet) in diameter to 132 inches (11 feet). In addition, an 8-foot by 8-foot box culvert would also be provided as part of this proposed project. The City has had ongoing coordination with the ECCC Habitat Conservancy regarding wildlife and cattle crossing culverts. Thus, the proposed project would provide approximately 18 culverts of varying size and locations throughout the proposed project area to support ~~A minimum of one culvert would be provided to allow safe passage of the cattle from the north side of the proposed James Donlon Boulevard to the south side.~~

As proposed, the project provides ample opportunity for continuing agricultural operations and connectivity between lands north and south of the roadway. Furthermore, no development-serving services would be extended to the project area and no future development is planned or possible under the proposed land use designation and zoning. Therefore, as to agricultural lands and prime agriculture factors in Government Code section 56668, the project would convert a small portion of existing agricultural operations while retaining most of the agricultural property and operations intact.

### **Page 4.2-16, Paragraph 1**

The proposed project would amend the City General Plan land use designation on APNs 089-050-056 and 089-020-011 from Open Space and Hillside Low Density Residential to Open Space. In addition, the proposed project would pre-zone the two privately-owned parcels from Hillside Planned Development (HSD) District and Open Space (OS) District to Open Space (OS) District, with ~~the option to establish~~ an Agricultural Preserve Overlay District to support the land under Williamson Act contract. The existing ranch operations would continue and a minimum of one culvert would be provided to allow safe passage of the cattle from the north side of the proposed James Donlon Boulevard to the south side.

### **Page 4.2-16, Paragraph 4**

Therefore, the City would not provide facilities or services related to sewers, nonagricultural water, or streets and roads to the territory (APNs 089-050-056 and 089-020-011). The City would implement general plan designations and pre-zoning districts to ensure that the agricultural land would remain in perpetuity. Thus, the proposed project would be consistent with relevant Contra Costa ~~County~~ LAFCO goals and policies and the guidance provided in the Cortese-Knox-Hertzberg Act.

#### ***LAFCO Commissioner Handbook Policies and Standards (Excerpts)***

Section 2.1 of the Contra Costa ~~County~~ LAFCO Commissioner Handbook outlines policies and standards that LAFCO follows when making decisions on a proposed LAFCO action (i.e., annexation).



## **Pages 4.2-16 and 4.2-17**

The proposed project would involve annexing agricultural lands considered prime as defined by Cortese-Knox-Hertzberg Act Section 56064; however, as stated above, the City would amend the City General Plan land use designation on APNs 089-050-056 and 089-020-011 from Open Space and Hillside Low Density Residential to Open Space and would pre-zone the two privately-owned parcels from Hillside Planned Development (HSD) District and Open Space (OS) District to Open Space (OS) District, ~~with the option to establish~~ an Agricultural Preserve Overlay District to support the land under Williamson Act contract. No access to the proposed James Donlon Boulevard extension would occur from the existing cattle ranch properties. Refer to the discussion above regarding the Cortese-Knox-Hertzberg Act Sections 56064 and 56856.5 for further details regarding agricultural land.

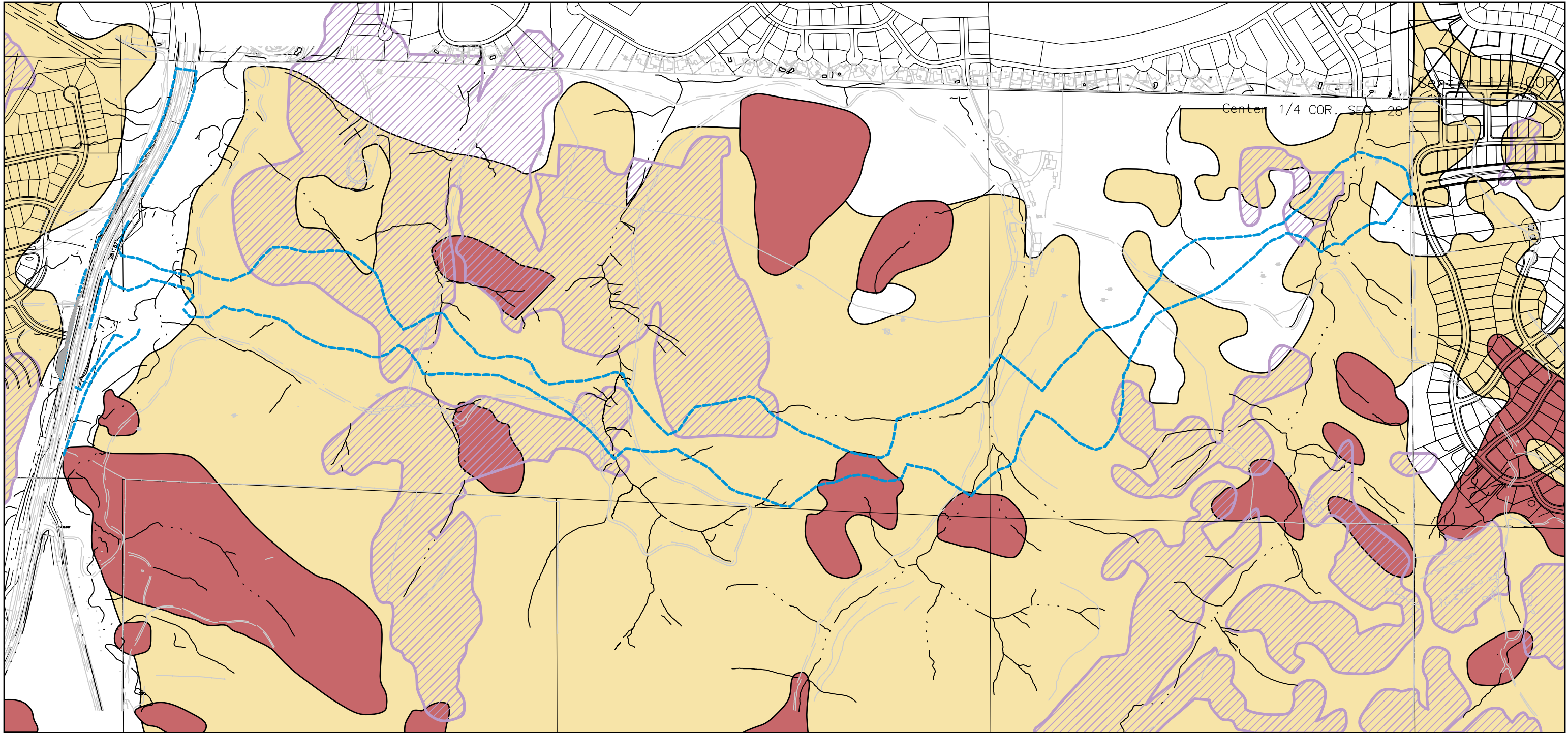
## **Page 4.2-17**

As stated above, the City would pre-zone the two privately-owned parcels from Hillside Planned Development (HSD) District and Open Space (OS) District to Open Space (OS) District, ~~with the option to establish~~ an Agricultural Preserve Overlay District to support the land under Williamson Act contract. Thus, the proposed project would be consistent with relevant Contra Costa County LAFCO policies and standards goals and policies provided in the Commissioner Handbook.

## **Section 4.3 Figure Addition**






The City determined that it would be beneficial to the public to provide a figure depicting the proposed project boundaries with respect to the 30 percent slopes identified in the City General Plan (City General Plan Figure 10-1). Therefore, Figure 4.3-16, *Slopes Within the Project Area*, has been added to the EIR for reference.





Source: City of Pittsburgh General Plan.

**LEGEND**

-  High Liquefaction Potential (from ABAG, 1980)
-  Moderately Unstable
-  Generally Unstable
-  > 30% Slope
-  Limits of Proposed Grading







## Page 4.3.-23

AES2 A comprehensive landscape plan shall be prepared and approved concurrent with the final roadway implementation plans. Landscaping design shall be subject to approval by the City of Pittsburgh Development Services Department prior to the issuance of grading or building permits. Design elements of the landscape plan shall include, but not be limited to the following (where feasible):

- Erosion control shall be applied to all disturbed slopes.
- Slopes shall be restored with hydroseeding using native, non-invasive vegetation; local ecotypes of native plants will be used to the extent feasible.
- Where possible, topsoil shall be saved, stockpiled and reapplied on disturbed slopes to reduce the newly-constructed look and to promote natural revegetation.
- In order to reduce the artificial appearance of engineered slopes, cut-and-fill slopes shall be blended within existing contours, with horizontal variation, and shall be finished with a rough appearance where possible to create an aged look.
- Existing rock outcroppings shall be retained where possible.
- All mature removed trees shall be replaced using a planting ratio and maintenance program which shall ensure plant establishment and long-term success; trees planted to replace mature trees that are removed shall be native species, and local ecotypes of these species will be used to the extent feasible.
- Trees shall be planted or relocated in irregular locations to achieve a natural appearance along the roadway, at a density similar to the trees that would be removed.
- Natural creeks and drainage courses shall be preserved as close as possible to their natural location and appearance. Soft surface alternatives to concrete ditches and rock slope protection shall be utilized wherever possible.

Installed landscaping shall be subject to review and approval by the City of Pittsburgh Development Services Department prior to final sign-off of construction of the roadway and associated improvements. The City shall be responsible for maintenance of the landscaping until it is established (anticipated to be approximately five years).

## Page 4.4-7

The proposed project also includes a general plan amendment to designate the properties Open Space and would pre-zone the SOI to designate the properties Open Space (OS) District, with ~~the option to provide~~ an Agricultural Preserve Overlay District. No other access points would be provided for the proposed James Donlon Boulevard extension beyond the intersections at Kirker Pass Road on the west and Sky Ranch II, including Metcalf Street, Ventura Drive, and Somersville Road, on the east.



## Page 4.4-8

The proposed project would convert approximately 70 acres to non-agricultural lands. The proposed project would amend the City General Plan land use designation on APNs 089-050-056 and 089-020-011 from Open Space and Hillside Low Density Residential to Open Space. In addition, the proposed project would pre-zone the two privately-owned parcels to Open Space (OS) District with ~~an option to provide an~~ Agricultural Preserve Overlay District. The existing ranch operations would continue and a minimum of one culvert would be provided to allow safe passage of the cattle from the north side of the proposed James Donlon Boulevard to the south side. Although the proposed project would convert 70 acres of agriculture land to non-agriculture land; it would ultimately protect approximately 400 acres of agricultural land by designating the land Open Space and the existing Williamson Act Non-prime Agricultural contract would remain on APN 089-050-056 for areas not within the proposed James Donlon Boulevard right-of-way. The Williamson Act Non-Renewal contract for APN 089-020-011 would not be renewed; however, this would occur even without the proposed project. Thus, impacts are considered less than significant.

## Page 4.6-14

One group of ground squirrel burrows was detected approximately 2,000 feet east of the eastern end of the project site, and a single burrow was detected west of the project site. Because no burrows occur within the project site, suitable ~~roosting or breeding~~ nesting habitat for burrowing owls is absent from the site, ~~and the only suitable roosting sites are provided by the rock outcrops.~~ Further, because few burrows are present in the project vicinity, there is limited potential for burrowing owls to occur in nearby areas. Burrowing owls may forage occasionally in grasslands within the project area, especially during migration. No burrows of California ground squirrels or signs of burrowing owls (e.g., whitewash, pellets, or feathers) were detected within the proposed project boundaries during the field surveys.

## Page 4.8-14

The potential for liquefaction within the project site is considered low. Bedrock units underlie the majority of the area and the groundwater is relatively deep, ranging from 19 feet to more than 50 feet below ground surface. Implementation of Mitigation Measures GS3 through GS6 would reduce potentially significant impacts associated with liquefaction to a less than significant level.

## Page 4.9-2

Kinder Morgan has a ten-inch, high pressure, ~~natural gas~~ refined petroleum products pipeline that traverses the project area. It would be necessary to lower this ten-inch, ~~natural gas~~ high pressure, refined petroleum products pipeline in certain locations within the project area, in order to implement the proposed project.

## Page 4.9-10

Kinder Morgan has a ten-inch, high pressure, ~~natural gas~~ refined petroleum products pipeline that traverses the project area. It would be necessary to lower this ten-inch, ~~natural gas~~ high pressure, refined petroleum products pipeline in certain locations within the project area, in order to implement the proposed project. In addition, there are several PG&E transmission lines that traverse the project site. Relocating up to six transmission towers, within the existing PG&E easement and near the existing



towers, would be required in order to construct the proposed James Donlon Boulevard Extension. The City is in discussions with PG&E regarding the transmission towers. With implementation of mitigation measures, hazards created as a result of utility relocation would be reduced to a less than significant impact.

## Page 4.9-13

Upon completion of construction, the roadway alignment would increase potential wildfire risks from such actions as cigarettes being thrown from vehicles or vehicles stopped on the shoulder, near unpaved areas. However, this risk would be less than significant for the following reasons:

- The proposed project includes shoulders that contain an eight-foot paved area and an additional unpaved six- to ten-foot graded area outside and adjacent to the paved shoulders, that would be maintained by the City for fire suppression
- The unpaved road edges would be mowed
- The new road would provide access to fire suppression agencies
- While roadside fires are not uncommon, it is quite rare for roadside ignitions to become major wildfires due to the ability of fire suppression agencies to quickly access the fire

## Page 4.10-11

The proposed project would include a stormwater control drainage system which would follow Caltrans Design Manual procedures and be configured to accommodate a 25-year design storm event. In accordance with the Contra Costa Clean Water Program, bio-retention facilities planned stormwater control devices and systems would be designed and implemented to address stormwater quality from the additional impervious surface area that would result from the proposed project. In addition, impacts would be further reduced with implementation of a Stormwater Control Plan, which would incorporate all aspects of the RWQCB's Provision C.3. The Stormwater Control Plan is based on a hierarchical approach (Levels I, II and III) as described below:

- Level I of the Stormwater Control Plan includes the incorporation of appropriate design elements that enhance the project's potential to limit water quality impacts and limit the amount of directly connected impervious areas and maximize pervious area.
- Level II of the Stormwater Control Plan focuses on source control. Source control capitalizes on the fact that it is generally more effective, in terms of both impact and cost, to prevent or limit the release of pollutants than it is to remove them from the environment.
- Level III of the Stormwater Control Plan incorporates treatment and flow control features that are designed to reduce constituents of concern once they have been introduced into stormwater runoff. Treatment control is generally considered necessary as a final element of water quality protection even when design elements and source control BMPs are maximized. The RWQCB requires 80 percent of the average annual runoff be treated prior to discharge in receiving waters. Runoff must not exceed pre-project peak flows and durations.

A Stormwater Control Plan that would recommend a collection, treatment and disposal system for the proposed project has not yet been developed. However, three potentially feasible alternatives were analyzed in the James Donlon Boulevard Extension Technical Memorandum Report (refer to Appendix G.2). Any of the three methods analyzed in the memorandum could be utilized in the proposed project to



meet Provision C.3; method alternatives include implementation of bio-retention facilities in the cut embankments along the edge of the roadway and underground box storage of stormwater with different methods for directing the water to such facilities. The ultimate treatment and flow control method is currently being determined through the roadway design process.

Therefore, a mitigation measure would be required to ensure the preparation of a Stormwater Control Plan, and that the proposed project's treatment and disposal system meets applicable Provision C.3 requirements. Implementation of Mitigation Measure WQ3 would reduce potential impacts to less than significant.

### **Page 4.10-13**

The proposed project would comply with the goals and policies of the City General Plan and the County General Plan, as well as the City Municipal Code and the County Ordinance Code. ~~Bio-retention facilities~~ Planned stormwater control devices and systems would be designed and implemented in accordance with the Contra Costa Clean Water Program to address stormwater quality from the additional impervious surface area that would result from the proposed project.

### **Page 4.10-14**

The proposed project would not directly alter the course of any drainages on or off the project site. As discussed above, the proposed project would include a stormwater ~~control~~drainage system which would follow Caltrans Design Manual procedures and be configured to accommodate a 25-year design storm event. The planned stormwater control devices and systems~~drainage networks~~ would be configured to discharge toward logical stream crossings to maintain existing drainage patterns and minimize erosion potential. The culvert sizes would be selected to convey the 100-year peak storm event runoff, per the 100-year hydrograph computed at each creek crossing point (RBF 2012). This would convey ample runoff without excessively erosive discharge velocities. In addition, the proposed project would result in the placement of rip rap in some drainage areas to further protect the slopes from erosion. ~~Bio-retention facilities~~ Planned stormwater control devices and systems would be designed and implemented in accordance with the Contra Costa Clean Water Program to address stormwater quality from the additional impervious surface area that would result from the proposed project. The planned stormwater control devices and systems ~~bio-retention basins~~ not only aid in water quality, but also distribute runoff water at a slower rate, thus reducing the potential for on- and off-site flooding due to increased runoff rates.

### **Page 4.10-15**

Implementation of the proposed project would result in an increase of impermeable surface, which may result in an increase in runoff. The proposed project would not directly alter the course of any drainages on or off the project site. As discussed above, the proposed project would include a planned stormwater control devices and drainage systems which would follow Caltrans Design Manual procedures, configure the drainage network to discharge toward logical stream crossings, and size culverts to convey the 100-year peak storm event runoff, per the 100-year hydrograph computed at each creek crossing point (RBF, 2012). In addition, the ~~bio-retention facilities~~ planned stormwater control devices and systems would be designed and implemented in accordance with the Contra Costa Clean Water Program to address stormwater quality as well as increased runoff rates.



## Pages 4.12-4 and 4.12-5

The proposed project is located within the City's Sphere of Influence and the City's Urban Limit Line, as established by voter approved Measure P. The land use designation under the City's General Plan includes Hillside Low Density Residential. In addition, the project area was pre-zoned Open Space (OS) District and Hillside Planned District (HPD) District by Measure P. The proposed project would amend the City's General Plan land use designations for APNs 089-050-056 and 089-020-011 from Hillside Low Density Residential to Open Space. The proposed project would also amend the Measure P pre-zone of a portion of APN 089-050-056 from HPD District to pre-zone Open Space (OS) District with ~~the option to provide an Agricultural Preserve Overlay~~.

## Page 4.12-5

The change from Hillside Low Density Residential to Open Space land use designation allows for resource conservation and agricultural and resource management, which is not to exceed one housing unit per 20 acres, or one housing unit per each existing parcel. Therefore, the proposed project would reduce the amount of allowable development within the project area, thus reducing the potential for indirect population growth. The pre-zone to Open Space (OS) District, with ~~the option to provide an Agricultural Preserve Overlay~~, would reduce the amount of allowable development within the project area. In addition the existing ranch would be retained and cattle grazing would continue. The construction of the proposed roadway would not result in direct population growth as it does not propose construction of new homes or businesses, nor would it extend any utilities necessary for housing or business growth such as water, sewer, natural gas, or electricity. Therefore, the proposed project is not expected to indirectly induce population growth. Impacts are considered less than significant.

## Pages 4.13-4 and 4.13-5

Major roadway improvements assumed to be completed for the Near-Term (2015) conditions analysis include:

- Completion of the SR 4 Bypass as a six-lane freeway between State Route 160 (SR 160) and Laurel Road, a four-lane freeway between Laurel Road and Lone Tree Way, and a two-lane expressway between Lone Tree Way and Vasco Road, with ramps connecting the SR 4 Bypass with existing SR 4 but no ramps connecting the SR 4 Bypass with SR 160 – This project was completed in 2008.
- Widening of the SR 4 freeway to provide three mixed-flow lanes and one high-occupancy vehicle (HOV) lane in each direction west of Hillcrest Avenue, and three mixed-flow lanes in each direction between Hillcrest Avenue and the SR 4 Bypass – This project is currently under construction.
- Widening of California Avenue to a four-lane arterial between Loveridge Road and Harbor Street – This project was completed in 2011.
- At the Treat Boulevard / Denkinger Road / Clayton Road intersection, modify the northbound Treat Boulevard approach from one left-turn lane, one shared left-through lane, one through lane, and one right-turn lane to two left-turn lanes, two through lanes, and one right-turn lane. This intersection signal would also be modified to provide eight-phase operations – Preliminary engineering for this project has been completed. The project plans, specifications, and estimate



were approved by CCTA in June 2013. The project is currently scheduled for construction in Fall of 2013; however, right-of-way issues may delay construction until Spring of 2014.

Major roadway improvements assumed to be completed for the Cumulative (2030) conditions analysis include, in addition to the above:

- Completion of the ramps connecting the SR 4 Bypass with SR 160 – This project is currently under design and construction is expected to start in late 2013 and be completed in 2015.<sup>2</sup>
- Widening of California Avenue to a four-lane arterial between Harbor Street and Railroad Avenue – This project is included in the City of Pittsburg Five Year Capital Improvement Program 2012/2012 Through 2016/2017. Project funding is 96 percent Local Traffic Mitigation Fee (LTMF) program, 4 percent Measure J and Grants per the Pittsburg LTMF Update (2006, Fehr and Peers, page 32), schedule to be determined.
- Widening of Pittsburg-Antioch Highway to a four-lane arterial between Somersville Road and Loveridge Road – This project is included in the City of Pittsburg Five Year Capital Improvement Program 2012/2012 Through 2016/2017. Project funding is 81 percent LTMF, 19 percent Measure J and Grants per the Pittsburg LTMF Update, and a schedule for the project is to be determined.
- Widening of Somersville Road to a four-lane arterial between Buchanan Road and James Donlon Boulevard – This project is included in the CCTA 2009 Countywide Comprehensive Transportation Plan.
- Widening of Ygnacio Valley Road to a six-lane arterial between Clayton Road and Cowell Road – This project is included in the CCTA 2009 Countywide Comprehensive Transportation Plan.

#### Page 4.13-26

- ***THE PROPOSED PROJECT WOULD NOT REDUCE THE DELAY INDEX TO UNACCEPTABLE LEVELS ON ROADWAY SEGMENTS WITHIN THE STUDY AREA.***

#### Page 4.13-35

TRA1 Prior to opening day of the proposed project, the project proponent shall contribute its fair share funding for the construction of an additional mixed-flow lane on eastbound SR 4 from SR 242 through the San Marco Boulevard Interchange. The additional mixed-flow lane on eastbound SR 4 has not been approved or identified in regional transportation plans. The project's fair share funding amount shall be determined by the appropriate agency and program funding mechanism once the additional SR 4 eastbound lane project is adopted for inclusion in the region's transportation plans. Contra Costa Transportation Authority (CCTA) is currently considering its inclusion in the 2014 Countywide Transportation Plan and Action Plans for Regional Routes of Significance, provided to the City to be placed in the regional transportation mitigation fee fund, pursuant to City Municipal Code Chapter 15.100, Regional Transportation Mitigation Fee.

#### Page 4.13-38

<sup>2</sup> Highway 4, SR 160/Highway 4 Direct Connector Ramps Project Information. Available at: <http://4eastcounty.org/projects/sr160-highway-4-direct-connector-ramps/>. Accessed on July 3, 2013.



- ***THE PROPOSED PROJECT WOULD NOT CONFLICT WITH ADOPTED ALTERNATIVE TRANSPORTATION POLICIES, PLANS, OR PROGRAMS.***

#### **Page 4.14-2**

Kinder Morgan has a ten-inch, high pressure, ~~natural gas~~ refined petroleum products pipeline that traverses the project area. It would be necessary to lower this ten-inch, ~~natural gas~~ high pressure, refined petroleum products pipeline in certain locations within the project area, in order to implement the proposed project.

#### **Page 4.14-8**

Storm drainage networks would be configured to discharge toward logical stream crossings to maintain existing drainage patterns and minimize erosion potential. In accordance with the Contra Costa Clean Water Program, ~~bio-retention facilities~~ planned stormwater control devices and systems would be designed and implemented to address stormwater quality from the additional impervious surface area that would result from the proposed roadway improvements.

#### **Page 4.14-19**

The project area currently falls outside the City of Pittsburg jurisdictional boundary and the service boundary of CCWD. ~~The CCWD and Bureau of Reclamation are currently working to determine if CCWD has supply available to service the temporary water demand during construction of the proposed project without annexing the property to include it within its service area. If water is not available from CCWD, water~~Water will be trucked to the project site during construction. As stated above, no irrigation would be required for the revegetation plan; therefore, no permanent water supply is needed. Thus, impacts associated with water supply would be less than significant.



## Page 5-4

Approximately 70 acres of the overall 475-acre area (the two privately-owned properties) would be developed with the proposed roadway alignment. The area within the proposed James Donlon Boulevard extension would be acquired by the City, which would trigger the cancellation of the Williamson Act contract. The conversion of 70 acres of agricultural land to non-agricultural land would increase the total acreage of urban uses when combined with past, present, and reasonably foreseeable projects. However, the proposed project would not reduce the agricultural viability of the proposed project area, as existing cattle ranch operations would be retained and cattle grazing would continue after implementation of the proposed project. In addition, the proposed project includes a City General Plan amendment to designate the properties Open Space and would pre-zone the area within the City's Sphere of Influence (SOI) to designate the properties Open Space (OS) District, with ~~the option to provide~~ an Agricultural Preserve Overlay, resulting in proposed project area remaining in agricultural use indefinitely, with the exception of the area within the proposed right-of-way. The City would ~~have the option to~~ administer the Williamson Act contract upon annexation for the areas outside the proposed right-of-way. Therefore, the proposed project's contribution to cumulative agricultural resources impacts would be less than significant.

## Page 5-7

### HAZARDS AND HAZARDOUS MATERIALS

As described in Section 4.9 (Hazards and Hazardous Materials), implementation of the proposed project would not result in significant impacts associated with hazards and/or hazardous materials. While proposed project would result in the lowering of a ten-inch, high pressure ~~natural gas~~ refined petroleum products pipeline and relocating utility towers. Mitigation Measures HAZ1 through HAZ4 would reduce the hazards created by utility relocation to a less than significant level. The proposed project is located within two fire hazard areas as well as a State Responsibility Area (SRA). With implementation of the Mitigation Measures HAZ5 through HAZ9, potential project-level wildland fire impacts would be reduced to less than significant. Compliance by other projects in the area with regulations governing hazards and hazardous materials would reduce potential cumulative impacts to less than significant levels. Therefore, the proposed project's contribution to cumulative hazards and hazardous materials impacts would be less than significant.

### Hydrology and Water Quality

The proposed project would be required to comply with Clean Water Act provisions, National Pollutant Discharge Elimination System (NPDES) permit requirements, which includes a Stormwater Pollution Prevention Plan (SWPPP), and the Contra Costa Clean Water Program best management practices (BMPs). In addition, the proposed project would be required to implement Mitigation Measures WQ1 through WQ3, which would further reduce impacts to hydrology and water quality. The proposed project includes ~~bio-retention basins~~ planned stormwater control devices and systems to reduce the effects of surface water runoff on the drainages and Kirker Creek. Therefore, the proposed project would have a limited contribution to adverse cumulative water quality effects. It is reasonable to anticipate that all projects in the cumulative scenario would be required to comply with the same, or similar, water quality standards and waste discharge requirements as the proposed project. Therefore, the proposed project's contribution to cumulative hydrology and water quality impacts would be less than significant.





## Pages 5-9 and 5-10

### Population and Housing

The proposed project would not result in direct population growth as it does not propose construction of new homes or businesses, nor would it extend any utilities necessary for housing or business growth such as water, sewer, natural gas, or electricity. Construction of the proposed project would provide an alternate transportation route for an area of Contra Costa County that is experiencing significant traffic congestion. The proposed project would change the existing Hillside Low Density Residential land use designation to Open Space, allowing for resource conservation and agricultural and resource management. The pre-zone to Open Space (OS) District, with ~~the option to provide~~ an Agricultural Preserve Overlay, would further reduce the amount of allowable development within the project area. In addition, the access to James Donlon Boulevard would only be provided at Kirker Pass Road and Ventura Drive (the extension of the existing James Donlon Boulevard in Antioch). When considered in combination with past, present, and reasonably foreseeable projects in the area, population growth may be cumulatively considerable. However, these cumulative projects were contemplated by the local General Plans and their impacts have been addressed through the environmental review process. Furthermore, the proposed project does not include a proposal for housing in the area. Because the proposed project would not directly or indirectly increase population, and the proposed project would further protect the existing land uses, the proposed project's contribution to cumulative population and housing impacts would be less than significant.

### Page 5-11, Bullet Point 1

- The Contra Costa County General Plan identifies the proposed project as a proposed route of regional significance in Figure 4-3, *Routes of Regional Significance*, as adopted by the Contra Costa Transportation Authority in 2004. The County General Plan Growth Management Program Implementation Measure 4-e states that the County will assist in developing or updating Action Plans for these routes (and for other roads if the Contra Costa Transportation Authority revises the Routes of Regional Significance in the future) (County, 2005).

### Page 5-11, Last Paragraph

As discussed in Section 4.12, *Population and Housing*, the proposed project is located within the City's Sphere of Influence and Urban Limit Line. In addition, the proposed project would amend the City General Plan land use designations from Hillside Low Density Residential to Open Space. The proposed project would also amend the Measure P pre-zone to Open Space (OS) District with ~~an option to provide~~ an Agricultural Preserve Overlay. These amendments would further reduce the amount of allowable development within the project area. In addition, the existing ranch would be retained and cattle grazing would continue. Therefore, the proposed project would not directly or indirectly increase populations and would continue to provide obstacles to growth.



## Page 6-9

### 6.4.3 Alternative A – Northern Alignment

Under this alternative, the roadway alignment would commence at the edge of the approved Sky Ranch II subdivision and extend to the northwest, running parallel to the existing residential neighborhood to the north, joining Kirker Pass Road with a conventional “T” signalized intersection; refer to Figure 6-3, *Approximate Northern Alignment Alternative*. In addition, Alternative A would utilize a clear span bridge to cross Kirker Creek. The length of Alternative A would be approximately 1.9 miles, slightly longer than the proposed project. Similar to the proposed project, Alternative A would merge from a four-lane road to a two-lane road until just before its intersection with Kirker Pass Road, where it would again expand to a four-lane road. The alternative’s proposed roadway alignment would follow the natural topography of the land and meet City and California Department of Transportation (Caltrans) standards and regulations for highway design. All other design elements of Alternative A would generally mirror that of the proposed project including portions of the roadway being built to both highway and rural road standards. Similar to the proposed project, Alternative A would require annexation of approximately 475 acres to the City, annexing Kirker Pass Road from Nortonville Road north to the City limit line, amending the City General Plan to designate all subject properties Open Space, and pre-zone the sphere of influence (SOI) to designate all subject properties as Open Space (OS) District, with an option to provide an Agricultural Preserve Overlay.



## **10.4 Response to Comments**

The comments received (letters and verbal comments) on the Draft EIR are addressed in their entirety in this section. Each comment contained in the letter or at the public comment meeting has been assigned a reference code. The responses to reference code comments follow each letter or verbal comment list. Of the 17 written comment letters and 25 verbal comments, five topical themes were identified. These are topics where several agencies and/or interested parties had similar comments.



## Topical Comments



The Draft EIR has been prepared in conformance with the California Environmental Quality Act (CEQA) (California Public Resources Code [PRC] Section 21000 et seq.); State CEQA Guidelines (California Code of Regulations [CCR] Title 14, Section 15000 et seq.); and the rules, regulations and procedures for implementation of CEQA as adopted by the City of Pittsburg. The City's responses to the issues identified in multiple comment letters are provided below and cover five main topics:

1. Purpose and Need for the Proposed Project
2. Relationship between the Proposed Project and Adjacent Pending and Approved Development Projects
3. Project Funding
4. Relationship of the Proposed Project with the East Contra Costa County Habitat Conservation Plan/Natural Community Conservation Plan (HCP/NCCP)
5. Growth Inducing Impacts

Specific comments related to these topics are addressed in the individual responses to each comment letter.

### **Topical Response 1: Purpose and Need for the Proposed Project**

The proposed James Donlon Boulevard Extension is not a new project. The City originally identified a need for this regional route and included the proposed project (identified as the Buchanan Road Bypass) in the City's General Plan as early as 1988. The City of Pittsburg General Plan (City General Plan) long ago determined that the proposed project is an essential element of a comprehensive long-term transportation network for the City and the region. In the network of City streets, many are designed to keep local traffic off of regional roadways. Similarly, streets like the proposed James Donlon Boulevard extension are intended to keep regional commuter traffic off of local streets.

The Buchanan Road Bypass was initially envisioned as a sub-regional route intended to relieve congestion on the existing Buchanan Road. The congestion was in part a function of Buchanan Road's limited capacity and commuter traffic using Buchanan Road and Kirker Pass Road as an alternative route to the heavily congested State Route (SR) 4 to travel between expanding residential areas in Eastern Contra Costa County and employment and other activity centers in Central Contra Costa County and other parts of the Bay Area (Buchanan Road Bypass Draft Environmental Impact Report, Duncan & Jones, May 18, 1993, page 19). The significant rise in residential growth of East Contra Costa County through the 1990s coupled with the jobs/housing imbalance created by that rise in residential growth were cited as a major determinants in the need for the roadway (Buchanan Road Bypass Draft Environmental Impact Report, Duncan & Jones, May 18, 1993, page 20). In 1993, a Program EIR was prepared for the proposed Buchanan Road Bypass, providing baseline information on the general environmental impacts regarding construction and operational conditions in the area defined by the preliminary route configurations; refer to the Draft EIR page 3-3. In 1995, the proposed project was identified in the Contra Costa Transportation Authority (CCTA) Countywide Comprehensive Transportation Plan and East County Action Plan (Regional Traffic Mitigation Fee) as well as the 1997 Pittsburg Traffic Mitigation Fee Study. Based on the identified need, the City began the engineering and constraints analysis and prepared the *Buchanan Bypass Project Study Report* and the *Existing Buchanan Road Widening Feasibility Study* in 2003. As stated in the Draft EIR on page 1-3, the City circulated an Initial Study (IS) and Notice of Preparation (NOP) to the Office of Planning and Research (OPR) State Clearinghouse, public agencies, special districts, and members of the public for public review from October 23, 2007 through November 23, 2007.



In 2009 the CCTA Countywide Comprehensive Transportation Plan identified the James Donlon Boulevard extension completion as one of its Route Specific Actions within the Comprehensive Transportation Project List. Also in 2009, the Metropolitan Transportation Commission (MTC) included the proposed project in the Transportation Plan 2035 as project 230233. Refer to page 5-11 of the Draft EIR for further details; and see also Response to Comment 15-E, below, for further discussion about MTC's evaluations of transportation projects, and the proposed project in particular.

Therefore, the primary purpose of the proposed alignment is to complete a planned critical east-west connection within the City of Pittsburg and relieve existing traffic congestion on Buchanan Road, which continues to receive a high volume of east-west commute traffic between the cities of Antioch and Concord. The roadway extension would alleviate existing traffic congestion on the local circulation network and accommodate traffic generated by existing, approved, and planned development in the City and in eastern Contra Costa County. The proposed James Donlon Boulevard Extension Project has been identified in the City General Plan, CCTA's Countywide Comprehensive Transportation Plan, Metropolitan Transportation Commission Transportation Plan 2035, the East County Action Plan for Routes of Regional Significance, the State Route 4 Major Investment Study, and the East Contra Costa County Habitat Conservation Plan/Natural Community Conservation Plan (HCP/NCCP).

Based on U.S. Census data, the population of East Contra Costa County (consisting of cities of Antioch, Brentwood, Oakley, Pittsburg, and unincorporated areas) almost doubled from about 170,000 in 1990 to about 300,000 in 2010. The region grew rapidly in the 1990s and 2000s prior to a major expansion of regional roadway capacity. During this period, congestion on regional roadways, such as SR 4, Buchanan Road, and Kirker Pass Road, also increased rapidly. Despite the increased congestion on the regional roadways, more residents continued to move to East Contra Costa County to live and commute to jobs in Central Contra Costa County and points west. Major improvements on roadways that connect East Contra Costa County to the rest of the Bay Area were generally completed after most of the residential growth in the region had occurred. For example, the SR 4 Bypass freeway was completed in 2008 and the SR 4 freeway widening is on-going.

Given this increase in population and the lag in needed roadway improvements to support that population, a total of five existing intersection conditions were identified as currently operating at a level of service (LOS) that exceeds the identified thresholds; refer to the Draft EIR, Section 4.13, *Transportation/Traffic*. According to the tables in the Section 4.13, *Transportation/Traffic*, of the Draft EIR, in year 2015, up to six intersections would operate at unacceptable LOS, and by year 2030, up to eight intersections within the study area would operate at unacceptable LOS without infrastructure improvements. Therefore, this proposed project is warranted to alleviate current operational deficiencies within the existing roadway network (refer to Section 4.13, *Transportation/Traffic*, in Tables 4.13-3, 4.13-4, 4.13-7, 4.13-8, 4.13-10, and 4.13-11, of the Draft EIR). In other words, the analysis and model results in the Draft EIR show that the proposed project will function as planned, which is to divert commuter traffic from existing congested roadways.

In addition, as a result of the increase in population in the 1990s and 2000s, both SR 4 and Buchanan Road have experienced an increase in traffic volumes. The proposed roadway extension would alleviate existing traffic congestion on the local circulation network, specifically Buchanan Road, which currently receives a high volume of east-west commute traffic between the City of Antioch and the City of Concord. This would reduce the traffic volumes adjacent to sensitive receptors such as Buchanan Park, Highlands Elementary School, and residences that access Buchanan Road directly. Since the proposed project would reduce the through east-west traffic volumes on Buchanan Road, traffic signals along Buchanan Road would not need as much east-west signal green time. As a result, the traffic signals along



Buchanan Road can have shorter east-west green times, longer north-south green times, and/or shorter overall signal cycle times, which would reduce delays for traffic on all approaches at these intersections. This would result in more efficient usage of fuel and fewer emissions of hydrocarbons, carbon monoxide, nitrous oxides, and carbon dioxide from idling vehicles. Therefore, the proposed project is also warranted to alleviate current congestions and improve network operations along Buchanan Road and associated intersecting streets.

## **Topical Response 2: Relationship between the Proposed Project and Adjacent Pending and Approved Development Projects**

The Draft EIR provides a discussion regarding adjacent proposed and pending projects within Section 3.0, *Project Description*, and Section 5.0, *Cumulative and Growth-Inducing Impacts*. The proposed project would provide a limited access arterial roadway to serve regional circulation needs and relieve existing traffic congestion on Buchanan Road, which currently receives a high volume of east-west commute traffic between the City of Antioch and the City of Concord. This alternative access route would link the eastern portion of Contra Costa County (e.g., the cities of Brentwood, Antioch, Oakley, and Pittsburg) to the central portion of Contra Costa County (e.g. the cities of Concord, Clayton, and Walnut Creek). This regional linkage has long been reflected in the City of Pittsburg General Plan and numerous regional transportation plans (see Topical Response 1, *Purpose and Need for the Proposed Project*). In addition, the proposed project would not provide the extension of utilities necessary for housing or business developments (i.e., water, sewer, natural gas, or electricity beyond that needed to light the roadway).

On October 2, 2006, the City Council adopted Resolution No. 06-10632, certifying an Environmental Impact Report for the Sky Ranch II Subdivision (Sky Ranch II). The vesting tentative map was subsequently approved by the Planning Commission on May 8, 2007; however, construction of the subdivision has not yet started. Environmental impacts related to Sky Ranch II were analyzed in the Sky Ranch II Subdivision EIR; refer to the first full paragraph of page 3-3 in the Draft EIR. The Sky Ranch II Subdivision EIR, analyzed impacts based on conditions both with and without the proposed James Donlon Boulevard extension. While certain study intersections would operate at unacceptable LOS with Sky Ranch II but without the proposed James Donlon Boulevard extension, mitigation measures were provided to either reduce the total number of units that could be constructed prior to opening of the James Donlon Boulevard Extension (to a maximum of 353 residential units), or to ensure that an alternative route to Buchanan Road is constructed via Standard Oil Avenue and neighborhood traffic is diverted from Ventura Drive, north of Buchanan Road, to other routes prior to full-build out of the Sky Ranch II project (Mitigation Measure-H7). Construction of Tuscany Meadows Drive (continuation of Standard Oil Avenue south of Buchanan Road) is proposed and currently undergoing environmental review as part of the Tuscany Meadows subdivision (Sub. 8654). Thus, the Sky Ranch II Subdivision could obtain full build-out without the proposed James Donlon Boulevard Extension Project subject to implementation of mitigation measures. In conclusion, the Sky Ranch II Subdivision and the proposed project are independent projects within the City; however, construction of the James Donlon Boulevard extension would ease congestion and result in a more efficient flow of east-west traffic through the city.

The Montreux Residential Subdivision Project (proposed Montreux Subdivision) would be located at the western terminus of the proposed project (across Kirker Pass Road), and is currently under consideration by the City. The City circulated the IS/NOP for public comment between March 29, 2013 and April 29, 2013. A scoping meeting on the proposed Montreux Subdivision was held on April 23, 2013. The City then prepared a Draft EIR for this proposed subdivision in order to analyze the physical environmental impacts of the proposed Montreux Subdivision. The *Montreux Residential Subdivision Draft Environmental Impact Report* (State Clearinghouse Number [SCH No.] 2013032079, November 2013)



was circulated to the public for review and comment from November 27, 2013 through January 10, 2014. As stated in the proposed Montreux Subdivision Draft EIR, the proposed Montreux Subdivision and its potential impacts were analyzed based on conditions both with and without the proposed James Donlon Boulevard Extension Project. The proposed Montreux Subdivision Draft EIR determined that studied intersections would operate at acceptable LOS with or without the proposed James Donlon Boulevard Extension Project. The proposed Montreux Subdivision could achieve full build-out without this proposed project. Therefore, the proposed Montreux Subdivision is not reliant on, nor are impact mitigations contingent on, the proposed James Donlon Boulevard extension being completed. In conclusion, although construction of the James Donlon Boulevard extension would ease congestion and result in a more efficient flow of east-west traffic through the city, the proposed Montreux Subdivision and the proposed project are independent projects within the City.

Furthermore, analysis presented in Section 4.13, *Transportation/Traffic*, of the Draft EIR accounts for traffic generated by both the approved Sky Ranch II project and the proposed Montreux Subdivision. The land use database in the CCTA Travel Demand Model was checked to ensure that both development projects are included in the model. As shown on Figures 4.13-3 through 4.13-6 of the Draft EIR, the eastbound approach at the James Donlon Boulevard Extension/Kirker Pass Road intersection (shown as intersection number 6), which would provide direct access to the proposed Montreux Subdivision, is included in the analysis. Therefore, the Near-Term (2015) and Cumulative (2030) traffic impact analyses presented in the Draft EIR account for both the approved Sky Ranch II project and the proposed Montreux Subdivision.

As noted above, the proposed Tuscany Meadows (Sub. 8654) project is currently undergoing environmental analysis. Tuscany Meadows would result in the construction of approximately 917 single family residential units and up to 365 multi-family residential units on a vacant 169-acre infill site between the approved Sky Ranch II subdivision in the City of Pittsburg and the Black Diamond Ranch subdivision currently under construction in the southwest portion of the City of Antioch, just east of the proposed James Donlon Boulevard Extension. Although the traffic analysis is not completed for the proposed Tuscany Meadows project, it is assumed that like the other subdivisions described above, the proposed extension would ease congestion and result in a more efficient flow of east-west traffic through the City.

### **Topical Response 3: Project Funding**

While the State CEQA Guidelines do not require the Lead Agency to identify the proposed project's funding sources, a number of comments received during the comment period pertain to project funding. The proposed James Donlon Boulevard Extension Project would be locally and regionally funded. Specifically, funds are identified within the Pittsburg Regional Transportation Development Impact Mitigation Program and the Pittsburg Local Transportation Mitigation Fee Program, as described in further detail below.

Pursuant to the *Mitigation Fee Act*, California Government Code Section 66000, et. seq., a local agency is authorized to charge a fee to developers in connection with approval of a development project for the purpose of defraying all or a portion of the costs of public facilities related to the development project. Pittsburg Municipal Code Chapter 15 Section 103, *Pittsburg Regional Transportation – Development Impact Mitigation Fee (PRTDIM) Program*, states that new development in the cities of Pittsburg, Antioch, Brentwood, Oakley, and the unincorporated eastern portion of Contra Costa County will further congest freeways and arterial roadways and place additional demand on the regional transportation system. On August 19, 2013, the City Council adopted Resolution No. 13-12008, setting forth the





specific amount of the Pittsburg Regional Transportation Development Impact Mitigation Program fees based on the East Contra Costa Regional Fee and Financing Authority Joint Exercise of Powers Agreement, pursuant to Pittsburg Municipal Code (PMC) Chapter 15, Section 103.

Local Transportation Mitigation Fees (LTMF) are collected pursuant to PMC Chapter 15, Section 15.90; the LTMF fees were set through the adoption of City Council Resolution No. 92-7890, on December 22, 1992. These fees are established for the purpose of financing capital improvements to the regional and local transportation system. Capital improvements are required to mitigate the traffic impacts of new development within the City consistent with the land use and transportation policies set forth in the City General Plan. Specifically, the purpose of the fees is to maintain baseline LOS or meet the City's standards for traffic operations. These City fees currently identify the proposed project; however, final funding will depend on the City's and region's infrastructure priorities. In any case, the existing mitigation fee programs reflect the proposed project's role as meeting both local and regional traffic demand.

#### **Topical Response 4: Relationship of the Proposed Project with the East Contra Costa County Habitat Conservation Plan/Natural Community Conservation Plan (HCP/NCCP)**

The Draft EIR, Section 4.6, *Biological Resources*, provides information pertaining to biological resources and the East Contra Costa County Habitat Conservation Plan/Natural Community Conservation Plan (HCP/NCCP). As stated on page 4.6-1 of the Draft EIR, the HCP/NCCP was developed to minimize and mitigate impacts to plant and wildlife species and their habitats resulting from the loss of open space projected to occur in eastern Contra Costa County. The City adopted the HCP/NCCP in 2007, and the proposed project is a covered activity under the HCP/NCCP (HCP/NCCP, Volume 1, 2-19, and Figure 2-4).

Specifically, the HCP/NCCP is implemented by the East Contra Costa County (ECCC) Habitat Conservancy, a joint exercise of powers authority formed by the cities of Brentwood, Clayton, Oakley, and Pittsburg, as well as Contra Costa County. The HCP/NCCP covers approximately 175,000 acres in East Contra Costa County and provides an opportunity to preserve the diverse ecosystems, unique species, and scenic landscapes while clearing regulatory obstacles to continued economic development and growth. The HCP/NCCP provides a coordinated, regional approach to conservation and regulation, effectively replacing the project-by-project permitting and fragmented mitigation and ultimately benefitting conservation and mitigation efforts.<sup>3</sup> It pools public and private funding to acquire land and restore natural resources, ultimately helping to ensure that conservation acquisitions are guided by sound science, development avoids the best resources in the area, habitat connectivity and wildlife corridor are maintained, and watershed and ecosystem functions (not just individual wetlands and species) are protected.<sup>4</sup>

The HCP/NCCP is based on assumptions about where growth and development will (and will not) occur. The proposed project, along with two other transportation projects (Byron Highway widening and Vasco Road widening), are identified as rural transportation projects eligible to receive permits under the

<sup>3</sup> East Contra Costa County Habitat Conservancy. *Overview and History*. Available at: [www.cocohcp.org](http://www.cocohcp.org). Accessed on June 4, 2013.

<sup>4</sup> East Contra Costa County Habitat Conservation Plan Association. 2006. *Conserving Natural Lands and Sustaining Economic Development. The Final East Contra Costa County Habitat Conservation Plan/Natural Community Conservation Plan. An Introduction*. October 2006. Available at: [http://www.co.contra-costa.ca.us/depart/cd/water/HCP/documents/HCP\\_NCCP/ECCC\\_HCP-NCCP\\_Informational\\_Booklet.pdf](http://www.co.contra-costa.ca.us/depart/cd/water/HCP/documents/HCP_NCCP/ECCC_HCP-NCCP_Informational_Booklet.pdf). Accessed on June 4, 2013.



HCP/NCCP. Thus the HCP/NCCP envisioned streamlined endangered species approvals for these regionally important transportation projects, to help accelerate congestion relief and support the continued economic development of the region. The HCP/NCCP anticipated the impacts of the proposed project, and the HCP/NCCP conditions and conservation strategy were developed with this project, and many others, in mind. As stated on page 4.6-26 of the Draft EIR, the proposed project's inclusion in the HCP/NCCP conservation strategy would reduce project-related impacts to HCP/NCCP-covered and no-take species and their habitats. Mitigation for impacts to "covered" special-status species and habitat would occur through the payment of fees (with inclusion of a fee multiplier to increase the fees for such roadway projects) that would be used by the HCP/NCCP to purchase lands to include in its preserve system. Newly acquired HCP/NCCP lands would be preserved and managed in perpetuity using fees from identified projects, such as the proposed project, thus offsetting impacts anticipated from HCP/NCCP covered activities. The proposed project has also incorporated HCP/NCCP minimization measures into the design and planned construction to avoid and minimize project-related impacts on special-status species and their habitats.

The City, along with biologists from H. T. Harvey & Associates, worked with the ECCC Habitat Conservancy staff to assess the net effects of the HCP/NCCP, including all covered development activities and minimization/conservation measures, on species that are not covered by the HCP/NCCP. This assessment considers the extent of habitat and populations of species that could be affected within areas of anticipated development, as well as in areas that are likely to be preserved, enhanced, and managed for covered species and communities by the HCP/NCCP through purchase of land from fees generated by projects such as the James Donlon Boulevard Extension, to determine the net cumulative impact (beneficial, neutral, adverse but less-than-significant, or potentially significant) of these activities on each species. Due to the breadth of the habitats and species that will be protected, and whose habitat will be enhanced and managed, by the HCP/NCCP preserve system, payment of impact fees by covered projects such as the James Donlon Boulevard Extension Project will benefit numerous species even beyond those that are "covered" by the HCP/NCCP. As a result, the project's participation in, and contribution to, the HCP/NCCP is intended to ameliorate the impacts of the proposed project to "non-covered" special-status species in addition to those covered by the HCP/NCCP.

### **Topical Response 5: Growth Inducing Impacts**

The Draft EIR provides an analysis of growth inducing impacts in Section 5.3, *Growth-Inducing Impacts*. According to CEQA, growth-inducing impacts should be assessed in terms of whether a proposed project influences the rate, location, and the amount of growth. As stated on page 5-10 of the Draft EIR, according to Section 15126.2(d) of the State CEQA Guidelines, the growth-inducing effects of a project are:

- Fostering economic or population growth, or the construction of additional housing
- Removing obstacles to population growth
- Taxing existing community services or facilities, requiring the construction of new facilities that could cause significant environmental effects
- Encouraging and facilitating other activities that could significantly affect the environment, either individually or cumulatively

Thus, projects which remove obstacles to population growth, or allow or encourage growth that would not otherwise have occurred if the project were not built, would be growth inducing. Potential growth inducing impacts are also assessed based on a project's consistency with adopted plans that have



addressed growth management from a local and regional standpoint. Typically, the growth-inducing potential of a project would be considered significant if it fosters growth or a concentration of population above what is assumed in local and regional land use plans, or in projections made by regional planning authorities. Significant growth impacts could also occur if a project provides infrastructure or service capacity to accommodate growth levels beyond those permitted by local or regional plans and policies.

When considering growth-inducing impacts it is also important to consider the context and historical trends of the area. There are many factors that can affect the amount, location, and rate of growth in the City of Pittsburgh, as well as the surrounding cities. These include market demand for housing, employment, and commercial services; the acknowledged desirability of climate and living/working environment and commercial economy; availability of other services/infrastructure; and land use and growth management policies of the local jurisdictions.

Growth inducement can take several forms. A project can remove barriers and constraints or provide new or improved access, thus encouraging growth in the area that has been already planned or approved through the general planning process. This planned growth is reflected in land use plans, approved with the underlying assumption that adequate transportation facilities would be constructed. This type of growth inducement is referred to as accommodating or facilitating growth. In addition, a project can remove barriers, provide new access or otherwise encourage growth that is not assumed as planned growth in the general plans or growth projections. This could include areas that are currently designated for open space, agricultural uses or other similar non-urban land uses, which because of the improved access provided by the project, would experience pressure to develop into urban uses or to develop at a higher level of intensity than originally anticipated.

Traditionally, significant growth is induced in one of three ways. In the first instance, a new project is located in an isolated area and when developed it brings sufficient urban infrastructure to cause new or additional development pressure on the intervening and surrounding land. This type of induced growth leads to conversion of adjacent acreage to higher intensity uses, either unexpectedly or through accelerated development. This conversion occurs because the adjacent land becomes more suitable for development, and is more valuable because of the availability of the new infrastructure. This type of growth inducement is typically termed “leap frog” or “premature” development because it creates an island of higher intensity developed land within a larger area of lower intensity land uses.

The proposed project would not cause or contribute to “leap frog” or “premature” development because the purpose of the proposed project is to enhance the efficiency of the local circulation network. The proposed project will amend the City General Plan to provide an Open Space land use designation across the entire project site; this would further reduce the potential for development within the project boundaries. Land adjacent to, and immediately north and south of, the proposed project is active ranch land and would remain active ranch land. Further, the proposed roadway will not be designed to allow access from the proposed roadway to the surrounding ranch property. Land immediately to the east is designated low density residential by the City General Plan, has a zone classification of Residential (6,000 square foot minimum lot size, limited overlay) (RS6-O) District, and is the site of the adopted Sky Ranch II Subdivision (refer to Figure 3-4, *Existing City Land Use Designations*, and Figure 3-5, *Existing City Pre-Zoning*, of the Draft EIR). Access to the Sky Ranch II project would be via Buchanan Road, Somersville Road, and the existing James Donlon Boulevard. To the west of the proposed project is an area with current City land use designations of low density residential and Open Space and City pre-zone classifications of Hillside Planned Development (HPD) District and Open Space (OS) District (refer to Figure 3-4, *Existing City Land Use Designations*, and Figure 3-5, *Existing City Pre-Zoning*, of the Draft EIR).



As discussed in Topical Response 1, *Purpose and Need for the Proposed Project*, based on U.S. Census data, the population of East Contra Costa County (consisting of cities of Antioch, Brentwood, Oakley, Pittsburg and unincorporated areas) almost doubled from about 170,000 in 1990 to about 300,000 in 2010. The region grew very rapidly in the 1990s and 2000s prior to major expansion of regional roadway capacity. During this period, congestion on regional roadways, such as SR 4 and Kirker Pass Road, also increased rapidly. Despite the increased congestion on the regional roadways, more residents continued to move to East Contra Costa County and commute to jobs in Central Contra Costa County and points west. Construction of major roadway improvements to connect East Contra Costa County to the rest of the Bay Area was generally started after most of the residential growth in the region had occurred. For example, the SR 4 Bypass freeway was completed in 2008 and the SR 4 freeway widening is still ongoing. In addition, population in this area has slightly decreased in the last few years due to the Great Recession, despite the improvements in transportation infrastructure. These trends indicate that transportation infrastructure and travel times to major employment centers is not an important factor in residents' decision to move to the East Contra Costa area. Other factors, such as availability and affordability of housing compared to other parts of the San Francisco Bay Area, are more important in attracting new residents to East Contra Costa County.

The City is considering the application of the proposed Montreux Subdivision to the west of Kirker Pass Road, immediately adjacent to the project area and is currently preparing a Final EIR. Access to the proposed Montreux Subdivision would be from Kirker Pass Road and would have east-west connections via Buchanan Road and SR 4. However, as depicted in Section 4.13, *Transportation/Traffic*, surrounding area roadways are currently operating at unacceptable levels of service (LOS). As discussed in Topical Response 2, *Relationship between the Proposed Project and Adjacent Pending and Approved Development Projects*, the proposed project would improve the existing and anticipated traffic flows in the area but it would not extend service to new uses or areas that cannot be served by improvements to the existing surface transport system; therefore, the proposed project itself does not have the potential to cause or contribute to the accelerated development within the project's area of potential impacts. Thus, implementation of the proposed project would not cause or contribute to "leap frog" or "premature" growth that is not already envisioned in the City General Plan.

A second type of growth inducement is caused when a large-scale project, relative to the surrounding community or area in which it would be developed impacts that surrounding community by producing a "multiplier effect" resulting in substantial indirect community growth, not necessarily adjacent to the project site or of the same type of use as the project itself. This type of stimulus to community growth is typified by the development of major destination recreation facilities, such as Disney World near Orlando, Florida or Disneyland in Anaheim, California, or around a military base, such as the Beale Air Force Base near Marysville. The proposed project would not be a new development that has a potential to cause growth through a "multiplier effect". The roadway would not have the potential to induce population growth or growth in the economy itself.

A third type and more subtle type of growth inducement occurs when land use plans are established that create a potential for growth because the available land and permitted land uses may result in the attraction of new development. This type of growth inducement is often attributed to projects designed to provide new infrastructure necessary to meet the land use objectives, or community vision, contained in the governing land use agencies' general plans. In this case the proposed project would install new transportation infrastructure pursuant to the City General Plan. Draft EIR Appendix I, *Traffic Data*, provides the traffic data and model runs. In the *Analysis Validation Memorandum* (provided an appendix [Appendix D] of Draft EIR Appendix I, *Traffic Data*), the 2015 and 2030 traffic volume forecasts



presented in the Draft EIR are based on a version of the CCTA Model that uses land use database consistent with Association of Bay Area Governments (ABAG) *Projections 2005* (P'05). Since then, CCTA has updated the Model to reflect the more recent *Projections 2009* (P'09). As discussed on page 4.13-4 of the Draft EIR and as shown in Draft EIR Appendix I, the more recent P'09 based CCTA Model forecasts less traffic growth than the P'05 based model used in the Draft EIR analysis. Therefore, the analysis presented in the Draft EIR more conservatively accounts for higher traffic volumes than estimated by the more recent ABAG model.

The CCTA Travel Demand Model accounts for how motorists decide when and where to drive based on travel times to various destinations. Thus, the traffic analysis provided in the Draft EIR accounts for potential changes in overall traffic volumes that the proposed project could cause. In order to determine if the proposed project would result in additional regional traffic, the CCTA Model results were used to estimate traffic volumes crossing an east-west screenline, which captured traffic entering and leaving East Contra Costa County.<sup>5</sup> The screenline analysis shows that the proposed James Donlon Boulevard extension would increase the overall daily traffic volume by less than 0.5 percent, which is generally a typical fluctuation expected in model output volumes. The CCTA Model also shows that the proposed project would change the peak hour traffic volumes across the screenline by approximately two percent during the AM peak hour and six percent during the PM peak hour. Since the daily traffic volumes crossing the screenline remain approximately the same while the peak hour volumes fluctuate, it is anticipated that the proposed project would not attract a significant number of new residents to the East Contra Costa County and that the same number of trips would continue to occur on a daily basis. However, it is anticipated that more motorists would choose to drive during the peak hours, rather than before or after the peak hour, due to the increased capacity created by the proposed project. The intersection impact analysis presented in Section 4.13, *Transportation/Traffic*, of the Draft EIR accounts for this change in traffic volumes during the AM and PM peak hours.

Further, as described on page 4.13-1 of the Draft EIR, the City of Concord currently meters traffic on westbound Kirker Pass Road at Myrtle Road during the weekday AM peak period. The metering of traffic on westbound Kirker Pass Road limits the amount of traffic that can travel from East Contra Costa County to Concord and other points west during peak congestion periods and would continue after the completion of the proposed project.

Although an overall increase in population and growth is not expected with the proposed project, it is essential to point out that the proposed project includes constraints on future development within the area of the proposed roadway, by changing the land use designation in the project boundaries from Hillside Low Density Residential to Open Space through the proposed general plan amendment and changing the pre-zone classifications within the proposed project boundaries from Hillside Planned Development (HPD) District to Open Space (OS) District through the proposed pre-zone change. In addition, although the proposed James Donlon Boulevard extension would provide a more efficient flow of traffic, existing areas to be served by the proposed project have alternative means to meet future transportation demands within the project area should the proposed James Donlon Boulevard Extension Project not be constructed. No new "large" projects are known to be fully contingent on the implementation of the proposed project and potential for this type of multiplier growth inducement cannot be caused by implementing the proposed project. See Topical Response 2, *Relationship Between Proposed Project and Adjacent Pending and Approved Development Projects*, above.

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<sup>5</sup> The screenline consists of the following east-west roadways east of Railroad Avenue: East 14th Street/Pittsburg-Antioch Highway, California Avenue, SR 4, Leland Road, Buchanan Road, and the proposed James Donlon Boulevard extension.



To further constrain development in the immediate vicinity of the proposed roadway, the proposed project would not provide the extension of utilities necessary for housing or business developments (i.e., water, sewer, natural gas, or electricity beyond that used to light the roadway). The proposed project would not provide access to the project site, but rather through the project site, in order to connect Kirker Pass Road to Somersville Road. Thus, the proposed project would implement the City General Plan Transportation Element projected roadway system network, ultimately accommodating the existing and reasonably foreseeable forecast traffic needs of the area based on existing and planned development identified within the City General Plan.

When considering the question of whether the proposed roadway extension would induce growth or accommodate existing and anticipated residential and commercial demand and the related environmental impacts caused by the increased population that can utilize the project's new capacity in the future, it is essential to consider the land use planning process which now determines the future vision of the City of Pittsburg. The fact is that the proposed James Donlon Boulevard extension was established as a key transportation component for future growth decades ago. The ultimate vision of the area is established by the plans of the regional planning agencies (i.e., County of Contra Costa, Metropolitan Transportation Commission, Contra Costa Transportation Authority, Bay Area Air Quality Management District, Association of Bay Area Governments, and the ECCC Habitat Conservancy) in conjunction with the City General Plan. These plans assume that the transportation infrastructure required to support the region's population will be in place as growth occurs in the future. The net effect of the City General Plan combined with other regional plans is to create a set of expectations regarding future land use, commercial demand, and growth that may or may not occur depending upon the actual carrying capacity of the various utility system resources required to meet future growth. The proposed James Donlon Boulevard extension is included in multiple local and regional plans including the City General Plan since 1988, the CCTA's Countywide Comprehensive Transportation Plan, the East County Action Plan, the HCP/NCCP, and was one of the first projects identified in the list of projects to be funded through the East Contra Costa County Regional Funding Authority that was established by the passage of Measure C in 1988 and updated per Measure J in November 2004. See Topical Response 1, *Purpose and Need for Project*, for a history of the proposed project's inclusion in local and regional land use and transportation plans.

Given the information above, the proposed project is not growth inducing but rather accommodates the existing and reasonably foreseeable forecast traffic needs of the area based on existing and planned development identified within the City General Plan. Therefore, at worst, the proposed project would be growth accommodating. It would not provide improvements greater than those contained in local and regional planning documents and local growth forecasts. It would also remove areas that are currently planned for residential uses from the local growth forecasts and would not provide the extension of utilities along the proposed James Donlon Boulevard extension. Therefore, as determined in the Draft EIR, the proposed project does not result in significant or adverse growth inducing impacts.



## State Agencies



Comment Letter 1



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



EDMUND G. BROWN JR.  
GOVERNOR

KEN ALEX  
DIRECTOR

May 31, 2013

Leigha Schmidt  
City of Pittsburg Planning Department  
65 Civic Avenue  
Pittsburg, CA 94565-3418

Subject: James Donlon Boulevard Extension  
SCH#: 2007102106

Dear Leigha Schmidt:

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 May 29, 2013, 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."

A

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,

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#** 2007102106  
**Project Title** James Donlon Boulevard Extension  
**Lead Agency** Pittsburg, City of

**Type** EIR Draft EIR

**Description** The proposed project would consist of a 1.71-mile extension of James Donlon Boulevard from the western edge of the approved Sky Ranch II Subdivision to Kirker Pass Road. The proposed project would provide a limited access arterial roadway to serve regional circulation needs and relieve existing traffic congestion on Buchanan Road, which currently receives a high volume of commute traffic between the cities of Antioch and Concord. Beginning at James Donlon Boulevard, the extension would transition to a two-lane roadway designed to rural road standards. The road would transition to a four-lane roadway near the intersection with Kirker Pass Road and would be designed to urban road standards. Kirker Pass Road, from Nortonville Road to the City limit line would be upgraded from rural road standards to urban road standards. The James Donlon Boulevard/Kirker Pass Road intersection would be a four-way signalized intersection with the proposed Montreux Drive.

**Lead Agency Contact**

**Name** Leigha Schmidt  
**Agency** City of Pittsburg Planning Department  
**Phone** 925 252 4015  
**email**  
**Address** 65 Civic Avenue  
**City** Pittsburg  
**Fax**  
**State** CA **Zip** 94565-3418

**Project Location**

**County** Contra Costa  
**City** Pittsburg  
**Region**  
**Lat / Long**  
**Cross Streets** Kirker Pass Road, Sommerville Road, Nortonville Road  
**Parcel No.** 089-050-056 and -055, 089-020-011  
**Township**  
**Range**  
**Section**  
**Base**

**Proximity to:**

**Highways** SR 4  
**Airports** Buchanan Field  
**Railways**  
**Waterways** Kirker Creek and Markley Creek  
**Schools** Foothill and Highlands Elementary Schools  
**Land Use** County General Plan and Zoning: Agricultural Lands / A-4 (Agricultural Preserve)  
City General Plan and Zoning: Open Space and Utility Right-of-Way / pre-zoned OS (Open Space District)

**Project Issues** Air Quality; Archaeologic-Historic; Biological Resources; Cumulative Effects; Drainage/Absorption; Flood Plain/Flooding; Forest Land/Fire Hazard; Geologic/Seismic; Growth Inducing; Landuse; Noise; Population/Housing Balance; Soil Erosion/Compaction/Grading; Toxic/Hazardous; Traffic/Circulation; Vegetation; Water Quality; Water Supply; Wetland/Riparian; Aesthetic/Visual

**Reviewing Agencies** Resources Agency; Department of Conservation; Department of Fish and Wildlife, Region 3; Cal Fire; Department of Parks and Recreation; Department of Water Resources; Caltrans, Division of Aeronautics; California Highway Patrol; Caltrans, District 4; Air Resources Board, Transportation Projects; Regional Water Quality Control Board, Region 2; Native American Heritage Commission

**Date Received** 04/12/2013 **Start of Review** 04/15/2013 **End of Review** 05/29/2013



**Response to Comment Letter 1: Governor's Office of Planning and Research – State Clearinghouse (May 31, 2013)**

- A. Thank you for your comment. The participation of the State Clearinghouse in the public review of this document is appreciated. The commenter states that the State Clearinghouse distributed the Draft EIR for selected agencies to review; in compliance with State Clearinghouse review requirements for draft environmental documents and pursuant to the California Environmental Quality Act (CEQA). Comment letters were received from the California Department of Forestry and Fire Protection (CAL FIRE) (4/23/13) and the California Department of Transportation (Caltrans) District 4 (5/29/13), and are attached to the comment letter. Responses to the CAL FIRE letter are provided in Comment Letter 2 and responses to the Caltrans District 4 letter are provided in Comment Letter 3. The comments have been noted for the record and will be provided to the City of Pittsburgh City Council for consideration.



Comment Letter 2

State of California

The Natural Resources Agency

Memorandum

To: Bill Holmes, Chief  
Northern Region  
Department of Forestry and Fire Protection

*crab*  
*April 13*  
Date: April 23, 2013  
R13

Attention: Environmental Coordinator  
Santa Clara Unit

Telephone: (916) 653-4995

From: Department of Forestry and Fire Protection  
Chris Browder, Deputy Chief  
Environmental Protection

RECEIVED

MAY 29 2013

STATE CLEARING HOUSE

Subject: Environmental Document Review

Project Name: James Donlon Boulevard Extension  
SCH #: 2007102106  
Document Type: Draft Environmental Impact Report (DEIR)

Potential Area(s) of Concern: Fire Protection?; Need for THP?  
Other:

MANDATED DUE DATE: 5/29/2013

The above referenced environmental document was submitted to State Headquarters, Environmental Protection for review under the California Environmental Quality Act (CEQA) or the National Environmental Policy Act (NEPA). The proposed project, located within your Unit/Program Area, may have an impact upon the Department's fire protection and/or natural resource protection and management responsibilities or require the Department's permits or approval. Your determination of the appropriate level of CAL FIRE involvement with this project is needed. Please review the attached document and address your comments, if any, **to the lead agency** prior to the due date. Your input at this time can be of great value in shaping the project. If your Unit's Environmental Coordinator is not available, please pass on to another staff member in order to meet the mandated deadline.

Please submit comments directly to the lead agency before the mandated due date with copy to the State Clearinghouse (P.O. Box 3044, Sacramento, CA 95812-3044).

☒ No Comment - explain briefly on the lines below.

*The proposed road extension will take place in State Responsibility Area. This project will have no impact on the CAL FIRE Mission.*

Name and Title of Reviewer: *Robert Chow, Division Chief*  
Phone: *(408) 472-1603* Email: *robert.chow@fire.ca.gov*

Note: Please complete this form and return it, with a copy of any comments, for CAL FIRE's records to: Ken Nehoda or Chris Browder, Deputy Chief, Environmental Protection, P.O. Box 944246, Sacramento CA 94244-2460.

A



**Response to Comment Letter 2: California Department of Forestry and Fire Protection (CAL FIRE) (April 23, 2013)**

- A. Thank you for your comment. The participation of CAL FIRE in the public review of this document is appreciated. The commenter notes that the proposed project is in a State Responsibility Area (SRA) and will not impact the CAL FIRE mission. The comment raises no issue with the adequacy of the Draft EIR. The comment is noted for the record and will be provided to the City of Pittsburg City Council for consideration. No further response or change to the Draft EIR is necessary.



Comment Letter 3

STATE OF CALIFORNIA—BUSINESS, TRANSPORTATION AND HOUSING AGENCY

EDMUND G. BROWN Jr., Governor

DEPARTMENT OF TRANSPORTATION

111 GRAND AVENUE  
OAKLAND, CA 94612  
PHONE (510) 286-6053  
FAX (510) 286-5559  
TTY 771



*Flex your power!  
Be energy efficient!*

May 29, 2013

CC004993  
CC-4-23.05-26.01  
SCH#2007102106

Ms. Leigha Schmidt  
Planning Division  
City of Pittsburg  
65 Civic Avenue  
Pittsburg, CA 94565

Dear Ms. Schmidt:

**James Donlon Boulevard Extension – Draft Environmental Impact Report (DEIR)**

Thank you for including the California Department of Transportation (Caltrans) in the environmental document review process for the project referenced above. We have reviewed the DEIR and, after having reviewed Caltrans' previous letters regarding this project dated October 26, 2007, and March 12, 2012, offer the following comments. Further pending comments may be provided, as warranted.

***Traffic Impacts***

State Route (SR) 4 is critical to regional and interregional traffic in the San Francisco Bay region. It is vital to commuting, freight, and recreational traffic and is one of the most congested regional freeway facilities. The traffic generated and/or redistributed by this proposed project, together with other completed and proposed projects in the vicinity (e.g., Montreaux Residential Subdivision Project, Sky Ranch Projects, Tuscany Meadows Subdivision Project, etc.), will have a cumulative significant regional impact to the already congested State Highway System. However, the City of Pittsburg (City) does not include in the DEIR an analysis of potential impacts to the SR 4 mainline in the project vicinity (between post miles 22.7 to 24.7), the SR 4 eastbound and westbound ramps at Railroad Avenue, and the SR 4 eastbound and westbound ramps at Somersville Road. Caltrans requests that an analysis of these potential impacts of these State facilities be included in the DEIR. Also, Caltrans recommends including trip distribution figures in the DEIR for these interchanges, including but not limited to, for Project Only.

A

Because SR 4 is heavily congested during peak periods, Kirker Pass Road/Ygnacio Valley Road is used as an alternate route, via Railroad Avenue, to the Interstate (I-)680/SR 24 corridors. The trip distributions used in the DEIR for Kirker Pass Road/Ygnacio Valley Road are underestimated, so Caltrans recommends increasing the trip distribution. Furthermore, the Synchro vehicles per hour per lane (vphpl) used in Appendix I Traffic Data of 1900 is too high. As a result, the table entitled

B

*"Caltrans improves mobility across California"*





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Cumulative (2030) Conditions With Project LOS (see Table 4.13-11 on page 4.13-30) overestimates the capacity at the studied signalized intersections. Caltrans recommends the capacity at the signalized intersections be lowered to 1650, which would more accurately represent the level of service (LOS) capacity of the studied intersections. The Delay Index used (see page 2-12) for State facilities is not used by the State; Caltrans recommends use of vehicle-hours delay on freeway facilities or LOS on conventional highways or local streets. Caltrans also recommends the use of volumes which are more current than 2007 for analysis of State facilities.

B

#### ***Traffic Impact Fees***

Please identify traffic impact fees to be used for proposed project mitigation. Development plans should require traffic impact fees based on projected traffic and/or based on associated cost estimates for public transportation facilities necessitated by development. Scheduling and costs associated with planned improvements on the State right-of-way (ROW) should be listed, in addition to identifying viable funding sources correlated to the pace of improvements for roadway improvements, if any.

C

Caltrans appreciates the City's local transportation mitigation fee program and its continuing work with the TRANSPLAN Committee on the Regional Transportation-Development Impact Mitigation Fee Program to mitigate and plan for the impact of future growth on the regional transportation system.

#### ***Lead Agency***

As the lead agency, the City is responsible for all project mitigation, including any needed improvements to State highways (e.g., the additional mixed-flow lane on eastbound SR 4 from SR 242 through the San Marco Boulevard interchange). 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.

D

#### ***Transportation Permit***

Project work that requires movement of oversized or excessive load vehicles on State roadways requires a transportation permit that is issued by Caltrans. To apply, a completed transportation permit application with the determined specific route(s) for the shipper to follow from origin to destination must be submitted to: Caltrans Transportation Permits Office, 1823 14th Street, Sacramento, CA 95811-7119. See the following website for more information: <http://www.dot.ca.gov/hq/traffops/permits>.

E

#### ***Vehicle Trip Reduction***

Caltrans encourages you to locate any needed housing, jobs and neighborhood services near major mass transit centers, with connecting streets configured to facilitate walking and biking, as a means of promoting mass transit use and reducing regional vehicle miles traveled and traffic impacts on the State highways.

F

We also encourage you to develop Travel Demand Management (TDM) policies to encourage usage of nearby public transit lines and reduce vehicle trips on the State Highway System.

*"Caltrans improves mobility across California"*





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In addition, secondary impacts on pedestrians and bicyclists resulting from any traffic impact mitigation measures should be analyzed. The analysis should describe any pedestrian and bicycle mitigation measures and safety countermeasures that would in turn be needed as a means of maintaining and improving access to transit facilities and reducing vehicle trips and traffic impacts on State highways.

F

***Mitigation Reporting Guidelines***

The California Environmental Quality Act (CEQA) requires the adoption of reporting or monitoring programs when public agencies include environmental impact mitigation as a condition of project approval. Reporting or monitoring takes place after project approval to ensure implementation of the project in accordance with mitigation adopted during the CEQA review process.

Some of the detailed information requirements include, but are not limited to, the following:

- Name, address, and telephone number of the CEQA lead agency contact responsible for mitigation reporting;
- Type of mitigation, specific location, and implementation schedule for each transportation impact mitigation measure; and
- Certification section to be signed and dated by the lead agency certifying that the mitigation measures agreed upon and identified in the checklist have been implemented, and all other reporting requirements have been adhered to, in accordance with Public Resources Code Sections 21081.6 and 21081.7.

G

Further information is available on the following website:  
[http://www.dot.ca.gov/hq/tpp/offices/ocp/igr\\_ceqa.html](http://www.dot.ca.gov/hq/tpp/offices/ocp/igr_ceqa.html).

Should you have any questions regarding this letter, please call Brian Brandert of my staff at (510) 286-5505.

Sincerely,

ERIK ALM, AICP  
District Branch Chief  
Local Development - Intergovernmental Review

c: Scott Morgan (State Clearinghouse)

*"Caltrans improves mobility across California"*



**Response to Comment Letter 3: California Department of Transportation (Caltrans), District 4  
(May 29, 2013)**

- A. Thank you for your comment. The participation of the Caltrans District 4 in the public review of this document is appreciated. The commenter requests a detailed traffic operations analysis of State Route (SR) 4 freeway mainlines and ramp junctions at the Railroad Avenue and Somersville Road interchanges. Consistent with the requirements of the East County Action Plan for Routes of Regional Significance, the Draft EIR analyzed Delay Index (DI) for SR 4 between Bailey Road and Hillcrest Avenue. As shown in Tables 4.13-9 and 4.13-15 of the Draft EIR, the proposed project would reduce the DI on SR 4 under both year 2015 and year 2030 conditions. Considering that the proposed project would reduce traffic volumes, and as a result reduce travel times on SR 4, it is not expected to cause a significant impact on SR 4 mainlines or ramp junctions. Therefore, a detailed analysis of SR 4 mainline and ramps would not result in identification of new impact or mitigation measures. No further response or change to the Draft EIR is necessary.
- B. The commenter requests changes to the assumptions used in the traffic analysis. Each individual request is discussed below:

With respect to the commenter's request that additional traffic should be assumed on Kirker Pass Road as a result of the proposed project, please refer to Topical Response 5, *Growth Inducing Impacts*, regarding increased traffic. As described on page 4.13-1 of the Draft EIR, the City of Concord currently meters traffic on westbound Kirker Pass Road at Myrtle Road during the weekday AM peak period, thus limiting the amount of traffic that can travel from East Contra Costa County to Concord and other destinations to the west. The City of Concord would continue to meter traffic on Kirker Pass Road, limiting the number of vehicles that can use Kirker Pass Road and Ygnacio Valley Road to approximately the current traffic volume. Therefore, it is not feasible for more traffic to use Kirker Pass Road and Ygnacio Valley Road. The CCTA Travel Demand Model used in the analysis provided in Section 4.13, *Transportation/Traffic*, accounts for this metering in forecasting future traffic volumes along Kirker Pass Road. Therefore, the proposed project would not result in an increase in traffic volumes beyond what is assumed in the CCTA Travel Demand Model for future conditions. No further response or change to the Draft EIR is necessary.

With respect to the commenter's request for an update to the Highway Capacity Manual (HCM) intersection LOS analysis to reflect a lower saturation flow rate (1,900 versus 1,650 vehicles per hour per lane), the commenter does not provide evidence as to why a lower saturation flow rate should be used and the default value should be changed. The default value used in the intersection operations analysis is consistent with other recent intersection operations analyses<sup>6</sup> conducted for projects in the cities of Pittsburg and Concord. In addition, the results of the intersection analysis under Existing Conditions are consistent with current observations at the project study intersections, indicating that the default saturation flow rate used in the analysis is valid. No further response or change to the Draft EIR is necessary.

With respect to the commenter's request of the use of other metrics such as vehicle hours of delay instead of Delay Index (DI) for the freeway study segments, the Draft EIR uses the DI methodology because it is required by the East County Action Plan for Routes of Regional Significance. The DI analysis shows that the proposed project would reduce travel times along SR 4 because the

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<sup>6</sup> Recent intersection operation analyses in the area include the Pittsburg/Bay Point BART Master Plan Draft EIR (June 2011), the Montreux Residential Subdivision Draft Environmental Impact Report (November 2013), Downtown Concord Specific Plan Transportation Assessment (January 2014).



proposed project would result in a shift in traffic patterns among the east-west roadways/freeway. Using other methodologies is expected to produce similar results. It is acknowledged that DI is not the preferred analysis method on freeway segments by Caltrans. Since traffic volumes along SR 4 would generally decrease with the proposed project, other methodologies would not identify new impacts, new mitigation measures, or change impact conclusions and significance levels. Therefore, this Draft EIR does not present additional analysis using other methodologies. Please refer to Response to Comment 3-A for additional information. No further response or change to the Draft EIR is necessary.

With respect to the commenter's requests for the use of more recent traffic volume data other than 2007, as discussed on page 4.13-1 of the Draft EIR, additional traffic counts were collected in November 2011 to determine the validity of the 2007 traffic counts. The 2011 traffic volumes were similar or slightly lower than the 2007 traffic volumes. Therefore, the Existing Conditions analysis based on the 2007 data presented in the Draft EIR conservatively represents the current conditions. This is documented in Appendix I of the Draft EIR, which shows that traffic volumes in the area generally decreased or stayed the same between 2007 and 2011. Considering that the 2007 volumes were generally higher, the traffic impact analysis presented in the Draft EIR is more conservative, basing the analysis on a higher traffic volume. Therefore, it does not need to be updated. No further response or change to the Draft EIR is necessary.

- C. Section 4.13, *Transportation/Traffic*, of the Draft EIR identifies Mitigation Measure TRA1, which requires the City to contribute the fair share funding for the construction of an additional mixed-flow lane on eastbound SR 4 between SR 242 and San Marco Boulevard. The commenter requests additional detail regarding the scheduling and costs associated with these improvements as well as identifying viable funding sources. Costs and scheduling for the additional mixed-flow lane on SR 4 are not available at this time. They have not been sufficiently developed for public release. Thus, Mitigation Measure TRA1, on page 4.13-35 of the Draft EIR, has been revised as shown below. These changes provide minor clarification to the text in the Draft EIR and do not constitute "significant new information" pursuant to Section 15088.5 of the State CEQA Guidelines.

TRA1 Prior to opening day of the proposed project, the project proponent shall contribute its fair share funding for the construction of an additional mixed-flow lane on eastbound SR 4 from SR 242 through the San Marco Boulevard Interchange. The additional mixed-flow lane on eastbound SR 4 has not been approved or identified in regional transportation plans. The project's fair share funding amount shall be determined by the appropriate agency and program funding mechanism once the additional SR 4 eastbound lane project is adopted for inclusion in the region's transportation plans. Contra Costa Transportation Authority (CCTA) is currently considering its inclusion in the 2014 Countywide Transportation Plan and Action Plans for Regional Routes of Significance. ~~provided to the City to be placed in the regional transportation mitigation fee fund, pursuant to City Municipal Code Chapter 15.100, *Regional Transportation Mitigation Fee*.~~

- D. Thank you for your comment. Please refer to Response to Comment 3-C regarding the fair share contribution for the proposed project to the Regional Mitigation Fee Program and the changes to Mitigation Measure TRA1. These changes provide minor clarification to the text in the Draft EIR and do not constitute "significant new information" pursuant to Section 15088.5 of the State CEQA Guidelines.



The City acknowledges that per the Public Resources Code (PRC) Section 21002.1, a lead agency must identify and attempt to mitigate extraterritorial impacts of a project it intends to carry out or approve if it is feasible to do so. Moreover, mitigation measures adopted by a lead agency must be fully enforceable (State CEQA Guidelines Section 15126.4(a)(2)). As part of the Draft EIR, recommended Mitigation Measure TRA1 is noted as within the jurisdiction of Caltrans District 4. As discussed in the Draft EIR these mitigation measures can be feasibly constructed and would mitigate impacts to less than significant levels. However, the actual implementation of these measures would be dependent on whether or not Caltrans District 4 would approve any applicable discretionary actions associated with implementation of the recommended mitigation measure. Extraterritorial mitigation requires the cooperation of the political bodies that govern the affected jurisdictions to implement. Thus, because the City of Pittsburgh would be unable to ensure that the Mitigation Measure TRA1 would be implemented (as the City does not have jurisdiction over SR 4); traffic impacts associated with the proposed project have been determined to remain significant and unavoidable.

The commenter does not raise an issue with the adequacy of the Draft EIR. The Mitigation Monitoring and Reporting Program will include the appropriate details regarding mitigation monitoring responsibility and timing. The comment is noted for the record and will be provided to the City of Pittsburgh City Council for consideration.

- E. The commenter does not raise an issue with the adequacy of the Draft EIR. The proposed project will be required to obtain all necessary and relevant permits from state and local agencies. Section 3.5.2, *Entitlements Required*, on page 3-16 of the Draft EIR, has been revised to include this encroachment permit in the event it is determined to be required for the proposed project. These changes provide minor clarification to the text in the Draft EIR and do not constitute “significant new information” pursuant to Section 15088.5 of the State CEQA Guidelines. The Lead Agency and project proponent will work with the appropriate Caltrans District 4, if this permit is deemed necessary, in order to move construction equipment to and from the project site.

#### **PAGE 3-16**

- San Francisco Bay RWQCB Storm Water Pollution Prevention Plan (SWPPP)
  - Transportation Encroachment Permit from the Caltrans District 4, if necessary for moving construction equipment to and from the project site
  - Transportation Traffic Control Plan by Contra Costa County Public Works Department
  - Grading Permits from the City of Pittsburgh
- F. Thank you for your comment. The commenter does not raise an issue with the adequacy of the Draft EIR. The City of Pittsburgh decision makers will consider all comments on the proposed project. Section 3.3, *Project Characteristics*, of the Draft EIR, provides details regarding the proposed project which include features to accommodate pedestrian and bicycle traffic, such as eight-foot-wide, paved shoulders along the planned roadway. Please also see Response to Comment 8-B for additional information regarding bicycle and pedestrian access features included with the proposed project. The proposed project does not include housing, jobs, or neighborhood services; however, as reflected in Section 4.13, *Transportation/Traffic*, of the Draft EIR, the proposed project is expected to result in reduced vehicle miles traveled (VMT). Mitigation Measure TRA-1 in Section 4.13, *Transportation/Traffic*, is identified and analyzed per State CEQA Guidelines Section 15126.4 and would reduce traffic impacts on SR 4 if implemented. In addition, as the decision makers review the Final EIR, they will also take the appropriate actions regarding overriding



considerations, pursuant to State CEQA Guidelines Section 15093. No further response is necessary.

- G. Thank you for your comment. The commenter does not raise an issue with the adequacy of the Draft EIR. The City of Pittsburgh decision makers will consider all comments on the proposed project. The Final EIR includes the responses to comments, the Draft EIR, and the technical appendices. These documents will be used by the City Council in the decision-making process for the proposed project. If the decision makers certify the Final EIR, they will also then approve the Mitigation Monitoring Program, per State CEQA Guidelines Section 15097. No further response is necessary.



## Local Agencies



Comment Letter 4



CONTRA COSTA  
WATER DISTRICT

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May 7, 2013

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VIA email: [lschmidt@ci.pittsburg.ca.us](mailto:lschmidt@ci.pittsburg.ca.us)  
Hard Copy to Follow

Ms. Leigha Schmidt  
Pittsburg Planning Dept.  
65 Civic Ave.  
Pittsburg, CA 94565

**Subject: CEQA Draft EIR for the James Donlon Blvd. Extension Project**

Dear Ms. Schmidt:

The Contra Costa Water District (CCWD) has reviewed the Draft Environmental Impact Report (DEIR) for the James Donlon Blvd. Extension Project, a proposed 1.71 mile extension of James Donlon Blvd. in an unincorporated area of Contra Costa County near the southern limits of the City of Pittsburg and between the Sky Ranch II Project to the east and Kirker Pass Road and the Montreux residential development to the west. It is expected that the roadway project will permanently impact approximately 100 acres with temporary impacts of approximately 68 acres (grading, buttress, staging, borrow and construction easement areas) across two miles of undeveloped range land.

CCWD manages and maintains water facilities that are owned and operated by the United States Bureau of Reclamation (Reclamation). This includes the Contra Costa Canal as well as a number of untreated water laterals. CCWD provides wholesale water service from the United States Bureau of Reclamation to the City of Pittsburg who provides retail water service. At this time, there are no entitlements for water service for the area where the extension of James Donlon Blvd is proposed.

While the project as proposed is basically the same as earlier versions of the project, CCWD at this time will make specific comments on the DEIR that bear on our Previous comment letters of February 28, 2012 and November 26, 2007 (both attached). All of the issues raised in the current letter (*in italics*) should be addressed in the DEIR prepared for this project before it is certified as part of the Final EIR by the City of Pittsburg.

1. *The project description should describe the relationship of the extension of James Donlon Blvd within Sky Ranch II to the extension of James Donlon Blvd west of Sky Ranch II to Kirker Pass Road (proposed Montreux subdivision).* The DEIR on Figure 2-6 has pre-zone designations of HPD Hillside Development

A

B





Ms. Leigha Schmidt  
James Donlon Blvd. Extension Project  
May 7, 2013

(presumably at a density less than 6000 square foot minimum lot size) for the area immediately west of Sky Ranch II and immediately west of Kirker Pass Road (proposed Montreux development) and OS Open Space in the area in between on both sides of the alignment. The DEIR should clearly indicate that the extent of future development in this area is as described in the Pre-Zoning designations. The cumulative impact discussion (Section 2.4.2 of the DEIR) omits any discussion of the cumulative effects of the James Donlon Blvd. Extension Project as it relates to the proposed Montreux development to the west, the locally approved Sky Ranch II Project, and the nearby undeveloped parcels south of the Pittsburg city limits. Section 15355 of the CEQA Guidelines requires that an analysis be made of "two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts."

B

2. *The area surrounding the James Donlon Blvd extension (from Sky Ranch II to Kirker Pass Road) of approximately 697 acres has been approved by Pittsburg voters to be included within an expanded urban limit line. However, this area has yet to be annexed to the City of Pittsburg and is not part of the service area of the Contra Costa Water District. The DEIR does indicate that the new area surrounding the roadway will be annexed to the City of Pittsburg but no mention is made to annex to CCWD. It also appears that both the roadway DEIR and the future Montreux DEIR should state unequivocally that discretionary approvals on the project would require annexation into the CCWD Service Area. Discretionary approvals indicated on p. 2-4 of the DEIR omit any mention of the need to annex to the CCWD Service Area. Under CCWD regulations any proposed use of water, such as water used during construction or for landscaping, will require that the area where such water will be used be annexed to the CCWD service area. In addition, any use of water will require review by Reclamation for inclusion to its Central Valley Project area. Before water service entitlements are established, United States Bureau of Reclamation will require National Environmental Policy Act (NEPA) review. Of particular importance for the NEPA review is the Endangered Species Act and Cultural Resources (Section 106 of the National Historic Preservation Act). If there is Federal funding associated with the roadway extension then a NEPA review is necessary and the City of Pittsburg may wish to consider addressing the use of Central Valley Project water.*

C

3. *CCWD operates and maintains the Contra Costa Canal that is located north and parallel to the extension of James Donlon Blvd. An analysis of the impacts from drainage associated with the roadway project on the Contra Costa Canal is required. It is likely that a portion or all of the drainage from the new road will need to be diverted under the Contra Costa Canal. It is possible that such facilities would need to be expanded or have limited capacity to accept additional runoff. On p. 4.10-15 of the DEIR Mitigation Measure WQ3 is described as requiring a "Stormwater Control Plan, which would limit peak flows*

D



Ms. Leigha Schmidt  
James Donlon Blvd. Extension Project  
May 7, 2013

and duration, thus further reducing the proposed project's potential impacts on surface water runoff. Thus, implementation of mitigation measures, in combination with the proposed project's stormwater drainage design features, would reduce the potential for runoff from the project to exceed existing or planned stormwater drainage systems and impacts to less than significant." The DEIR needs to address specifically the adverse effects of the project drainage on the Contra Costa Canal and whether drainage needs to be diverted under the Canal.

D

4. CCWD notes that with the exception of Response #1 and parts of Responses #3 and #5 (dealing with whether there will be a water line in the project roadway) CCWD responses to questions raised in the October 17, 2007 letter on the project from RBF Consulting (repeated in CCWD's comment letter of November 26, 2007) have not been addressed in the DEIR. The most important of the responses (refer to Response #8 in CCWD's comment letter of November 26, 2007) deals with the timing of the roadway project and its relationship to nearby residential projects (Montreux and Sky Ranch II projects).

Because of the close relationship between the roadway project and the proposed Montreux development and the attendant NEPA issues associated with Reclamation inclusion of the two projects in Reclamation's Central Valley Project (Endangered Species Act and Cultural Resources -Section 106 of the National Historic Preservation Act), CCWD at this time believes that the roadway review must be approved by Reclamation as a place of use for CVP water. The link between the James Donlon Blvd. extension project and the Sky Ranch II and Montreux residential developments warrant CVP inclusion review and should include a condition that the James Donlon Blvd. Extension Project be approved by Reclamation for CVP water service prior to approval of CVP water for the two new residential developments.

E

The most effective way to process CVP inclusions reviews is to determine compliance with the East Contra Costa County Habitat Conservation Plan/Natural Community Conservation Plan (HCP/NCCP). The City should consider approaching Reclamation water supply issues on a coordinated basis involving an inclusion application that addresses the area wide land planning issues of the roadway extension project, Sky Ranch II development, proposed Montreux development, and anticipated buildout of pre-zoned HPD hillside development areas north of the roadway.



Ms. Leigha Schmidt  
James Donlon Blvd. Extension Project  
May 7, 2013

Please contact me at (925) 688-8119 should you have further questions. We remain ready to work actively with City staff to achieve well planned developments south of the City limits that also meet the water supply requirements of Reclamation.

Sincerely,

Mark A. Seedall  
Principal Planner

MAS/jmt

Attachments: February 28, 2012 CCWD NOP Letter  
November 26, 2007 CCWD NOP Letter

cc: Ryan Olah, U.S. Fish & Wildlife Service, Sacramento  
Scott Wilson, California Dept. of Fish & Wildlife, Yountville  
Shauna McDonald, Reclamation, Fresno  
Cathy James, Reclamation, Tracy  
Chuck Siek, Reclamation, Fresno  
Lou Ann Texeira, Contra Costa LAFCO  
John Kopchik, East Contra Costa County Habitat Conservancy

F



**CONTRA COSTA  
WATER DISTRICT**

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February 28, 2012

*VIA FACSIMILE (925) 252-4814  
Hard Copy to Follow*

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*Vice President*

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John A. Burgh

Jerry Brown  
*General Manager*

Ms. Leigha Schmidt  
Pittsburg Planning Dept.  
65 Civic Ave.  
Pittsburg, CA 94565

**Subject: CEQA Notice of Preparation for the James Donlon Blvd. Extension Project**

Dear Ms. Schmidt:

The Contra Costa Water District (CCWD) has reviewed the Notice of Preparation (NOP) for the James Donlon Blvd. Extension Project, a proposed 1.71 mile extension of James Donlon Blvd. in an unincorporated area of Contra Costa County near the southern limits of the City of Pittsburg and between the Sky Ranch II Project to the north and Kirker Pass Road to the south. It is expected that the roadway project will impact approximately 100 acres across two miles of undeveloped range land.

CCWD manages and maintains water facilities that are owned and operated by the United States Bureau of Reclamation (Reclamation). This includes the Contra Costa Canal as well as a number of untreated water laterals. CCWD provides wholesale water service from the United States Bureau of Reclamation to the City of Pittsburg who provides retail water service. At this time, there are no entitlements for water service for the area where the extension of James Donlon Blvd is proposed.

Although the project has been revised, it is clear the changes to the project description do not warrant changes to our previous comments documented in a letter to the City of Pittsburg on November 26, 2007 (attached). All of the issues raised in the November 26, 2007 letter should be addressed in the environmental documents prepared for this project.

Please contact me at (925) 688-8119 should you have further questions.

Sincerely,

Mark A. Seedall  
Principal Planner

MAS/jmt  
Attachment

G



CONTRA COSTA  
WATER DISTRICT

1331 Concord Avenue  
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(925) 688-8000 FAX (925) 688-8122

Revised 11/26/07

November 26, 2007

VIA FACSIMILE (925) 252-4814  
Hard Copy to Follow

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General Manager

Mr. Jason Burke  
Planning & Building Dept.  
City of Pittsburg  
65 Civic Avenue  
Pittsburg, CA 94565-3814

**Subject: Notice of Preparation for a Draft Environmental Impact Report for the  
James Donlon Blvd. Extension Project**

Dear Mr. Burke:

The Contra Costa Water District (CCWD) is in receipt of a request for comments on the Notice of Preparation (NOP) for the Environmental Impact Report (EIR) on the proposed 1.9 mile extension of James Donlon Blvd. in an unincorporated area of Contra Costa County near the southern limits of the City of Pittsburg and between the Sky Ranch II Project to the north and Kirker Pass Road to the South. It is expected that the roadway project will impact approximately 100 acres across two miles of undeveloped range land.

CCWD manages and maintains water facilities that are owned and operated by the United States Bureau of Reclamation (Reclamation). This includes the Contra Costa Canal as well as a number of untreated water laterals. CCWD provides wholesale water service from the United States Bureau of Reclamation to the City of Pittsburg who provides retail water service. At this time, no water service is provided to the area where the extension of James Donlon Blvd is proposed.

CCWD would request that the James Donlon Blvd EIR consider the following:

1. The proposed extension of James Donlon Blvd is outside of the City of Pittsburg and is outside of the Contra Costa Water District. This area has no entitlements to allow for the provision of water service on either a temporary or long term basis.
2. The proposed extension of James Donlon Blvd connects to the eastern portion of the Sky Ranch II development. Sky Ranch II is outside of the City of Pittsburg and outside of the Contra Costa Water District. In October 2007, the City of Pittsburg on behalf of Sky Ranch II developers submitted an application for an annexation and CVP inclusion.
3. The project description should describe the relationship of the extension of James Donlon Blvd within Sky Ranch II to the extension of James Donlon Blvd west of Sky Ranch II to Kirker Pass Road.

H



Jason Burke  
City of Pittsburg  
November 26, 2007  
Page 2

4. The area surrounding the James Donlon Blvd extension (from Sky Ranch II to Kirker Pass Road) of approximately 697 acres has been approved by Pittsburg voters to be included within an expanded urban limit line. However, this area has yet to be annexed to the City of Pittsburg and is not part of the service area of the Contra Costa Water District.
5. There should be some discussion of the likely development within the expanded urban limit line area surrounding the James Donlon Blvd roadway extension. If for example the area surrounding the roadway improvement will be annexed by the City of Pittsburg and CCWD prior to construction of the roadway then water related services could be fully available to support the roadway expansion.
6. Under CCWD regulations any proposed use of water will require that the area where such water will be used be annexed to the CCWD service area. In addition, any use of water will require review by the United States Bureau of Reclamation for inclusion to its Central Valley Project area. Before water service entitlements are established, United States Bureau of Reclamation review will require National Environmental Policy Act (NEPA). Of particular importance for the NEPA review is the Endangered Species Act and Cultural Resources (Section 106 of the National Historic Preservation Act). If there is Federal Funding associated with the roadway extension then a NEPA review is necessary and the City of Pittsburg may wish to consider addressing the use of Central Valley Project water.
7. The EIR should clearly define the amount of construction water that will be needed as well as the degree of permanent landscaping that will be included. CCWD intends to further consult with the United States Bureau of Reclamation regarding the use of Central Valley Project water for construction only.
8. CCWD operates and maintains the Contra Costa Canal that is located north and parallel to the extension of James Donlon Blvd. An analysis of the impacts from drainage associated with the roadway project on the Contra Costa Canal is required. It is likely that a portion or all of the drainage from the new road will need to be diverted under the Contra Costa Canal. It is possible that such facilities would need to be expanded or have limited capacity to accept additional runoff.

In response to questions raised in the October 17, 2007 letter from RBF Consulting, the firm putting together the EIR on the project, the following responses are provided:

1. What is the current and projected water capacity for the District: annual use in acre-feet, daily flow in cfs and peak demand in MGD? *CCWD has a contract with the Central Valley Project for up to 195,000 acre-feet per year of raw water. Annual demand for water is currently approximately 125,000 acre-feet per year.*
2. What is the projected water demand for the project area based on the Information provided? *For irrigating the landscaped areas of the 100-acre project (approximately 30-acres), water use would be about 100-acre feet per year. For*

H



Jason Burke  
City of Pittsburg  
November 26, 2007  
Page 3

*dust control of the construction phase of the 1.9 mile 2-year project, CCWD would need to know the capacity and number of tanker trucks to be used and how often they would be used. Urban development of the area adjacent to the roadway will expand water use to approximately 2/3 acre feet per year per household. 1,500 new homes would use approximately 1,000 acre feet per year.*

3. Please indicate any existing facilities on/near the project area? *The City of Pittsburg provides retail water service in this area and maintains the retail distribution system that are likely in close proximity to the roadway extension. Ultimately, the roadway would likely include water distribution systems.*
4. What is the current rate of local groundwater extraction and existing groundwater quality? Will the proposed project have an impact on water quality? *CCWD is not aware of any groundwater facilities in the vicinity of the proposed roadway project. However, CCWD would request that best management practices be used for any storm water runoff from the new roadway. This will ensure that water within the Delta is not adversely impacted by runoff from the new roadway.*
5. Will the proposal require new facilities or additions to existing facilities? *Yes. The street would in all likelihood have a water line in it. The timing of such facilities and the need for this facility should be evaluated within the EIR.*
6. Do you have any required assessment fees or other required or recommended mitigation measures for project impacts? *The area where the road is being constructed is not within the City of Pittsburg, the Contra Costa Water District, or the Central Valley Project area of use. If water will be supplied within this area, it will need to be annexed to the City of Pittsburg and CCWD. In addition, Reclamation would need to approve water use in this area. There are fees and charges associated with expanding the CCWD service area. In addition, Reclamation must be reimbursed for its review of the proposed change to the Central Valley Project service area.*
7. SB 610 requires a water supply assessment to be provided by the affected water agency for incorporation into the EIR. As such, please identify whether the demand created by the proposed project has been considered in your agency's most recently adopted water management plan. Increased demand for the project will only occur during the construction process. Please identify whether additional demand created for water during construction has been considered in your agency's most recently adopted water management plan. The assessment should indicate whether the water demand associated with the proposed project can be served by your agency's supplies available during a normal, single-dry, and multiple-dry water years, in addition to the demand for water from existing and other planned uses. *Urban development along this road will likely require a SB 610 assessment. Such an assessment would need to be conducted by the City of Pittsburg.*

H





Jason Burke  
City of Pittsburgh  
November 26, 2007  
Page 4

8. Does your agency have sufficient water supplies available to serve the project area from existing entitlement and resources, or are new expanded entitlements needed? *Pending approval from the United States Bureau of Reclamation and satisfaction of all of CCWD's regulations and requirements it appears that there are sufficient water supplies available for the project.*
9. Is there any other relevant information regarding potential significant effects of the project? *It would be helpful to have a complete understanding of the timing of the roadway project relative to urban development. If urban development and the roadway extension are close in time then CCWD advises that the land area in which the project resides will need to be annexed to the City of Pittsburgh and the CCWD service area expanded and annexed to include the project area. The United States Bureau of Reclamation Central Valley Project area would also need to be expanded.*

H

Please contact me at (925) 688-8119 should you have further questions.

Sincerely,

*Mark A. Seedall*

Mark A. Seedall  
Senior Planner

MAS/jmt/rlr:mlc



#### Response to Comment Letter 4: Contra Costa Water District (May 7, 2013)

- A. Thank you for your comment. The participation of the Contra Costa Water District (CCWD) in the public review of this document is appreciated. The commenter states that comment letters for the Initial Study / Notice of Preparation (IS/NOP) were provided to the City on February 28, 2012 and November 26, 2007. The Lead Agency received the February 28, 2012 and November 26, 2007 letters. These letters were included in Appendix A and summarized in Table 1-1, *Summary of Written Comments on Initial Study/Notice of Preparation*, provided in Chapter 1, *Introduction*, of the Draft EIR.

The Draft EIR analyzed the physical environmental effects of the proposed project for 13 resource areas, provided in Chapter 4, *Existing Conditions, Environmental Impacts and Mitigation Measures*, Section 4.1 through 4.14, of the document. Specific concerns that are raised by the CCWD pertaining to the proposed project are discussed in Responses to Comments 4-B through 4-H, below.

- B. Please refer to Topical Response 1, *Purpose and Need for the Proposed Project*, Topical Response 2, *Relationship between the Proposed Project and Adjacent Pending and Approved Development Projects*, and Topical Response 5, *Growth Inducing Impacts*. The primary purpose of the proposed project alignment is to provide a limited access arterial that would complete a planned critical east-west connection within the City of Pittsburg to serve regional circulation needs that was envisioned in the 1988 City General Plan. The roadway extension would alleviate existing, long-standing traffic congestion on the local circulation network, specifically Buchanan Road, which currently receives a high volume of east-west commute traffic between the City of Antioch and the City of Concord. The proposed project would also accommodate traffic generated by existing, approved, and planned development in the City. In addition, the proposed extension of James Donlon Boulevard would provide an alternative access route that would link the eastern portion of Contra Costa County (e.g., the cities of Brentwood, Antioch and Pittsburg) to the central portion of Contra Costa County (e.g. the cities of Concord and Walnut Creek). The proposed James Donlon Boulevard extension has been identified in the City General Plan, Contra Costa County Transportation Authority (CCTA) Countywide Comprehensive Transportation Plan, Metropolitan Transportation Commission (MTC) Transportation Plan 2035, and the East Contra Costa County Habitat Conservation Plan/Natural Community Conservation Plan (HCP/NCCP). Additionally, a Program EIR was prepared in 1993 for the proposed Buchanan Road Bypass; refer to Chapter 3, *Project Description*, of the Draft EIR for further details.

With regard to the cumulative impact discussion and its inclusion of the proposed Montreux Subdivision and the approved Sky Ranch II Project, please refer to Topical Response 2, *Relationship between the Proposed Project and Adjacent Pending and Approved Development Projects*, and Topical Response 5, *Growth Inducing Impacts*. Table 5-1, *Cumulative Projects Considered*, of the Draft EIR, includes a comprehensive list of reasonably foreseeable residential, commercial, and industrial projects in the area. Both the proposed Montreux Subdivision and Sky Ranch II projects are included in this list. In addition, Section 4.13, *Transportation/Traffic*, of the Draft EIR analyzes cumulative (year 2030) conditions both with and without the proposed project based on the CCTA Travel Demand Model. The CCTA Travel Demand Model contains estimated traffic volume projections that include the proposed Montreux Subdivision and the approved Sky Ranch II Project.

As discussed in the Draft EIR Chapter 3, *Project Description*, and in Topical Response 2, *Relationship between the Proposed Project and Adjacent Pending and Approved Development Projects*, Sky Ranch II Subdivision (Sky Ranch II) was approved by the City's Planning



Commission in May 2008, but has not yet been completed. Environmental impacts related to Sky Ranch II were analyzed in the Sky Ranch II Subdivision EIR; refer to the first full paragraph of page 3-3 in the Draft EIR. In addition, the City, on behalf of the Sky Ranch II developer, submitted an application for annexation and inclusion in the Central Valley Project (CVP) in October 2007. A Notice of Completion for a District Boundary Change including annexation to the City of Pittsburg, CCWD, and the Delta Diablo Sanitation District (DDSD) was issued by the Local Agency Formation Commission (LAFCO) on June 25, 2008. An application for the Sky Ranch II project's inclusion in the CVP was submitted in August 2007, and is awaiting final approval.

As noted in Chapter 3, *Project Description*, of the Draft EIR, the proposed project neither proposes nor anticipates development along the James Donlon Boulevard extension route. Accordingly, the proposed project would change the existing land use designation in the City General Plan from Hillside Low Density Residential to Open Space. The proposed project would also change the City's pre-zone designations from Hillside Planned Development (HPD) District to Open Space (OS) District, with an Agricultural Preserve Overlay. No development beyond the proposed roadway extension would occur as a result of the proposed project. In addition, no development would occur in the future beyond what is allowed under the zone classification of Open Space (OS) District, with an Agricultural Preserve Overlay; please refer to Draft EIR Section 3.5, *Intended Use of EIR*, bullets three and four, on page 3-15. In addition, as stated in Section 10.3, *Revisions to the Project Draft EIR*, above, three figures have been added to Chapter 3.0, *Project Description*, of the Draft EIR to further clarify the changes in the City limit lines, land use designations, and pre-zone classifications. The three figures are as follows: Figure 3-9, *Proposed Annexation Boundaries and Properties*, Figures 3-10, *Proposed City Land Use Designations*, and Figure 3-11, *Proposed City Pre-Zoning*.

Access to the proposed James Donlon Boulevard extension would only be provided at Kirker Pass Road on the west and the existing James Donlon Boulevard roadway on the east; there are no access points in between these end points. The proposed project would not provide access to areas currently inaccessible. The majority of utilities (i.e., water, sewer, natural gas, or electricity) would not be extended as a result of the proposed project. Electrical facilities would be extended only as needed to provide for the appropriate streetlighting requirements as discussed within the Draft EIR. Therefore, the proposed project would not extend utilities necessary for housing or business growth. The proposed project would preclude development, as the land use designation would be Open Space and the pre-zone classification would be Open Space (OS) District, with an Agricultural Preserve Overlay. Thus, the proposed project would provide an efficient transportation option for an area of Contra Costa County that is currently experiencing significant traffic congestion, and without creating development potential in the project area. No further response or change to the Draft EIR is necessary.

- C. The Draft EIR provides a list of responsible and trustee agencies (Section 3.5.1, *Responsible and Trustee Agencies*) and a list of entitlements required (Section 3.5.2, *Entitlements Required*) for the proposed project. The proposed project does not include the extension of water or wastewater pipelines within the roadway and no permanent water source would be required for the proposed project. No permanent irrigation is proposed for the revegetated areas within the project boundaries. Landscaping would include native drought-tolerant species and a native seed mix; refer to Section 3.3.3, *Landscaping*, and Section 3.3.7, *Utilities*, of the Draft EIR for further details. The proposed project would truck water to the project site for construction purposes. Thus, the first paragraph on Page 4.14-9 of the Draft EIR has been revised as shown below. These changes provide minor clarification to the text in the Draft EIR and do not constitute "significant new information" pursuant to Section 15088.5 of the State CEQA Guidelines.



The project area currently falls outside the City of Pittsburg jurisdictional boundary and the service boundary of CCWD. ~~The CCWD and Bureau of Reclamation are currently working to determine if CCWD has supply available to service the temporary water demand during construction of the proposed project without annexing the property to include it within its service area. If water is not available from CCWD, water~~ Water will be trucked to the project site during construction. As stated above, no irrigation would be required for the revegetation plan; therefore, no permanent water supply is needed. Thus, impacts associated with water supply would be less than significant.

Therefore, no annexation into the CCWD service area is required, nor is the need for a review by the U.S. Bureau of Reclamation. No analysis under the National Environmental Policy Act (NEPA) is required and, to date, no federal funding has been identified or secured. However, if federal funding is identified in the future, then the City would work with the appropriate federal entity (likely the California Department of Transportation [Caltrans] District 4, on behalf of the Federal Highway Administration [FHWA]) to undergo proposed project analysis pertaining to NEPA.

Please refer to Topical Response 2, *Relationship between the Proposed Project and Adjacent Pending and Approved Development Projects*, and Response to Comment 4-B for a discussion of the proposed project's relationship with surrounding proposed development, including the approved Sky Ranch II project and the proposed Montreux Subdivision. At the time of the 2012 IS/NOP for this proposed project, the proposed Montreux Subdivision application was under consideration at that City. Since that time, the City prepared an IS/NOP for the proposed Montreux Subdivision and circulated it to the public beginning March 29, 2013 and ending April 29, 2013. The Draft EIR for the proposed Montreux Subdivision was then prepared by the City and circulated to the public for review and comment from November 27, 2013 through January 10, 2014. Both the Montreux Subdivision IS/NOP and Draft EIR disclose the discretionary actions required, including annexation of the site into the City of Pittsburg city limits, CCWD service area and the Delta Diablo Sanitation District (DDSD) service area. Similar to Sky Ranch II, the City would submit an application and would work with CCWD regarding the proposed Montreux Subdivision annexation into the CCWD service area and inclusion in the CVP.

- D. Please refer to Section 4.10, *Hydrology and Water Quality*, of the Draft EIR, for an analysis of hydrology and water quality issues. The proposed project covers a relatively small portion of the areas that drain into existing watercourses that cross the Contra Costa Canal. As listed in Table 10 of the *James Donlon Boulevard Extension Technical Memorandum Report* (refer to Appendix G.2 of the Draft EIR), the impervious areas of the roadway are small fractions of the watershed areas upstream from the proposed roadway.

The roadway drainage would be directed to the nearest stream crossing to maintain existing drainage patterns and minimize erosion potential. Planned stormwater control devices and systems would be provided to delay runoff peaks and volumes released from the proposed project toward the Contra Costa Canal. The intent of the planned stormwater control devices and system is to mimic the existing drainage patterns and provide hydromodification measures that mimic existing runoff events. Thus, the planned stormwater control devices and systems would not result in increased flow into the Contra Costa Canal from the proposed project. These planned stormwater control devices and systems would also be designed and implemented in accordance with the Contra Costa Clean Water Program.



Further details regarding the drainage network is provided in Appendix G.2, *James Donlon Boulevard Extension Technical Memorandum Report (2012)*, of the Draft EIR. In summary, runoff from the roadway and terrace drains would enter the planned stormwater control devices and systems. The required treatment and flow control would be allowed to drawdown over a period of at least 48 hours. The flow would be spread over natural ground to achieve further treatment. Therefore, the control systems not only aid in water quality but also distribute runoff water at a slower rate, thus mimicking existing conditions. There will be minimal impact from the proposed project drainage on the Contra Costa Canal and no diversion of drainage under the Contra Costa Canal is needed or proposed. No further response or change in the Draft EIR is necessary.

- E. Please refer to Responses to Comments 4-B and 4-C, above. The questions raised in the October 17, 2007 letter to CCWD from RBF Consulting were intended to provide information and background regarding CCWD's service area and capacity. However, the proposed project was revised and refined between 2007 and 2012, thus rendering some of the October 2007 questions inapplicable to the proposed project. The proposed project does not include the extension of water or wastewater pipelines within the roadway and no permanent water source would be required for the proposed project. No permanent irrigation is proposed for the revegetated areas within the project boundaries. Thus, the proposed project does not warrant annexation into the CCWD service area.

As discussed in Topical Response 2, *Relationship between the Proposed Project and Adjacent Pending and Approved Development Projects*, the proposed project is not dependent on adjacent approved and pending development projects. The adjacent approved and pending development projects are not dependent on development of the proposed project. In addition, the proposed project would preclude development within the project boundaries by changing the City General Plan land use designation to Open Space and pre-zone designation to Open Space (OS) District, with an Agricultural Preserve Overlay. The amendment to the City General Plan and the pre-zone change would eliminate the potential for Hillside Planned Development (HPD). Thus, the project area would be annexed to the City but there would be no future development potential in the project area beyond what is allowed under the zone classification of Open Space (OS) District, with an Agricultural Preserve Overlay.

As discussed in Section 4.6, *Biological Resources*, of the Draft EIR, the proposed project is a covered activity under the HCP/NCCP. The Lead Agency is actively consulting with the ECCC Habitat Conservancy and participating in the HCP/NCCP conservation strategy. The Lead Agency will work with CCWD as appropriate. The comment is noted for the record and will be provided to the City of Pittsburgh City Council. No further response or change to the Draft EIR is necessary.

- F. Thank you for your comment. The commenter does not raise new information or directly challenge information provided in the Draft EIR. The Lead Agency will work with CCWD as appropriate. The comment is noted for the record and will be provided to the City of Pittsburgh City Council. No further response or change to the Draft EIR is necessary.
- G. Thank you for your comment. Please refer to Responses to Comments 4-A through 4-F, above. No further response or change to the Draft EIR is necessary. The comment is noted for the record and will be provided to the City of Pittsburgh City Council for consideration.
- H. Thank you for your comment. Please refer to Responses to Comments 4-A through 4-F, above. No further response or change to the Draft EIR is necessary. The comment is noted for the record and will be provided to the City of Pittsburgh City Council for consideration.



Comment Letter 5



CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION  
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Michael R. McGill  
*Special District Member*

Dwight Meadows  
*Special District Member*  
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*County Member*  
Rob Schroder  
*City Member*

Don Tatzin  
*City Member*

ALTERNATE MEMBERS

Candace Andersen  
*County Member*  
Sharon Burke  
*Public Member*  
Tom Butt  
*City Member*  
George H. Schmidt  
*Special District Member*

May 22, 2013

Leigha Schmidt, Associate Planner  
Development Services Department, Planning Division  
City of Pittsburg  
65 Civic Avenue  
Pittsburg, CA 94565-3814

Dear Ms. Schmidt:

Thank you for providing the Contra Costa LAFCO with the Draft Environmental Impact Report (DEIR) for the *James Donlon Boulevard Extension (JDBE) Project*. We have reviewed the document and offer general and specific comments below.

**General Comments**

As a Responsible Agency pursuant to the California Environmental Quality Act (CEQA), LAFCO may need to rely on the City's environmental document for this project in consideration of any subsequent boundary change [e.g., annexation, sphere of influence (SOI) amendment] relating to this project.

LAFCO is an independent regulatory agency with discretion to approve or disapprove boundary changes. LAFCO is required to consider a variety of factors when evaluating a proposed boundary change including, but not limited to, the project's potential impacts on agricultural land and open space, the provision of municipal services and infrastructure to the project site, the timely and available supply of water, etc. The factors relating to boundary changes are contained in the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 ("CKH" - Government Code Section 56000 et seq.) and include section 56668. (Note: All references in this letter are to the Government Code). We encourage the City to reference 56668 and other relevant factors in its environmental document, as this will help facilitate the LAFCO application process. Failure to do so may result in additional CEQA compliance work on the part of the applicant.

The EIR should state that as a Responsible Agency under CEQA, Contra Costa LAFCO will need to rely upon and certify the EIR in connection with all proposed changes to the City's SOI and/or annexations.

Also, please refer to this agency as the Contra Costa LAFCO, not Contra Costa *County* LAFCO.

A

B

C



Specific Comments/Questions

**I. Agriculture and Open Space**

One of LAFCO's primary charges is the preservation of agricultural land and open space. The CKH contains its own definitions of "agricultural lands" (Gov. Code §56016) and "prime agricultural land" (Gov. Code §56064). Further, the CKH contains numerous provisions pertaining to the preservation of lands subject to Williamson Act land contracts, and generally discourages the annexation of Williamson Act land to cities and districts.

D

- A. As indicated in the previous LAFCO comment letters, LAFCO must consider many factors in its review of a boundary change proposal, including the effect of a proposal on maintaining the physical and economic integrity of agricultural land pursuant to Gov. Code §56016. While the DEIR references section 56064, it does not reference section 56016. Should LAFCO need to rely on the City's EIR as a Responsible Agency, the EIR must include an analysis of the impact to agricultural lands and prime agricultural lands using the LAFCO definitions.

*The EIR should include reference to and an analysis of Gov. Code §56016 if LAFCO is to rely on this document for its actions.*

- B. The DEIR confirms that the proposed project would involve annexing agricultural lands considered prime pursuant to Gov. Code §56064. The DEIR indicates that the proposed project includes a general plan amendment to designate the properties Open Space (OS) and would pre-zone the SOI to designate the properties OS, with the option to provide an Agricultural Preserve Overlay District. However, the DEIR provides no mitigation measures to address the impact of converting prime agricultural land to non-agricultural uses; nor does the DEIR contain any mitigation measures or assurances to support the continued use of the remaining property (i.e., 405+ acres) for agricultural purposes.

E

*The EIR should include specific mitigation measures to address the impact of converting prime agricultural land to non-agricultural uses, as well as mitigation measures and assurances to support the continued use of the remaining property (i.e., 405+ acres) for agricultural purposes, such as a permanent conservation easement. Such mitigation measures are also needed to address the proposed project's consistency with Pittsburg General Plan Policy 2-P-109 which states: "Ensure the rural character of the existing agricultural grazing lands is retained."*

- C. The EIR should provide an explanation and description of the proposed "option" to designate the affected properties as an Agricultural Preserve Overlay. Specifically, the EIR should:

- explain the intent and procedural basis for the "option" in other provisions of the City's General Plan and/or zoning ordinance;
- explain how this optional land use designation would affect any of the land that is involved in or affected by the JDBE Project;
- explain why it is being treated as an "option" and not applied as part of the Project;
- disclose who would have the authority to trigger the option and make the land use designation change – would it be the City, the property owner, both, and would it be done as a public matter, with advance notice and a public hearing?
- what criteria, if any, would need to be met before the "option" could be exercised?
- if the Ag Preserve Overlay were to be applied to the Thomas Ranch property, would it be permanent or could it be revoked or removed at some point in the future?

F





D. The proposed project would extend a road through the middle of land which is subject to a Williamson Act land contract. According to the DEIR, only that portion of the property needed for the roadway (70+ acres) will come out of the Williamson Act land contract, and the remaining 405+ acres will remain active Williamson Act land.

1. As we understand it, Gov. Code §51291 requires the acquiring public agency to notify the State Department of Conservation (DOC) and the county (i.e., Contra Costa County) of its intent to acquire land that is under a Williamson Act contract. Has the City of Pittsburg notified the DOC and the County; and if so, what comments, if any, has the City received?
2. Included among the factors LAFCO must consider in its review of a boundary change proposal is the "community of interest," including effects on adjacent areas, on mutual social and economic interests, and on the local government structure of the county (Gov. Code §56668) as well as impacts to "distinct" communities (Gov. Code §57078.5). The DEIR notes that there would be "a minimum of one" culvert underneath the 1.71-mile roadway to allow the cattle and grazing operation to access both sides of the new roadway.

*The EIR should address the impacts of bifurcating land for continued agricultural uses (i.e., cattle grazing) and a roadway. The EIR should specify exactly how many culverts are to be constructed so that the reader will have a better sense of the potential impact to the viability of ongoing grazing operations.*

E. The DEIR states that there would be no access to the proposed roadway except from Kirker Pass Road, on the west, and the Sky Ranch II development, including Metcalf Street, Ventura Drive and Somersville Road on the east. No access points would be provided to the existing Thomas Ranch cattle operation from the proposed project.

*What would prevent the creation of access points at some time in the future to the grazing lands, thereby opening them up to future development?*

*The EIR should clarify the extent to which, and under what conditions, access to the Thomas Ranch from the JDB would be possible in the future. If access in the future would be possible, it would appear that the project would be growth inducing by making development of the Thomas Ranch more likely.*

F. The CKH contains provisions relating to succession to a Williamson Act contract. Please note that in situations where a city succeeds to a Williamson Act contract, the City must have specific rules and procedures in place pursuant to Gov. Code §§51231, 51237, and 51237.5.

## II. Boundary Issues

A. There are conflicting references throughout the DEIR as to which specific properties the City is proposing to annex, which properties are inside the City's SOI, and which properties are inside the Urban Limit Line (ULL). Please note the following:

- The JDBE project involves a total of seven parcels, only one of which is already in the City (APN 089-050-055), and one of which is outside the City's SOI and ULL (APN 075-060-077).

*Thus, it appears that a total of six parcels will need to be annexed to the City, and that an SOI amendment may also be needed.*

G

H

I

J



- We note that the JDBE project and Montreux Residential project involve four of the same parcels (APNs 089-020-009, -011, 014 and 015). The DEIR for the JDBE project does not include any details regarding the Montreux project, although the two projects are clearly related and cannot be considered in isolation.

*We recognize that the City is preparing a separate project EIR for the Montreux project; however we strongly encourage the City to include a detailed discussion of the Montreux project in the JDBE project EIR, along with a discussion of the apparent relationship among the two projects.*

K

- B. One of the critical factors LAFCO must consider in its review of a boundary change is the definiteness and certainty of boundaries, conformance of proposed boundaries with lines of assessment or ownership, creation of islands and corridors, and related boundary matters (Gov. Code §56668).

*We encourage the City to consider this factor in anticipation of any future annexation proposal.*

L

- C. In our previous comment letter, we requested that the EIR include a map to clearly show the proposed 475+ acre annexation area and the boundaries of the affected parcels.

*Please include an annexation map in the Final EIR.*

M

### III. Public Services

- A. The DEIR indicates that the JDBE project will not generate additional traffic but will merely redistribute existing traffic loads onto this new roadway.

*Please review this assertion and, if you believe it to be accurate, provide factual support for your contention, as it appears to conflict with the normal pattern that when new roadway capacity is created it attracts more traffic.*

We also note that the proposed JDBE will provide access to two residential developments (approximately 800 new single family homes) that otherwise would be constrained for lack of access, namely, the Sky Ranch II project and the proposed Montreux project. The enhanced access to these two residential developments that would result from construction of the proposed JDBE project also suggests that more traffic is likely to travel on the new roadway and in the general area.

N

*Please review the traffic assumptions contained in the DEIR and revise this information or provide factual support for these assumptions.*

- B. Increased local traffic resulting from the proposed JDBE project and from the Montreux and Sky Ranch II developments would result in an increase in demand for fire protection services (i.e., emergency medical response, which accounts for over 85% of fire service calls), as well as for police services.

One of the most critical factors LAFCO must consider in its review of a boundary change proposal is the need for and capacity to provide public services.

O

*The EIR should fully evaluate the potential for increased demand for municipal services as a result of the project, and indicate the extent to which the increased demand would affect municipal services (e.g., fire, police), as well as the service providers' ability to maintain adequate service levels for project areas as well as to the existing customer base.*

*And to reiterate a comment made in our previous comment letter, LAFCO requires a Plan for Service (Gov. Code §56653) with respect to the annexation area. Notwithstanding what is*



*asserted in the DEIR, the City of Pittsburg will need to provide municipal services (e.g., police, road maintenance, etc.) to the annexation area. Relevant information regarding the provision of public services should be provided in the EIR in order to facilitate the LAFCO process. The plan for service must include (a) a description of the services to be extended to the project area, (b) the level and range of those services, (c) an indication of when those services can feasibly be extended to the project area, (d) an indication of any improvement or upgrading of structures, roads, sewer or water facilities, or other conditions the local agency would impose or require within the affected territory, and (e) information regarding how those services will be financed.*

O

C. Regarding funding for the proposed JDBE, what is the proposed source of funding for this project?

P

*The EIR should provide project cost and source of funding information and indicate how long it is likely to take for the City of Pittsburg to fund the JDBE if the City were part of the East Contra Costa Regional Fee and Financing Authority (ECCRFFA) vs. not being part of ECCRFFA.*

#### IV. Regional Issues

A. One of the factors LAFCO may consider in its review of a proposed boundary change is regional growth goals and policies. The Association of Bay Area Governments (ABAG) and the Metropolitan Transportation Commission (MTC) recently released the *Draft Plan Bay Area* and corresponding DEIR, which lays out the Bay Area's first-ever Sustainable Communities Strategy in accordance with SB 375.

Q

*Please include a discussion of how the proposed JBDE project fits with the Plan Bay Area.*

Thank you for the opportunity to comment. Please contact the LAFCO office if you have any questions.

Sincerely,

  
Lou Ann Texeira  
Executive Officer

c: LAFCO Planner



**Response to Comment Letter 5: Contra Costa Local Agency Formation Commission (LAFCO)  
(May 22, 2013)**

- A. Thank you for your comment. The participation of the Contra Costa Local Agency Formation Commission (LAFCO) in the public review of this document is appreciated. As stated in the Draft EIR, page 4.2-13, the factors relating to boundary changes are contained in Section 56668 of the Cortese-Knox-Hertzberg Act. These factors include, but are not limited to, how proposals for boundary changes conform to applicable city and county general plans; maintaining the physical and economic integrity of the agricultural lands; the need for organized community services; and timely availability of water supplies. The Draft EIR analyzed the physical environmental effects of the proposed project for 13 resource areas, as provided in Chapter 4, *Existing Conditions, Environmental Impacts and Mitigation Measures*, Sections 4.1 through 4.14. The Draft EIR provides discussion and analysis of plan consistency as related to land use (including the City and County General Plans) in Section 4.2, *Land Use and Planning*. In order to simplify the consistency analysis within Section 4.2, *Land Use and Planning*, City and County goals and policies that are addressed in other sections of the EIR are not included in Section 4.2, *Land Use and Planning*. The Draft EIR provides discussion and analysis of agricultural lands impacts in Section 4.4, *Agriculture and Forestry Resources*, and utilities and public services in Section 4.14, *Utilities and Service Systems*. Water needs for construction and landscaping are discussed throughout the Draft EIR including Section 4.10, *Hydrology and Water Quality*, and Section 4.14, *Utilities and Service Systems*. Specific concerns that are raised by LAFCO pertaining to the proposed project are discussed in detail in Responses to Comments 5-B through 5-Q, below.
- B. The Draft EIR recognizes Contra Costa LAFCO as a responsible agency in Section 3.5.1, *Responsible and Trustee Agencies*. This section states that for the purposes of CEQA, the term responsible agency includes all public agencies other than the Lead Agency that have discretionary approval power over the proposed project. The Draft EIR further lists the Contra Costa LAFCO's discretionary action, which is the annexation of property into the City of Pittsburg, as one required for the approval of the proposed project.
- C. The term "Contra Costa County LAFCO" has been changed to "Contra Costa LAFCO" in the Draft EIR, as shown above in Section 10.3, *Revisions to the Project Draft EIR*. These changes provide minor clarification to the text in the Draft EIR and do not constitute "significant new information" pursuant to Section 15088.5 of the State CEQA Guidelines.
- D. Government Code Section 56016 provides a definition for the term *agricultural lands* for LAFCO purposes. The definition is as follows.

*"Agricultural lands" means land currently used for the purpose of producing an agricultural commodity for commercial purposes, land left fallow under a crop rotational program, or land enrolled in an agricultural subsidy or set-aside program.*

This definition has been added to the Draft EIR on page 4.2-14, as shown in Section 10.3, *Revisions to the Project Draft EIR*, and as provided below. These changes provide minor clarification to the text in the Draft EIR and do not constitute "significant new information" pursuant to Section 15088.5 of the State CEQA Guidelines.

The Cortese-Knox-Hertzberg Act also provides guidance of proposed LAFCO actions (i.e., annexation) when the project site is considered "agricultural land" or "prime agricultural land" pursuant to the definitions in Sections 56016 and 56064, while Section



56856.5 provides guidance of when the project site is located on lands subject to Williamson Act contracts.

***Cortese-Knox-Hertzberg Act Sections 56016 and 56064***

The definition of “agricultural land” as defined by the Cortese-Knox-Hertzberg Act is as follows:

*“Agricultural lands” means land currently used for the purpose of producing an agricultural commodity for commercial purposes, land left fallow under a crop rotational program, or land enrolled in an agricultural subsidy or set-aside program.*

The definition of “prime agricultural land” as defined by the Cortese-Knox-Hertzberg Act is as follows:

*56064. “Prime agricultural land” means an area of land, whether a single parcel or contiguous parcels, that has not been developed for a use other than an agricultural use and that meets any of the following qualifications:*

*(a) Land that qualifies, if irrigated, for rating as class I or class II in the USDA Natural Resources Conservation Service land use capability classification, whether or not land is actually irrigated, provided that irrigation is feasible.*

*(b) Land that qualifies for rating 80 through 100 Storie Index Rating.*

*(c) Land that supports livestock used for the production of food and fiber and that has an annual carrying capacity equivalent to at least one animal unit per acre as defined by the United States Department of Agriculture in the National Range and Pasture Handbook, Revision 1, December 2003.*

*(d) Land planted with fruit or nut-bearing trees, vines, bushes, or crops that have a nonbearing period of less than five years and that will return during the commercial bearing period on an annual basis from the production of unprocessed agricultural plant production not less than four hundred dollars (\$400) per acre.*

*(e) Land that has returned from the production of unprocessed agricultural plant products an annual gross value of not less than four hundred dollars (\$400) per acre for three of the previous five calendar years.*

The Rincon Clay Loam, 2 to 9 Percent Slopes, has a Storie Index Rating of grade one – excellent, which is a Storie Index Rating between 80 and 100. ~~Construction activities on this soil type would include the improvements to the existing Kirker Pass Road (refer to Figure 4.8-2, Soils Map). All other soils within the project area have Storie Index Ratings of 79 or less.~~ Two soils types, Rincon Clay Loam, 2 to 9 Percent Slopes, and Capay Clay, 2 to 9 percent slopes, are classified as having an Irrigated Capability Class 2 (NRCS 2013). No construction activities would occur on the Capay Clay, while construction activities on the Rincon Clay Loam in the project area would occur only to facilitate the improvements along Kirker Pass Road (refer to Figure 4.8-2, Soils Map). All other soils within the project area have Storie Index Ratings of 79 or less.

The proposed project site is used as an existing cattle ranch. Therefore, the properties to be annexed into the City are considered “agricultural land” and “prime agricultural land” under the Cortese-Knox-Hertzberg Act for the proposed LAFCO action (i.e., annexation). The existing ranch operations would continue after the proposed annexation and roadway



construction. In addition, Figure 3-8, *Project Culverts*, above, provides the locations and size of the culverts for drainages and wildlife crossings. These range in size from 24 inches (2 feet) in diameter to 132 inches (11 feet). In addition, an 8-foot by 8-foot box culvert would also be provided as part of this proposed project. The City has had ongoing coordination with the ECCC Habitat Conservancy regarding wildlife and cattle crossing culverts. Thus, the proposed project would provide approximately 18 culverts of varying size and locations throughout the proposed project area to support A minimum of one culvert would be provided to allow safe passage of the cattle from the north side of the proposed James Donlon Boulevard to the south side.

As proposed, the project provides ample opportunity for continuing agricultural operations and connectivity between lands north and south of the roadway. Furthermore, no development-serving services will be extended to the project area and no future development is planned or possible under the proposed land use designation and zoning. Therefore, as to agricultural lands and prime agriculture factors in Government Code Section 56668, the proposed project would convert a small portion of existing agricultural operations while retaining most of the agricultural property and operations intact.

- E. As stated on page 4.4-8 of the Draft EIR, the proposed project is located on land designated by the California Department of Conservation's Farmland Mapping and Monitoring Program (FMMP) as Grazing Land (G) (2010). The proposed project does not include any land that is identified as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance as designated by the California Department of Conservation's FMMP. As discussed in Response to Comment 5-D, above, the properties to be annexed are considered "agricultural land" and "prime agricultural land" under the Cortese-Knox-Hertzberg Act for the proposed LAFCO action (i.e., annexation). The proposed project would convert 70 acres of existing agriculture land right-of-way for the proposed roadway, and would protect approximately 400 acres of existing agricultural land by designating the project area land, outside of the proposed right-of-way, as Open Space. Based on these acreages, approximately 15 percent of the entire project area would be converted to non-agricultural use, with approximately 85 percent of the project area designated as Open Space (OS) District, with an Agricultural Preserve Overlay. The Agricultural Preserve Overlay zoning is required to allow for the continuation of the Williamson Act contract on the property. The existing Williamson Act Non-Prime Agricultural Contract would remain on APN 089-050-056 for areas not within the proposed right-of-way. Adoption and implementation of the City General Plan Open Space land use designation and the pre-zone Open Space (OS) District, with an Agricultural Preserve Overlay, would ensure that the agricultural land uses would remain intact across the existing agricultural lands, outside the proposed right-of-way. There would be no future development potential in the project area beyond what is allowed under the zone classification of Open Space (OS) District, with an Agricultural Preserve Overlay. Therefore, no mitigation measures are required. No further response or change to the Draft EIR is necessary.

As stated in the Draft EIR in Table 4.2-1, *Consistency with City of Pittsburg General Plan*, the proposed project is considered consistent with City General Plan Policy 2-P-109, in that the vast majority of the land (approximately 85 percent) being considered for annexation would retain a rural character and be zoned for uses allowed under the Open Space (OS) District, with an Agricultural Preserve Overlay. The proposed project would amend the City General Plan land use designation on APNs 089-050-056 and 089-020-011 from Open Space and Hillside Low Density Residential, respectively, to Open Space. In addition, the proposed project would pre-zone the two



privately-owned parcels from Hillside Planned Development (HSD) District and Open Space (OS) District to Open Space (OS) District, with an Agricultural Preserve Overlay. Refer to Section 10.3, *Revisions to the Project Draft EIR*, above, for a graphical representation of this information, as shown in Figure 3-10, *Proposed City Land Use Designations*, and Figure 3-11, *Proposed City Pre-Zoning*. This allows for the existing ranch operations to continue after the proposed project is completed. There would be no future development potential in the project area beyond what is allowed under the zone classification of Open Space (OS) District, with an Agricultural Preserve Overlay. No further response or change to the Draft EIR is necessary.

- F. The proposed project would change the pre-zone classifications to the proposed project site from Hillside Planned Development (HSD) District and Open Space (OS) District to Open Space (OS) District, with an Agricultural Preserve Overlay. The phrase “with an option to provide an Agricultural Preserve Overlay District” was meant to allow the City the opportunity to analyze the merits of providing an Agricultural Preserve Overlay District for the project site. However, since the publication of the Draft EIR, the City has further evaluated this issue and the phrase has been changed to read “with ~~an option to provide~~ an Agricultural Preserve Overlay District” as shown above in Section 10.3, *Revisions to the Project Draft EIR*. These changes provide minor clarification to the text in the Draft EIR and do not constitute “significant new information” pursuant to Section 15088.5 of the State CEQA Guidelines.

The City will extend, and plans to serve as the administrator of, the Williamson Act contract that currently exists on APN 089-050-056. The Agricultural Preserve Overlay District would be part of the pre-zoning for the project site. Because the determination of contract succession had not been made at the time of the Draft EIR, the EIR analyzed the impacts as related to the change in the pre-zone as well as the addition of an Agricultural Preserve Overlay District, which would allow for the same uses as those permitted under the Open Space (OS) District and would provide for a continuation of the existing use of the land as a ranch for cattle grazing. This change provides minor clarification to the text in the Draft EIR and does not constitute “significant new information” pursuant to Section 15088.5 of the State CEQA Guidelines.

- G. The City conducted informal, email consultation related to annexation of lands under Williamson Act contract with the Contra Costa County Department of Conservation and Development on February 20, 2013, and with LAFCO on February 21, 2013. Through that informal correspondence, City staff was notified by the County that coordination with LAFCO was required, and was notified by LAFCO that “By law, if an annexation proposal would result in the annexation to a city of land that is subject to a Williamson Act, LAFCO is required to notify the State Director of Conservation [56661(g), 56753, 56753.5]”. On August 19, 2013, the City provided formal notification to the Department of Conservation (DOC), Contra Costa County, and LAFCO of the City’s intentions to acquire 70 acres of land and succeed the Williamson Act contract and set forth preliminary consideration of the findings related to Government Code Section 51292, which must be made in the event that a public agency seeks to locate a public improvement within an agricultural preserve (Williamson Act contracted land). Based on these correspondence, the City has determine, as outlined in Responses to Comments 5-F and 5-I, that the City will succeed to the Williamson Act contract and thus adopt the rules and procedures required, including those identified in Government Code Sections 51231, 51237, and 51237.5. The City is currently working, and will continue to work, with the DOC, County, and LAFCO regarding the annexation of Williamson Act contracted lands.

The Draft EIR analyzes the proposed project impacts on agricultural resources in Section 4.4, *Agriculture and Forestry Resources*. In addition, Figure 3-8, *Project Culverts*, above, provides the





locations and size of the culverts for drainages and wildlife crossings. These range in size from 24 inches (2 feet) to 132 inches (11 feet) in diameter. In addition, an 8-foot by 8-foot box culvert would also be provided as part of this proposed project. The City has had ongoing coordination with the ECCC Habitat Conservancy regarding wildlife and cattle crossing culverts. Thus, the proposed project would provide approximately 18 culverts of varying size and locations throughout the project area. Section 4.4, *Agriculture and Forestry Resources*, of the Draft EIR provides the impact analysis related to the agricultural lands. The existing ranch operations would continue and safe passage of the cattle from the north to south sides of the proposed roadway would be provided through several of the approximately 18 culverts shown in Figure 3-8. The roadway culverts provide connectivity on either side of the proposed James Donlon Boulevard extension and would ensure that the existing agricultural operations are not bifurcated. No further response or change to the Draft EIR is necessary.

- H. Thank you for your comment. As stated in Section 4.4, *Agriculture and Forestry Resources*, and Section 4.12, *Population and Housing*, of the Draft EIR, the change from the Hillside Low Density Residential to Open Space land use designation allows for resource conservation and agricultural and resource management. The City General Plan Open Space land use designation allows for one housing unit per each existing parcel. The pre-zone change from Hillside Planned Development (HSD) District to Open Space (OS) District, with an Agricultural Preserve Overlay, would further restrict the land uses within the project area. The existing ranch would be retained and cattle grazing would continue as it has since 1885 (refer to Draft EIR Section 4.7, *Cultural Resources*).

The roadway is not designed to allow for future access from future roadways other than that planned from Kirker Pass Road and the Sky Ranch II development. There would be no future development potential in the project area beyond what is allowed under the zone classification of Open Space (OS) District, with an Agricultural Preserve Overlay. Also, please refer to Topical Response 5, *Growth Inducing Impacts*. With the change in land use and pre-zone designations to Open Space, it is not reasonably foreseeable that the road would make development in the area more likely. No further response or change to the Draft EIR is necessary.

- I. Thank you for your comment. Please refer to Responses to Comments 5-E, 5-F, and 5-G related to the City's intentions regarding the existing Williamson Act contract. The City has determined that it will succeed to the existing Williamson Act Non-Prime Agricultural Contract on APN 089-050-056 for areas not within the proposed right-of-way. When the Open Space (OS) District, with an Agricultural Preserve Overlay, zoning is adopted as part of the implementing procedures for this proposed project, the City will establish allowable and compatible uses within the agricultural preserve overlay. At that time, the City will also establish procedures for initiating, filing, and processing requests to establish agricultural preserves; however, due to the urban nature of the majority of the land within Pittsburg, it is unlikely that the procedures for establishing such overlays would be necessary or utilized. In any case, as part of the overall land use changes and zoning updates envisioned as part of the proposed project, the City will adopt the rules and procedures required for Williamson Act-covered lands as set forth in Government Code Sections 51231, 51237, and 51237.5.
- J. As stated in Section 10.3, *Revisions to the Project Draft EIR*, upon further consideration, the City determined that it would be beneficial to the public to provide a figure depicting the proposed project boundaries, property lines, and APN numbers. Therefore, Figure 3-10, *Proposed Annexation Boundaries and Properties*, has been added to the EIR. This figure provides a graphical representation of the proposed project, the area of annexation, and the APN numbers associated with that annexation. The proposed project would involve annexation of APNs 089-050-



056 and 089-020-011. Improvements to Kirker Pass Road would require sliver right-of-way acquisition along APNs 089-020-009, 089-020-014, and 089-020-015 as depicted in Figure 3-7, *Site Plan*, of the Draft EIR. These properties adjacent to, and west of Kirker Pass Road, are included in an annexation application being undertaken for the proposed Montreux Subdivision which is undergoing CEQA review. No improvements west of the proposed improved Kirker Pass Road would be included as part of this proposed project. All properties identified as being annexed into the City are within the existing sphere of influence and urban limit line (refer to Figure 3-9, *Proposed Annexation Boundaries*, above). APN 075-060-007 is immediately adjacent to the southern curve of the proposed project footprint. This property would not be annexed into the City. While there would be a temporary construction easement on the property, no permanent impacts would occur and no right-of-way acquisition would occur. The Draft EIR text has been revised accordingly and provided in Section 10.3, *Revisions to the Project Draft EIR*. These changes provide minor clarification to the text in the Draft EIR and do not constitute “significant new information” pursuant to Section 15088.5 of the State CEQA Guidelines. No further response or changes to the Draft EIR are necessary.

- K. Thank you for your comment. Please refer to Topical Response 2, *Relationship between the Proposed Project and Adjacent Pending and Approved Development Projects*, and Response to Comment 4-B for a discussion of the proposed project’s relationship with surrounding proposed and approved development. Proposed and approved surrounding development includes the approved Sky Ranch II project and the proposed Montreux Subdivision project. As noted above, the proposed Montreux Subdivision is not reliant on the proposed project for its access. The proposed Montreux Subdivision and the proposed project are separate projects that can be developed independently of each other.

With respect to the specific APNs associated with this proposed project and the proposed Montreux Subdivision, Figure 3-10, *Proposed Annexation Boundaries and Properties*, has been added to the EIR to provide a graphical representation of the properties within the project boundaries. In addition, Figure 3-7, *Site Plan*, provides representation of the proposed project in relation to both the proposed Montreux Subdivision and the Sky Ranch II projects. As stated in Response to Comment 5-J, improvements to Kirker Pass Road would require sliver right-of-way acquisition along APNs 089-020-009, 089-020-014, and 089-020-015. These properties adjacent to, and west of Kirker Pass Road, are included in an annexation application being undertaken for the Montreux Subdivision which is undergoing CEQA review. No improvements west of Kirker Pass Road, beyond sliver right-of-way acquisitions required for shoulder, curb, gutter, and sidewalk improvements, would be included as part of this proposed project. As discussed in the *Montreux Residential Subdivision Project Environmental Impact Report*, dated November 2013<sup>7</sup>, the proposed Montreux Subdivision is located entirely of properties west of Kirker Pass Road. Any overlap in APNs would be the result of the need for sliver right-of-way acquisition. No further response or changes to the Draft EIR are necessary.

- L. Thank you for your comment. Please refer to Response to Comments 5-A through 5-K, above, as well as Figure 3-9, *Proposed Annexation Boundaries*, and Figure 3-10, *Proposed Annexation Boundaries and Properties*, provided in Section 10.3, *Revisions to the Project Draft EIR*. The annexation would be along property and right-of-way lines, would not create an island or corridor, and is within the City’s existing sphere of influence and urban limit line. The comment is noted for the record and will be provided to the City of Pittsburg City Council for consideration.

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<sup>7</sup> The Draft EIR for the proposed Montreux Residential Subdivision Project was circulated to the public for review and comment from November 27, 2013 through January 10, 2014. The proposed Montreux Subdivision Draft EIR is on-file at the City of Pittsburg, Pittsburg City Hall, 65 Civic Avenue, and is available at: <http://www.ci.pittsburg.ca.us/index.aspx?page=747>.



- M. Thank you for your comment. Please refer to Figure 3-9, *Proposed Annexation Boundaries*, and Figures 3-10, *Proposed Annexation Boundaries and Properties*, provided in Section 10.3, *Revisions to the Project Draft EIR*, for annexation mapping. The comment is noted for the record and will be provided to the City of Pittsburg City Council for consideration. No further response or change to the Draft EIR is necessary.
- N. Please refer to Topical Response 1, *Purpose and Need for the Proposed Project*; Topical Response 2, *Relationship between the Proposed Project and Adjacent Pending and Approved Development Projects*; and, Topical Response 5, *Growth Inducing Impacts*. In addition, Responses to Comments 4-B, 4-E, 5-F, and 5-H provide additional information regarding the commenters concerns about traffic generation and proximity to proposed and approved development projects. Section 4.13, *Transportation/Traffic*, of the Draft EIR analyzes the traffic volumes and roadway and intersection level of service (LOS) for the following scenarios: existing conditions, near-term no project conditions, near-term with project conditions, cumulative no project conditions, and cumulative with project conditions. Traffic volume forecasts used in the operations analysis were developed using the Contra Costa Transportation Authority (CCTA) Decennial Update Countywide Travel Demand Model. The Draft EIR states that in general, the cumulative (2030) no project volumes are higher than the existing volumes and the near-term (2015) no project traffic volumes due to the overall growth in eastern and central Contra Costa County. Refer to Appendix I of the Draft EIR for additional technical information.

The proposed project would redistribute traffic at study intersections. This is concluded by comparing AM and PM peak hour traffic volumes shown on Figures 4.13-3 through 4.13-6 of the Draft EIR. As a result, the proposed project would relieve unacceptable LOS conditions under both the near-term (2015) and cumulative (2030) conditions when compared to the conditions without the proposed project. As shown in Table 4.13-12, *Cumulative (2030) Mitigated Conditions – Intersection Peak Hour LOS Summary (CCTALOS)*, of the Draft EIR, under cumulative (2030) no project conditions, seven intersections would operate at unacceptable LOS, while under cumulative (2030) with project with implementation of mitigation measures, six intersection would operate at unacceptable LOS. Similarly, two studied freeway segments would exceed the Multimodal Transportation Service Objectives (MTSOs) under cumulative (2030) no project conditions. Under the cumulative (2030) with project conditions with mitigation implementation, the studied freeway segments would have the same or lower Delay Index (DI) and would satisfy the MTSO with the exception of one segment. The significant impacts under the cumulative (2030) with project conditions result because Mitigation Measure TRA1 requires improvements to State Route (SR) 4. SR 4 is outside the jurisdiction of the City of Pittsburg, thus implementation of Mitigation Measure TRA1 cannot be guaranteed by the City.

- O. Please refer to Topical Response 2, *Relationship between the Proposed Project and Adjacent Pending and Approved Development Projects*, and Response to Comment 4-B for a discussion of the proposed project's relationship with surrounding proposed development, including the approved Sky Ranch II project and the proposed Montreux Subdivision. As noted, each of these is a separate project with separate environmental reviews and neither is dependent on the proposed project for access. The Draft EIR discusses utilities and service systems in Section 4.14, *Utilities and Service Systems*. The majority of utilities (i.e., water, sewer, natural gas, or electricity) would not be extended as a result of the proposed project. Electrical facilities would be extended only as needed to provide for the appropriate streetlighting requirements as discussed within the Draft EIR. This electrical extension would not be sufficient to support any uses beyond streetlighting.



As discussed in Section 1.6.2, *Public Services*, on page 1-12 of the Draft EIR and Response to Comment 5-M, above, the proposed project would not increase traffic. The proposed project would redistribute existing and forecast traffic patterns. No reasonably foreseeable impacts on fire protection services would result from the proposed project, beyond what is already anticipated in the City General Plan and the City General Plan EIR. To the extent that traffic conditions would improve, fire protective services would be enhanced. The Contra Costa County Fire Protection District (CCCYPD) provides fire protection to unincorporated Contra Costa County as well as nine incorporated cities, including the City of Pittsburg. The response time goal is to provide service within five minutes of notification. As shown in Figure 11-2 of the City General Plan, the proposed project is within approximately 1.5 miles of CCCYPD stations, which is within the station response radii. The third paragraph and the three bullet points on page 4.9-13 of the Draft EIR have been revised to clarify the proposed paved and unpaved shoulder areas. These changes provide minor clarification to the text in the Draft EIR and do not constitute “significant new information” pursuant to Section 15088.5 of the State CEQA Guidelines.

Upon completion of construction, the roadway alignment would increase potential wildfire risks from such actions as cigarettes being thrown from vehicles or vehicles stopped on the shoulder, near unpaved areas. However, this risk would be less than significant for the following reasons:

- The proposed project includes eight-foot paved shoulders and an additional unpaved six- to ten-foot-wide graded area outside and adjacent to the paved shoulders, that would be maintained by the City for fire suppression
- The unpaved road edges would be mowed
- The new road would provide access to fire suppression agencies
- While roadside fires are not uncommon, it is quite rare for roadside ignitions to become major wildfires due to the ability of fire suppression agencies to quickly access the fire

Therefore wildfire risks would be less than significant because the shoulders are paved, the road edges would be mowed, the new road would provide access for fire suppression agencies (i.e., appropriate shoulder width), and fire suppression agencies would have quick access to areas via the proposed James Donlon Boulevard extension. In addition, the proposed project would provide an alternate east-west connection, thus enhancing emergency response times and assisting in emergency preparedness and evacuation capabilities. For these reasons, the Draft EIR found the fire risk impacts to be less than significant.

Similarly, no reasonably foreseeable impacts on police protection would result from the proposed project. To the extent that traffic conditions would improve, police services would be enhanced. Police protection is provided by the City of Pittsburg Police Department. The City Police Department provides police protection to the City and strives to maintain a ratio of 1.8 officers per 1,000 residents, as shown in the City General Plan. Although there is the potential for accidents or other incidents to occur within the project area that would require police protective services, this threat currently exists on the surrounding roadways. Because the proposed project would redistribute traffic patterns and would not introduce additional traffic beyond what is already anticipated in the City General Plan, no net change would occur in the need for police protective services as a result of this proposed project.

Finally, the City acknowledges that a Plan for Service will be submitted with the annexation request. The final design for the proposed project has not been completed at this time; however, there are no planned utility services to the project area other than potential electrical services for



streetlights, as discussed within the Draft EIR. Any electrical service within the project area would be sufficient to accommodate only the lighting requirements of the proposed project.

- P. Thank you for your comment. Please refer to Topical Response 3, *Project Funding*. The proposed project would be locally and regionally funded. Funds have been identified within the Pittsburgh Regional Transportation Development Impact Mitigation Program and the Pittsburgh Local Transportation Mitigation Fee Program. The comment is noted for the record and will be provided to the City of Pittsburgh City Council for consideration. No further response or change to the Draft EIR is necessary.
- Q. Plan Bay Area is a state-mandated, integrated long-range transportation, land-use and housing plan that will support a growing economy, provide more housing and transportation choices and reduce transportation-related pollution in the nine-county San Francisco Bay Area. By law (Senate Bill 375), all regions in California must complete a Sustainable Communities Strategy (SCS) as part of a Regional Transportation Plan (RTP). As the land use component of the State-mandated SCS, State law requires Plan Bay Area to: 1) Identify “areas within the region sufficient to house all the population of the region” where people will live, including all income groups, for at least the next 25 years; 2) Reduce greenhouse gas emissions from cars and light-duty trucks by an amount specified by the CARB; and, 3) Meet the federal requirements for an RTP.

On July 18, 2013, the MTC and the Association of Bay Area Governments (ABAG) Executive Board jointly approved both the final Plan Bay Area, which includes the region’s SCS, and the 2040 RTP. The ABAG Executive Board separately approved a state-mandated Regional Housing Needs Allocation (RHNA) for 2014 through 2022. MTC separately approved the 2013 Transportation Improvement Program (TIP), which updates the list of Bay Area projects that receive federal funds. The proposed James Donlon extension is listed on the 2013 TIP (TIP ID CC-070045, RTP ID 230233), and is shown as being locally funded. Therefore, the proposed project is not subject to the TIP air quality conformity analysis required of projects seeking federal funding.

According to the Plan Bay Area adoption language and a July 11, 2013, ABAG memo titled “Local Project Consistency with Plan Bay Area: Clarification,” local jurisdictions will maintain control of all decisions to adopt plans, and permit or deny development projects, including Capital Improvement projects such as the James Donlon Boulevard Extension Project. Cities and counties are not required to revise their “land use policies and regulations, including their general plan, to be consistent with the regional transportation plan or an alternative planning strategy” (Government Code section 65080 (b)(2)(J)). The SCS merely provides a land use vision that “if implemented, would achieve the greenhouse gas emission reductions targets” for the region (Public Resources Code section 21155 (a)). The proposed Plan Bay Area will only be implemented insofar as local jurisdictions adopt its policies and recommendations.

The City of Pittsburgh is committed to the goals of smart growth as outlined in the SCS. On July 16, 2007, the City Council adopted Resolution 07-10845 establishing three Priority Development Areas (PDAs) within the City limits. These areas include the future eBART Station area at Railroad Avenue, downtown Pittsburgh, and the Pittsburgh/Bay Point BART Station area in partnership with Contra Costa County. Since the establishment of the PDAs, the City has adopted the Railroad Avenue eBART Specific Plan (November 2009), and the Pittsburgh/Bay Point BART Master Plan (October 2011). Both of these Station Area Plans were funded through grants from MTC and CCTA, with significant input from ABAG and BART. While committed to smart growth policies and land use requirements where appropriate, the City also recognizes that there are existing suburban areas outside of the PDAs that require transportation improvements including roadways



such as the proposed project which was included in the TIP as a locally funded project. As stated in the Draft EIR, the proposed project is also listed in the following documents: City of Pittsburg General Plan; Contra Costa County Transportation Authority Countywide Comprehensive Transportation Plan; the East County Action Plan for Routes of Regional Significance; the State Route 4 Major Investment Study; and the East Contra Costa HCP/NCCP. The City is committed to smart growth and the implementation of the SCS, and the City is also committed to the development of the proposed James Donlon Boulevard extension which was envisioned in the City General Plan, beginning in 1988, and regional transportation plans. The proposed project is intended to serve existing and planned residential neighborhoods in Pittsburg and in communities east of Pittsburg. Please also see Topical Response 1, *Purpose and Need for the Project*.



Comment Letter 6



Contra Costa County  
**Flood Control**  
& Water Conservation District

Julia R. Bueren,  
ex officio Chief Engineer

May 28, 2013

Leigha Schmidt  
City of Pittsburg  
Planning Division  
65 Civic Avenue  
Pittsburg, CA 94565

RE: James Donlon Boulevard Extension  
Our File: 97-70 EIR — James Donlon Boulevard Extension

Dear Ms. Schmidt:

We have reviewed the Notice of Availability of the Draft Environmental Impact Report (DEIR) for the James Donlon Boulevard Extension located south of Buchanan Road, between Kirker Pass Road to the west and Ventura Drive to the east, which we received on April 16, 2013, and offer the following comments:

1. We recommend that the Final Environmental Impact Report (EIR) include Kirker Creek and its tributaries as it relates to the vicinity of the project on the site plan (Figure 2-3).
2. A hydrology map defining the drainage areas within the main watershed should be included in the Final EIR.
3. In the Hydrology Section of the DEIR, please identify and show all existing watercourses, tributaries, and man-made drainage facilities within the project site that could be impacted by this project. The discussion should include an analysis of the capacity of the existing watercourses.
4. The Hydrology Section should quantify the amount of runoff that would be generated by the project and discuss how the runoff entering and originating from the site would be distributed between the natural watercourses and any man-made drainage facilities.
5. We recommend that the Final EIR address the design and construction of storm drain facilities to adequately collect and convey stormwater entering or originating within the project to the nearest adequate man-made drainage facility or natural watercourse, without diversion of the watershed, per Title 9 of the County Ordinance Code.

A

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C

D

E

*"Accredited by the American Public Works Association"*  
255 Glacier Drive • Martinez, CA 94553-4825  
TEL: (925) 313-2000 • FAX: (925) 313-2333  
[www.cccpublicworks.org](http://www.cccpublicworks.org)





Leigha Schmidt  
May 28, 2013  
Page 2 of 2

6. If improvements or work within the natural watercourses are proposed, the Final EIR should discuss the scope of improvements. Any work in natural watercourses outside of the City of Pittsburg (City) limits will require a drainage permit from the Contra Costa County Public Works Department. Any work in natural watercourses may also require a permit from agencies such as the U.S. Army Corps of Engineers, the State Department of Fish and Game, and the State Regional Water Quality Control Board. We recommend that the DEIR request that the appropriate environmental regulatory agencies explore the permits, special conditions, and mitigation that may be necessary for this project.

F

7. The Final EIR should discuss the adverse impacts of the runoff from the project site to the existing drainage facilities and drainage problems in the downstream areas. This project falls within the Kirker Creek watershed. Kirker Creek is known to have flooding issues; therefore, we recommend that the City collect drainage mitigation fees from new developments within the Kirker Creek watershed. The Contra Costa County Flood Control & Water Conservation District recommends that \$0.80 per square foot of newly created impervious area be contributed to the drainage improvement fund for Kirker Creek based on the magnitude of the flooding problems and the estimated cost for needed improvements.

G

8. This project is located within Drainage Area 70, an unformed drainage area. Therefore, there are no drainage area fees due at this time.

H

We appreciate the opportunity to review plans involving drainage matters and welcome continued coordination. If you have any questions, please contact me via e-mail at [hshaf@pw.cccounty.us](mailto:hshaf@pw.cccounty.us) or by phone at (925) 313-2304.

Sincerely,

Homira Shafaq  
Staff Engineer  
Contra Costa County Flood Control  
& Water Conservation District

HS:cw  
G:\fdct\CurDev\CITIES\Pittsburg\97-70 EIR\DEIR comments.docx

c: M. Carlson, Flood Control  
T. Jensen, Flood Control  
T. Rie, Flood Control



**Response to Comment Letter 6: Contra Costa County Flood Control and Water Conservation District (May 28, 2013)**

- A. Thank you for your comment. The participation of the Contra Costa County Flood Control and Water Conservation District in the public review of this document is appreciated. While Draft EIR Figure 2-3, *Site Plan*, and Figure 3-7, *Site Plan*, show Kirker Creek along with the no-construction zone, the creek is not specifically labeled. Therefore, these two figures, provided in Section 10.3, *Revisions to the Project Draft EIR*, have been revised to include a label identifying Kirker Creek.
- B. Thank you for your comment. State CEQA Guidelines Section 15147 states that placement of highly technical and specialized analysis and data in the body of an EIR should be avoided through inclusion of supporting information and analyses as appendices to the main body of the EIR. Therefore, the Draft EIR provides drainage course information in Figure 2-3, *Site Plan*, and Figure 3-7, *Site Plan*, and provides a watershed boundary map, which includes drainages, in Figure 4.10-2, *Watershed Boundaries*. Further detail illustrating the watershed map and detailed drainage areas within the main watershed is provided in Exhibit D-1 of Appendix G.2, *James Donlon Boulevard Extension Technical Memorandum Report*, of the Draft EIR. No further response or change to the Draft EIR is necessary.
- C. Please refer to Response to Comment 6-B, above, regarding hydrology mapping. Draft EIR Figure 2-3, *Site Plan*, and Figure 3-7, *Site Plan*, provide the site plan as well as the location of drainages and Kirker Creek within the project site. Figure 4.10-1, *Watershed Boundaries*, of the Draft EIR, provides the watershed information, including drainages, ridgelines, and 100-year flood information. In addition, existing watercourses within, and tributaries to, the project site are depicted in more detail within Exhibits D-1 through D-5 of Appendix G.2, *James Donlon Boulevard Extension Technical Memorandum Report*, of the Draft EIR. As stated on page 4.10-2 of the Draft EIR, the project area is primarily undeveloped land and has a total of six ephemeral and intermittent streams that flow in a south to north direction. None of these watercourses are manmade and none have capacity limitations in the vicinity of the project site.

As stated on page 4.10-14 of the Draft EIR, the proposed project would include planned stormwater control devices and systems which would be configured to accommodate a 25-year design storm event. Technical details regarding planned stormwater control devices and systems are provided in Appendix G.2 of the Draft EIR, with graphical representations within Exhibits D-3 through D-5. The intent of the planned stormwater control devices and systems is to mimic the existing drainage patterns and provide hydromodification measures that mimic existing runoff events. In addition, Mitigation Measure WQ3 requires implementation of a Stormwater Control Plan. The Stormwater Control Plan would recommend a collection, treatment and disposal system that meets the Regional Water Quality Control Board's (RWQCB's) Provision C.3. Therefore, with implementation of Mitigation Measures WQ1 through WQ3, runoff rates discharged from the site are expected to be similar to pre-project conditions. The Draft EIR appropriately finds that impacts are less than significant with implementation of mitigation measures. No further response or change to the Draft EIR is necessary.

- D. Please refer to Responses to Comments 4-D, 6-B and 6-C. Runoff rates in the watercourses passing through the project site are provided in Table 9 of Appendix G.2, *James Donlon Boulevard Extension Technical Memorandum Report*, of the Draft EIR. The proposed planned stormwater control devices and systems associated with the proposed project would induce delays in runoff peaks and volumes released from the proposed project. The intent of the planned stormwater control devices and systems is to mimic the existing drainage patterns and provide hydromodification



measures that mimic existing runoff events. With implementation of Mitigation Measures WQ1 through WQ3, runoff rates discharged from the site are expected to be similar to pre-project conditions. Specifically, as shown in Appendix G.2 of the Draft EIR, the proposed project will be analyzed to see if any runoff generated from the project site could be captured or re-used in landscaping or, evapotranspired. Then if that's not feasible, the proposed project will incorporate organic methods of treatment such as swales and vegetation. If these areas cannot accommodate the volume of this runoff, then, the City will evaluate the use of underground storage facilities in conjunction with the other treatments. As described in Appendix G.2 of the Draft EIR, runoff discharged from detention systems will be spread over natural ground. Flows in excess of the capacities of the systems will be discharged into the culverts. The intent is to mimic the existing conditions. No further response or change to the Draft EIR is necessary.

- E. Draft EIR page 4.10-14 of Section 4.10, *Hydrology and Water Quality*, states that the planned stormwater control devices and systems would be configured to discharge toward logical stream crossings to maintain existing drainage patterns and minimize erosion potential. In addition, runoff from the roadway and terrace drains would enter the planned stormwater control devices where the required treatment and flow control volume would be allowed to drawdown over a period of at least 48 hours using an appropriately sized orifice opening. The flow through the systems would be spread over natural ground to achieve further treatment. The intent of the planned stormwater control devices and systems is to mimic the existing drainage patterns and provide hydromodification measures that mimic existing runoff events. Further details regarding the drainage network is provided in Appendix G.2, *James Donlon Boulevard Extension Technical Memorandum Report (2012)*, of the Draft EIR. Please refer to Responses to Comments 4-D, 6-B, 6-C, and 6-D for additional detail. No further response or change to the Draft EIR is necessary.
- F. The commenter provides a list of potential permitting agencies and recommends that the appropriate environmental regulatory agencies review the proposed project. A list of entitlements required for the proposed project is provided on pages 3-15 and 3-16 in Section 3.5.2, *Entitlements Required*, of the Draft EIR. This list identifies the permits and permitting agencies listed by the commenter. In addition, page 4.6-13 of the Draft EIR states that the proposed project would require permits from the U.S. Army Corps of Engineers (USACE), California Department of Fish and Wildlife (CDFW), and the Regional Water Quality Control Board (RWQCB). Implementation of Mitigation Measures BIO6 would require proof of permit attainment prior to the City's issuance of grading or building permits. The commenter does not raise new information or directly challenge information provided in the Draft EIR. The comment is noted for the record and will be provided to the City of Pittsburgh City Council. No further response or change to the Draft EIR is necessary.
- G. Please refer to Responses to Comments 4-D and 6-A through 6-F, above, regarding runoff resulting from the proposed project and the impact on existing drainage patterns.

Regarding the request for the City to collect drainage mitigation fees from new developments, On January 18, 2005, the Pittsburgh City Council adopted Ordinance No. 1236, updating Pittsburgh Municipal Code (PMC) sections 15.104.060, 15.104.070 and 15.104.080 related to "The Stormwater Management Plan for Kirker Creek Watershed Drainage Area" and setting a uniform mitigation fee per square foot of new impervious surface areas created by development. The fee set in 2005 was \$0.68 per square foot, but the ordinance stipulates that the fee is to be reviewed every year to adjust for inflation as measured by increases in the reference index and construction costs of local projects. A fee as recommended by the commenter will be assessed based on the fee at the time of Engineering/Building permit issuance. The comment is noted for the record and will be



provided to the City of Pittsburg City Council. No further response or change to the Draft EIR is necessary.

- H. The commenter does not raise new information or directly challenge information provided in the Draft EIR. The City will work with the Contra Costa County Flood Control and Water Conservation District regarding fee requirements. The comment is noted for the record and will be provided to the City of Pittsburg City Council for consideration. No further response or change to the Draft EIR is necessary.



## Comment Letter 7

### Department of Conservation and Development

30 Muir Road  
Martinez, CA 94553-4601

Phone: 1-855-323-2626

### Contra Costa County



**Catherine Kutsuris**  
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Deputy Director  
Transportation, Conservation and  
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May 29, 2013

Ms. Leigha Schmidt  
City of Pittsburg  
Planning Department  
Civic Center – 65 Civic Avenue  
Pittsburg, CA 94565

Subject: *Comments on Draft Environmental Impact Report  
James Donlon Boulevard Extension  
(SCH# 2007102106)*

Dear Ms. Schmidt:

Contra Costa has reviewed the Draft Environmental Impact Report (DEIR) prepared for the proposed extension of James Donlon Boulevard from the western edge of the approved Sky Ranch II Residential Subdivision to Kirker Pass Road and improvements to Kirker Pass Road from Nortonville Road north to the Pittsburg city limits. Contra Costa County offers the following comments on the DEIR:

1. **Project Impacts to Kirker Pass Road** – The DEIR needs to go further in addressing the following project impacts to Kirker Pass Road.
  - a) **Construction-Traffic Impacts** - The DEIR should include an analysis of potential traffic impacts on Kirker Pass Road resulting from project construction. Kirker Pass Road was resurfaced in 2012, and the County is concerned that project construction-related traffic will likely degrade Kirker Pass Road's recently improved pavement condition. If Kirker Pass Road, or any County roadway, is to be used as a construction haul route the City should submit these haul routes as part of a construction traffic control plan to the County Public Works Department for review and approval. If haul routes include County roadways,

A



documentation will be required of the pavement condition prior to and after the project is completed. The construction traffic control plan should also indicate if any lane closures and construction staging areas are proposed in the unincorporated area and address the construction related traffic congestion on County roads.

A

b) Safety Impacts – Currently, the Kirker Pass Road area experiences one of the highest collision rates in the County, likely related to the sustained 8% grade on Kirker Pass Road, higher percentage of truck traffic, and the speed differential between vehicles and trucks. A cluster of collisions occur near the intersection of Kirker Pass Road with Hess Road. An increase in vehicle trips fed by the James Donlon Boulevard extension could exacerbate an existing safety concern on Kirker Pass Road. The DEIR should address potential traffic safety impacts on Kirker Pass Road as a result of extending James Donlon Boulevard.

B

c) Truck Climbing Lane Project - A truck climbing lane on Kirker Pass Road is in the planning and design phase with the County Public Works Department. The City should be consulting and coordinating with the County Public Works Department on the how the design and timing of construction of both the James Donlon Boulevard extension and the proposed improvements to Kirker Pass Road from Nortonville Road to the Pittsburg city limits will relate to the County's Kirker Pass Truck Climbing Lane Project.

C

2. Impact On Williamson Act Contracted Lands - The DEIR acknowledges that the James Donlon Boulevard extension would traverse through undeveloped agricultural lands placed under Williamson Act (California Land Conservation Act) contracts. Under Section 4.4 Agricultural and Forestry Resources, pages 4.4.-3 to 4.4-4, the DEIR briefly outlines the basic procedures a public agency must follow when acquiring Williamson Act contracted land for a public improvement, and, at pages 4.4-7, the DEIR identifies approximately 70 acres of contracted land area that would need to be acquired for the project. However, the DEIR needs to go further in explaining all of the procedures listed under Government Code sections 51290-51295 concerning the acquisition of Williamson Act contracted lands for a public improvement.

D

For example, at Government Code section 51291, there is a requirement that *"whenever it appears that land within an agricultural preserve may be required by a public agency or person for public use, the public agency or person shall advise the Director of Conservation (California Department of Conservation) and the local governing body responsible for the administration of the preserve of its intention to consider the location of a public improvement within the preserve."* Has the City of Pittsburg formally notified the California Department of Conservation and the County (local governing body administering the Williamson Act program) of its intention to acquire Williamson Act contract lands for the James Donlon Boulevard extension?





Furthermore, at Government Code section 51292, it states that “no public agency or person shall locate a public improvement within an agriculture preserve” unless it makes findings as enumerated in the section. The DEIR does not explain the basis upon which the City of Pittsburg will make the necessary findings as required under Government Code section 51292.

D

3. **Potential Growth Inducement Impacts Not Fully Examined** – The DEIR under Section 4.12 Population and Housing, pages 4.12-4 to 4.12-5, provides only a brief and limited analysis of the project’s potential growth inducing impacts. The DEIR needs to go further in examining the potential growth inducement impacts associated with extending James Donlon Boulevard through currently undeveloped agricultural lands. For example, it is not at all clear what General Plan policies or roadway design provisions the City has in place that would effectively limit future access to the James Donlon Boulevard extension as it traverses through undeveloped agricultural lands between Sky Ranch II and Kirker Pass Road. If the City of Pittsburg has not already formally committed either by policy or by facility design to permanently prohibit access points through this section of the roadway extension, the DEIR needs to identify the potential growth impacts and provide measures to mitigate such impacts.

E

4. **Transportation/Traffic Impact Analysis** - The County has the following specific comments concerning the DEIR’s transportation/traffic impact analysis:

- Page 4.2-12: The DEIR indicates the project is included in the Contra Costa County General Plan. The referenced figure is a copy of the Contra Costa Transportation Authority’s Routes of Regional Significance Map and it does not represent any adopted policy of the County. See the County Roadway Network Map, Transportation/Circulation Element, County General Plan, for the location of the County-policy adopted roadways.

F

- Page 4.5-28:GHG Emissions: We understand that the traffic study provided data that suggest the project reduces VMT. That finding should be substantiated by the traffic consultant as it appears to suggest a model anomaly more than a rational, defensible model output.

G

- Impacts on VMT/GHG should be further substantiated by documenting the effect on eBART ridership. Ridership reductions would increase VMT/GHG.

H

- Increases in congestion on existing James Donlon Boulevard are identified in the Buchanan Road Feasibility study under the Bypass Scenario. These impacts should be evaluated in the DEIR.

I

- Page 4.13-4, 5: Appropriate references for the funding status of the projects assumed to be completed in 2015 and 2030 should be provided. Absent these

J





references and assured project viability they should be removed from the model and another analysis performed.

J

- Page 4.13-4: The DEIR indicates that the SPR2007 land use version of CCTA's travel demand model was used. This version did not include the City of Concord's 2010 General Plan amendment addressing the Concord Naval Weapons Station. Given the size of the development and the proximity to the project this land use should be reflected in the 2030 scenario and included in the project traffic analysis. Again, given the size of the development and the proximity to the project it is likely these land uses would have a material effect on the traffic impacts throughout the study area.
- Page 4.13-38: Transit: The project should test the effect on GHG and transit ridership on the eBART ridership.

K

L

As a final matter, although not strictly speaking an environmental issue, the County is concerned as to the viability of the James Donlon Boulevard Extension Project since there is not at present a dedicated funding source for the project. This concern is heightened considering the City of Pittsburg is not a member of the East Contra Costa Regional Fee and Financing Authority, the primary transportation project funding organization in eastern Contra Costa County. In light of this concern, what is the anticipated useful life of a Project-level Environmental Impact Report when there is no current funding source for the project? Also, considering the estimated cost of the project (+ \$50 million) and its uncertain funding status, the County would expect that **all** mitigation measures be fully funded and constructed prior to or concurrent with the project to the extent possible.

M

We appreciate the opportunity to review and comment on the DEIR for the James Donlon Boulevard Extension Project. Should you have any questions or concerns regarding the County's comments, please feel free to contact me by telephone at (925) 674-7807 or by email at [patrick.roche@dcd.cccounty.us](mailto:patrick.roche@dcd.cccounty.us).

Sincerely yours,

Patrick Roche  
Principal Planner

cc: C. Kutsuris, Director, DCD  
S. Goetz, Dep. Director, DCD  
J. Cunningham, Transp. Planning, DCD  
M. Halle, Transp. Eng., CCC-PWD

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**Response to Comment Letter 7: Contra Costa County Department of Conservation and Development (May 29, 2013)**

- A. Thank you for your comment. The participation of the Contra Costa County Department of Conservation and Development in the public review of this document is appreciated. Please refer to Responses to Comments 3-E, 4-C, and 6-F regarding required entitlements potentially needed for the proposed project. The Lead Agency and project proponent will work with Contra Costa County and submit a detailed construction traffic control plan which will show any lane closures if Kirker Pass Road is deemed a necessary route in order to move construction equipment to and from the project site, and will comply with any pavement documentation necessary for permit submittal. Figure 2-3, *Site Plan*, and Figure 3-7, *Site Plan*, of the Draft EIR provide information regarding staging areas for the proposed project. Staging areas are located on the west end of the project site, within site boundaries, and on the east end of the proposed project, within existing James Donlon Boulevard right-of-way on the adjacent Sky Ranch II development area. The construction traffic control plan, if required, would include recommended measures and best management practices to reduce the possibility of County roadway degradation due to truck haul activity. The comment is noted for the record and will be provided to the City of Pittsburg City Council for consideration. No further response or change to the Draft EIR is necessary.
- B. Please refer to Response to Comment 5-N regarding the proposed project and the proposed traffic volumes. In addition, the Draft EIR Section 4.13, *Transportation/Traffic*, provides an analysis of traffic volumes and roadway and intersection level of service (LOS) for the following scenarios: existing conditions, near-term no project conditions, near-term with project conditions, cumulative no project conditions, and cumulative with project conditions. As described in the *Threshold of Significance* subsection on page 4.13-18 of the Draft EIR, the proposed project would have a significant impact on safety if it increases hazards due to a design feature or incompatible uses. As shown in Figure 3-7, *Site Plan*, the proposed project does not contain design features that would present a hazard. In addition, the proposed project would not introduce an incompatible use that would result in safety hazards on the roadways. Therefore, considering that the proposed project would not change the configuration or design features on Kirker Pass Road south of Nortonville Road, it would not have a significant impact on safety along Kirker Pass Road.
- C. Thank you for your comment. The commenter does not raise new environmental information or directly challenge information provided in the Draft EIR. However, the City appreciates the information regarding the truck climbing lane project on Kirker Pass Road and will work with the County in coordinating the proposed project with the County's truck climbing lane project, as related to design and timing. Coordination will take place at the regularly scheduled Technical Coordinating Committee (TCC) monthly meetings, and will occur on an as needed basis throughout the projects' design. The comment is noted for the record and will be provided to the City of Pittsburg City Council for consideration. No further response or change to the Draft EIR is necessary.
- D. Please refer to Responses to Comments 5-A through 5-Q for information regarding Contra Costa LAFCO concerns about annexation of Williamson Act contracted land. As noted in Response to Comment 5-G, the City conducted informal, email consultation related to annexation of lands under Williamson Act contract with the Contra Costa County Department of Conservation and Development on February 20, 2013, and with LAFCO on February 21, 2013. Through that informal correspondence, City staff was notified by the County that coordination with LAFCO was required, and was notified by LAFCO that, "By law, if an annexation proposal would result in the annexation to a city of land that is subject to a Williamson Act, LAFCO is required to notify the State Director



of Conservation [56661(g), 56753, 56753.5]”. On August 19, 2013, the City provided formal notification to the Department of Conservation (DOC), Contra Costa County and the Local Agency Formation Commission of the City’s intentions to acquire 70 acres of land and succeed the Williamson Act contract and set forth preliminary consideration of the findings related to Government Code section 51292, which must be made in the event that a public agency seeks to locate a public improvement within an agricultural preserve (Williamson Act contracted land). Since that time, the City has determined, as outlined in Responses to Comments 5-F and 5-I, that the City will succeed the Williamson Act contract and thus adopt the rules and procedures required, including those identified in Government Code Sections 51231, 51237, and 51237.5. The City is currently and will continue to work with the DOC, the County and LAFCO regarding the annexation of Williamson Act contracted lands. No further response or change to the Draft EIR is necessary.

- E. The Draft EIR Section 4.12, *Population and Housing*, provides a discussion of impacts as related to whether the proposed project would facilitate access to currently undeveloped area or indirectly induce population growth. Also see Section 5.3, *Growth-Inducing Impacts*, of the Draft EIR pursuant to State CEQA Guidelines Section 15126. Please refer to Topical Response 5, *Growth Inducing Impacts*; as well as Responses to Comments 4-B, 5-H, 5-F, and 5-H, for further details regarding growth inducing impacts, the proposed general plan amendment to Open Space, and the proposed pre-zone classification change to Open Space (OS) District, with an Agricultural Preserve Overlay. As these discussions reflect, the design of the roadway does not include access between the roadway end points. Furthermore, a major function of the City General Plan is to chart future locations of development; however, the proposed City General Plan Amendment and proposed pre-zoning do not accommodate any future development in the project area. Finally, the proposed culverts ensure that existing agricultural operations can feasibly continue. Under these circumstances, future development in the project area is not reasonably foreseeable. No further response or change to the Draft EIR is necessary.
- F. Thank you for your comment. Page 4.2-12 of the Draft EIR discloses that the County General Plan Figure 4-3 depicts the proposed project but that there are no goals or policies within the County General Plan that identify the proposed project. A consistency analysis of the proposed project to the County General Plan is provided in Table 4.2-2, *Consistency with Contra Costa County General Plan*, on page 4.2-13 of the Draft EIR. However, because Figure 4-3 of the County General Plan is a reflection of the CCTA’s Routes of Regional Significant and the County General Plan does not have the proposed project identified within the goals or policies, Section 5.3.3, *Obstacle to Growth*, of the Draft EIR has been revised to clarify this information. These changes provide minor clarification to the text in the Draft EIR and do not constitute “significant new information” pursuant to Section 15088.5 of the State CEQA Guidelines.

#### Page 5-11

- The Contra Costa County General Plan identifies the proposed project as a proposed route of regional significance in Figure 4-3, Routes of Regional Significance, as adopted by the Transportation Authority in 2004. The County General Plan Growth Management Program Implementation Measure 4-e states that the County will assist in developing or updating Action Plans for these routes (and for other roads if the Transportation Authority revises the Routes of Regional Significance in the future) (County, 2005).
- G. The comment provides no evidence supporting its assertion that the model results are anomalous. Please refer to Topical Response 5, *Growth Inducing Impacts*, and Responses to Comments 3-A, 3-



B, and 3-F, related to traffic model assumptions and VMT. The proposed project would reduce VMT in the region primarily because it would reduce the length of trips for most trips between East and Central Contra Costa County. For example, trips that currently use the James Donlon Boulevard-Somersville Road-Buchanan Road-Kirker Pass Road corridor would use the proposed James Donlon Boulevard extension-Kirker Pass Road corridor, which would reduce the length of this trip by approximately 1.5 miles. In addition, as discussed in Topical Response 5, *Growth Inducing Impacts*, the proposed project would not create additional traffic on a daily basis. The traffic assumptions, modeling, and analysis were reviewed by the City's traffic engineer and by the consultant's professional traffic engineers. Their professional judgment is that the proposed project would reduce VMT in the region for the reasons stated in the Draft EIR in Section 4.13, *Transportation/Traffic*, and in Appendix I, *Traffic Data*. No further response or change to the Draft EIR is necessary.

- H. The East Contra Costa Bay Area Rapid Transit (BART) extension began construction in 2010 and is being constructed in coordination with the SR 4 Widening Project. Currently, the eBART project is under construction and will be completed over several phases. An upcoming construction contract will include the proposed eBART Railroad Avenue Station for design and build. In addition, a station at Hillcrest Avenue will also be constructed as part of this eBART project.<sup>8</sup> Based on the results of the CCTA Model, which are based on various inputs including BART forecasts of ridership, the proposed project is not expected to affect system-wide eBART ridership or ridership at the Railroad Avenue station because eBART would primarily serve long-distance commuters. Although the proposed James Donlon Boulevard extension would reduce travel times in the vicinity of the proposed project, the travel time savings, as discussed in Topical Response 5, *Growth Inducing Impacts*, are not large enough, at approximately seven minutes, for potential eBART riders to change their travel mode from eBART to driving. Based on the analysis provided on page 4.13-38 of the Draft EIR, the proposed project would not conflict with adopted alternative transportation policies, plans or programs. Also, changes in transit ridership would not be considered a significant impact based on the thresholds of significance identified on page 4.13-18 of the Draft EIR. No further response or change to the Draft EIR is necessary.
- I. The *Existing Buchanan Road Widening Feasibility Study* referenced by the commenter (provided in Appendix G.3 of the Draft EIR) identified increased traffic along existing James Donlon Boulevard as a result of implementing a four-lane James Donlon Boulevard Extension alternative. The proposed project as identified in the Draft EIR is equivalent to the two-lane James Donlon Boulevard Extension alternative as identified in the *Existing Buchanan Road Widening Feasibility Study*. The *Existing Buchanan Road Widening Feasibility Study* did not identify a considerable increase in congestion along existing James Donlon Boulevard under the two-lane James Donlon Boulevard Extension Project alternative; therefore, the Draft EIR did not analyze intersections along existing James Donlon Boulevard as they would not be impacted. No further response or change to the Draft EIR is necessary.
- J. Pages 4.13-4 and 4.13-5 of the Draft EIR provide a list of major roadway improvements assumed to be completed for the Near-Term (2015) and Cumulative (2030) conditions analysis. The status of these improvement projects have been added to pages 4.13-4 and 4.13-5 of the Draft EIR, as shown in Section 10.3, *Revisions to the Project Draft EIR*, and as provided below. These changes provide minor clarification to the text in the Draft EIR and do not constitute "significant new information" pursuant to Section 15088.5 of the State CEQA Guidelines.

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<sup>8</sup> Bay Area Rapid Transit (BART). 2013. *East Contra Costa BART Extension (eBART)*. Available at: <http://www.bart.gov/about/projects/ecc/>. Accessed on June 6, 2013.



Roadway Improvements assumed by year 2015:

- Completion of the SR 4 Bypass as a six-lane freeway between State Route 160 (SR 160) and Laurel Road, a four-lane freeway between Laurel Road and Lone Tree Way, and a two-lane expressway between Lone Tree Way and Vasco Road, with ramps connecting the SR 4 Bypass with existing SR 4 but no ramps connecting the SR 4 Bypass with SR 160 – This project was completed in 2008.
- Widening of the SR 4 freeway to provide three mixed-flow lanes and one high-occupancy vehicle (HOV) lane in each direction west of Hillcrest Avenue, and three mixed-flow lanes in each direction between Hillcrest Avenue and the SR 4 Bypass – This project is currently under construction.
- Widening of California Avenue to a four-lane arterial between Loveridge Road and Harbor Street – This project was completed in 2011.
- At the Treat Boulevard / Denkinger Road / Clayton Road intersection, modify the northbound Treat Boulevard approach from one left-turn lane, one shared left-through lane, one through lane, and one right-turn lane to two left-turn lanes, two through lanes, and one right-turn lane. This intersection signal would also be modified to provide eight-phase operations – Preliminary engineering for this project has been completed. The project plans, specifications, and estimate were approved by CCTA in June 2013. The project is currently scheduled for construction in Fall of 2013; however, right-of-way issues may delay construction until Spring of 2014.

Roadway Improvements assumed by year 2030:

- Completion of the ramps connecting the SR 4 Bypass with SR 160 – This project is currently under design and construction is expected to start in late 2013 and be completed in 2015.<sup>9</sup>
- Widening of California Avenue to a four-lane arterial between Harbor Street and Railroad Avenue – This project is included in the City of Pittsburg Five Year Capital Improvement Program 2012/2012 Through 2016/2017. Project funding is 96 percent Local Traffic Mitigation Fee (LTMF) program, 4 percent Measure J and Grants per the Pittsburg LTMF Update (2006, Fehr and Peers, page 32), schedule to be determined.
- Widening of Pittsburg-Antioch Highway to a four-lane arterial between Somersville Road and Loveridge Road – This project is included in the City of Pittsburg Five Year Capital Improvement Program 2012/2012 Through 2016/2017. Project funding is 81 percent LTMF, 19 percent Measure J and Grants per the Pittsburg LTMF Update, and a schedule for the project is to be determined.
- Widening of Somersville Road to a four-lane arterial between Buchanan Road and James Donlon Boulevard – This project is included in the CCTA 2009 Countywide Comprehensive Transportation Plan.
- Widening of Ygnacio Valley Road to a six-lane arterial between Clayton Road and Cowell Road – This project is included in the CCTA 2009 Countywide Comprehensive Transportation Plan.

This list identifies four roadway improvement projects. In footnote 3 on page 4.13-4, the Draft EIR notes that the SR 4 Bypass was completed and the facility opened in January 2008.

<sup>9</sup> Highway 4, SR 160/Highway 4 Direct Connector Ramps Project Information. Available at: <http://4eastcounty.org/projects/sr160-highway-4-direct-connector-ramps/>. Accessed on July 3, 2013.



- K. As stated by the commenter, the year 2015 and year 2030 traffic impact analyses presented in the Draft EIR were based on a version of CCTA Travel Demand Model released in 2007 and based on Association of Bay Area Governments (ABAG) *Projections 2005* (P'05). This version of the CCTA Model accounts for a portion of the planned development at the Concord Naval Weapons Station (CNWS). The most recent version of the CCTA Model was released in 2013. It is based on ABAG *Projections 2011* (P'11), and accounts for the planned developments at CNWS as included in City of Concord's 2010 General Plan Amendment.

Consistent with CCTA guidelines, the future traffic volumes used in the Draft EIR analysis were based on the growth between the base and future years as forecasted by the CCTA model. Thus, a larger difference between the base and future year model forecasts translates to a higher forecasted future traffic volume. Table 10-2, *AM Peak Hour Model Volume Comparison*, and Table 10-3, *PM Peak Hour Model Volume Comparison*, compare the growth on various roadway segments between the base and future years as forecasted by the P'05 and P'11 based models for AM and PM peak hours, respectively.

As shown in Tables 10-2 and 10-3, the P'05 based model generally forecasts higher traffic growth than the P'11 based model. In fact, the P'11 based model forecasts a decrease in traffic volumes on some roadways in the study area, whereas the P'05 based model forecasts an increase in traffic volumes on all roadways shown in Tables 10-2 and 10-3. This is because the P'05 assumes higher growth in other areas, such as East Contra Costa County, even though it does not fully include the CNWS development. Since using the most recent version of the CCTA model, which accounts for the planned CWNS development, would not generally result in higher future traffic volumes, the future conditions analyses presented in the Draft EIR represent conservative, higher traffic volume conditions and remain valid.

At the time of the 2012 Initial Study/Notice of Preparation (IS/NOP) publication (refer to Appendix A, *Notice of Preparation, Initial Study and Public Comments*, of the Draft EIR), the P'11 based model was not available and the most recent version of the CCTA model was based on ABAG P'09, which did not include any growth at CNWS. Appendix I, *Traffic Data*, of the Draft EIR compares traffic volume forecasts at selected locations throughout the study area between the P'05 based model used in the Draft EIR analysis and the P'09 based model which was the most recent version of the model at the time the 2012 IS/NOP was published. The comparison shows that the P'05 based model forecasted a higher increase in traffic volumes than the P'09 based model. Further details regarding the traffic impacts and models are discussed in Topical Response 5, *Growth Inducing Impacts*, and Responses to Comment 3-A and 3-B.

The P'05 based model, which was used in the Draft EIR analysis, generally results in higher traffic volumes than the more recent P'09 or P'11 based models, as depicted in Appendix I, *Traffic Data*, of the Draft EIR and in Tables 10-2 and 10-3 below. Therefore, the analysis presented in the Draft EIR is based on more conservative, higher traffic volume forecasts and continues to remain valid. No further response or change to the Draft EIR is necessary.



**Table 10-2. AM Peak Hour Model Volume Comparison**

Roadway Segment	2005 Projections <sup>1</sup>			2011 Projections <sup>2</sup>		
	2005 Base Year	2030 Future Year	Model Growth	2010 Base Year	2030 Future Year	Model Growth
SR-4 (east of Loveridge Road)	7,330	12,940	+5,610	9,310	12,440	+3,130
James Donlon Drive (east of Somersville Road)	50	1,450	+1,400	680	2,430	+1,750
Somersville Road (north of James Donlon Drive)	70	530	+460	910	160	-750
Buchanan Road (east of Railroad Avenue)	1,260	1,370	+110	1,680	1,230	-450
Railroad Avenue (north of Buchanan Road)	1,220	1,520	+300	1,430	840	-590
Railroad Avenue (south of Buchanan Road)	2,430	2,800	+370	2,990	1,670	-1,320
Buchanan Road (west of Somersville Road)	1,290	1,580	+290	2,090	2,160	+70
Somersville Road (north of Buchanan Road)	960	1,840	+880	1,740	1,430	-310
Concord Avenue (east of Kirker Pass Road)	400	760	+360	880	1,070	+190
Concord Avenue (west of Kirker Pass Road)	960	1,120	+160	750	1,350	+600
Kirker Pass Road (north of Concord Blvd)	2,570	4,030	+1,460	2,830	4,020	+1,190
Ygnacio Valley Road (south of Clayton Rd)	2,100	3,690	+1,590	3,370	3,860	+490
Clayton Road (east of Treat Blvd)	2,780	3,580	+800	2,530	3,200	+670
Treat Boulevard (south of Clayton Road)	1,330	1,370	+40	1,620	1,900	+280

Notes:

1. CCTA Model forecasts based on *P'2005* land uses.
2. CCTA Model forecasts based on *P'2011* land uses.





**TABLE 10-3. PM Peak Hour Model Volume Comparison**

Roadway Segment	2005 Projections <sup>1</sup>			2011 Projections <sup>2</sup>		
	2005 Base Year	2030 Future Year	Model Growth	2010 Base Year	2030 Future Year	Model Growth
SR-4 (east of Loveridge Road)	7,840	14,170	+6,330	9,350	12,160	+2,810
James Donlon Drive (east of Somersville Road)	70	1,940	+1,870	620	2,720	+2,100
Somersville Road (north of James Donlon Drive)	100	450	+350	890	230	-660
Buchanan Road (east of Railroad Avenue)	1,490	1,400	-90	1,690	1,460	-230
Railroad Avenue (north of Buchanan Road)	850	1,520	+670	1,760	960	-800
Railroad Avenue (south of Buchanan Road)	2,220	2,760	+540	3,290	1,830	-1,460
Buchanan Road (west of Somersville Road)	1,700	1,700	0	2,130	2,090	-40
Somersville Road (north of Buchanan Road)	930	1,410	+480	1,480	1,290	-190
Concord Avenue (east of Kirker Pass Road)	510	850	+340	1,050	1,210	+160
Concord Avenue (west of Kirker Pass Road)	780	1,050	+270	820	1,140	+320
Kirker Pass Road (north of Concord Blvd)	2,190	4,050	+1,860	3,020	4,080	+1,060
Ygnacio Valley Rd (south of Clayton Rd)	2,280	3,860	+1,580	3,180	3,660	+480
Clayton Rd (east of Treat Blvd)	2,210	3,100	+890	2,860	3,460	+600
Treat Blvd (south of Clayton Road)	1,100	1,800	+700	2,010	2,420	+410

Notes:

1. CCTA Model forecasts based on *P'2005* land uses.
2. CCTA Model forecasts based on *P'2011* land uses.

- L. Thank you for your comment. Please refer to Responses to Comments 7-G, 7-H, and 7-I related to traffic modeling and assumptions, eBART ridership assumptions and roadway configurations. In addition, as described on page 4.13-38 of the Draft EIR, the proposed project would benefit transit operations for buses operating along Buchanan Road by reducing travel times along this corridor. Further, pursuant to CEQA, the GHG emissions attributable to the proposed project are described and evaluated in Section 4.5, *Air Quality/Greenhouse Gas Emissions*, in the Draft EIR. No further response or change to the Draft EIR is necessary.



- M. Thank you for your comment. Please refer to Topical Response 3, *Project Funding*, for details pertaining to the proposed project. The timing of each individual mitigation measure is provided within the measure. The timing will be further detailed in the Mitigation Monitoring Program that will be presented to the City Council for approval upon certification of the EIR. To the extent possible, the mitigation measures are planned to be implemented prior to or in conjunction with the construction of the proposed project. The commenter does not raise new environmental information or directly challenge information provided in the Draft EIR. The Final EIR, which includes the responses to comments, the Draft EIR, and the technical appendices, will be used by the City Council in the decision-making process for the proposed project. If the decision makers certify the Final EIR, they will also then approve the Mitigation Monitoring Program, per State CEQA Guidelines Section 15097. The comment is noted for the record and will be provided to the City of Pittsburgh city Council for consideration. No further response is necessary.



## Comment Letter 8



May 29, 2013

Leigha Schmidt  
Planning and Building Department  
City of Pittsburgh  
65 Civic Avenue  
Pittsburg, CA 94565-3814

Sent to [lschmidt@ci.pittsburg.ca.us](mailto:lschmidt@ci.pittsburg.ca.us)  
via email on 05/29/13

RE: CITY OF PITTSBURG JAMES DONLON BOULEVARD EXTENSION (THE EXTENSION)  
DRAFT EIR – EAST BAY REGIONAL PARK DISTRICT COMMENTS

Dear Ms. Schmidt:

Thank you for notifying East Bay Regional Park District (the "District") of the availability of the James Donlon Boulevard Extension Draft Environmental Impact Report (Draft EIR) for public review. The District owns and manages Black Diamond Mines Regional Preserve ("Black Diamond Mines") and is working with the City of Concord, the U.S. Navy and National Park Service to establish a regional park on the former Concord Naval Weapons Station (CNWS). We are also acquiring land necessary for a regional trail connection between Black Diamond Mines and CNWS (see attached map).

It appears the proposed Project will result in a number of significant impacts to public recreation and operation of our parks and trails in the greater project area. The Draft EIR concludes that there is no impact on recreation (Draft EIR p. 1-12) without any substantive explanation. Therefore we are unable to evaluate and understand the project's impacts. Impacts to recreation are primarily related to land use, aesthetics, cultural resources, agricultural resources, wildfire (hazards), biological resources, traffic and growth inducement.

We believe that the Draft EIR overlooks a number of significant effects and fails to mitigate a number of impacts of concern to us. Perhaps of greatest significance is the lack of advance planning to ensure that the project will not restrict the City's ability to develop bicycle and pedestrian connections to open space areas as required by City General Plan mitigation measures.

Please call me at (510) 544-2622 or Chris Barton at (510) 544-2627 should you wish to discuss our letter.

Sincerely,

Brad Olson  
Environmental Programs Manager

attachments: 1) Draft EIR Comments; 2) Map; 3) USFWS, CDFW letter dated May 7, 2012

Board of Directors

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Attachment I

East Bay Regional Park District  
May 29, 2013

Draft EIR Comments on the James Donlon Boulevard Extension:

It appears the proposed Project will result in a number of significant impacts to public recreation and operation of our parks and trails in the greater project area. Our prior correspondence with the City regarding this project requested that impacts related to recreation be analyzed in the Draft EIR (see November 20, 2007 and March 5, 2012 scoping letters). The Draft EIR concludes that there is no impact on recreation (Draft EIR p. 1-12) with no substantive explanation. Therefore we are unable to evaluate and understand the project's impacts. Based on our review of the Draft EIR, impacts to recreation are primarily related to land use, aesthetics, agriculture, cultural resources, wildfire (hazards), traffic and growth inducement. The following are the District's comments on the Draft EIR:

A

I. Land Use - Public access to regional park lands and trails is a high priority for the District. We are concerned about the City's lack of advance planning to ensure that the project will not restrict its ability to develop bicycle and pedestrian connections to open space areas as required by City General Plan mitigation measures. The project design should allow for the passage of pedestrians, bicyclists or equestrians from the southern City limits into adjacent open space and trails. The following General Plan policies were adopted to mitigate significant impacts associated with reduced visual and passive recreational access to open space areas caused by development in the southern hills (General Plan Draft EIR Impact 4.5-b):

- 4-P-30 – Ensure that all residential developers provide multi-use trails or trailheads connecting to local schools and parks, commercial centers and regional open spaces.
- 8-P-18 – Cooperate with regional agencies to develop a "Bay to Black Diamond" trail through the City, providing a diversity of passive recreational opportunities and unique vistas.
- 8-P-20 – Pursue the development and extension of local and regional trails throughout the Planning Area by utilizing available public utility rights-of-way including:
  - i. Kirker Creek. The Kirker Creek easement could be developed as a creekside trail, connecting other trails and open spaces throughout the City with the hiking trails in Black Diamond Mines Regional Preserve.
  - ii. PG&E Utility ROW. North-south utility right-of-way is an ideal corridor for public access to the southern hills.

B

The proposed Extension spans a substantial distance along the City's southern boundary and presents a significant physical barrier for residents to access open space lands. The Draft EIR does not evaluate how the project may be in conflict with these General Plan policies/mitigation measures. It should also analyze the project's consistency with the City's Parks Recreation and Open Space Master Plan (General Plan Policy 8-P-10). The project design may need to be revised to allow for pedestrian, bicycle and equestrian access to



open space. Otherwise, the Draft EIR should disclose details for how the City plans to provide access. In order to implement the above policies a grade separated crossing may be required in the area of the Extension or along Kirker Pass Road. We support the City's effort to plan and develop public access into open space areas and look forward to cooperating with the City on this effort.

B

2. Aesthetics – The project will permanently remove 20+ acres of rare rock outcrop formations northwest of Black Diamond Mines. This will impact the visual character of Pittsburgh's scenic hills adjacent the park by degrading the visual experience of park visitors and local residents. The Draft EIR analysis of visual impacts is inaccurate. It does not recognize the scenic value of 20+ acres of rock outcrops to be permanently impacted by the project. It characterizes rock outcrops as having equal scenic value as mature stands of trees and hillsides. We are not aware of another location in the East Bay where such extensive rock outcrops exist. Draft EIR Mitigation measures do not address permanent loss of this rare scenic resource.

The views taken in the photo simulations do not provide a clear view of how the entire resource will be affected. There are areas in the greater project area where the rock outcrop ridge can be viewed in its entirety. Photo simulations provided in the Draft EIR do not provide us with adequate information to fully understand how the project will alter this resource.

C

Mitigation Measure AES2 (implementation of a landscape plan) will not realistically result in the vegetation coverage depicted in the photo simulations. The measure does not factor in the steepness of cut slopes and rockiness of soils. Performance standards associated with this mitigation measure are not measureable or described in sufficient detail therefore we cannot determine its effectiveness. For example, the DEIR does not state how many acres of cut slope can be blended with existing contours and/or horizontal variation. It also does not provide analysis of how engineered "aged looking" slopes will appear versus untreated engineered slopes versus existing conditions.

3. Cultural Resources – The Thomas Ranch is an important neighboring land use to Black Diamond Mines as it preserves the rural character and historic land use in the region. This enriches the park user's visit to the area. Operation of the new roadway will permanently impact the visual setting of the historic Thomas Ranch (Draft EIR pp. 4.7-10 - 4.7-11). The Draft EIR does not identify this permanent impact. It only recognizes temporary construction impacts to the visual setting. Additional analysis is needed to identify permanent impacts to the visual setting of the resource and develop appropriate avoidance and minimization measures.

D

Native American artifacts such as rock mortars are valuable cultural resources to retain the history of the natural landscape adjacent our parklands. Cultural Resource studies conducted by the Draft EIR do not adequately survey the area for presence or absence of these resources. Assuming potential presence does not protect the resource because of the risk of damage if encountered during construction. This approach doesn't provide adequate information for us to ascertain project impacts on Native American resources.

E



The Draft EIR should map the location and extent of these resources to adequately describe potential adverse impact and formulate mitigation measures to protect and preserve the resource.

E

4. Agriculture – Continuation of historic cattle ranching operations is an important neighboring land use to the Black Diamond Mines as it preserves the rural character and historic land use of the region. The Draft EIR concludes that the project will result in a less than significant impact on converting land to non-agricultural use (Draft EIR p. 4.4-8) without evaluating how the Extension will impact grazing operations. Bifurcating the existing ranch could adversely affect the viability of the current grazing operation. For example, how will the Extension affect cattle movement? what will be done to prevent the spread of roadside weeds that may degrade pastures?, is one cattle culvert under crossing adequate?, will the culvert be sized to allow ranching/maintenance vehicles needed for fence repairs and water development/maintenance? Further analysis is needed for us to evaluate this potential impact. The project should be modified as needed to avoid or minimize this potentially significant impact.

F

5. Wildfire (Hazards and Hazardous Materials) – The Draft EIR does not substantiate its conclusion that the project will not interfere with an adopted emergency response plan or evacuation plan (Draft EIR p. 4.9-9). The project will cut off existing north-south fire roads currently accessible from the Thomas Ranch property. The project description and plans do not show an alternative route for fire apparatus to access open space areas north and south of the new road. This significant impact must be avoided.

G

There is no basis for the Draft EIR's conclusion that future wildfires originating from operation of the new road would be a less than significant impact. Additional analysis and appropriate mitigation measures are needed to address this potentially significant impact. The project description does not describe how the new roadway will be operated and maintained to minimize and reduce wildfire hazard as described in Draft EIR p. 4.9-13. It also does not analyze the availability of emergency response crews to respond.

6. Biological Resources - We are actively involved in management and habitat restoration aimed to preserve and enhance existing plant life and wildlife habitat in Black Diamond Mines and surrounding watersheds. Permanent loss of pristine rock outcrops and fragmentation (including edge effects) of sensitive riparian and California annual grassland natural communities significantly impact our management efforts and the recreational experience of park and trail users as these effects damage the integrity of these resources. CEQA requires that the impact to species be disclosed. Federal and State laws require that no net loss of resources occur. The Draft EIR does not provide sufficient information for us to evaluate the project's biological impacts.

H

- a. Wildlife Movement – The Draft EIR does not provide analysis explaining how the project will impact wildlife movement in the area. Draft EIR p. 3-2 states that wildlife movement corridors are included in the project design but lacks any information on these design elements and rationale for how they will avoid or minimize impacts to wildlife movement to a less than significant level.



- b. Plant Surveys - Surveys are 5-6 years old and do not meet Department of Fish and Wildlife survey requirements (JD Extension Planning Survey Report p. 6, p. 37). Plant surveys were conducted using superseded taxonomic plant classifications (JD Extension Planning Survey Report p. 6).
  - c. Use of HCP/NCCP – It is our understanding that local agencies have held several public meetings to discuss making various amendments to the plan and lowering HCP development fees below levels needed to implement the HCP/NCCP (see attached letter from U.S. Fish and Wildlife Service and California Department of Fish and Wildlife). These potential actions could cause resource agencies to suspend or revoke the HCP/NCCP take-permit and make the proposed use of the HCP to mitigate species impacts for the project infeasible. The Draft EIR should recognize this and provide alternative mitigation for biological impacts.
  - d. Rock Outcrops – The project will remove a substantial portion of a pristine undeveloped ridge of rock outcrops of significant habitat value. The Draft EIR does not accurately represent the scarcity of this resource, especially in context of the larger habitat complex of the contiguous ridge of outcrops in the greater project area. If this impact cannot be avoided or minimized, mitigation commensurate with the project impact should be provided. For example, a similar ridge of contiguous rock outcrops that supports habitat for impacted species should be permanently protected at a 2:1 or 3:1 ratio depending on the quality of the mitigation site.
7. Traffic – Safe access to our parks is a high priority for the District. The nearest roadway access to Black Diamond Mines and CNWS Parks from the project is located at the Nortonville Road intersection with Kirker Pass Road (see attached map). This intersection is used daily by bicyclists and motorists and may be used by pedestrians as future trail connections are established. It is foreseeable that increased traffic volumes from the project and new lane configurations could significantly impact safe operation of this intersection. The Draft EIR should be updated to analyze this potential impact. Any significant impacts resulting from this analysis should be avoided with project design revisions or appropriate mitigation measures. Pedestrian connectivity from Kirker Pass Road and the Extension to Nortonville Road should also be considered when developing a strategy for implementing City policies for connecting the community with open space areas.

H

I

The CCTA Countywide Bicycle and Pedestrian Plan includes a class II bike lane on Kirker Pass Road between Pittsburg and Concord City limits. Class II bicycle lanes should be included with the project from Nortonville Road into the City to facilitate safe access to the park. It is unclear from reviewing the Draft EIR project description if this is included with the project. The Draft EIR should analyze the transition between class II and class III bike lanes for bicycle and motorist safety. Due to the high travel speeds on the Extension and lack of driveways to cause safety conflicts with bicyclists the City should consider class II lanes for the Extension. This will help facilitate bicycle use of this regional transportation route and help comply with City General Plan policies/mitigation measures (General Plan Draft EIR Impact 4.3c: Measures 7-P-33, 7-P-34, 7-P-43, 7-P-52).





8. Growth inducement – The Draft EIR analysis of growth-inducing impacts is inadequate. There are a number of housing projects in Pittsburg that are either directly or indirectly contingent on the completion of the Extension (Montreux, Sky Ranch II, Tuscany Meadows, and others?). Construction of the Extension will remove obstacles for this growth to occur and qualifies as a growth inducing effect under CEQA guidelines Sec. 15126.2(d). This potentially significant impact was not addressed in the Draft EIR.

The project will remove obstacles to growth by constructing a public right-of-way through a pristine open space area currently used for cattle grazing. The Draft EIR does not evaluate if grazing will remain viable after construction of the road (see comment 4 above). The project will establish a public right-of-way where water, sewer, gas, electricity (Draft EIR p. 5-11 states that electricity will be extended to this area with the project) and roadway access for residential and commercial development can be developed in the future. The project does not provide adequate assurances that the right-of-way cannot be used for these purposes. General Plan land use designations and urban limit lines are not effective for permanently protecting open space from development. This is foreseeable because historic land use patterns trend toward conversion of open space lands to developable lands and an expansion of urban limit lines into open space areas. This significant impact may be reduced to a less than significant level by requiring recordation of a deed restriction or conservation easement in favor of open space protection and public access for recreation. Relinquishment of certain abutter's rights should also be considered to further ensure the area is kept as open space in perpetuity.

J





Attachment 3



DEPARTMENT OF FISH AND GAME  
BAY DELTA REGION  
7329 SILVERADO TRAIL  
NAPA, CA 94558  
(707) 944-5500

U. S. FISH AND WILDLIFE SERVICE  
SACRAMENTO FISH AND WILDLIFE OFFICE  
2800 COTTAGE WAY, ROOM W-2605  
SACRAMENTO, CA 95825  
(916) 414-6600



May 7, 2012

Council Member Joel Bryant  
City of Brentwood  
150 City Park Way  
Brentwood, CA 94513-1396

Dear Chair Joel Bryant and Members of the Governing Board of the East Contra Costa County Habitat Conservancy (Conservancy):

The United States Fish and Wildlife Service (USFWS) and California Department of Fish and Game (CDFG) understand that the Governing Board will receive an update at its May 10, 2012 meeting regarding the adjustment of East Contra Costa County Habitat Conservation Plan/Natural Community Conservation Plan (the Plan) mitigation fees by the Cities of Brentwood, Clayton, Oakley and Pittsburg (Cities) and Contra Costa County (County), in accordance with the independent fee audit prepared by Economic & Planning Systems (EPS) and as recommended by the Conservancy Board on July 22, 2011. The purpose of this letter is to inform the Conservancy Board that the USFWS and CDFG have reviewed the independent fee audit and conclude that it complies with the Plan and the federal and state incidental take permits (Permits) issued to the Cities, County, Conservancy and other participating local governments (the Permittees) and proposes fee adjustments consistent with and required by the Plan and the Permits.

We are of the understanding that some parties question the adequacy of the independent fee audit and have requested a 25 percent reduction in the mitigation fees. The Plan and the Permits, as well as the Implementing Agreement for the Plan, require the Permittees to make adjustments to the mitigation fees in accordance with the periodic independent fee audit. The purpose of this requirement is to fulfill the requirement under the federal Endangered Species Act and the Natural Communities Conservation Planning Act that the Permittees ensure adequate funding to implement the Plan. [See 16 U.S.C.A. section 1539(a)(2)(B)(iii) and Fish and Game Code section 2820(a)(10)]. The scope of the audit, as defined by the Plan, is limited to comparison of the automatic fee adjustments produced by the market index against actual Plan implementation costs. The fees charged under the Plan cover items such as land costs for habitat preserves, construction costs for habitat restoration and enhancement, and administrative costs, all of which are clearly documented. Implementation costs are kept in check through the public bid process, land appraisals, and other financial safeguards that guarantee that the Plan will be implemented in a cost-effective manner, consistent with market conditions.

The fee audit supports the conclusion that the development fees are at appropriate levels in light of Plan implementation costs and that the wetland fees should be increased or decreased to reflect updated information on the costs of restoring various types of wetlands. The mitigation fees are the primary source of local funding for Plan implementation and must be adequate to meet implementation costs. If the Permittees reduce the fees without providing other local

*Conserving California's Wildlife Since 1870*





East Contra Costa County Habitat Conservancy Governing Board  
May 7, 2012  
Page 2

funding, we are concerned that they would then be unable to ensure adequate funding to implement the Plan as required. Since inception of the Plan, the majority of the implementation funding for the Plan, approximately \$45.7 million, has been obtained through federal Section 6 grants, private grants and state bonds, with an additional \$13 million contributed by the East Bay Regional Parks District.<sup>1</sup> Without a mechanism to provide a local match, the Plan participants would lose the ability to take advantage of future grants and funding.

The Agencies would like to thank you for your continued efforts and dedication to the success of the Plan. The open space network that is being developed under the Plan will not only permanently protect valuable natural resources and sensitive species but will provide for future local and regional recreation opportunities. Several essential public works and utilities projects, including safety improvements to Vasco Road, repairs of failing pipelines, a Bay Area Rapid Transit Expansion, and widening of State Route 4, have been expedited due to coverage under the Plan. We hope that the Governing Board will take appropriate steps to continue these benefits and ensure adequate funding to meet Permit requirements.

If you have any questions, please contact either Ms. Randi Adair, Environmental Scientist, at (707) 944-5596; or Mr. Liam Davis, Senior Environmental Scientist, at (707) 944-5529, with CDFG. Or you may also contact Ms. Stephanie Jentsch, Fish and Wildlife Biologist, at (916) 414-6496; or Mr. Ryan Olah, Coast Bay/Forest Foothill Division Chief, at (916) 414.6623, with USFWS.

Sincerely,

Cay Goude  
Assistant Field Supervisor  
U.S. Fish and Wildlife Service  
Sacramento Fish & Wildlife Office

Scott Wilson  
Acting Regional Manager  
California Department of Fish and Game  
Bay Delta Region

cc: Brentwood City Clerk  
Clayton City Clerk  
Oakley City Clerk  
Pittsburg City Clerk  
Contra Costa County Clerk  
Randi Adair – Department of Fish and Game  
Liam Davis – Department of Fish and Game  
Craig Weightman – Department of Fish and Game  
Stephanie Jentsch – U.S. Fish and Wildlife Service  
Ryan Olah – U.S. Fish and Wildlife Service

<sup>1</sup> Table II, Conservancy Work Plan, from January 11, 2012 Governing Board Meeting packet.



**Response to Comment Letter 8: East Bay Regional Park District (May 29, 2013)**

A. Thank you for your comment. The participation of the East Bay Regional Park District in the public review of this document is appreciated. The commenter feels that the Draft EIR overlooks significant effects on public recreation and fails to identify appropriate mitigation measures. Environmental impact thresholds of the State CEQA Guidelines were used as significance thresholds in the analysis of recreational facility physical impacts. The following thresholds were evaluated in the 2007 and 2012 IS/NOPs (see Draft EIR Appendix A).

- Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?
- Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?

State CEQA Guidelines Section 15358(b) state that effects analyzed under CEQA must be related to a physical change. As stated in both the IS/NOP and in Draft EIR Section 1.6.3, *Recreation*, on page 1-12, the proposed project would not physically impact existing neighborhood and regional parks as the proposed project is within the City's Sphere of Influence and Urban Limit Line, on privately owned property. The proposed project would not increase the use of existing park lands because the proposed project would not directly or indirectly increase the population of the area; therefore, physical deterioration as a result of increased use would not occur. The proposed project does not include the construction of recreational facilities nor would the proposed project require the construction or expansion of existing recreational facilities. Therefore, the Draft EIR correctly identifies no impact to recreational facilities as no physical impacts would occur.

The commenter states that impacts to recreation are primarily related to land use, aesthetics, cultural resources, agricultural resources, wildfire (hazards), biological resources, traffic, and growth inducement. The Draft EIR provides an analysis of the proposed project and cumulative impacts, as well as mitigation measures, for 13 resource areas in addition to growth-inducing impacts. Please refer to the following Draft EIR sections: Section 4.2, *Land Use and Planning*; Section 4.3, *Aesthetics*; Section 4.4, *Agriculture and Forestry Resources*; Section 4.6, *Biological Resources*; Section 4.7, *Cultural Resources*; Section 4.9, *Hazards and Hazardous Materials*; Section 4.13, *Transportation/Traffic*; and Section 5.3, *Growth-Inducing Impacts*. In addition, based on overarching comments received during the Draft EIR public comment period, the Lead Agency has prepared five topical responses including Topical Response 2, *Relationship between the Proposed Project and Adjacent Pending and Approved Development Projects*, and Topical Response 5, *Growth Inducing Impacts*. The Lead Agency has also prepared Responses to Comments 8-B through 8-J, below, to specifically address the commenter's concerns. The comment is noted for the record and will be provided to the City of Pittsburgh City Council for consideration.

B. Please refer to Topical Response 1, *Purpose and Need for the Proposed Project*, for details regarding the purpose and need for the proposed project. Section 3.3, *Project Characteristics*, of the Draft EIR, provides details regarding proposed project features. In addition, Section 3.3 of the Draft EIR has been revised to clarify that James Donlon Boulevard would have shoulders that include a paved eight-foot-wide area and an unpaved six-foot-wide area, one on each side of the roadway, as shown in Section 10.3, *Revisions to the Project Draft EIR*. These areas would accommodate pedestrian, bicycle, and equestrian traffic. Specifically, Kirker Pass Road and the four-lane portion of the proposed James Donlon Boulevard extension would be designed to urban road standards with shoulders, medians, curbs, gutters, sidewalks and streetlights. The east side of



Kirker Pass Road, from Nortonville Road to the proposed James Donlon Boulevard, would include either eight-foot shoulders or a ten-foot dirt parkway/shoulder. From the proposed James Donlon Boulevard north to the existing city limit line, the east side of Kirker Pass Road would include a six-foot sidewalk and eight-foot shoulder. The west side of Kirker Pass Road from the southern project boundary north to the proposed intersection with James Donlon Boulevard would have an eight-foot shoulder with no sidewalk. From the proposed intersection with James Donlon Boulevard north to the existing city limit line, the west side of Kirker Pass Road would include curb, gutter, and a ten-foot dirt parkway/shoulder. The proposed James Donlon Boulevard extension would have eight-foot paved shoulders and six-foot sidewalks along the four-lane portion of the roadway. The two-lane portion of the proposed James Donlon Boulevard extension would be designed to rural road standards, where pedestrians, bicyclists, and equestrians would be accommodated in the shoulder areas that include a paved eight-foot area and unpaved six-foot area.

While the proposed project is located on, and adjacent to, privately owned property, the project design and characteristics include culverts and bridges (refer to Figure 3-8, *Project Culverts*, above) that would facilitate wildlife movement as well as continued cattle ranch operation activities. Therefore, the proposed project would not preclude pedestrian, bicycle, and equestrian access to designated park lands if public access is available in the future through privately owned land to Nortonville Road. It should be noted, however, that there is currently no public access to the regional park from Nortonville Road, as depicted on the Black Diamond Mines Regional Preserve Map, available at <http://www.ebparks.org/parks/maps>.

The commenter is specifically concerned that the proposed project is not consistent with City General Plan Policies 4-P-30, 8-P-18, and 8-P-20. City General Plan Policy 4-P-30 relates to trails and trail-heads for a residential development. The proposed project does not include residential development, thus, this policy is not applicable to the proposed project. City General Plan Policies 8-P-18 and 8-P-20 require the City to cooperate with regional agencies and to develop and extend local and regional trails throughout the planning area, including Kirker Creek and utility right-of-way areas. While the proposed project does not directly involve trail development, it does not preclude future development of trails in these areas. This is because the proposed project would not preclude trail access points if public access is available in the future through privately owned land to Nortonville Road. Therefore, while the proposed project does not specifically include trail development, it provides opportunity to connect to future trails or future access to the Black Diamond Mines Regional Preserve.

Finally, the commenter states that the Draft EIR does not evaluate the consistency of the proposed project with the City's Parks Recreation and Open Space Master Plan. While there is a Draft Parks Recreation and Open Space Master Plan (Draft Master Plan), it has not been formally adopted by the City. Per State CEQA Guidelines 15125, the EIR must discuss the environmental setting, including a consistency analysis between the proposed project and any applicable adopted plans. Thus, the Draft EIR does not evaluate the consistency of the proposed project with the Draft Master Plan, beyond any applicable goals and policies within the adopted City General Plan. However, it is important to note that the proposed project would not preclude recommendations and trails envisioned in the Draft Master Plan. Specifically, the Draft Master Plan provided a recommendation to develop a Southern Ridge Trail that would extend roughly from the southern City limits at Kirker Pass Road and follow Kirker Creek south and west along the southern ridges to Concord. The Draft Master Plan also acknowledges that the proposed trail on the Draft Master Plan map is conceptual. As noted above, sidewalks will be installed as part of the proposed project while the Montreux Subdivision project would extend sidewalks and shoulders along Kirker Pass Road to the south, intersecting with a potential Southern Ridge Trail, once designed. No further response or change to the Draft EIR is necessary.



- C. CEQA requires considerations of visual resources, as seen from state scenic highways, as well as the degradation of character/quality within the area. The project area is not visible from a designated or eligible state scenic highway. As discussed in the Draft EIR, Section 4.3, *Aesthetics*, scenic resources noted to contribute to the character/quality of the area include scenic ridges, hillsides, and rock outcroppings.<sup>10</sup> The County also has many smaller, localized scenic resources in the project area (such as isolated hilltops, mature stands of trees, and other natural features). As discussed in Section 4.3 on pages 4.3-27 through 4.3-29 under the subheading *Long-Term Visual Character/Quality*, existing on-site rock outcroppings are not readily visible from surrounding publicly accessible areas, including but not limited to Black Diamond Mines Regional Preserve, Kirker Pass Road, adjacent north-south streets and parks within the City of Pittsburgh, as well as SR 4. Thus, as depicted on Figures 4.3-2 through 4.3-15 of the Draft EIR (which include photosimulations from publicly accessible view areas), removal of existing on-site rock outcroppings would not result in significant visual impacts, as viewed from the surrounding community. Further, implementation of Mitigation Measure AES2 requires that rock outcroppings be maintained where possible. It should also be noted that implementation of the proposed roadway extension would increase publicly accessible areas in the project vicinity such that new public views toward the remaining visual resources (including surrounding rock outcroppings) would become available to the viewing public upon project implementation.

As discussed in Section 4.3, *Aesthetics*, of the Draft EIR, Key View locations were selected based on the existing viewshed of the project area in relation to publicly accessible areas where public views may be available. For the purpose of the Draft EIR analysis, a “viewshed” is defined as all of the surface areas visible from the project site. Typical obstructions that limit the proposed project’s viewshed include topography, structures, and vegetation (particularly trees). Based on this information, photosimulations were prepared for those publicly accessible areas with the most visibility toward the proposed project. Due to the relatively low profile of the proposed roadway in relation to the surrounding hills, the proposed project, including areas of grading, are not substantially visible as seen from the surrounding community. The majority of surrounding rock outcroppings visible from these publicly accessible areas would remain visible upon implementation of the proposed project, as represented in Figures 4.3-9 through 4.3-15 of the Draft EIR. Specifically, Key Views 1 and 2 represent views from the Black Diamond Mines Regional Preserve and proposed conditions are depicted within Figure 4.3-9, *Key View 1 Proposed Condition*, and Figure 4.3-10, *Key View 2 Proposed Condition*, on pages 4.3-19 and 4.3-21 of the Draft EIR, respectively.

As discussed in Mitigation Measure AES2, all slopes would be required to be restored with hydroseeding using native, non-invasive vegetation. Hydroseed typically includes a mix of species suited for growth on slopes. These species are particularly selected to help alleviate erosion potential and would be specifically selected by a certified Landscape Architect with the climate, soil types, percent slopes, and irrigation requirements in mind. Further, per State CEQA Guidelines Section 15126.4(a)(1)(B), formulation of mitigation measures should not be deferred until some future time. However, measures may specify performance standards which would mitigate the significant effect of the proposed project and which may be accomplished in more than one specified way. Mitigation Measure AES2 prescribes architectural/landscaping features that must be implemented by the proposed project in order to reduce impacts. Mitigation Measure AES2 would require that all proposed cut-and-fill slopes be blended with the existing contours, incorporate

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<sup>10</sup> The rock outcrops in the project area are relatively low in stature. Rather than being cliff-like, they consist of a series of lower “benches” of rock. As a result, they are not as prominent on the landscape as larger rock outcrops such as those at Brushy Peak or elsewhere in the vicinity.





horizontal variation, and include a rough finished appearance, where possible/feasible, in order to create an aged appearance. The Draft EIR, Figures 4.3-2 through 4.3-8, provide photos depicting the existing condition of the project area. The Draft EIR, Figures 4.3-9 through 4.3-15 provide photosimulations depicting the after construction (prior to landscaping) condition and the after landscaping condition of the proposed project. As reflected in the photosimulations, implementation of AES2 is expected to result in a blended, natural appearance. No further response or change to the Draft EIR is necessary.

- D. The historic Abrams (now Thomas) Ranch Complex (P-07-002566) is believed to be eligible for the National Register of Historic Places (National Register) and the California Register of Historic Places (California Register), as stated on page 4.7-10 of the Draft EIR. The Draft EIR goes on to state that the proposed roadway would not result in direct physical impacts to the building, which have been largely unchanged since the early 20<sup>th</sup> century. The roadway would be situated on the north slope of the hill above the ranch complex. The Draft EIR acknowledges that the proposed project would, to some extent, affect the visual setting of the property; however, the site evaluation determined that the ranch setting had been previously compromised due to the encroachment of a housing subdivision to the north of the ranch buildings. As a result of this encroachment, the existing setting for the ranch complex was considered only fair.

Section 4.3, *Aesthetics*, provides an analysis of the visual effects of the proposed project. This includes providing a key view point, Key View 6, that is located along Suzanne Drive, looking south toward the proposed project. It represents the overall character/quality of the project area, as may be seen by the surrounding community to the north, as well as by the ranch complex; refer to Figure 4.3-1, *Key View Locations*, and Figure 4.3-7, *Key View 6 Existing Conditions*, of the Draft EIR. Figure 4.3-14, *Key View 6 Proposed Condition*, of the Draft EIR, provides a photosimulation of the proposed project with and without the installation of landscaping and implementation of mitigation measures. The middleground views include views to areas of the cut hillsides. However, the installation of landscaping, as required by Mitigation Measure AES2, after the completion of construction, would return the cut areas to conditions similar to the existing conditions. Refer to page 4.3-27 of the Draft EIR for additional details related to Key View 6. Because of the topography of the area, as depicted in Figure 4.3-14, *Key View 6 Proposed Condition*, of the Draft EIR, the roadway itself would not be visible. Therefore, as stated in the Draft EIR on page 4.3-27, the hillsides as viewed from Key View 6 would be similar to the existing conditions following implementation of proposed landscaping. Thus impacts for visual resources are considered less than significant with implementation of mitigation measures and the eligibility of the historic Abrams Ranch Complex (P-07-002566) (already rated as fair) would not be significantly altered as a result of the proposed project.

Visual impacts of the proposed project upon viewers at Black Diamond Mines Regional Preserve were considered throughout Section 4.3, *Aesthetics*, of the Draft EIR; refer also to Response to Comment 8-C, above, related to the discussion of aesthetics. In addition to construction impacts considered, specific view impacts from trails (particularly Key Views 1 and 2) after project implementation were analyzed; refer to pages 4.3-18 through 4.3-21 of the Draft EIR. These views look toward the project area, including the historic Abrams Ranch Complex (P-07-002566) (also referred to as the Thomas Ranch). As discussed in the Draft EIR, due to the distance of the proposed project from the Black Diamond Mines Regional Preserve, foreground views would remain unchanged as compared to existing conditions. Middleground views would generally appear similar to existing conditions; however, the proposed cut into the hillsides in order to accommodate the roadway would be visible. The proposed project would require a substantial amount of cut and fill which would be balanced on-site. Following construction activities, the cut hillsides would be re-vegetated and would appear similar to the surrounding hillsides. As Key



Views 1 and 2 are located approximately 0.75 mile and one mile from the proposed project, respectively, the proposed conditions would appear similar to the existing conditions from these locations with implementation of Mitigation Measure AES2. Thus, the cut and fill activities would not permanently or significantly impact views from Key Views 1 and 2 along recreational trails associated with the Black Diamond Mines Regional Preserve; refer to Figures 4.3-9 and 4.3-10 of the Draft EIR for photosimulations from Key Views 1 and 2. Implementation of the proposed project would result in less than significant impacts with regards to views from the Black Diamond Mines Regional Preserve. It should be further noted that particular existing views to structures at Thomas Ranch that would also include the proposed roadway are not currently afforded from trails at the Black Diamond Mines Regional Preserve.

- E. The Cultural Resources Technical Studies are included in Appendix D of the Draft EIR and include: Appendix D.1, *Cultural Resources Survey*; Appendix D.2, *California Register of Historical Resources and National Register of Historic Places Evaluation of CA-CCO-819 (P-07-03086)*; and Appendix D.3, *Draft Archaeological Discovery Plan*. As discussed in the Draft EIR Section 4.7, *Cultural Resources*, under the subheading *Methods* on pages 4.7-3 through 4.7-5, the archaeological surveys were conducted per appropriate survey standards and transects spaced approximately 65 to 131 feet apart were walked by a qualified archaeologist. Narrower transects were walked in areas with high archaeological sensitivity. Surveys were conducted in 2002, 2007, and 2012. During the surveys, the ground was inspected for evidence of cultural modification, including midden soils, flaked and groundstone tools and detritus, and historic artifacts and features (refer to pages 4.7-4 and 4.7-5 and Appendix D.1 of the Draft EIR). In addition, bedrock outcrops were examined for possible mortars and rock art.

One site, P-07-003086 (CA-CCO-819), a prehistoric lithic scatter, was identified during the 2012 survey and an Extended Phase I Archaeological Survey was conducted in October 2012. As discussed on page 4.7-11 of the Draft EIR, the former owner of the project site said that over the years an occasional artifact, such as bowl mortars and grinding stones, had been found on the property, but had long since been collected. No rock mortars were identified during the three archaeological surveys. The one prehistoric site was subjected to test excavations in October 2012 and was determined to be not eligible for either the California Register under Criteria 1 through 4 or the National Register under Criteria A through D, as outlined in pages 4.7-5 through 4.7-8 of the Draft EIR, because of a lack of information potential with which to address substantial research questions. For further detail related to the evaluation of site P-07-003086 (CA-CCO-819), refer to the Draft EIR page 4.7-11 and Appendix D.2, *California Register of Historical Resources and National Register of Historic Places Evaluation of CA-CCO-819 (P-07-03086)*.

Therefore, the Draft EIR concludes that the proposed project would not affect previously recorded archaeological resources. It concludes that there is potential that unrecorded and unknown resources could be uncovered during grading and construction activities. Pursuant to State CEQA Guidelines 15064.5(f) and Public Resources Code Section 21082, “a lead agency should make provisions for historical or unique archaeological resources accidentally discovered during construction.” Thus, implementation of Mitigation Measure CULT2 provides the appropriate provisions in case construction activities encounter an unknown cultural resource.

The commenter also requests a map of the location and extent of cultural resources within the Draft EIR. However, pursuant to State CEQA Guidelines 15120(d), information regarding location of archaeological sites and sacred lands shall not be included in a document prepared for public examination per Government Code Section 6254. Thus, Government Code Sections 6253, 6254, and 6254.10 authorize the exclusion of archaeological site information from public disclosure under the Public Records Act. The California Public Records Act (Government Code Section 6250 et



seq.) and the California's open meeting laws (The Brown Act, Government Code Section 54950 et seq.) protect the confidentiality of Native American cultural place information. Under Exemption 3 of the Federal Freedom of Information Act (5 United States Code [USC] 5), because the disclosure of cultural resources location information on federal lands is prohibited by the Archaeological Resources Protection Act of 1979 (16 USC 470hh), it is also exempted from disclosure under the Freedom of Information Act. Likewise, the Information Centers of the California Historical Resources Information System maintained by the Office of Historic Preservation prohibit public dissemination of records search information, as do the Code of Ethics of the Society for California Archaeology and the Register of Professional Archaeologists. Therefore, the Draft EIR and associated technical appendices appropriately provide information regarding resources within the project area, but do not provide specific mapping as to the location of these resources. No further response or change to the Draft EIR is necessary.

- F. Please refer to Response to Comment 5-G regarding the bifurcation of the existing cattle ranch. Please refer to Responses to Comments 5-A, 5-D, 5-F, 5-G, and 7-D regarding impacts to agricultural and Williamson Act lands. As stated in the Draft EIR, the existing cattle ranch would be retained and cattle grazing would continue after implementation of the proposed project, thus ensuring the continuation of historic cattle ranching operations at the site. As discussed in Section 10.3, *Revisions to the Project Draft EIR*, and shown in Figure 3-8, *Project Culverts*, safe passage of the cattle and equipment from the north to the south sides of the proposed roadway would be provided through approximately 18 culverts ranging in size from 24 inches (2 feet) to 132 inches (11 feet). With respect to the biological effects of the proposed project, including noxious weeds, please refer to Section 4.6, *Biological Resources*, in the Draft EIR. Much of the project area is already dominated by non-native grasses, but additional non-native species could be spread during construction, use, or maintenance of the proposed roadway. Because the proposed project is a covered activity under the HCP/NCCP, the proposed project would be required to comply with conditions to reduce the potential for such invasions. For example, the proposed project would comply with HCP/NCCP Conservation Measure 1.12 for rural road maintenance, which requires that mowing equipment be thoroughly cleaned before use in rural areas to avoid spreading seeds of noxious weeds. Similarly, HCP/NCCP Conservation Measure 1.14 for design of covered roads, such as the proposed James Donlon Boulevard Extension Project, requires that roadside vegetation within the right-of-way of roads adjacent to open space areas be controlled to prevent the spread of invasive plants. These Conservation Measures are incorporated into the proposed project by virtue of the project's standing as an HCP/NCCP-covered activity and therefore do not need to be listed as mitigation measures within the Draft EIR. Therefore, as concluded in the Draft EIR, impacts to agricultural lands are considered less than significant. No further response or change to the Draft EIR is necessary.
- G. Please refer to Response to Comment 5-O regarding emergency services. The proposed project would not impair or interfere with an adopted emergency response plan or emergency evacuation plan, as emergency evacuation and response routes are depicted along public roadways. The roadways referenced in the comment letter are on private property; they are used for daily cattle ranch activities. As stated in the Draft EIR, the proposed project is within a State Responsibility Area (SRA) under the jurisdiction of the California Department of Forestry and Fire Protection (CAL FIRE). As stated in Comment Letter 2, provided by CAL FIRE, the proposed project would not impact the CAL FIRE mission of wildland fire protection.

As disclosed in Draft EIR Chapter 3, *Project Description*, and further elaborated on in Response to Comment 8-B, the proposed project would provide different types of shoulders, depending on the location: eight-foot paved shoulders with curb and gutter, eight-foot paved areas with six- to ten-foot unpaved graded areas outside and adjacent to the paved shoulders, or ten-foot dirt



parkway/shoulder at different intervals along the proposed roadway. The two-lane portion of the proposed James Donlon Boulevard would have eight-foot, paved shoulders that would provide a separation between vehicles and vegetation. These shoulders would also provide access for emergency crews to access the areas adjacent to the roadways for better fire protection.

The City General Plan Public Facilities Element includes fire protection policies (also refer to page 4.9-7 of the Draft EIR). The CCCFPD response time goal is to provide service within five minutes of notification. As shown in Figure 11-2 of the City General Plan, the proposed project is within approximately 1.5 miles of the CCCFPD stations, which is within the station response radii. Goal 11-G-8 requires development in areas of high fire hazards to be designed and constructed to minimize potential losses and maximize the ability of fire personnel to suppress fire incidents. Policy 11-P-29 requires that road widths are adequate to ensure fire response trucks have access. As stated on Draft EIR page 4.9-13, and revised in Section 10.3, *Revisions to the Project Draft EIR*, above, the wildfire risks would be less than significant because the shoulders are paved and the road edges would be mowed, the new road would provide access for fire suppression agencies (i.e., appropriate shoulder width), and fire suppression agencies would have quick access to areas via the proposed James Donlon Boulevard. In addition, the proposed project would provide an alternate east-west connection, thus enhancing emergency response times and assisting in emergency preparedness and evacuation capabilities.

- H. The commenter feels that the Draft EIR does not provide sufficient information on biological resources. However, as described on pages 4.6-1 and 4.6-2 of the Draft EIR, intensive biological surveys were performed in 2007, 2008, and 2011. Section 4.6, *Biological Resources*, of the Draft EIR describes the biological resources in detail. The biological surveys and resources are further detailed in the Biological Resources Technical Studies, which are provided in Appendix C of the Draft EIR and include: Appendix C.1, *James Donlon Boulevard Extension Planning Survey Report*; Appendix C.2, *Tree Survey Report*; Appendix C.3, *Special-Status Species Report for CEQA Compliance*; and Appendix C.4, *East Contra Costa County HCP/NCCP Planning Survey Report*. In addition, the City has undertaken substantial coordination with the ECCC Habitat Conservancy, U.S. Fish and Wildlife (USFWS), and California Department of Fish and Wildlife (CDFW) regarding this proposed project's effects and compliance with the HCP/NCCP. Based on these studies and consultation, appropriate and adequate mitigation measures have been identified for potentially significant impacts.

With respect to the commenter's statement that "Federal and State laws require that no net loss of resources occur," the HCP/NCCP impact fees paid for impacts to wetlands from this proposed project will be used by the East Contra Costa County Habitat Conservancy to ensure that no net loss of wetlands from HCP/NCCP-covered activities occurs. Similarly, the California Endangered Species Act (CESA) requires that take of state-listed species be "fully mitigated", analogous to no net loss. The proposed project's payment of HCP/NCCP impact fees to the proposed project will contribute to the conservation of the California tiger salamander (the only state-listed species to be impacted by the proposed project) through the HCP/NCCP. The HCP/NCCP's conservation program not only ensures that impacts are fully mitigated, it goes beyond this standard to contribute to the recovery of the California tiger salamander. Thus, the proposed project's compliance with the HCP/NCCP will ensure that all resources regulated with a "no net loss" standard do achieve that standard.

With respect to the commenter's concerns regarding wildlife movement, the Draft EIR analyzes impacts to wildlife movement on pages 4.6-37 and 4.6-38. As discussed in the Draft EIR, this impact is less than significant because the proposed project would not adversely affect regional



movements of large numbers of animals, the types of movements necessary to sustain entire populations. In the project vicinity, such movements occur primarily in an east-west direction, parallel to the proposed project. These regionally important wildlife movements will continue to occur on the south side of the project area even after project completion. The proposed project would reduce wildlife movement between the approximately 400-acre area to the north of the road and east of Kirker Pass Road and the natural areas to the south. However, such a reduction in wildlife movement would not affect important regional animal dispersal (in addition to Draft EIR pages 4.6-37 and 4.6-38, please also see HCP/NCCP pages 4-14 and 4-15, and Figures 5-2 and 5-5). Because the Draft EIR concluded that the impact is considered less than significant, no mitigation is necessary and no detailed description of design elements related to wildlife movement is necessary. Nevertheless, in accordance with requirements in Chapter 6 of the HCP/NCCP, the proposed project is incorporating measures to facilitate movement of wildlife across the proposed roadway while minimizing traffic-related mortality. The City and its consultants are working with the ECCC Habitat Conservancy, USFWS, and CDFW regarding wildlife movement issues, including the requirements to provide at least one large wildlife crossing per mile of new roadway and one small wildlife crossing per 1,000 feet of new roadway. Figure 3-8, *Project Culverts*, provides the locations and size of the culverts for drainages and wildlife crossings. These range in size from 24 inches (2 feet) in diameter to 132 inches (11 feet). In addition, an 8-foot by 8-foot box culvert would also be provided as part of this proposed project. These culverts will allow for considerable wildlife movement to continue occurring between the 400-acre area north of the project area and the natural areas to the south.

With respect to the commenter's concern with the age of the plant surveys, the rare plant surveys conducted for the proposed project are adequate for CEQA assessment purposes. Field surveys were conducted according to agency protocols in July and August of 2007 and March and April of 2008 within the originally proposed project alignment. These surveys determined that HCP/NCCP-covered and no-take plant species, as well as special-status plant species not covered under the HCP/NCCP, were absent from the survey area. The surveys were floristic in nature, identifying all species present within the survey area. Although plant taxonomy may have changed in the interim, no special-status species that could be significantly impacted by the proposed project now exist that were not recognized at the time. After the proposed project alignment was shifted, while protocol-level surveys were not conducted in the areas of the proposed project that had not been covered by the 2007-2008 surveys, reconnaissance-level surveys were conducted in November and December 2011 to identify habitats that could potentially support special-status plant species; refer to pages 4.6-2 and 4.6-3 as well as Appendix C, *Biological Resources*, of the Draft EIR for further details regarding survey types and methods. Based on the small extent of the unsurveyed area, its location immediately adjacent to the protocol-level survey area, and the similarity of habitats between the surveyed and unsurveyed area, H. T. Harvey & Associates determined that special-status plant species were unlikely to occur within the unsurveyed portions of the project area. Although four years elapsed between the 2008 surveys and the CEQA baseline period, site conditions (e.g., adequate rainfall years) did not change in the interim, resulting in habitat conditions that remained relatively constant. Thus, there is no biological reason why those surveys were not adequate to serve as the CEQA baseline. Nevertheless, Mitigation Measure BIO1, provided in the Draft EIR on pages 4.6-32 and 4.6-33, requires implementation of additional pre-construction surveys for HCP/NCCP-covered and no-take plants and additional protective measures if individuals of these species are found.

The commenter notes that there is the potential for local agencies to amend the HCP/NCCP, potentially causing the resource agencies to revoke the HCP/NCCP no-take permit. The



commenter concludes that the Draft EIR should, therefore, recognize this and provide alternative mitigation. Under existing conditions, the HCP/NCCP is in place, the proposed project is a covered project under the HCP/NCCP, and mitigation for impacts to biological resources would be provided as described on page 4.6-26 of the Draft EIR, including payment of HCP/NCCP impact fees. If changes to the HCP/NCCP (such as the withdrawal of the proposed project as a covered project under the HCP/NCCP) occur, then, the lead agency in connection with future requested approvals would determine whether this would be a substantial change in circumstances or new information of substantial importance that would result in the need to prepare a Subsequent EIR (pursuant to State CEQA Guidelines Section 15162) or a Supplemental EIR (pursuant to State CEQA Guidelines Section 15163). Both Subsequent and Supplemental EIRs are given the same kind of notice and public review as is given to the Draft EIR (State CEQA Guidelines Sections 15162(d) and 15163(c)).

With respect to the sensitivity of rock outcrops, the City disagrees that the potentially impacted rock outcrops, defined in Response to Comment 8-C, have “significant habitat value”. As discussed on page 4.6-27 of the Draft EIR, the rock outcrops in the project area, although classified as uncommon features by the HCP/NCCP, provide relatively low-quality habitat for wildlife or plants, with no high ledges to provide nesting habitat for raptors and only shallow crevices to provide habitat for, at most, a few roosting bats. These rock outcrops do not occur in an uncommon soil type (e.g., serpentine), and unless special-status branchiopods are found in these areas do not provide habitat for special-status species. Mitigation of impacts to habitats is provided via the payment of impact fees to the HCP/NCCP, which would be used to preserve and manage a variety of habitats, including rock outcrops. Thus, impacts to rock outcrops are not considered significant, as described in Section 4.6, *Biological Resources*, of the Draft EIR.

- I. Please refer to Responses to Comments 5-N and 5-O regarding existing and future traffic conditions. The Kirker Pass Road/Nortonville Road intersection is currently unsignalized and controlled by a stop sign on the Nortonville Road approach. Based on the Thresholds of Significance identified on page 4.13-18 of the DEIR, the proposed project would have a significant impact at this intersection if it causes the intersection to “decline from an acceptable level to an unacceptable level, and the need for installation of a traffic signal at an unsignalized intersection [is warranted], based on the *Manual on Uniform Traffic Control Devices* (MUTCD) Peak Hour Signal Warrant.” Given the existing and forecasted future volumes on Kirker Pass Road and given that the proposed project would not add traffic to the Nortonville Road approach of the intersection, the proposed project would not cause the intersection to meet the MUTCD peak hour signal warrant. Therefore, the proposed project is not expected to cause a significant impact at this intersection and no mitigation measures are required.

Please refer to Responses to Comments 8-B and 8-I regarding pedestrian, bicycle, and equestrian access to Black Diamond Mines Regional Preserve. As described on page 4.13-38 of the Draft EIR, the proposed James Donlon Boulevard extension is not identified as a proposed bicycle facility in any planning documents. However, there would be eight-foot paved shoulders which would accommodate bicyclists, thus providing access to the planned City and County bicycle route on Kirker Pass Road. CCTA’s *Countywide Bicycle and Pedestrian Plan* identifies Kirker Pass Road as a proposed Class II bicycle facility. The City has identified Kirker Pass Road from the proposed James Donlon Boulevard extension north to the city limit line as a Class III bicycle route. The proposed project would not preclude the installation of the planned County Class II bicycle lanes along Kirker Pass Road. However, it would not be appropriate to install Class II bicycle lanes as part of this proposed project, prior to installation of Class II bicycle lanes on the County designated length of Kirker Pass Road because the bicycle lanes would be isolated and not linked to



other existing bicycle facilities. The proposed project would not preclude bicycle access in the area, as paved shoulders, as described above, would be provided as part of this proposed project.

- J. Please refer to Topical Response 2, *Relationship between the Proposed Project and Adjacent Pending and Approved Development Projects*, and Topical Response 5, *Growth Inducing Impacts*. The approved and pending development projects in the vicinity of the proposed project have alternative mitigation measures and do not rely on the proposed James Donlon Boulevard extension to mitigate impacts related to the developments. These development projects and the proposed project have independent utility and are independent projects within the City. This topic is further discussed in Responses to Comments 4-B, 4-C, 5-O, and 7-E, above, related to cumulative and growth inducing impacts, amendments to the General Plan and pre-zoning to Open Space (OS) District, with an Agricultural Preserve Overlay, and limitations on future development due to those amendments.

With respect to the comment regarding the extension of electrical utilities, the proposed project would not provide the extension of utilities necessary for housing or business developments. As stated in Draft EIR on page 5-11, “the proposed project would not result in direct population growth as it does not propose construction of new homes or businesses, nor would it extend any utilities necessary for housing or business growth such as water, sewer, natural gas, or electricity”. Page 3-14 of the Draft EIR states that the proposed project would require a source of electricity for the proposed streetlights and traffic signals. For safety and consistency with City design standards, streetlights would be installed within the project area. The final design for the proposed project has not been completed at this time; however, any electrical service within the project area would be sufficient to accommodate only the lighting requirements of the proposed project. This topic is further discussed in Responses to Comments 4-B, 4-C, 5-O, and 7-E, above, related to cumulative and growth inducing impacts, amendments to the General Plan and pre-zoning to Open Space (OS) District, with an Agricultural Preserve Overlay, and limitations on future development due to those amendments.

The commenter is concerned that the Draft EIR does not address impacts to the agricultural land and the existing cattle ranch. Please refer to Responses to Comments 5-A, 5-D, 5-F, 5-G, 5-H, 7-D, and 8-F regarding impacts to agricultural lands and the City’s intention to preserve the agricultural uses on the property. The proposed project would accommodate the existing ranch and ranching activities.

With respect to land use designations and opens space protection, the proposed project would change the land use designation in the project boundaries from Hillside Low Density Residential to Open Space through the proposed general plan amendment. The proposed project would change the pre-zone classifications within the project boundaries from Hillside Planned Development (HPD) District to Open Space (OS) District, with an Agricultural Preserve Overlay. The pre-zone classification change would include the Agricultural Preserve Overlay District in order to continue the Williamson Act contract for the existing cattle ranch. The existing cattle ranch is privately owned; therefore, any further changes to deed restrictions would require property owner approval. In addition, although the area is designated Open Space, the property would remain privately owned; public access to the land for recreation purposes is not currently allowed at this location. No further response or change to the Draft EIR is necessary.





Comment Letter 9

**TRANSPLAN COMMITTEE**

EAST COUNTY TRANSPORTATION PLANNING

Antioch • Brentwood • Oakley • Pittsburg • Contra Costa County  
30 Muir Road, Martinez, CA 94553

May 29, 2013

Leigha Schmidt, Associate Planner  
City of Pittsburg – Planning Department  
65 Civic Avenue, Pittsburg, CA 94565

**RE: Notice of Availability - Environmental Impact Report (EIR) for the James Donlon Boulevard Extension Project**

Ms. Schmidt:

TRANSPLAN staff has reviewed the above captioned document. The following comments are being submitted based on the available information:

1. The East County Action Plan for Routes of Regional Significance (Action Plan) lists James Donlon Boulevard (including the extension) as a Route of Regional Significance as it provides an east-west through route between Antioch, Pittsburg and Central County. In addition it is a stated goal in the Action Plan that TRANSPLAN will to continue to support the City of Pittsburg in implementing this regional transportation facility. A
2. On page 2-12 of the EIR, the "beneficial impacts" for the project are identified. The following impacts were determined to be "beneficial": 1) *The proposed project would reduce the delay index to unacceptable levels on roadway segments within the study area*, and 2) *The proposed project would conflict with adopted alternative transportation policies, plans, or programs*. It's possible the context of these statements are misunderstood, or that it was intended to indicate that delay index would be reduced to "acceptable" levels and the project "would not conflict" with policies, plan, programs, etc. Either way, the statements are a bit confusing and probably warrant further explanation. B
3. The City of Pittsburg should continue to work with the TRANSPLAN member agencies (including Tri Delta Transit) to ensure that, to the extent feasible, the safe and efficient movement of alternative modes of transportation (i.e. bicycles and pedestrians) remain a priority. This would be consistent with regional actions specified in the Action Plan. TRANSPLAN would support the City in exploring the possibility of implementing express bus service along the proposed James Donlon extension. C

If you have any questions regarding the above comments, please do not hesitate to contact me at (925) 674-7832, or email me at [jamar\\_stamps@dcd.cccounty.us](mailto:jamar_stamps@dcd.cccounty.us). Thank you for the opportunity to comment. TRANSPLAN looks forward to being involved in the review of subsequent plans and documents.

Sincerely,

Jamar Stamps, TRANSPLAN staff

cc: TRANSPLAN TAC



**Response to Comment Letter 9: TRANSPLAN Committee – East County Transportation Planning  
(May 29, 2013)**

- A. Thank you for your comment. The participation of the TRANSPLAN Committee in the public review of this document is appreciated. The support of the proposed project by TRANSPLAN is noted for the record and will be provided to the City of Pittsburgh City Council for consideration.
- B. The impact statements on page 2-12 of the Draft EIR, and subsequently on pages 2-21, 4.13-26, and 4.13-38, have been revised to clarify the beneficial impact, as shown in Section 10.3, *Revision to the Project Draft EIR*. These changes provide minor clarification to the text in the Draft EIR and do not constitute “significant new information” pursuant to Section 15088.5 of the State CEQA Guidelines. The revised statements are as follows:
- The proposed project would not reduce the delay index to unacceptable levels on roadway segments within the study area
  - The proposed project would not conflict with adopted alternative transportation policies, plans, or programs.

These revised impact statements clarify that the proposed project would not change the delay index to unacceptable levels and would not conflict with adopted alternative transportation policies, plans or programs. The narrative text analysis following each of these impacts accurately describes them as less than significant, with an overall beneficial significance level.

- C. TRANSPLAN requests that the City continue to work with member agencies to ensure that, to the extent feasible, the safe and efficient movement of alternative modes of transportation remain a priority. This comment does not raise issues with the adequacy of the Draft EIR, and are outside the scope of CEQA. However, the City will continue to work with TRANSPLAN member agencies regarding alternative modes of transportation, as well as other transit methods. The comment is noted for the record and will be provided to the City of Pittsburgh City Council for consideration.



## Interested Parties



## Comment Letter 10

2013-04-27\_J Koontz Comment James Donlon Extention.txt  
From: jlkooontz2@comcast.net  
Sent: Saturday, April 27, 2013 5:30 PM  
To: Leigha Schmidt  
Subject: James Donlon Extention

First of all and most importantly Cameras! all along this road, all the way to Somersville rd  
Please consider synchronizing lights so the traffic moves through this stretch of road.  
It will cut down on fumes and noise.  
And if there is any Tennis or sports activity along the road it should be built at the highest standards.  
The park in Highland ranch has a sub standard Tennis court that is always talked about, it's a foot low on one end.  
How embarrassing is that!  
Let's take a look at another Park, say Woodland Hills off Crestview, nice looking Tennis Court, it was done at low cost I will bet, and it was resurface recent and it has a lot of cracks already.  
Tennis is a sport that is played most times of one to three hours and this park has no bathrooms.  
Quality is important about what is being done in new areas.  
Also If you know where there is a decent PublicTennis Court in Pittsburg please let me know.  
Thank you.  
John Koontz for a better Pittsburg future.

A

B

C



**Response to Comment Letter 10: John Koontz (April 27, 2013)**

- A. Thank you for your comment. The concerns brought forth in this comment are not related or connected to the proposed project, raise no issue with the adequacy of the Draft EIR, and are outside the scope of CEQA. The comment, however, is noted for the record and will be provided to the City of Pittsburgh City Council for consideration.
- B. The concerns brought forth in this comment are not related or connected to the proposed project, raise no issue with the adequacy of the Draft EIR, and are outside the scope of CEQA. However, the proposed James Donlon Boulevard extension is only proposing one signalized intersection at Kirker Pass Road. No other intersections are proposed for this extension project. Roadways in the region are metered as part of a larger regional, multi-agency transportation program (i.e., the East-Central Traffic Management Study). The comment is noted for the record and will be provided to the City of Pittsburgh City Council for consideration.
- C. Thank you for your comment. The concerns brought forth in this comment are not related or connected to the proposed project, raise no issue with the adequacy of the Draft EIR, and are outside the scope of CEQA. The comment, however, is noted for the record and will be provided to the City of Pittsburgh City Council for consideration.



Comment Letter 11

Pittsburg CA  
May 13, 2013

Leigha Schmidt

Re: James Donlon Boulevard extension

This is in response to Pittsburg's (city) letter of "Notice of Availability" requesting comments on the DEIR for the WestPac project. Based on the tenor of the notification, it's apparent that the Planning Division has made a final decision to proceed with the James Donlon Blvd (JDB) extension regardless of any interested parties prior input. Surprisingly, many of my neighbors, still at this point in time, have not been advised of project continuation; i.e., victims of possibly withheld information. The description of the JDB extension appears to be suggesting construction of a classic aesthetic aberration. Old fashion roads like the one proposed haven't been built since the 1920s. The DEIR, however, covered categories of concern which may cause a potentially significant impact due to the proposed project. There are many other impacts that the city did not charter RBF Consulting to explore, yet are peripherally related to the overall project such as human concern and fiscal responsibility.

A

The extension of BART to the center of the city, a proposed light rail system to Antioch, possibly continuing further east and the expansion (addition) of SR4 traffic lanes including the "bypass", are combined influences that will certainly shunt traffic on any new east-west road(s). Unless accidents or breakdowns cause unexpected delays, as with other highways carrying similar loads, isolated, incidental conditions should not warrant expansion/construction of parallel routes.

B





The rising price (cost) of fuel will certainly discourage work related long distance auto travel in the near or far future. Currently the commute generated traffic on Buchanan Road falls roughly within a 2½ hour window E/W in the AM and W/E in the late afternoon. This traffic at best is an annoyance but rarely, if ever, degenerates into gridlocks. As with many other networks, natural limitations ultimately determines maximum flow in a size set conduit before over saturation causes interruption. Scientists generally refer to similar circumstances as "attractor" states. In addition, some of the congestion is due to shoppers visiting stores and Pittsburg residents emanating from or returning to subdivisions bordering Buchanan. There is no possible way that without a comb filtered traffic study - a true and precise analysis (temporal model) of Buchanan daily usage - could flow information be considered valid; shallow reasoning alone cannot substantiate a defensible, rational purpose for constructing a limited access bypass road.

C

A brief review of the project mapping discloses large scale aggressive grading to provide a reasonable right of way through the southern hilly area. The DEIR did suggest that liquefaction under the roadway was not a concern, however, mention was made

D





3

that soils of the surrounding slopes, unchecked, could slide. From Goldenhill Dr. slides have been observed at the higher S/E and S/W regions every ordinary rainy season. Given those conditions it may be prudent to provide substantially re-enforced retaining walls at the graded areas to ensure surface integrity and reliability under all circumstances. As a side note Ignacio Valley Road at Line Ridge has been repaired at least 3 times over the years due to liquefaction causes.

D

- Mini canyons perpendicular to the proposed roadway, formed by random distribution of hills, may present a problem. Unless studies are conducted about the influence of southerly winter storm winds, unknown conditions including venturi effect may cause lateral slippage to vehicles traveling at high speed. Mixed with a driving rain, hazards would be at an unacceptable level for the vehicle/motorcycle operator. It may also be worth the expense to provide high traction (surface adhesion) materials/grooving to prevent excessive drift.

E

- Many days in our winter, the hills are engulfed in thick fog. Building a high speed (55 mph) 2 lane rural road would probably introduce unnecessary dangers for those negotiating safe travel.

F



4

Commuters under stress and fatigued are generally not very patient nearing home, indeed, sometimes not much constraint or caution is the normal attitude. The Antioch IDB is a highly landscaped, well lighted 4 lane intra-city route worthy of their residents' admiration and fairly safe. The city should consider constructing the "Pittsburg" portion (extension) with 4 lanes (separated) mitigating many dangerous conditions.

G

- Because of varied restrictive smoking laws, many drivers and passengers do so while en route in cars, pickups trucks/SUVs. At least 3 times during the summer Kiker Pass is plagued with grass fires due to discarded lit cigarettes etc.. Not expecting like practice along this proposed isolated route is a misunderstanding of real world behavior. In at least 32 years not 1 fire has been witnessed in these hills even under lightning storm conditions.

H

- The general seclusion of the roadway will be ideal for juvenile racing or testing leading to severe collisions or careening type mishaps. Dispatch of fire, police and medical emergency crews responding to accidents/fire on or near the isolated roadway (round about access) could not possibly render services within current standards of acceptable time without the city locating support facilities further

I



5

south and establishing well thought out precautionary operating methods and procedures. Naturally additional investments in personnel and equipment would be necessary to adequately cover the envisioned road and/or subdivisions in the far reaches of the city.

I

- Vehicles (engines) on the new roadway, due to increased power demand of the incline sections will exhaust higher amounts of hydrocarbons, particulates and a variety of oxides in comparison to flat ground surfaces like Buchanan Road. Present design shows a vertical rise of 300 to 400 ft. (91-122 m) in an estimated 4500 ft section (1.37 km). To compare a similar slope, Harber Pass in the N to S direction rises 440 ft. (1.34 m) in a 4600 ft (1.40 km) section, from the firewood business gate to its crest (non-military GPS reading  $\pm 10$  feet).

J

- Reliably predicting or effectively measuring an acoustic signal, especially pink, white or impulse noise, beyond a few feet from roadside is more than difficult due to time related traffic load, vehicle concentration levels/grouping and environmental variables. Test equipment measuring various types of sound is used mostly in confined spaces. Open air application of dBA meters cannot fully characterize realistic reception by the human ear.

K





6

- The provided intersection description at Huber Pass appears to be an inexpensive yet unsafe alternative for a high speed fly over merge. Most drivers at the proposed junction are usually going faster than 55mph. In addition north to south bound travelers (mostly Pottsburg) will be penalized due to traffic metering during peak commute time!

L

In conclusion, the public along the present city limits (southern border) should be advised of possible elevated vehicle emissions drifting their way and unknown values of noise, mechanically made and rolling wheel to surface induced, created by autos, trucks and motorcycles (detonation like) climbing the hills behind their homes. The Planning Division prior to making a final decision to proceed should publish a notice for those residents before handing the plan for approval and funding by City Leaders. How essential is it for a majority of residents to gain access to a road, paid for directly or indirectly by them with little or no utility? Parallel surface streets or highways to the east are easily accessed and more convenient. Providing a substitute route to alleviate a 2 1/2 hour window is an economic indiscretion. A 10% daily usage or 7% weekly demand is hardly justification for a Buchanan Road Bypass. Between the windows of concern (2 1/2 hours) vehicular traffic is at the rural level.

M

N

Joseph J. Sinagusa  
4313 Goldenhill Dr.



**Response to Comment Letter 11: Joseph G. Siragusa (May 13, 2013)**

- A. The commenter expresses concerns of the proposed project's Notice of Availability and claims that a final decision on the proposed project has been made by the City without prior input from interested parties and further purports that the City may have willingly withheld information from the public. The commenter cites no basis for these claims and is referred to page 1-3 of the Draft EIR. Specifically, Draft EIR page 1-3 provides the following advertisement history of available project information that has occurred since 2007:

*"The City prepared and distributed an Initial Study (IS) and Notice of Preparation (NOP), dated October 23, 2007, for the proposed project. In conjunction with this public notice, a scoping meeting was held by the City of Pittsburgh on November 6, 2007, to provide a forum for public comments on the scope of the EIR. Subsequent to the October 23, 2007 IS/NOP, the City issued a revised IS/NOP dated February 10, 2012, due to revisions to the project description. Both IS/NOPs were distributed to responsible, trustee and local agencies for review and comment."*

An IS/NOP is a document that is sent by the lead agency to notify public agencies and interested parties that the lead agency plans to prepare an EIR for a proposed project. The purpose of an IS/NOP is to solicit comments from public agencies and interested parties, and to identify specific environmental issues that should be considered in the EIR. It is important to note that the City included a radius mailing of the IS/NOP to surrounding property owners within 300 feet of the southern City limits along the proposed project route. Upon completion of the Draft EIR, the City noticed the document's availability in accordance with the State CEQA Guidelines. All noticing for the proposed project was published in the Contra Costa Times, a newspaper of general circulation, posted with the County Clerk, and posted at City Hall and the Pittsburgh Library.

As stated in Topical Response 1, *Purpose and Need for the Proposed Project*, the primary purpose of the proposed alignment is to complete a planned critical east-west connection within the City of Pittsburgh. The roadway extension would alleviate existing traffic congestion on the local circulation network and accommodate traffic generated by existing, approved, and planned development in the City and surrounding region. The proposed roadway design reflects the most recent City, County and Caltrans design and safety standards.

The comment alleges that there are impacts related to the proposed project that the City did not "charter RBF Consulting to explore", such as human concerns and fiscal responsibility. The Draft EIR was prepared in compliance with the requirements of the State CEQA Guidelines to address potential and reasonably foreseeable physical environmental impacts and, if warranted any social or economic changes are addressed as they relate to the physical impacts of the proposed project (State CEQA Guidelines Section 15131). Construction and development of the proposed project is required to comply with Federal, State, and local regulations. The Draft EIR evaluates the proposed project's consistency with applicable laws, regulations, and planning documents. Technical studies to support the information contained in the Draft EIR were prepared by qualified professionals in the disciplines of biological resources and endangered species assessment, cultural/historical resources, acoustics, transportation planning and engineering, water quality, hydrology, and air quality and were made available as Draft EIR Volumes 2 and 3. The environmental impact analysis in the technical studies and in the Draft EIR utilized accepted industry methodologies that comply with the Federal, State, and local standards. This approach represents the best means for local agencies to determine the possible impacts and solutions of the proposed project.



- B. Draft EIR Chapter 3.0, *Project Description*, page 3-14, provides an explanation as to the purpose and need of the proposed project and Topical Response 1, *Purpose and Need for the Proposed Project*, expands on the information in Draft EIR Chapter 3. Construction of the proposed James Donlon Boulevard extension is necessary to complete the City's overall traffic circulation plan in the southern portion of the City, and provide relief for increasing congestion on the City's existing arterial and local roadway network. In addition, the proposed project would alleviate regional traffic circulation problems and is identified as a route of regional significance within the Comprehensive Transportation Project List in the Contra Costa Transportation Authority (CCTA) Countywide Comprehensive Transportation Plan. Furthermore, the State Route (SR) 4 East Corridor Major Investment Study identified the need for the development of parallel arterials, including the proposed project, in addition to other planned transportation improvements such as the widening of SR 4, the widening of California Avenue, and the extension of the Bay Area Rapid Transit (BART).

The proposed extension of James Donlon Boulevard is envisioned in the City General Plan, CCTA Countywide Comprehensive Transportation Plan, and the Metropolitan Transportation Commission Transportation Plan 2035. In addition, the proposed project is identified as a "covered activity" and defined as a rural road infrastructure project in the recently adopted East Contra Costa County Habitat Conservation Plan/Natural Community Conservation Plan (HCP/NCCP) (HCP/NCCP Section 2.3.2, page 2-18). As a covered activity, the proposed project must comply with HCP/NCCP requirements.

The proposed project would provide a limited access arterial roadway to serve regional circulation needs and relieve existing traffic congestion on Buchanan Road, which currently receives a high volume of east-west commute traffic between the City of Antioch and the City of Concord. The extension of James Donlon Boulevard would provide an alternative access route that would link the eastern portion of Contra Costa County (e.g., the cities of Brentwood, Antioch and Pittsburg) to the central portion of Contra Costa County (e.g. the cities of Concord and Walnut Creek). Should the City approve and ultimately construct the proposed project, the following benefits would be achieved:

- The proposed project would not reduce the delay index to unacceptable levels on roadway segments within the study area.
- The proposed project would not conflict with adopted alternative transportation policies, plans, or programs.

The City General Plan is a policy document designed to give long-range guidance for decision-making affecting the future character of the City of Pittsburg. It represents the official statement of the community's physical development as well as its economic, social, and environmental goals. The City General Plan elements help to define goals and policies for issues unique to the City of Pittsburg. The City General Plan was utilized throughout this EIR as the fundamental planning document governing the implementation of the proposed James Donlon Boulevard extension.

- C. Please refer to Topical Response 1, *Purpose and Need for the Proposed Project*, as well as Response to Comment 4-B for details regarding the need for the proposed project. In addition, as stated in the Draft EIR, the primary reason for pursuing this proposed project is to provide a



limited access arterial roadway to serve the regional circulation needs and relieve existing traffic congestion on Buchanan Road, which currently receives a high volume of east-west commute traffic between the cities of Antioch and Concord. This extension would provide an alternative access route that would link Eastern Contra Costa County to Central Contra Costa County. Extensive traffic analysis was completed by Fehr & Peers, a traffic engineering firm, and the traffic model results can be found in Appendix I, *Traffic Data*, of the Draft EIR (Draft EIR Volume 3).

As discussed in Section 4.13, *Transportation/Traffic*, under the subsection titled *Analysis Methods*, existing traffic counts were completed to verify the existing traffic model. The Contra Costa Transportation Authority (CCTA) Decennial Update Countywide Travel Demand Model was then used to determine year 2015 and year 2030 traffic volumes for the roadways and intersections analyzed. The CCTA model was executed for years 2005, 2015, and 2030 and the results were used to develop intersection turning movement volumes through the “Furnessing” technique as described in CCTA’s Technical Procedures. “Furnessing is an iterative process which develops future turning movement volumes by applying the difference between the base model volumes and the existing intersection counts to future model approach and departure volumes.

Study intersection operations were evaluated for compliance with the County’s Congestion Management and Growth Management programs, as outlined in Technical Procedures Update prepared by CCTA, known as CCTALOS. To augment this analysis, the Transportation Research Board’s 2000 Highway Capacity Manual (HCM) method and Synchro software were also used to analyze intersection operations at unsignalized study intersections. Also, as noted in the Draft EIR, CCTA adopted new Technical Procedures for their Growth Management Program in January 2013. The new procedures utilize the HCM method to determine intersection LOS. However, these new procedures also allow for any studies started prior to January 2013 to continue to use the methods outlined in the Technical Procedures Update from July 2006. Therefore, the Draft EIR provides for the CCTALOS methods with the HCM method for study intersections.

In short, the purpose of the proposed project is clear, anticipated, and its positive function is supported by professional traffic analysis in the Draft EIR. Like many of the assertions throughout commenter’s letter, the commenter’s statements are little more than speculation and opinion – fervently held opinion – but that does not turn it into substantial evidence. The Draft EIR shows, not just assumes, that the proposed project is warranted to alleviate current operational deficiencies within the existing roadway network.

- D. The commenter is referred to Draft EIR Section 4.8, *Geology and Soils*, which provides for a comprehensive assessment of geotechnical considerations of the proposed alignment, with specific in-depth analysis of liquefaction, lateral spreading, and unstable soils. The Engineering Geologic and Geotechnical Feasibility Report (Appendix E.2 of the Draft EIR) was prepared by Professional Registered Geologists. Based on the findings of the geotechnical investigation, the potential for liquefaction and lateral spreading within the project site is considered low because of the depth of groundwater and the underlying bedrock. Bedrock units underlie the majority of the area and the groundwater is relatively deep, ranging from 19 feet to more than 50 feet below ground surface. In addition, there are no reported records of liquefaction within 10 miles of the proposed project (page 4.8-14 of the Draft EIR). Potential impacts associated with liquefaction and lateral spreading are considered less than significant with implementation of Mitigation Measures GS3 through GS6. The Draft EIR on page 4.8-14, as shown in Section 10.3, *Revisions*





to the Project Draft EIR, and as provided below, has been revised to further clarify that the mitigation measures would reduce impacts regarding liquefaction to a less than significant level. These changes provide minor clarification to the text in the Draft EIR and do not constitute “significant new information” pursuant to Section 15088.5 of the State CEQA Guidelines.

The potential for liquefaction within the project site is considered low. Bedrock units underlie the majority of the area and the groundwater is relatively deep, ranging from 19 feet to more than 50 feet below ground surface. Implementation of Mitigation Measures GS3 through GS6 would reduce potentially significant impacts associated with liquefaction to a less than significant level.

It is noted that while the proposed project would cross areas of dormant landslides, the topography of the project area presents the potential for other landslides to occur in the future. Areas susceptible to landsliding may experience slippage during earthquake ground shaking, the magnitude of which would be influenced by the level of ground shaking and ground saturation induced by rainfall. Due to these project area conditions and the relatively steep nature of the topography, slope failure is a possibility. Cut slopes proposed higher or lower than the right-of-way are of particular concern. In addition, all bedrock formations mapped within the project area dip northeastward, which makes them more susceptible to landslide. In areas where slopes would be steeper due to the bedrock formations, buttresses and 12-foot-wide drainage terraces and concrete v-ditches have been incorporated into the project design to minimize the landslide potential (Figure 3-7, *Site Plan*, on page 3-12 of the Draft EIR). The implementation of Mitigation Measures GS3 through GS6 would further reduce potentially significant slope stability impacts to a less than significant level. The project-specific geotechnical assessments did not recommend retaining walls. No further response or change to the Draft EIR is necessary.

- E. The area of the proposed James Donlon Boulevard extension, as well as other areas of the City and large portions of California, experience high winds throughout the year. The extent to which the wind events would result in physical impacts on the environment, which is the focus of CEQA and this EIR, are difficult to predict. However, design features as in Draft EIR Section 2.1, *Project Summary*, and further elaborated and described in Response to Comment 11-F, below, would be incorporated into the proposed project to meet current standards for roadway design as well as help to shed rain water to the edge of the roadway; refer to Figure 2-3, *Site Plan*, in the Draft EIR. The roadway cross section will utilize standard design cross slopes of two percent, which has been proven, on highways, to be sufficient to shed rain water to the edge of the roadway. In addition, for that portion of the profile grade near Kirker Pass Road (seven percent grade), the cross slope will be designed at three percent to assist in shedding the water from the road. Finally, the design will incorporate a new porous type asphalt pavement mix, which Caltrans now uses on all highways. This pavement sheds water internally (beneath the pavement) and provides an additional benefit of a quieter roadway.

In addition, all drivers are required to successfully complete driver education training before being legally permitted to drive. Drivers are instructed to use the appropriate caution based on roadway conditions during the time of travel. This includes conditions such as driving during nighttime hours, at dusk, during periods of high winds, fog, and precipitation. The wind events or other weather related conditions that drivers could experience along the James Donlon Boulevard extension would be similar to those conditions on other roadways within the region. No further response or change to the Draft EIR is necessary.



- F. The area of the proposed James Donlon Boulevard extension, as well as other areas of the City and large portions of California, experience intermittent fog events. The extent to which fog events could be forecast are difficult to predict, as are the possibility that such events would result in physical impacts on the environment, which is the focus of CEQA and this EIR.

Environmental impact thresholds of the State CEQA Guidelines were used as significance thresholds in the analysis of traffic-related impacts. The following threshold was used to evaluate the potential traffic hazard impacts: “Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersection) or incompatible uses (e.g., farm equipment).” Design standards set forth by the City of Pittsburg, Contra Costa County, and the American Association of State Highway and Transportation Officials, such as minimum roadway geometrics, stopping sight distances, and minimum clearances, have been used to develop the proposed alignment. Such standards serve to minimize potential hazards for roadway users, however, cannot eliminate the potential for accidents all together. With proper roadway design and adherence with applicable safety standards, the potential risk for traffic-related hazards would be reduced. Although the use of such standards minimizes potential hazards for roadway users there are currently no established design standards specific to fog events. For safety and consistency with City design standards, streetlights would be installed within the project area. The final design for the proposed project has not been completed at this time; however, any electrical service within the project area would be sufficient to accommodate only the lighting requirements of the proposed project. The following elements on the James Donlon Boulevard extension that be lighted with street lights to enhance visibility include, but are not limited to:

1. Kirker Pass Road from the Kirker Pass Road/Nortonville Road intersection to the southern City limits will be lighted to City standards.
2. James Donlon Boulevard from the Kirker Pass Road/James Donlon Boulevard intersection easterly to the top of the hill will be lighted to City standards.
3. The free-right-turn movement from northbound Kirker Pass Road to eastbound James Donlon Boulevard will be lighted to Caltrans lighting standards for ramps.
4. The first intersection on James Donlon Boulevard within the Sky Ranch II subdivision will be lighted to City standards.

In addition to the lighting, as mentioned above, the two-lane portion of the James Donlon Boulevard extension will have double-yellow striping and rumble strips both on the center stripe and the parkway stripes to alert drivers if they are crossing the center or parkway stripes.

Finally, as discussed in Response to Comment 11-E, above, in California, all drivers are required to successfully complete driver education training before being legally permitted to drive. Drivers are instructed to use the appropriate caution based on roadway conditions during the time of travel. This includes conditions such as driving during nighttime hours, at dusk, during periods of high winds, fog, and precipitation. The periodic fog events or other weather related conditions that drivers could experience along the James Donlon Boulevard extension would be similar to those conditions on other roadways within the region. No further response or change to the Draft EIR is necessary.

- G. The commenter makes broad and unsubstantiated statements regarding the general physical awareness of the commuting public which is outside of the scope of CEQA. For safety and consistency with City design standards, streetlights would be installed within the project area. The final design for the proposed project has not been completed at this time; however, any



electrical service within the project area would be sufficient to accommodate only the lighting requirements of the proposed project. Please also see Responses to Comments 11-E and 11-F regarding safety and design for the proposed project and details regarding lighting.

The commenter's suggestion that the proposed James Donlon Boulevard extension be widened to accommodate a separated median is noted for the record and will be provided to the City Council for consideration. It should be noted that the two-lane portion of the proposed James Donlon Boulevard extension would have a 45 mile-per-hour (mph) posted speed limit and would not provide passing opportunities. This 1.3-mile stretch of roadway would be striped with double yellow lines and would include a rumble strip to alert drivers if they are crossing the center roadway line. In addition, the two-lane portion of the proposed project would be designed in accordance with Caltrans standards for rural roads (i.e., highways) with standard 12-foot travel lanes and eight-foot paved shoulders; refer to Chapter 3, *Project Description*, of the Draft EIR for further details.

- H. The Draft EIR, pages 4.9-12 through 4.9-14, analyzes the impact statement: "The proposed project could expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands." Implementation of the proposed project would introduce additional vehicles into the project area, as the project area is primarily undeveloped. Increased human presence is associated with an increased risk of fire in adjacent open space areas. As noted by the commenter, there is the potential for motorists to illegally discard cigarettes into this area, which would result in a fire threat. The third paragraph and bullet points on page 4.9-13 of the Draft EIR have been revised as shown in Section 10.3, *Revisions to the Project Draft EIR*. These changes provide minor clarification to the text in the Draft EIR and do not constitute "significant new information" pursuant to Section 15088.5 of the State CEQA Guidelines. The revision is as follows:

Upon completion of construction, the roadway alignment would increase potential wildfire risks from such actions as cigarettes being thrown from vehicles or vehicles stopped on the shoulder, near unpaved areas. However, this risk would be less than significant for the following reasons:

- The proposed project includes eight-foot paved shoulders and an additional unpaved six- to ten-foot graded area outside and adjacent to the paved shoulders, that would be maintained by the City for fire suppression
- The unpaved road edges would be mowed
- The new road would provide access to fire suppression agencies
- While roadside fires are not uncommon, it is quite rare for roadside ignitions to become major wildfires due to the ability of fire suppression agencies to quickly access the fire

The final design of the proposed project would be subject to review by the City of Pittsburg Development Services Department, in collaboration with the Contra Costa County Fire Protection District (CCCFPD). The CCCFPD provides fire protection to unincorporated Contra Costa County as well as nine incorporated cities, including the City of Pittsburg. The CCCFPD would review the final design to ensure that fire regulations are met. These regulations ensure adequate brush clearance of flammable vegetation to prevent the spread of fire and adequate roadway



design to provide for the efficient movement of fire equipment. In addition, the extension of James Donlon Boulevard would improve access for fire fighters to get to wildfires faster. As stated in Comment Letter 2, provided by the California Department of Forestry and Fire Protection (CAL FIRE), the proposed project would not impact the CAL FIRE mission of wildland fire protection. Refer to Responses to Comments 5-O, 8-A, and 8-G, above, for further details related to hazards and emergency services.

- I. Violations of speed limits or other moving violations, such as texting while driving, are enforcement issues that are addressed by the City of Pittsburg Police Department. Drivers are required to obey the speed limits established for all roadways. Noncompliance with any speed limit or any law contained in the California Vehicle Code is an enforcement issue that should be addressed to the maximum extent feasible by the City's Police Department. The City will continue to provide traffic enforcement consistent with other roadways in the City. It should also be noted that speed limits have been set for area streets in order to promote safety, consistent with the design of the various roads and their adjacent land uses. Safety impacts from speeding are controlled by enforcement of the City Police Department, as well as by the setting of the speed limit for a particular road taking into account its physical configuration, and also by the timing and length of signals. Any traffic related concerns will be addressed in partnership with neighborhood residents and the City Police Department.

Please refer to Draft EIR Section 1.6.2, *Public Services*, regarding police and fire protective services. In addition, Section 4.9, *Hazards and Hazardous Materials*, of the Draft EIR further evaluates fire protective services as related to the proposed project. Police and fire services are currently provided to the project area by the City of Pittsburg Police Department. The City Police Department provides police protection to the City and strives to maintain a ratio of 1.8 officers per 1,000 residents, as shown in the City General Plan. Although there is the potential for accidents or other incidents to occur within the project area that would require police protective services, this threat currently exists on the surrounding roadways. Because the proposed project would redistribute traffic patterns and would not introduce additional traffic beyond what is already anticipated in the City General Plan, no net change would occur in the need for police protective services as a result of this proposed project. Refer to Response to Comment 5-O for further details related to emergency services.

The Contra Costa County Fire Protection District (CCCFPD) provides fire protection to unincorporated Contra Costa County as well as nine incorporated cities, including the City of Pittsburg. The response time goal is to provide service within five minutes of notification. As shown in Figure 11-2 of the City General Plan, the proposed project is within approximately 1.5 miles of CCCFPD stations, which is within the station response radii. Because the proposed project would redistribute traffic patterns and would not introduce additional traffic beyond what is already anticipated in the City General Plan, no net change would occur in the need for fire protective services as a result of this proposed project. Refer to Response to Comment 5-O for further details.

Therefore, no reasonably foreseeable impacts on fire or police protection would result from the proposed project. To the extent that traffic conditions would improve, fire and police services would be enhanced. This is viewed as a positive project benefit. No further response of change in the Draft EIR is necessary.



- J. As discussed in Section 3.3, *Project Characteristics*, of the Draft EIR, the four-lane portions of the proposed James Donlon Boulevard extension would be designed to urban road standards per the Caltrans Highway Design Standards. The two-lane portion of the proposed James Donlon Boulevard extension would be designed to rural road standards. The amount of carbon expenditures would be no different than other roadways and highways designed in similar conditions.

In addition, Section 4.5, *Air Quality/Greenhouse Gas Emissions*, of the Draft EIR provides an analysis of both emissions pertaining to proposed project construction as well as emissions pertaining to the roadway operations upon construction completion. This analysis evaluated long-term mobile emissions, as well as greenhouse gas (GHG) emissions; refer to Appendix B of the Draft EIR for the air quality and GHG modeling data. Long-term operations for particulate matter (PM<sub>2.5</sub>) were below the Bay Area Air Quality Management District (BAAQMD) cancer risk thresholds. Carbon monoxide (CO) impacts are considered less than significant as the project is consistent with the applicable congestion management plan and would not increase traffic volumes beyond the BAAQMD thresholds. Please refer to pages 4.5-26 and 4.5-27 of the Draft EIR for further details.

With respect to GHG emission, as stated in the Draft EIR, the implementation of the proposed project would reduce the vehicle miles traveled by 69,000 miles per day and would reduce the vehicle hours traveled by 5,400 hours per day. Thus, the implementation of the proposed project would improve the efficiency of the circulation system in the area, resulting in improved traffic flow and reduced carbon dioxide (CO<sub>2</sub>) emissions by 12,035 metric tons per year. Therefore, the proposed project, overall, would reduce GHG emissions as compared to the no project scenario. Please refer to pages 4.5-28 and 4.5-29 of the Draft EIR for further details.

- K. As discussed in Draft EIR Section 4.11, *Noise*, noise levels were modeled using the Federal Highway Administration (FHWA) Highway Traffic Noise Prediction Model (FHWA RD-77-108). The model takes into account many considerations including the roadway geometry, distance from the noise source to the receptor, vehicle fleet mix, roadway grade, daily and peak traffic volumes and vehicle speed. Per the California Department of Transportation (Caltrans) *Technical Noise Supplement for the Traffic Noise Analysis Protocol* (November 2009), the accuracy of this model is 1 A-weighted decibel (dBA) up to a distance of 30 meters (100 feet) from the source. At 100 meters, accuracies are about 3 dBA or more, which is barely the threshold for the perception of change in noise for the human ear. Refer to Figure 4.11-1, *Sound Levels and Human Response*, of the Draft EIR for a graphical representation of noise sources, dBA noise levels, and human response. No further response of change in the Draft EIR is necessary.
- L. Kirker Pass Road, in the vicinity of the proposed Kirker Pass Road/James Donlon Boulevard intersection, has a posted speed limit, nearest the proposed project, of 55 mph within the County and a posted speed limit of 45 mph in the southern portion of the City of Pittsburg. While it may be common practice for vehicles to exceed posted speed limits, the drivers do so at their own risk, as the local and State agencies have determined the safe speed of travel for any given roadway segment based on driver site distance and roadway design features. Therefore, the 50 mph design for the free right-turn movement from northbound Kirker Pass Road to eastbound James Donlon Boulevard would be in accordance with Caltrans standards and regulations for rural roads and ramps.



With respect to traffic metering, refer to Topical Response 5, *Growth Inducing Impacts*, and Responses to Comments 3-B and 10-B related to traffic assumptions and synchronized signalizations (metering). Metering currently occurs in the study area roadways as part of the East-Central Traffic Management Study that was adopted by Contra Costa County and the cities of Antioch, Pittsburg, Concord, and Walnut Creek in 2001. Metering is currently implemented at the following intersections: Kirker Pass Road/Myrtle Drive, Ygnacio Valley Road/Oak Grove Road, and Buchanan Road/Meadow Avenue. Therefore, the metering for the study area would not change. Under the no project conditions, the metering would remain at the above listed intersections. With the proposed project, the metering would be consistent with the adopted 2001 Traffic Management Study. No further response or change in the Draft EIR is necessary.

- M. Please refer to Response to Comment 11-K for the accuracy of the traffic noise prediction model that was used in the impact analysis. As noted under the Long-Term Operational Air Quality analysis in the Draft EIR on pages 4.5-26 and 4.5-27, operational air emissions associated with the proposed project would fall below the thresholds set forth by the BAAQMD. Therefore, the proposed project would result in a less than significant impact. The comment is noted for the record and will be provided to the City of Pittsburg City Council for consideration. No further response or change to the Draft EIR is necessary.
- N. Please refer to Topical Response 1, *Purpose and Need for the Proposed Project*, and Responses to Comments 4-B, 4-C, 5-N, 7-E, and 11-C for discussions regarding the proposed project in relation to existing traffic congestion needs. As noted in the Draft EIR, the proposed project is identified in the City General Plan, Contra Costa County Transportation Authority Countywide Comprehensive Transportation Plan, Metropolitan Transportation Commission Transportation Plan 2035, and the East Contra Costa County Habitat Conservation Plan/Natural Community Conservation Plan (HCP/NCCP). Additionally, a Program EIR was prepared in 1993 for the proposed Buchanan Road Bypass; refer to Draft EIR Chapter 3, *Project Description*, for further details. The traffic analysis provided in Section 4.13, *Transportation/Traffic*, as well as the model data provided in Appendix I, *Traffic Data*, of the Draft EIR, revealed that this proposed project would provide an acceptable alternative east-west route for the cities of Pittsburg and Antioch. Further, the proposed project would enhance the LOS for other existing east-west routes within the study area. The comment is noted for the record and will be provided to the City of Pittsburg City Council for consideration. No further response or change to the Draft EIR is necessary.



## Comment Letter 12

### Redd, Christa

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**From:** Leigha Schmidt <LSchmidt@ci.pittsburg.ca.us>  
**Sent:** Wednesday, May 15, 2013 12:35 PM  
**To:** Redd, Christa  
**Subject:** FW: james donelan bypass@

Christa,

Please see another James Donlon comment email below.

Leigha

---

**From:** Adrienne Brown [<mailto:adribrown@comcast.net>]  
**Sent:** Wednesday, May 15, 2013 10:57 AM  
**To:** Leigha Schmidt  
**Subject:** james donelan bypass@

I have lived in Pittsburg for 24 years.  
I object to this road. We have very pretty hills that do not need to be compromised by another road.  
Bad enough that the city of Pittsburg let Seno drain our wonderful frog pond. You knew this was a natural habitat.  
(Bucanan rd.  
On site. Why are you allowing building all over are precious hills. We need to preserve them for future generations.  
Once this space is taken it is forever GONE!. I will be forever against building anything on this wonderful hills.  
Very few left with out buildings!!

A





**Response to Comment Letter 12: Adrienne Brown (May 15, 2013)**

- A. Thank you for your comment. The Lead Agency notes that the Draft EIR provides analysis of the proposed project's physical environmental impacts, cumulative impacts, and mitigation measures for 13 resource topic areas, as provided in Chapter 4, *Existing Conditions, Environmental Impacts and Mitigation Measures*, Sections 4.2 through 4.14, of the document, which include aesthetics (Section 4.3) and biological resources (Section 4.6). In addition, the proposed project includes a City General Plan amendment to designate the properties Open Space and would pre-zone the City's Sphere of Influence to designate the properties Open Space (OS) District, with an Agricultural Preserve Overlay. Refer to Chapter 3.0, *Project Description*, for further details. The comment is noted for the record and will be provided to the City of Pittsburgh City Council for consideration. No further response or change in the Draft EIR is necessary.



Comment Letter 13



SFPP, L.P.  
Operating Partnership

May 22, 2013

ENG 4-2-1 (10.3 to 13.0 – 9)  
File Reference # 12-109-2

Leigha Schmidt  
Associate Planner  
Planning Division  
Development Services Department  
City of Pittsburg  
65 Civic Avenue  
Pittsburg CA 94565

RE: Notice of Availability – James Donlon Blvd Extension Project  
Draft Environmental Impact Report

Dear Ms. Schmidt,

This is in reply to the Notice of Availability dated April 15, 2013, concerning the above referenced project in Contra Costa County, California.

Enclosed is an updated copy of drawing 485009CCBR, sheets 14, 15, & 16, which depict the general alignment of Kinder Morgan's (KM) active 10-inch high pressure refined petroleum products pipeline within the project area. The Draft Environmental Impact Report refers to KM's pipeline as a natural gas pipeline which needs to be corrected.

In the interest of public safety and for pipeline protection, please refer to our earlier letter Reference No. 12-109-1 dated April 17, 2012, for the provisions that must be considered in the design and subsequent construction activities near the pipeline (copy attached).

*To avoid delays in response to future correspondence, please refer to File Reference number 12-109.*

Sincerely,

J. D. Farhat  
Project Manager – Pipeline Engineering

T: Quinn/letters/ENG4-2-1/12-109-2/jdf

cc: G. W. McClellan w/ copy of Inquiry  
J. D. Farhat

1100 Town & Country Road Orange, California 92868 714/560-4400 714/560-4601 Fax



SFPP, L.P.  
Operating Partnership

April 17, 2012

ENG 4-2-1 (10.3 to 13.0 – 9)  
File Reference # 12-109-1

Leigha Schmidt  
Associate Planner  
Planning Division  
Development Services Department  
City of Pittsburg  
65 Civic Avenue  
Pittsburg CA 94565

RE: Revised Notice of Preparation of an Environmental Impact Report

Dear Ms. Schmidt,

This is in reply to your letter dated February 10, 2012, concerning the above referenced project in Contra Costa County, CA.

Enclosed is a copy of drawing 485009CCBR, sheets 14, 15, & 16, which depict the general alignment of Kinder Morgan's (KM) active 10-inch high pressure refined petroleum products pipeline.

In the interest of public safety and for pipeline protection the following provisions must be considered in the design and subsequent construction activities near the pipeline:

1. Adherence to applicable provisions enumerated in the enclosed copy of (a) L-OM200-29 "Guidelines for Design and Construction" relating to proposed projects affecting KM pipelines and (b) copy of Information Bulletin #03-001, issued from the office of the California State Fire Marshal concerning encroachments within and adjacent to pipeline easements.

Exact pipeline location and depth can only be determined by pothole, which must be performed by hand excavation in the presence of a KM representative. Notify KM Area Manager, Mr. Grant McClellan (925)-682-0764 at least two weeks prior to commencement of work. Mr. McClellan will arrange for a pipeline representative to be present during potholing activities.

2. Pothole the pipeline at the lesser of 50 feet intervals, proposed utility crossings, or at locations determined by KM's onsite pipeline representative. The purpose of this work is to determine if the pipeline has sufficient cover and horizontal clearance to accommodate the construction work.
3. Provide a construction schedule and notify KM of the pre-construction conference date and time at least two weeks prior to start of construction. A qualified, KM approved inspector must be present for all excavation within 10 feet of its high pressure pipeline. All excavation within 2 feet of the pipeline must be done by hand.

1100 Town & Country Road Orange, California 92868 714/560-4400 714/560-4601 Fax

B

X



City of Pittsburgh  
Planning Division  
Development Services Department  
Page 2  
April 17, 2012

4. An executed inspection agreement must be in place prior to commencement of work within 10 feet of the pipeline. KM must hire qualified outside contract inspectors to perform this service. The inspection cost is based on \$600 per day plus 19.4% for G&A overhead multiplied by the number of days estimated that work will be performed near the pipeline.

When preliminary project plans have been formulated, based upon the field determination of substructure information please forward a full sized set of drawings to this office showing KM pipelines in plan and profile (based on surveyed pothole data) relative to the planned improvements and existing conditions. Upon review of the preliminary plans we will provide necessary provisions for pipeline protection when working near this facility.

Mr. Jihad Farhat (714) 560-4657 will be KM's engineering contact as this project moves forward.

*To avoid delays in response to future correspondence, please refer to File Reference number 12-109*

Sincerely,

Original signed by  
D. R. Quinn

D.R. Quinn  
Manager – Pipeline Engineering

T: Quinn/letters/ENG4-2-1/12-109-1/jdf

cc: G.W. McClellan w/ copy of Inquiry  
J. D. Farhat

bcc: J. R. Giles  
L. G. Hosler  
P. G. Murphy  
M. E. Esquibel

B



California State Fire Marshal

Pipeline Safety Division



INFORMATION BULLETIN  
#03-001

Date Issued: June 20, 2003

SUBJECT: ENCROACHMENTS INTO OR ON PIPELINE EASEMENTS

The purpose of this informational bulletin is to delineate the position of the State Fire Marshal regarding encroachments onto the pipeline easements.

Section 51014.6 of the California Government Code states, “ (a) Effective January 1, 1987, no person, other than the pipeline operator, shall do any of the following with respect to any pipeline easement: (1) Build, erect, or create a structure or improvement within the pipeline easement or permit the building, erection, or creation thereof. (2) Build, erect, or create a structure, fence, wall, or obstruction adjacent to any pipeline easement which would prevent complete and unimpaired surface access to the easement, or permit the building, erection, or creation thereof. (b) No shrubbery or shielding shall be installed on the pipeline easement which would impair aerial observation of the pipeline easement. This subdivision does not prevent the revegetation of any landscape disturbed within a pipeline easement as a result of construction the pipeline and does not prevent the holder of the underlying fee interest or the holder’s tenant from planting and harvesting seasonal agricultural crops on a pipeline easement. (c) This section does not prohibit a pipeline operator from performing any necessary activities within a pipeline easement, including, but not limited to, the construction, replacement, relocation, repair, or operation of the pipeline.

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It is the position of the State Fire Marshal that nothing shall encroach into or upon the pipeline easement, which would impede the pipeline operator from complete and unobstructed surface access along the pipeline right of way. Nor shall there be any obstructions, which would shield the pipeline right of way from observation. In the interest of public safety and the protection of the environment, it is imperative that the pipeline operator visually assesses the conditions along the easement to ensure the integrity of the pipeline.

It is the responsibility of the pipeline operator to ensure they have unimpeded surface access and to be able to physically observe all portions of their pipeline rights of way. In cases where this is not possible, the pipeline operator shall inform the State Fire Marshal. The State Fire Marshal shall in conjunction with the pipeline operator resolve the issue.

Questions regarding the issue of pipeline encroachment can be addressed to:

Bob Gorham, Chief  
Cal Fire/State Fire Marshal  
Pipeline Safety Division  
3950 Paramount Blvd. Suite 210  
Lakewood, CA 90712

(562) 497-9100  
(562) 497-9104 (fax)  
bob.gorham@fire.ca.gov





**Guidelines for Design and Construction near  
Kinder Morgan Hazardous Liquid Operated Facilities**

Name of Company: \_\_\_\_\_

The list of design, construction and contractor requirements, including but not limited to the following, for the design and installation of foreign utilities or improvements on KM right-of-way (ROW) are not intended nor do they waive or modify any rights KM may have under existing easements or ROW agreements. Reference existing easements and amendments for additional requirements. This list of requirements is applicable for KM facilities on easements only. Encroachments on fee property should be referred to the ROW Department.

**Design**

- KM shall be provided sufficient prior notice of planned activities involving excavation, blasting, or any type of construction on KM's ROW to determine and resolve any location, grade or encroachment problems and provide protection of our facilities and the public **before** the actual work is to take place.
- Encroaching entity shall provide KM with a set of drawings for review and a set of final construction drawings showing all aspects of the proposed facilities in the vicinity of KM's ROW. The encroaching entity shall also provide a set of as-built drawings showing the proposed facilities in the vicinity of KM's ROW.
- Only facilities shown on drawings reviewed by \_\_\_\_\_ (Company) will be approved for installation on KM's ROW. All drawing revisions that effect facilities proposed to be placed on KM's ROW must be approved by KM in writing.
- KM shall approve the design of all permanent road crossings.
- Any repair to surface facilities following future pipeline maintenance or repair work by KM will be at the expense of the developer or landowner.
- The depth of cover over the KM pipelines shall not be reduced nor drainage altered without KM's written approval.
- Construction of any permanent structure, building(s) or obstructions within KM pipeline easement is **not** permitted.
- Planting of shrubs and trees is not permitted on KM pipeline easement.
- Irrigation equipment i.e. backflow prevent devices, meters, valves, valve boxes, etc. shall not be located on KM easement.
- Foreign line, gas, water, electric and sewer lines, etc., may cross perpendicular to KM's pipeline within the ROW, provided that a minimum of two (2) feet of vertical clearance is maintained between KM pipeline(s) and the foreign pipeline. Constant line elevations must be maintained across KM's entire ROW width, gravity drain lines are the only exception. Foreign line crossings below the KM pipeline must be evaluated by KM to ensure that a significant length of the KM line is not exposed and unsupported during construction. When installing underground utilities, the last line should be placed beneath all existing lines unless it is impractical or unreasonable to do so. Foreign line crossings above the KM pipeline with less than 2 feet of clearance must be evaluated by KM to ensure that additional support is not necessary to prevent settling on top of the KM hazardous liquids pipeline.
- A foreign pipeline shall cross KM facilities at as near a ninety-degree angle as possible. A foreign pipeline shall not run parallel to KM pipeline within KM easement without written permission of KM.
- The foreign utility should be advised that KM maintains cathodic protection on their pipelines. The foreign utility must coordinate their cathodic protection system with KM's. At the request of KM, foreign utilities shall install (or allow to be installed) cathodic protection test leads at all crossings for the purposes of monitoring cathodic protection. The KM Cathodic Protection (CP) technician and the foreign utility CP technician shall perform post construction CP interference testing. Interference issues shall be resolved by mutual agreement between foreign utility and KM. All costs associated with the correction of cathodic protection problems on KM pipeline as a result of the foreign utility crossing shall be borne by the foreign utility for a period of one year from date the foreign utility is put in service.
- The metallic foreign line shall be coated with a suitable pipe coating for a distance of at least 10 feet on either side of the crossing unless otherwise requested by the KM CP Technician.

B



### Guidelines for Design and Construction near Kinder Morgan Hazardous Liquid Operated Facilities

- AC Electrical lines must be installed in conduit and properly insulated.
- DOT approved pipeline markers shall be installed so as to indicate the route of the foreign pipeline across the KM ROW.
- No power poles, light standards, etc. shall be installed on KM easement
- No pipeline may be located within 50 feet (15 meters) of any private dwelling, or any industrial building or place of public assembly in which persons work, congregate, or assemble.

#### Construction

- Contractors shall be advised of KM's requirements and be contractually obligated to comply.
- The continued integrity of KM's pipelines and the safety of all individuals in the area of proposed work near KM's facilities are of the utmost importance. Therefore, contractor must meet with KM representatives prior to construction to provide and receive notification listings for appropriate area operations and emergency personnel. **KM's on-site representative will require discontinuation of any work that, in his opinion, endangers the operations or safety of personnel, pipelines or facilities.**
- The Contractor must expose all KM pipelines prior to crossing to determine the exact alignment and depth of the lines. A KM representative must be present. In the event of parallel lines, only one pipeline can be exposed at a time.
- KM will not allow pipelines to remain exposed overnight without consent of KM designated representative. Contractor may be required to backfill pipelines at the end of each day.
- A KM representative shall do all line locating. A KM representative shall be present for hydraulic excavation. The use of probing rods for pipeline locating shall be performed by KM representatives only, to prevent unnecessary damage to the pipeline coating.
- Notification shall be given to KM at least 72 hours before start of construction. A schedule of activities for the duration of the project must be made available at that time to facilitate the scheduling of Kinder Morgan, Inc.'s work site representative. Any Contractor schedule changes shall be provided to Kinder Morgan, Inc. immediately.
- Heavy equipment will not be allowed to operate directly over KM pipelines or in KM ROW unless written approval is obtained from (Company). Heavy equipment shall only be allowed to cross KM pipelines at locations designated by Kinder Morgan, Inc. Contractor shall comply with all precautionary measures required by KM to protect its pipelines. When inclement weather exists, provisions must be made to compensate for soil displacement due to subsidence of tires. Equipment excavating within ten (10) feet of KM Pipelines will have a plate guard installed over the teeth to protect the pipeline.
- Excavating or grading which might result in erosion or which could render the KM ROW inaccessible shall not be permitted unless the contractor/developer/owner agrees to restore the area to its original condition and provide protection to KM's facility.
- A KM representative shall be on-site to observe any construction activities within ten (10) feet of a KM pipeline or aboveground appurtenance. The contractor **shall not** work within this distance without a KM representative being on site. Only hand excavation shall be permitted within **two (2) feet** of KM pipelines, valves and fittings unless State requirements are more stringent. However, proceed with extreme caution when within three (3) feet of the pipe.
- A KM representative will monitor construction activity within 25 feet of KM facilities during and after the activities to verify the integrity of the pipeline and to ensure the scope and conditions agreed to have not changed. Monitoring means to conduct site inspections on a pre-determined frequency based on items such as: scope of work, duration of expected excavator work, type of equipment, potential impact on pipeline, complexity of work and/or number of excavators involved.
- Ripping is only allowed when the position of the pipe is known and not within ten (10) feet of KM facility unless company representative is present.
- Temporary support of any exposed KM pipeline by Contractor may be necessary if required by KM's on-site representative. Backfill below the exposed lines and 12" above the lines shall be replaced with sand or other selected material as approved by KM's on-site representative and thoroughly compacted in 12" lifts to 95% of standard proctor dry density minimum or as approved by KM's on-site representative. This is to adequately protect against stresses that may be caused by the settling of the pipeline.

Reference: L-O&M Procedure 204  
Distribution: Local Files  
Engineering

Page 2 of 3

L-OM200-29  
11/07

B





**Guidelines for Design and Construction near  
Kinder Morgan Hazardous Liquid Operated Facilities**

- No blasting shall be allowed within 1000 feet of KM's facilities unless blasting notification is given to KM including complete Blasting Plan Data. A pre-blast meeting shall be conducted by the organization responsible for blasting. KM shall be indemnified and held harmless from any loss, cost of liability for personal injuries received, death caused or property damage suffered or sustained by any person resulting from any blasting operations undertaken within 500 feet of its facilities. The organization responsible for blasting shall be liable for any and all damages caused to KM's facilities as a result of their activities whether or not KM representatives are present. KM shall have a signed and executed Blasting Indemnification Agreement before authorized permission to blast can be given.

No blasting shall be allowed within 300 feet of KM's facilities unless blasting notification is given to KM a minimum of one week before blasting. *(note: covered above)* KM shall review and analyze the blasting methods. A written blasting plan shall be provided by the organization responsible for blasting and agreed to in writing by KM in addition to meeting requirements for 500' and 1000' being met above. A written emergency plan shall be provided by the organization responsible for blasting. *(note: covered above)*

- **Any** contact with any KM facility, pipeline, valve set, etc. shall be reported immediately to KM. If repairs to the pipe are necessary, they will be made and inspected before the section is re-coated and the line is back-filled.
- KM personnel shall install all test leads on KM facilities.
- Burning of trash, brush, etc. is not permitted within the KM ROW.

**Insurance Requirements**

- All contractors, and their subcontractors, working on Company easements shall maintain the following types of insurance policies and minimum limits of coverage. All insurance certificates carried by Contractor and Grantee shall include the following statement: "Kinder Morgan and its affiliated or subsidiary companies are named as additional insured on all above policies (except Worker's Compensation) and waiver of subrogation in favor of Kinder Morgan and its affiliated or subsidiary companies, their respective directors, officers, agents and employees applies as required by written contract." **Contractor shall furnish Certificates of Insurance evidencing insurance coverage prior to commencement of work and shall provide thirty (30) days notice prior to the termination or cancellation of any policy.**
- 1. Statutory Coverage Workers' Compensation Insurance in accordance with the laws of the states where the work is to be performed. If Contractor performs work on the adjacent on navigable waterways Contractor shall furnish a certificate of insurance showing compliance with the provisions of the Federal Longshoreman's and Harbor Workers' Compensation Law.
- 2. Employer's Liability Insurance, with limits of not less than **\$1,000,000** per occurrence and **\$1,000,000** disease each employee.
- 3. Commercial General Liability Insurance with a combined single limit of not less than **\$2,000,000** per occurrence and in the aggregate. All policies shall include coverage for blanket contractual liability assumed.
- 4. Comprehensive Automobile Liability Insurance with a combined single limit of not less than **\$1,000,000**. If necessary, the policy shall be endorsed to provide contractual liability coverage.
- 5. If necessary Comprehensive Aircraft Liability Insurance with combined bodily injury, including passengers, and property damage liability single limits of not less than **\$5,000,000** each occurrence.
- 6. Contractor's Pollution Liability Insurance this coverage shall be maintained in force for the full period of this agreement with available limits of not less than **\$2,000,000** per occurrence.
- 7. Pollution Legal Liability Insurance this coverage must be maintained in a minimum amount of **\$5,000,000** per occurrence.

B



Ownership

County, State

P.I. Stations & Angles

CONTRA COSTA COUNTY, CA

Sheet Notes

Pipe Schematic

Pipe Material

External Coating

Depth of Cover

Profile

Summary

Revision

Legend

Flow Direction

KINDER MORGAN

System

Sub System

Line

Route

District

Scale

Generate Date

Sheet #



This figure is a technical drawing of a proposed 10-foot PODS (Proposed Overhead Distribution System) alignment map for the LS-9 CC-BR 10in-014 project, located in Contra Costa County, CA. The map shows the proposed alignment (LS-9 CC-BR 10in-014) running horizontally across the center, with stationing from 576+84 to 632+60. The alignment is shown as a dashed line with a centerline offset of 10 feet. The map includes various features such as property lines, easements, and existing infrastructure. Key features include:

- Property Lines:** Shown as solid lines with owner names and acreage (e.g., 9-9-1 WILLIAM W THOMAS 1.491).
- Easements:** Shown as dashed lines with descriptions (e.g., 1400 Series \ES 576+84 CS 576+84).
- Alignment:** The proposed 10-foot PODS alignment is shown as a dashed line with a centerline offset of 10 feet.
- Stationing:** The alignment is marked with stationing from 576+84 to 632+60.
- Legend:** A legend is provided in the bottom right corner, defining symbols for various features including: Calculated Milepost, Aerial Marker, Railroad Milepost, Station Equation, Township-Range-Section or Grant Name, Pipe Bend, Branch Connect, Stopple-T, Tee, Valve, Check Valve, Launcher, Receiver, Reducer, Tap, Sleeve, Casing Vent Pipe, Casing, Concrete Overcoat, Cathodic Test Station, Ground Bed, Rectifier, Anode, Bond, River Weights, Concrete Slab, Flange, KM Pipeline, Other KM Pipelines, Section, County Line, State Line, Water Crossing, Railroad, Right of Way, Foreign Line Crossing, Road Crossing.
- Flow Direction:** A north arrow is located in the bottom right corner, indicating the flow direction is towards the top of the page.
- Summary:** A summary table is located in the bottom left corner, listing the series, begin/end stationing, and reference drawings for the project.
- Revision:** A revision table is located in the bottom left corner, listing the revision number, date, and description of the changes.



Ownership

County, State

P.I. Stations & Angles

CONTRA COSTA COUNTY, CA

Sheet Notes

Pipe Schematic

Pipe Material

External Coating

Depth of Cover

Profile

Summary

Revision

Legend

Flow Direction

KINDER MORGAN

System

Sub System

Line

Route

District

Scale

Generate Date

Sheet #





**Response to Comment Letter 13: Kinder Morgan (May 22, 2013)**

- A. Thank you for your clarification on the type of high-pressure pipeline traversing the project area. The term “ten-inch, high pressure, natural gas pipeline” has been changed to “ten-inch, high pressure, refined petroleum products pipeline” on pages 3-14, 4.9-2, 4.9-10, 4.14-2, 4.14-19, and 5-7 of the Draft EIR, as shown above in Section 10.3, *Revisions to the Project Draft EIR*. These changes provide minor clarification to the text in the Draft EIR and do not constitute “significant new information” pursuant to Section 15088.5 of the State CEQA Guidelines.
- B. The Lead Agency received the April 17, 2012 comment letter. This letter was included in Appendix A and summarized in Table 1-1, *Summary of Written Comments on Initial Study/Notice of Preparation*, provided in Chapter 1, *Introduction*, of the Draft EIR. Further, the basic provisions reflected in the April 17, 2012 letter were required in Mitigation Measures HAZ4. Mitigation Measure HAZ4 requires coordination and consultation with Kinder Morgan and requires that a Kinder Morgan representative be present during construction activities that are within 10 feet of the high pressure pipeline. No further response or change to the Draft EIR is necessary.



Comment Letter 14

Pittsburg, CA  
May 27, 2013

Leigha Schmidt

Re: James Donlon Boulevard extension  
Appendix 1

Since it is assumed that the City of Pittsburg has an unlimited budget for constructing and maintaining roads, I suggest building a tunnel to Clayton in lieu of a rural surface road, thus minimally disturbing the hilly environment.

The 19<sup>th</sup> century Contra Costa miners were able to successfully bore in the same area without the use of the following conveniences: GPS devices, Lasers, Computers, sophisticated comm. systems, high quality steel and concrete, electricity, very hard metal augers and drills, modern conveyance vehicles and systems, highly trained mineralogists, geologists, topographers, civil engineers, access to prestigious universities housing highly educated professors with doctorates in all specialized occupations and management professionals able to direct any type of complex undertaking. It should be a simple task to design, engineer, implement and construct a simple underground road through these hills!

A



2

I suggest locating the north portal at/or near the following coordinates,  $37^{\circ}58'48''$ ;  $121^{\circ}52'55''$  at the 400' level. The south portal could be a just north of Clayton city center at  $37^{\circ}56'20''$ ;  $121^{\circ}56'05''$  also at the 400' level. Thus the road could be perfectly horizontal with an estimated distance of 4.0 miles.

A

Clayton would also benefit from this suggestion by recognizing elimination of much traffic traversing Marsh Creek Road and having a buying east county clientele effecting purchases in their town. In addition Higher Pass Road usage would be reduced allowing less maintenance and safer travel.

Joseph J. Snagusa  
4313 Goldenhill Dr.





**Response to Comment Letter 14: Joseph G Siragusa (May 27, 2013)**

- A. Thank you for your comment. Your participation in the public review of this document is appreciated. The comment does not raise new environmental information or directly challenge information provided in the Draft EIR. The Draft EIR considered a reasonable range of alternatives to the proposed project based on the findings of the Draft EIR. State CEQA Guidelines Section 15126.6(a) requires that an EIR consider a “range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives.” However, Section 15126.6(a) goes on to state that and “EIR is not required to consider alternatives which are infeasible.” In addition, State CEQA Guidelines Section 15126.6(f)(3) states that an EIR need not consider an alternative whose implementation is remote and speculative. Therefore, the comment is noted for the record and will be provided to the City of Pittsburgh City Council for consideration.



Comment Letter 15



Wednesday May 29, 2013

Leigha Schmidt  
Associate Planner  
City of Pittsburg  
65 Civic Avenue  
Pittsburg, CA 94565  
Submitted electronically to:

**Subject: Comments on the James Donlon Boulevard Extension Project Draft EIR (SCH# 2007102106)**

Dear Ms. Schmidt:

Thank you for the opportunity to comment on the Draft Environmental Impact Report (dEIR) for the proposed James Donlon Boulevard Extension Project (project).

By way of introduction, Greenbelt Alliance is a non-profit public benefit environmental organization with over 4,000 active members in the San Francisco Bay Area. Our purpose is to make the Bay Area a better place to live by protecting and preserving open space within the nine-county Bay Area region and creating walkable, transit-oriented communities in the region through public policy development, advocacy, and education.

Our staff, board, and members have worked for more than fifty years to protect and enhance the quality of life in Contra Costa County, including participation in the creation of Measure C (1990), Measure J (2004), and Measure L (2006), the tightening of the County's Urban Limit Line (2000), and the passage of park bond measures AA (1988) and WW (2008). We have participated in numerous land use issues in and adjacent to the City of Pittsburg, including the preparation of hillside preservation policies, the 2011 Faria annexation proposal, the Montreux Subdivision proposal, and the Pittsburg/Bay Point BART specific plan. We therefore have a direct and substantial organizational interest in the scope and quality of the environmental impact analysis of the project and its resultant impacts on the surrounding environment and communities.

**Overview**

Greenbelt Alliance has deep concerns about the significant environmental, economic, and social equity effects of the proposed project. Unfortunately the DEIR fails to comply with the California Environmental Quality Act (CEQA) in adequately assessing those impacts, assessing a reasonable range of alternatives, and avoiding and mitigating impacts where feasible.

In short, it appears that the primary purpose of the project is to serve approved and proposed Seeno developments (Sky Ranch II and Montreux Subdivision, respectively). We are concerned that the

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A



project costs may be substantially underestimated and that additional development would be needed to pay for the project, thereby inducing additional growth. This induced growth would quickly overwhelm any congestion relief the roadway would provide and simply shift existing bottlenecks to new locations. This would result in tremendous environmental impacts from the project and from the induced growth, while providing no mobility improvements for existing residents, and tremendous financial costs for local taxpayers – foreclosing options for other environmentally-sustainable transportation improvements and leading to blight in Pittsburg’s traditional downtown and other areas of Eastern Contra Costa County. The DEIR fails to analyze and mitigate these impacts as required by CEQA.

A

The DEIR is therefore legally deficient and, more importantly, fails to serve as a meaningful decisionmaking tool for the Pittsburg City Council, Pittsburg residents, and other decisionmakers. The DEIR should be thoroughly revised and recirculated to address these issues. Some of the most pressing failures of the DEIR are described below:

**The DEIR fails to properly define the project objectives and adequately address the project’s inability to meet multiple project objectives**

The DEIR fails to present an adequate set of project objectives against which the project’s performance can be judged. The stated objective of “providing a secondary access route for existing, planned and future residential developments in southern Pittsburg and southwest Antioch” implicitly acknowledges that the project will induce growth by removing and/or relocating an existing bottleneck. If the project removes a major barrier for sprawl development (and even requires new development for financing), then, over the long-term, it will not meet the stated objective of “relieving traffic congestion on Buchanan Road, which receives a high volume of east-west commute traffic between Antioch and Concord.” The project objectives must be revised to address these conflicts and to avoid inappropriately constraining the project alternatives. The DEIR analysis must also be revised to address the project’s inability to achieve multiple project objectives.

B

**The DEIR fails to analyze the project’s significant growth inducement**

There are many indications that the primary purpose of the project is not to relieve congestion on Buchanan Road, but as an essential component of facilitating new sprawl development. For example, the City of Pittsburg General Plan Goal 2-G-26 indicates: “Encourage development as a means of funding the construction of Buchanan Bypass as an alternative route for regional through-traffic.” In Table 4.2-1, the DEIR indicates that the project is consistent with this policy: “James Donlon Boulevard, within the approved Sky Ranch II subdivision (not part of this proposed project) would be financed by that approved subdivision.”

C

However, the DEIR does not describe the clear connection between the approved Sky Ranch II subdivision and the project, nor does it do so for the proposed Montreux subdivision or any other growth that may be induced the project.

The DEIR must be revised to acknowledge the project’s inducement of new sprawl development. In addition, it must analyze the full range of environmental impacts that would result from all of the additional growth induced by the project, including impacts on air quality, habitat, traffic, water quality, and water supply. In addition, project costs, funding sources, and the “rough proportionality” of funding sources to the project must be clarified to explain the relationship between the project and new growth.



**The DEIR fails to analyze the project's significant transportation trip inducement**

Even if there were not two proposed sprawl subdivisions that were directly contingent upon construction of this transportation project, the James Donlon Extension would induce significant new transportation travel. However, the DEIR fails to address the unavoidable effects that a project of this type would have on travel demand, particularly the inducement of new SOV-auto trips.

The scientific literature supporting this conclusion is quite robust. For example, Robert Cervero and Mark Hansen's 2002 study "*Induced Travel Demand and Induced Road Investment: A Simultaneous Equation Analysis*"<sup>1</sup> concluded through a multivariate analysis of 22 years of observation of 34 urbanized areas in California, that road supply and demand mutually influence each other, meaning that although roads are often built to meet demand, the supply of roads then increases the demand.

"The more recent results (of our study) are broadly consistent with the assertions, made several decades ago, of two noted transport policy analysts, Anthony Downs and Wilfred Owen. Downs (1962, 1992), argued that expanding congested freeways triggers a phenomenon he termed "triple convergence" in which drivers shift their routes, times of travel, and modes in order to exploit the new capacity, thereby generating similar levels of congestion (at least during peak periods) as before. Downs' interpretation led Owen to conclude (1985: 366): "Meeting the ever-growing needs for transport capacity has often proved to be a fruitless task, as the persistence in urban traffic jams attest..."

"...Our research found, unequivocally, a strong two-way empirical relationship between road supply and demand, as theory holds. Over the past several decades in California, road supply has been both a cause and an effect in relation to VMT. That is, our analysis showed significant induced demand and induced-investment effects."

The DEIR must be revised to acknowledge the project's inducement of transportation demand. In addition, it must analyze the full range of environmental impacts that would result from this induced demand, including impacts on air quality, greenhouse gas emissions, and traffic circulation. It should also examine the health impacts of this additional transportation demand, assessing, among other things, how the project's auto-orientation could impact obesity, heart and lung disease and mortality rates, safety for bicyclists and pedestrians, and the number and rate of automobile accidents.

**The DEIR omits key findings of recent regional transportation analyses**

The DEIR refers to the project as an attempt to address regional transportation needs. However, regional analyses have shown that the project fails to meet regional transportation goals. Recently, the Metropolitan Transportation Commission conducted a detailed project evaluation and comparison to inform the preparation of the 2013 Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS). The James Donlon Extension project (MTC Project No. 230233) scored particularly unfavorably and was therefore rejected from inclusion in the RTP. According to the Contra Costa Transportation Authority's comments on MTC's Draft 2013 RTP and Draft Environmental Impact Report (DEIR), the project "would not be included in the Plan unless a compelling case for including it could be presented by the City of Pittsburg and accepted by the MTC Board."

<sup>1</sup> Robert Cervero and Mark Hansen. "*Induced Travel Demand and Induced Road Investment: A Simultaneous Equation Analysis*." *Journal of Transport Economics and Policy*, Vol. 36, No. 3 (Sep., 2002) pp. 469-490. Published by University of Bath and The London School of Economics and Political Science.



The DEIR fails to address this scoring or explain what facets of the project led to this poor ranking. We believe that the project scored poorly because its clear violation of the state, regional, and local policies to reduce the length and frequency of single-occupant vehicle (SOV) automobile trips and increase alternative modes of transportation. In fact, the project includes numerous facets which violate regional goals, including its inducement of SOV automobile trips, its inducement of auto-oriented sprawl development, its failure to support non-SOV transportation options for Pittsburg residents, and its impacts on habitat, air quality, and greenhouse gas emissions.

E

The DEIR should discuss the RTP/SCS project scoring and include a full analysis of the factors that influenced the project's poor ranking.

**The DEIR's GHG analysis is inadequate and does not support the draft conclusion that GHG impacts will be insignificant**

The DEIR analysis of greenhouse gas emissions (GHGs) is deeply flawed. In addition, the draft conclusion that the project's impacts will be insignificant and therefore not require mitigation is unsubstantiated and inaccurate.

The DEIR analysis assumes that the project will not increase traffic or the amount of vehicles traveling on the extension and that the project will reduce greenhouse gas emissions and VMT because of a hypothetical short-term relief in traffic. If these assumptions were true, climate change could be reversed by simply expanding our auto-only road network ad infinitum. However, as described above, this project will very likely induce the creation of new auto-dependent sprawl development and will lead to substantially greater SOV trips in the area. The induced growth and induced travel will generate significant GHG emissions. The construction phase of this 1.7 mile new roadway project – including extensive landform modifications through exceptionally steep terrain – will also generate significant GHG emissions.

F

The DEIR also cites Pittsburg's lack of a city Climate Action Plan as justification for a lack of mitigation measures to address climate change. This project, proposed on unincorporated lands outside of the Pittsburg city limits, will clearly have climate change impacts that conflict with local, regional, and state climate policies<sup>2</sup>. The increase in greenhouse gas emissions (GHGs) and vehicle miles travelled would negatively impact the region's ability to achieve the environmental goals of AB 32 of 2006 (Nuñez and Pavley), Governor Schwarzenegger's Executive Order S-03-05 and SB 375 of 2008 (Steinberg). It would also interfere with achievement of Contra Costa County's commitment to reduce *countywide* GHG emissions to 80% below baseline levels by 2050 (See County Resolution 2007-541 adopting U.S. Cool Counties Climate Stabilization Declaration<sup>3</sup>).

The DEIR also fails to adequately analyze the impacts of climate change on the project site (increased risk of wildfires, etc.) and how the impacts of the project will be more severe under the effects of climate change (increased impacts of air pollution at higher temperatures, etc.).

<sup>2</sup> The California Attorney General has filed numerous comment letters with agencies whose analysis under CEQA failed to properly analyze a project's greenhouse gas emissions and has provided extensive resources regarding adequate greenhouse gas assessment and mitigation. The Attorney General has also adopted a settlement agreement with the City of Stockton addressing that city's treatment of greenhouse gas emissions in its General Plan. These documents and related resources from the California Attorney General are incorporated by reference.

<sup>3</sup> <http://www.cccounty.us/DocumentView.aspx?DID=2245>





The DEIR must be revised to reflect the full GHG impacts of the project and address all potential conflicts with climate change policies and goals. This analysis will clearly show the GHG impacts of the project to be significant, with abundant feasible mitigation measures available to reduce those impacts.

F

**The DEIR fails to address the project's inconsistencies with numerous general plan policies**

The DEIR fails to address the wide variety of City of Pittsburg General Plan policies that would be violated by the approval of this project. For example, the project would fundamentally change the character of the rural hillsides that provide the visual backdrop for the City of Pittsburg. The project conflicts with the policies and intent of the city's Viewshed Analysis, as it would involve construction above the 500' contour, and would affect mapped ridgelines that the City indicates should be protected to preserve rural character. It violates city policies regarding the avoidance of development on lands prone to landslides. These impacts must be thoroughly analyzed in the DEIR.

G

**The DEIR fails to address the project's inconsistencies with LAFCO provisions**

The project appears to violate several Contra Costa County LAFCO provisions, particularly those affecting agricultural lands. For example, LAFCO is precluded from annexing Williamson Act Land to a city if it will result in the extension of services (including roads). Given that the primary purpose of the roadway extension appears to be to improve access for the approved Sky Ranch II project and the proposed Montreux subdivision, LAFCO should be precluded from approving the annexation. The DEIR fails to address these and other clear conflicts with LAFCO policies.

H

**The DEIR fails to adequately analyze the project's impacts on biological resources**

The DEIR's Biological Resources section does not analyze key impacts related to wildlife, wildlife corridors, wildlife mortality, creek crossings, habitat buffers and other issues. The analysis defers to implementation of HCP/NCCP Conservation 1.4 "which requires the proposed James Donlon Boulevard Extension to collect data on wildlife movement and to provide means by which wildlife would move across the project site." However, this information is required to be in the DEIR so that agencies and the public can review the impacts and mitigation measures associated with these issues. The City of Pittsburg has proposed withdrawing from the HCP/NCCP on multiple occasions; this makes it even more critical for this analysis to occur within the DEIR, as required by CEQA. The DEIR, as currently drafted, is deficient and should be recirculated to include this essential information.

I

**The DEIR fails to analyze potential conflicts with the HCP/NCCP**

The DEIR improperly defers specification of mitigation activities to a later date. This not only conflicts with basic provisions of CEQA statute and case law<sup>4</sup>; it glosses over potential conflicts that may exist between the provisions of the principal proposed mitigation program -- the East Contra Costa County HCP/NCCP -- and the project. For example, the HCP specifies that bridges and

J

<sup>4</sup> "By deferring environmental assessment to a future date, the conditions run counter to that policy of CEQA which requires environmental review at the earliest feasible stage of the planning process." (*Public Resource Code Section 21003.1; No Oil, Inc. v. City of Los Angeles*, *supra* 13 Cal.3d 68, 84, 118 Cal.Rptr. 34, 529 P.2d 1017).

A study conducted after approval of a project will inevitably have a diminished influence on decision making. Even if the study is subject to administrative approval, it is analogous to the sort of post hoc rationalization of agency actions that has been repeatedly condemned in decisions construing CEQA. (*id.* at p. 35, 143 Cal.Rptr. 365; *No Oil, Inc. v. City of Los Angeles*, *supra*, 13 Cal.3d 68, 81, 118 Cal.Rptr. 34, 529 P.2d 66; *Environmental Defense Fund, Inc. v. Coasts County Water District* (1972) 27 Cal.App.3d 695, 706, 104 Cal.Rptr. 197).



overcrossings should be used rather than culverts, yet the project description is unclear as to the where culverts will be used and where bridges and overcrossings will be needed based on studies of animal movement and presence of sensitive habitats.

Rather than deferring studies of impacts to a later date, those studies must be conducted now, and the findings described as part of this CEQA process. The DEIR must then be revised to include the findings of those studies and to specify all provisions of the HCP/NCCP that serve as mitigation for this project's particular environmental impacts.

J

**The DEIR fails to analyze the project's potential to cause blight in existing neighborhoods**

The project will induce "leapfrog" development on greenfield sites, far away from existing urbanized areas. Meanwhile, the City of Pittsburgh has invested considerable resources into redevelopment and revitalization of its struggling urban core. The DEIR fails to examine how the project may divert development away from nearby downtowns, Priority Development Areas, and Growth Opportunity Areas, exacerbating physical blight elsewhere in Pittsburgh and throughout the region.

K

In addition to studying the environmental effects of this blight, the city should also conduct an Economic Impact analysis to assess the overall economic trade-offs of this costly project that supports sprawl development as compared to re-investment in existing urbanized portions of the city. It should also explore how the project may interfere with or impede the implementation of other growth management plans and policies meant to encourage infill development and revitalization of existing urbanized areas.

**The DEIR's range of alternatives is inappropriately limited**

The DEIR should examine a range of alternatives that improve mobility in the project area while supporting a range of transportation modalities in recognition of local policies for reducing greenhouse gas emissions and encouraging alternative modes of transportation. In addition, alternative alignments and project designs should also be included that minimize environmental degradation, reflecting local policies that support maintaining the integrity of the landforms, riparian habitat areas, and natural drainage courses within watersheds while avoiding disturbance of landslide prone areas.

L

However the DEIR artificially narrows its alternatives analysis to a limited number of alignment locations that fail to adequately address any of these factors. The DEIR alternatives must be re-envisioned and re-analyzed to provide the public and decisionmakers with a full understanding of the trade-offs and options available.

**Conclusion**

The James Donlon Boulevard Extension project would negatively impact the local environment, diminish the environmental health of the San Francisco Bay Area, and contribute cumulatively to the growing global climate crisis. It would bisect existing wildlife corridors, likely resulting in significant animal mortality; it would require the filling of multiple drainages and involve more than 2 million cubic yards of grading (2,165,000 cubic yards); it would destroy sensitive hillside habitats; and it would transform a rural setting of tremendous beauty into a landslide-prone connector between two new sprawl subdivisions.

M

By supporting new sprawl development, the project would also result in unwise financial costs at a time of deep economic crisis. By focusing instead on enhancing the city's ongoing efforts to promote compact, mixed-use development within the existing development footprint, Pittsburgh



could tap into an array of well-documented environmental, economic, and social equity benefits, supporting the residents of our communities as well as the entire Bay Area region<sup>5</sup>. For example, studies show developing in controlled growth scenarios can save an average of 38% on upfront costs for new construction of roads, sewers, water lines and other infrastructure, and 10% savings on ongoing delivery of municipal services. Controlled growth scenarios demonstrate combined water and sewer infrastructure reductions of 8.6% in California<sup>6</sup>. In contrast, numerous reports show costs borne by existing taxpayers are higher for development projects that are built beyond the existing urban service boundaries<sup>7</sup>. A nation-wide study by the American Public Health Association notes that sprawl style development leads to a 10% increase in annual public service deficits.

Cost savings here would benefit the whole region, with more resources available to build our local economies and improve our quality of life. This focus would also help better prepare Pittsburg for the pronounced shift in the real estate market toward redevelopment of urban centers and away from construction in the outskirts of suburban areas<sup>8</sup> to meet our region's evolving housing demands.

We therefore urge the city to reject the Draft EIR and recirculate a new DEIR that thoroughly investigates the full range of environmental and economic impacts of the project, along with all feasible mitigation measures and alternatives. This assessment will demonstrate that the project should -- and must -- be rejected to help protect the long-term viability of our region. Thank you for your consideration of these comments.

Sincerely,

Matt Vander Sluis  
Senior Field Representative, East Bay  
Greenbelt Alliance  
(925) 932-7776  
mvandersluis@greenbelt.org

<sup>5</sup> For examples, see:

Smart Growth America's *Building Better Budgets: A National Examination of the Fiscal Benefits of Smart Growth Development* (2013) <http://www.smartgrowthamerica.org/documents/building-better-budgets.pdf>

Center for Clean Air Policy's *Growing Wealthier: Smart Growth, Climate Change and Prosperity* (2011) <http://www.growingwealthier.info/index.aspx>

American Lung Association in California's *Land Use, Climate Change & Public Health Issue Brief* (2010) <http://www.lungusa.org/associations/states/california/assets/pdfs/advocacy/land-use-climate-change-and.pdf>

TransForm's *Windfall for All: How Connected, Convenient Neighborhoods Can Protect Our Climate and Safeguard California's Economy* (2009) <http://www.transformca.org/windfall-for-all>

Bartholomew, Winkelman, Walters, and Chen *Growing Cooler: The Evidence on Urban Development and Climate Change* (2008) <http://www.smartgrowthamerica.org/documents/growingcoolerCH1.pdf>

<sup>6</sup> TCRP Report 74: *Costs of Sprawl*

<sup>7</sup> See in particular TCRP Report 74: *Costs of Sprawl* by the Transit Cooperative Research Program, sponsored by the Federal Transit Administration. [http://onlinepubs.trb.org/onlinepubs/tcrp/tcrp\\_rpt\\_74-a.pdf](http://onlinepubs.trb.org/onlinepubs/tcrp/tcrp_rpt_74-a.pdf)  
In addition, the Sacramento Area Council of Governments (SACOG) and other public agencies have developed computer models to estimate and compare these costs.

<sup>8</sup> See US EPA's *Residential Construction Trends in America's Metropolitan Regions* [http://www.epa.gov/smartgrowth/pdf/metro\\_res\\_const\\_trends\\_10.pdf](http://www.epa.gov/smartgrowth/pdf/metro_res_const_trends_10.pdf)

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### Response to Comment Letter 15: Greenbelt Alliance (May 29, 2013)

- A. Thank you for your comment. The participation of the Greenbelt Alliance in the public review of this document is appreciated. As required by CEQA, the Draft EIR analyzed the physical environmental effects of the proposed project for 13 resource areas, as provided in Chapter 4, *Existing Conditions, Environmental Impacts and Mitigation Measures*, Sections 4.2 through 4.14. The Draft EIR also provides an analysis regarding growth-inducing impacts in Section 5.3, *Growth-Inducing Impacts*, of the Draft EIR. Please refer to Topical Response 2, *Relationship between the Proposed Project and Adjacent Pending and Approved Development Projects*, and Topical Response 5, *Growth Inducing Impacts*, regarding the commenter's overall concerns of the proposed project. Some of the specific concerns that are raised by the Greenbelt Alliance are beyond the scope of CEQA, such as economics. Potential environmental effects pertaining to the proposed project are discussed in detail in Responses to Comments 15-B through 15-M, below.
- B. Draft EIR Chapter 3, *Project Description*, complies with the State CEQA Guidelines Section 15124(b) requirement to include in the project description a statement of objectives sought by the proposed project. The purpose of the project objectives is to help the lead agency, in this case the City of Pittsburg, develop a reasonable range of alternatives to evaluate in the EIR and to aid the decision makers in preparing findings or a statement of overriding considerations, if necessary. The statement of objectives should include the underlying purpose of the project.

The main purpose of the proposed project is to complete a planned critical east-west connection within the City of Pittsburg, per the City General Plan, in order to serve regional east-west circulation needs; refer to Topical Response 1, *Purpose and Need for the Proposed Project*. As discussed in Topical Response 2, *Relationship between the Proposed Project and Adjacent Pending and Approved Development Projects*, and Topical Response 5, *Growth Inducing Impacts*, the proposed project is included in the City General Plan (and has been since 1988), and would thus accommodate the City General Plan growth assumptions. The approved and pending development projects in the area do not rely on, nor are impact mitigations contingent on, the proposed James Donlon Boulevard extension. Thus, these development projects and the proposed project have independent utility and are independent projects within the City. The proposed project would not cause or contribute to "leap frog" or "premature" development and the proposed project is not a new development that has a potential to cause growth through a "multiplier effect". This is because the proposed project would accommodate development already presumed under current City General Plan and zoning assumptions, that has already occurred or is planned in Eastern Contra Costa County as identified in the County General Plan, City General Plan, Contra Costa County Transportation Authority Countywide Comprehensive Transportation Plan, and the East County Action Plan for Routes of Regional Significance. Refer to Section 5.3, *Growth-Inducing Impacts*, of the Draft EIR, and Topical Response 5, *Growth Inducing Impacts*, as well as Responses to Comments 4-B, 5-N, 7-E, and 8-J, above, related to growth inducing impacts.

The project objective of providing a secondary access route for existing, planned, and future residential developments in southeastern Pittsburg and southwest Antioch acknowledges the buildout of the cities respective general plans and does not imply that the proposed project would be growth inducing. By their very nature, general plans plan many years, even decades, into the future. They plan for growth and the means to accommodate such growth. As far back as 1988, the City General Plan anticipated an east-west connector would be needed to relieve congestion on Buchanan Road. The City General Plan forecast has come to pass and the planned reliever facility is needed. This was anticipated more than 25 years ago. By providing this secondary access, the



proposed project would redirect traffic away from Buchanan Road, which receives a high volume of east-west commute traffic between Antioch and Concord, as outlined in Section 4.13, *Transportation/Traffic*, of the Draft EIR. In addition, the proposed project provides further constraints on future development by changing the land use designation in the project boundaries from Hillside Low Density Residential to Open Space through the proposed general plan amendment. Further constraints on future development are provided through the proposed project by changing the pre-zone classifications within the project boundaries from Hillside Planned Development (HPD) District to Open Space (OS) District, with an Agricultural Preserve Overlay. Therefore, the project objectives identified within the Draft EIR continue to be appropriate and compatible. No further response or change to the Draft EIR is necessary.

- C. Thank you for your comment. Please refer to Topical Response 1, *Purpose and Need of the Proposed Project*, Topical Response 2, *Relationship between the Proposed Project and Adjacent Pending and Approved Development Projects*, Topical Response 3, *Project Funding*, and Topical Response 5, *Growth Inducing Impacts*, as well as Responses to Comments 4-B, 5-N, 7-E, 8-A, 8-J, and 15-B regarding the relationship of the proposed project to surrounding developments, expected future traffic conditions, population growth, limitation of access to the roadway to ensure continuation of ranching uses on the surrounding property, and analysis of impacts to recreation facilities. The proposed project would alleviate current congestions and improve network operations along Buchanan Road and associated intersecting streets. The proposed project is independent of the proposed Montreux Subdivision and the Sky Ranch II projects. The proposed project would provide constraints on future development, by changing the land use designation in the project boundaries to Open Space. The comment is noted for the record and will be provided to the City of Pittsburgh City Council for consideration. No further response or change to the Draft EIR is necessary.
- D. Thank you for your comment. Please refer to Topical Response 2, *Relationship between the Proposed Project and Adjacent Pending and Approved Development Projects*, Topical Response 3, *Project Funding*, and Topical Response 5, *Growth Inducing Impacts*, as well as Responses to Comments 4-B, 7-E, 5-N, 11-C, and 15-B regarding the relationship of the proposed project to surrounding developments, expected future traffic conditions, population growth, limitation of access to the roadway to ensure continuation of ranching uses on the surrounding property, analysis of impacts to recreational facilities. The commenter provides no evidence to support its claim that Sky Ranch II and proposed Montreux Subdivision are dependent on the proposed project for access and could not be approved but for the proposed project. The proposed project may provide a connection between the two developments but both could function without it. Further, the connection does not negate the primary intent of the proposed project: to divert east-west commuter traffic from Buchanan Road by providing additional east-west roadway capacity. This intent is supported by the traffic modeling results, which provide evidence that the proposed project will divert commuter traffic, exactly as planned. The commenter may disagree with the policy objectives of the proposed project, but the Draft EIR adequately discloses those objectives and the potential environmental effects for the decision-makers to consider. The comment is noted for the record and will be provided to the City of Pittsburgh City Council for consideration. No further response or change to the Draft EIR is necessary.
- E. The commenter states that the proposed project would not meet regional transportation goals established by the Metropolitan Transportation Commission (MTC) based on the fact that the proposed project scored unfavorably when MTC prepared a list of projects that would be funded through the Regional Transportation Plan (RTP). The commenter requests that the Draft EIR





address the scoring utilized by MTC in determining funding eligibility for the RTP and explain what facets of the proposed project led to the poor ranking. The commenter then states their opinion as to why they believe the proposed project scored unfavorably.

The MTC RTP Transportation Project Performance Assessment to which the commenter refers was developed by the nine-county regional transportation agency to identify projects and programs that advance the RTP and the Sustainable Communities Strategy (SCS, also known as Plan Bay Area), which is a state-mandated sub-component of the RTP. MTC staff use various metrics from air quality emissions, housing development, low income household transportation costs, maintenance, and collisions, among others, to provide a comparison of various transportation projects throughout the Bay Area and to identify various projects that perform very well or very poorly relative to other regional transportation investments. MTC measures these metrics based on their stated goals established in the RTP/SCS. As described in Response to Comment 5-Q, the RTP/SCS is part of a state-mandated integrated long-range transportation and housing plan intended to: (1) support development of housing which can accommodate all growth within the San Francisco Bay Area; (2) provide housing and transportation options; and (3) reduce transportation-related pollution throughout the nine-county San Francisco Bay Area. While individual cities may support the RTP/SCS through land use development and transportation infrastructure/programs, projects set forth by individual cities often reflect localized needs and circumstances. Localized projects may or may not reflect the larger nine-county MTC goals and are not required to score favorably with the RTP/SCS if the projects are not seeking federal funding. The proposed James Donlon Extension Project is not presently seeking nor, is it reliant on, federal funding.

The stated objectives of the proposed project are provided on page 2-10 of the Draft EIR and include the following two objectives:

- Construct a limited access arterial between Kirker Pass Road and Somersville Road south of the existing City limits to serve regional circulation needs; and
- Provide a secondary access route for existing, planned and future residential development in southeastern Pittsburg and southwest Antioch among other objectives.

These project objectives are consistent with the City General Plan. These objectives are also consistent with studies performed on east-west circulation needs, as set forth in the State Route (SR) 4 East Final Major Investment Study prepared by CCTA. This study finds that additional east-west arterials, such as the proposed James Donlon Boulevard extension, are needed to support regional circulation needs in East Contra Costa County. While the MTC RTP Transportation Project Performance Assessment accounted for metrics related to MTC's nine-county regional goals, the test did not analyze the proposed project relative to the City's stated objectives for the proposed project and its more localized City and "micro-regional" goals. Rather, that is the purpose of the Draft EIR that was prepared for the proposed project and which meets all state-mandated requirements for environmental review. The analysis and conclusions in the Draft EIR, specifically Section 4.13, *Transportation/Traffic*, show that the project will accomplish its stated objectives to relieve existing congestion without generating substantial new vehicle trips. The commenter states their opinion but provides no substantial evidence as to why the Draft EIR for a localized project would need to provide the requested review of MTC factors. No further response or change to the Draft EIR is necessary.

- F. Please refer to Response to Comment 7-G regarding the reasons as to why the proposed project would reduce vehicle miles traveled (VMT). As discussed in Table 4.5-8, *Vehicle Miles Traveled*



and Greenhouse Gas Emissions, of the Draft EIR, total daily VMT in the project area would be 184,124,200 during the 2025 No Project scenario and 184,055,220 during the 2025 With Project scenario. Vehicle hours traveled (VHT) in the project area would be 7,145,900 in the No Project scenario and 7,140,500 in the With Project scenario. As depicted in Table 4.5-8, implementation of the proposed project would reduce VMT by 69,000 miles per day. Additionally, VHT would be reduced by 5,400 hours per day. As the greenhouse gas (GHG) emissions associated with the project would solely be attributable to vehicular traffic, the reduction in VMT and VHT would also inherently reduce GHG emissions. As implementation of the project would reduce GHG emissions over a “no project” scenario, there would not be a conflict in regards to State or local climate change legislation/requirements. In short, the purpose of the proposed project is clear, anticipated, and its positive function is supported by professional traffic analysis in the Draft EIR. Like many of the assertions throughout commenter’s letter, the commenter’s statements are little more than speculation and opinion – fervently held opinion perhaps – but that does not turn it into substantial evidence. The Draft EIR shows, not just assumes, that the project will not increase traffic. The commenter’s other speculation is likewise unsupported by substantial evidence.

Per guidance from the Bay Area Air Quality Management District (BAAQMD), GHG emissions associated with the construction of the proposed project were calculated and disclosed in Table 4.5-8 of the Draft EIR. The BAAQMD does not have thresholds for GHG related construction emissions; however, Mitigation Measures AQ1 through AQ3 would reduce construction related emissions through the implementation of best management practices related to dust control and equipment exhaust. As noted in the Draft EIR, a less than significant impact would occur in this regard.

The commenter suggests that the Draft EIR must analyze the impact of climate change on the project. This is incorrect; an analysis of the impacts of climate change on the project is not required under CEQA. This was confirmed in a recent opinion in which the Second District Court of Appeal held that the City of Los Angeles was not required to discuss the impact of sea level rise as a result of global climate change on a proposed project (*Ballona Wetlands Land Trust, et al. v. City of Los Angeles* 201 Cal.App.4th 455 (2011)). The court addressed the proper scope of an EIR’s environmental impact analysis, finding that Section 15126.2(a) of the State CEQA Guidelines mandates environmental review in a manner inconsistent with CEQA’s legislative purpose and not required by CEQA. The court found Section 15126.2’s requirement to identify the effects on the project and its users of locating the project in a particular environmental setting is inconsistent with and unauthorized under CEQA. The California Supreme Court denied review of the decision.

The Draft EIR addresses GHG emissions in response to checklist items VII(a) and (b) of Appendix G of the CEQA Guidelines as identified in the Notice of Preparation and Initial Study (Appendix A of the Draft EIR). Checklist item VII(a) addresses whether the proposed project could have a significant impact on the environment. In order to address checklist item VII(b), the Draft EIR explains that the City does not currently have an applicable plan, policy, or regulation adopted for the purpose of reducing GHG emissions. The Draft EIR does not cite the lack of a GHG reduction plan as reason for not identifying mitigations. In fact, as described in the Draft EIR, the proposed project would provide a roadway connection that would alleviate congestion and reduce overall travel time, which would result in a reduction in VMT and VHT, thereby reducing GHG emissions. Due to the reduction in GHG emissions, impacts were determined to be less than significant and no mitigation was required. The comment is noted for the record and will be provided to the City of Pittsburg City Council for consideration. No further response or change to the Draft EIR is necessary.



- G. The commenter suggests that the Draft EIR does not adequately consider possible conflicts between the proposed project and the City General Plan due to the proposed change in character of the hillsides and construction on landslide-prone areas. The Draft EIR adequately analyzes whether the proposed project is consistent with the City General Plan. As demonstrated in Table 4.2-1, *Consistency with the City of Pittsburgh General Plan*, of the Draft EIR, the proposed project is consistent with the relevant City General Plan land use goals, objectives, and policies. As stated on page 4.2-11 of the Draft EIR, in order to simplify the consistency analysis within Section 4.2, *Land Use and Planning*, City goals and policies that are addressed in other sections of the EIR are not included in Table 4.2-1.

The applicable aesthetic goals and policies are listed in Section 4.3.2, *Regulatory Setting*, and the physical impacts to aesthetics are analyzed in Section 4.3.3, *Environmental Analysis*, of Section 4.3, *Aesthetics*, of the Draft EIR. The Draft EIR, beginning on page 4.3-27, analyzes the proposed project's effect on the existing visual character or quality of the site and its surroundings. The Draft EIR (page 4.3-27) states that portions of the proposed project alignment would cross two minor ridgelines and one major ridgeline designated in the City General Plan, and lie within City-designated viewsheds. The Draft EIR goes on to state that while a variety of goals and policies in the City General Plan emphasize the preservation of ridge views, it explicitly contemplates and acknowledges construction of the proposed project (referenced as the Buchanan Bypass within the City General Plan). Key View Points 1 through 7 were analyzed from various viewing locations surrounding the project area. Figures 4.3-9 through 4.3-15 of the Draft EIR provide photosimulations which depict the proposed project in both unmitigated and mitigated forms. The analysis and photosimulations support the conclusions provided in the Draft EIR; implementation of Mitigation Measures AES1 through AES3 would reduce impacts to a less than significant level and would maintain the proposed project's consistency with the City General Plan goals and policies.

The applicable geology and soil goals and policies are listed in Section 4.8.2, *Regulatory Setting*, and the physical impacts to geology and soils are analyzed in Section 4.8.3, *Environmental Analysis*, of Section 4.8, *Geology and Soils*. The Draft EIR, beginning on page 4.8-13, analyzes the proposed project's effects on unstable soils. The Draft EIR (page 4.8-13) states that active and dormant landslides have been identified throughout the project area. The Draft EIR goes on to state that in areas with steep slopes, buttresses and 12-foot-wide drainage terraces and concrete v-ditches have been incorporated into the project design to minimize the landslide potential. Similar to aesthetics, while goals and policies in the City General Plan emphasize the avoidance of construction in areas prone to landslides, it explicitly contemplates and acknowledges construction of the proposed project (referenced as the Buchanan Bypass within the City General Plan). Section 4.8, *Geology and Soils*, requires the implementation of Mitigation Measures GS1 through GS7, as well as WQ1 through WQ3 with supporting analysis. Implementation of these mitigation measures would reduce the impacts to less than significant levels and, thus, would maintain consistency with the City General Plan. Therefore, impacts have been deemed less than significant in this regard. The comment is noted for the record and will be provided to the City of Pittsburgh City Council for consideration. No further response or change to the Draft EIR is necessary.

- H. Please refer to Responses to Comments 5-A through 5-Q pertaining to LAFCO requirements, issues, and concerns. Please refer to Topical Response 2, *Relationship between the Proposed Project and Adjacent Pending and Approved Development Projects*, for a discussion of the proposed project in relation to approved and pending projects in the area. Please also refer to



Topical Response 1, *Purpose and Need for the Proposed Project*, and Topical Response 5, *Growth Inducing Impacts*, for additional information and details regarding the main purpose of the proposed James Donlon Boulevard extension and its relationship to growth inducing factors. The Draft EIR, pages 4.2-13 through 4.2-17, provides a discussion regarding LAFCO requirements, the Cortese-Know-Hertzberg Act, and the LAFCO Commissioner Handbook Policies and Standards. The proposed project would provide roadway services through the agricultural land but not to the land. The Draft EIR Section 4.4, *Agriculture and Forestry Resources*, analyzes whether the proposed project would conflict with existing zoning for agricultural use or Williamson Act contracts (page 4.4-7) and whether the proposed project would involve other changes in the existing environment, which, due to their location or nature, could result in conversion of farmland to non-agricultural use or conversion of forest land to non-forest use (page 4.4-8). In addition, as described in Response to Comment 5-I, the City conducted informal, email consultation related to annexation of lands under Williamson Act contract with the Contra Costa County Department of Conservation and Development on February 20, 2013, and with LAFCO on February 21, 2013. Through that informal correspondence, City staff was notified by the County that coordination with LAFCO was required, and was notified by LAFCO that “By law, if an annexation proposal would result in the annexation to a city of land that is subject to a Williamson Act, LAFCO is required to notify the State Director of Conservation [56661(g), 56753, 56753.5]”. On August 19, 2013, the City provided formal notification to the Department of Conservation (DOC), Contra Costa County and the Local Agency Formation Commission of the City’s intentions to acquire 70 acres of land and succeed the Williamson Act contract and set forth preliminary consideration of the findings related to Government Code section 51292, which must be made in the event that a public agency seeks to locate a public improvement within an agricultural preserve (Williamson Act contracted land). The City is currently and will continue to work with the DOC, the County and LAFCO regarding the annexation of Williamson Act contracted lands.

Since that time, the City has determined, as outlined in Responses to Comments 5-F and 5-I, that the City will succeed the Williamson Act contract and thus adopt the rules and procedures required, including those identified in Government Code Sections 51231, 51237, and 51237.5. Therefore, the EIR adequately identifies and analyzes policies pertaining to Contra Costa LAFCO approvals related to environmental impacts. It is not the role of an EIR to analyze all of the LAFCO factors – that is LAFCO’s role. The EIR provides information for LAFCO to consider in their review to the extent that the factors under consideration may involve environmental resources or impacts. No further response or change to the Draft EIR is necessary.

- I. Please refer to Response to Comment 8-H regarding the adequacy of the biological impact analysis, wildlife movement, the relationship of the proposed project with the HCP/NCCP, and requirements if the HCP/NCCP were revoked. Please also refer to Topical Response 4, *Relationship of the Proposed Project with the East Contra Costa County Habitat Conservation Plan/Natural Community Conservation Plan (HCP/NCCP)*, for additional details regarding the proposed project and the HCP/NCCP. As described on pages 4.6-1 and 4.6-2 of the Draft EIR, intensive biological surveys were performed in 2007, 2008, and 2011. Section 4.6, *Biological Resources*, of the Draft EIR describes the biological resources in detail. The biological surveys and resources are further detailed in the Biological Resources Technical Studies, which are provided in Appendix C of the Draft EIR and include: Appendix C.1, *James Donlon Boulevard Extension Planning Survey Report*; Appendix C.2, *Tree Survey Report*; Appendix C.3, *Special-Status Species Report for CEQA Compliance*; and Appendix C.4, *East Contra Costa County HCP/NCCP Planning Survey Report*. In addition, the City has undertaken substantial coordination with the East Contra Costa County (ECCC) Habitat Conservancy, United States Fish and Wildlife Service (USFWS), and California



Department of Fish and Wildlife (CDFW) regarding this proposed project's effects and compliance with the HCP/NCCP.

The Draft EIR states on pages 4.6-37 and 4.6-38, that impacts on wildlife movement would be less than significant, because the proposed project would not adversely affect regional movements necessary to sustain entire populations; rather, the proposed project would retain movement between the approximately 400-acre area to the north of the road and east of Kirker Pass Road and the vast natural areas to the south. Because the impact was considered less than significant, no mitigation is necessary and no detailed description of design elements related to wildlife movement is necessary. Nevertheless, in accordance with requirements in Chapter 6 of the HCP/NCCP, the proposed project is incorporating measures to facilitate movement of wildlife across the road while minimizing traffic-related mortality. The City and its consultants are working with the ECCC Habitat Conservancy, USFWS, and CDFW regarding wildlife movement issues, including the requirement to provide at least one large wildlife crossing per mile of new roadway and one small wildlife crossing per 1,000 feet of new roadway. Therefore, the proposed project incorporates large and small-diameter undercrossings at regular intervals along the proposed project alignment to allow animals to cross under the roadway. Directional fencing would be constructed on both sides of the roadway to minimize the potential for animals to cross over the road (thus reducing the potential for collisions with vehicles) and to direct animals to the undercrossings. Please refer to Response to Comment 8-H, for additional information. Ongoing discussions with the ECCC Habitat Conservancy during the circulation of the Draft EIR further defined the culverts and bridges. Refer to Figure 3-8, *Project Culverts*, in Section 10.3, *Revisions to the Project Draft EIR*, above, for further a clarification. However, as the discussions with the ECCC Habitat Conservancy are ongoing, a USFWS/CDFW approved biologist is required to provide approval of the final number and spacing of all culverts, both at drainages and for wildlife crossings. The USFWS/CDFW approved biologist may also provide a revised design for culvert sizing and spacing prior to final design and construction.

Data collection is required per the HCP/NCCP but the data collected will not be used to determine appropriate mitigation measures within the Project Draft EIR because the minimization measures are already included in the HCP/NCCP; refer to pages 4.6-37 and 4.6-38 of the Draft EIR. Therefore, the proposed project provides the required data, and incorporates project design features to accommodate wildlife movement which will be monitored upon project completion. It should be noted that State CEQA Guidelines Section 15147 states that placement of highly technical and specialized analysis and data in the body of an EIR should be avoided through inclusion of supporting information and analyzes as appendices to the main body of the EIR. Further detail and technical analysis pertaining to biological resources are provided in Appendix C, *Biological Resources*, of the Draft EIR.

The commenter also states that the City of Pittsburg has proposed withdrawing from the HCP/NCCP. Under existing conditions, the HCP/NCCP is in place, the proposed project is a covered project under the HCP/NCCP, and mitigation for impacts to biological resources would be provided as described on page 4.6-26 of the Draft EIR, including payment of HCP/NCCP impact fees. If changes to the HCP/NCCP (such as the withdrawal of the proposed project as a covered project under the HCP/NCCP) occur, then, the lead agency in connection with future requested approvals would determine whether this would be a substantial change in circumstances or new information of substantial importance would result in the need to prepare a Subsequent EIR (pursuant to State CEQA Guidelines Section 15162) or a Supplemental EIR (pursuant to State CEQA Guidelines Section 15163). Both Subsequent and Supplemental EIRs shall be given the





same kind of notice and public review as is given to the Draft EIR (State CEQA Guidelines Sections 15162(d) and 15163(c)). No further response or change to the Draft EIR is necessary.

- J. Please refer to Topical Response 4, *Relationship of the Proposed Project with the East Contra Costa Habitat Conservation Plan/Natural Community Conservation Plan*, and Responses to Comments 8-H and 15-I, above, regarding the relationship of the proposed project to the HCP/NCCP, wildlife movement, and HCP/NCCP requirements versus Project Draft EIR mitigation measure requirements. In addition, Chapter 3, *Project Description*, of the Draft EIR provides information regarding the bridges over Kirker Creek as well as the culverts and wildlife crossings, while Figure 3-8, *Project Culverts*, depicts the proposed location and size of the culverts.

As discussed in Topical Response 4, the proposed project's impacts to biological resources are mitigated by compliance with the HCP/NCCP, including payment of impact fees and adherence to HCP/NCCP conditions and minimization measures. The HCP/NCCP itself has undergone CEQA review, and thus in the context of both the HCP/NCCP's EIR and the James Donlon Boulevard Extension Project Draft EIR, the manner in which the proposed project would mitigate its impacts to biological resources have been adequately identified and analyzed.

The commenter states that "the HCP specifies that bridges and overcrossings should be used rather than culverts." Table 6.6 of the HCP/NCCP clearly indicates that the use of bridges (as opposed to culverts) for the James Donlon Extension Project (referred to in the HCP/NCCP as the "Buchanan Bypass") is optional. Nevertheless, the proposed project incorporates bridges over Kirker Creek for the main road and the on-ramp from Kirker Pass Road. These bridges have been implemented at considerable cost (versus the cost of culverts) due to the higher habitat quality in Kirker Creek as compared to the other drainages crossed by the proposed project and because topography along Kirker Creek was more conducive to the use of bridges. In addition, as part of the City's and RBF Consulting's evaluation of the alignment, three additional bridge crossings were evaluated. As shown on Exhibit B-3 of the *Technical Memorandum Report* prepared by RBF Consulting on November 30, 2012 (refer to Appendix G.2 of the Draft EIR), spanning the ephemeral and intermittent streams would vary in cost from \$8.3 million to \$17.0 million per bridge. These costs reflect the need for long bridge spans due to the height of the roadway grade. However, as the discussions with the ECCC Habitat Conservancy are ongoing, a USFWS/CDFW approved biologist is required to provide approval of the final number and spacing of all culverts, both at drainages and for wildlife crossings. The USFWS/CDFW approved biologist may also provide a revised design for culvert sizing and spacing prior to final design and construction. As a result, the use of culverts instead of bridges at those drainages does not conflict with the HCP/NCCP.

With respect to the commenter's concerns regarding deferred mitigation as it relates to the proposed project's reliance on the HCP/NCCP, as discussed on pages 4.6-37 and 4.6-38 of the Draft EIR, the impact to wildlife movement is less than significant because the proposed project would not adversely affect regional movements of large animals, the types of movements necessary to sustain entire populations. In the project vicinity, such movements occur primarily in the east-west direction, parallel to the proposed project, and such regionally important wildlife movement will continue to occur on the south side of the project area even after project completion. The proposed project would reduce wildlife movement between the approximately 400-acre area to the north of the road and east of Kirker Pass Road and the natural areas to the south; however, such reduction would not affect important regional animal dispersal. Because the impact was considered less than significant, no mitigation is necessary and no detailed description of design elements related to wildlife movement is necessary. Similarly, any future studies of wildlife movement required for



HCP/NCCP compliance are not necessary for CEQA evaluation because this impact is less than significant. Nevertheless, in accordance with requirements in Chapter 6 of the HCP/NCCP, the proposed project is incorporating measures to facilitate movement of wildlife across the road while minimizing traffic-related mortality. The City and its consultants are working with the ECCC Habitat Conservancy, USFWS, and CDFW regarding wildlife movement issues, including the requirements to provide at least one large wildlife crossing per mile of new roadway and one small wildlife crossing per 1,000 feet of new roadway; refer to Figure 3-8, *Project Culverts*, for proposed locations and sizes. The measures will allow for considerable wildlife movement to continue between the 400-acre area north of the proposed project and the natural areas to the south.

State CEQA Guidelines Section 15126.4(a)(1)(B) states that the formulation “of mitigation measures should not be deferred until some future time. However, measures may specify performance standards which would mitigate the significant effect of the project and which may be accomplished in more than one specified way.” The Lead Agency may commit itself to devising additional mitigation measures at a later time, provided that the measures are required to “satisfy specific performance criteria articulated at the time of project approval” (*Sacramento Old City Assn. v. City Council* (1991)229 Cal.App.3d 1011, 1028-1029). Thus the Draft EIR analyzed impacts to species both covered and not covered by the HCP/NCCP and provided mitigation measures where appropriate for those species and issues not covered in the HCP/NCCP. The mitigation measures provided in the Draft EIR incorporate specific performance criteria, clearly identifying the pre-construction surveys required for the proposed project. The mitigation measures go on to identify avoidance and minimization measures, as well as construction monitoring requirements, if the HCP/NCCP non-covered species are found during the standard pre-construction surveys. As such, Mitigation Measures BIO1 through BIO9 are adequate to identify the activities the project will implement to reduce potential impacts to less than significant. No further response or change to the Draft EIR is necessary.

- K. Please refer to Topical Responses 2, *Relationship between the Proposed Project and Adjacent Pending and Approved Development Projects*, and 5, *Growth Inducing Impacts*, as well as Responses to Comments 4-B, 5-N, 7-E, 8-A, 8-J, and 15-B, regarding the proposed project’s relationship to development projects and the proposed project’s growth inducing impacts. The proposed project would not cause or contribute to “leap frog” or “premature” development and the proposed project is not a new development that has a potential to cause growth through a “multiplier effect.” In addition, the proposed project would not induce development in areas not already identified for future development within the City General Plan. Further, the proposed project would provide constraints on future anticipated development, by changing the land use designation in the project boundaries from Hillside Low Density Residential to Open Space through the proposed general plan amendment and changing the pre-zone classifications within the proposed project boundaries from Hillside Planned Development (HPD) District to Open Space (OS) District, with an Agricultural Preserve Overlay, through the proposed pre-zone change. Therefore, the proposed project would not divert development away from already identified development areas, including in-fill areas, in the region. See also Response to Comment 15-E regarding the City’s efforts to support transit oriented development in appropriate areas throughout Pittsburg.

Pursuant to CEQA, lead agencies must analyze potentially significant adverse impacts of a project to the physical environment; “Environment” means the physical conditions which exist within the area which will be affected by a proposed project including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance... The “environment” includes both



natural and man-made conditions (State CEQA Guidelines Section 15360). Effects that are solely social or economic in nature do not constitute an effect to the physical environment. Section 21080(e)(2) of the Public Resources Code (PRC) states the “[s]ubstantial evidence is not...evidence of social or economic impacts that do not contribute to, or are not caused by physical impacts on the environment.” In addition, Section 15131 of the State CEQA Guidelines indicates that there must be a physical change resulting from the project directly or indirectly before CEQA will apply. Thus, an EIR prepared under CEQA is not required to include an analysis of the overall economic trade-offs between this proposed project and in-fill development projects. In addition, as stated above, the proposed project would not divert development away from already identified development areas, including in-fill areas. Specifically, the proposed project does not anticipate future leap frog development due to the fact that utilities will not be installed along the roadway, and the proposed General Plan and zoning changes to Open Space. The proposed project and the City General Plan infill and transit focus coexist in the City General Plan as part of a comprehensive, long-term plan to meet the land use challenges in a diverse Pittsburgh community. No further response or change to the Draft EIR is necessary.

- L. The Draft EIR complies with State CEQA Guidelines Section 15124(b) to include in the project description a statement of objectives sought by the proposed project; refer to Response to Comment 15-B. The purpose of project objectives is to help the lead agency develop a reasonable range of alternatives to evaluate in the EIR and to aid the decision makers in preparing findings or a statement of overriding considerations, if necessary. As discussed in Chapter 3, *Project Description*, of the Draft EIR and in Topical Response 1, *Purpose and Need for the Proposed Project*, the main purpose of the proposed project is to complete a planned critical east-west connection within the City of Pittsburgh, per the City General Plan, in order to serve regional east-west circulation needs. This purpose helped define the project objectives provided in Draft EIR Section 3.4 of Chapter 3, *Project Description*, and repeated in Section 6.2.2 of Chapter 6, *Alternatives*. These project objectives then helped to formulate potential project alternatives for inclusion and analysis in the Draft EIR.

The City notes that State CEQA Guidelines Section 15126.6(a) requires that an EIR consider a “range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project and evaluate the comparative merits of the alternatives.” Furthermore, State CEQA Guidelines Section 15126.6(f) states that the range of alternatives required in an EIR is governed by a “rule of reason” that requires the EIR to set forth only those alternatives necessary to permit a reasoned choice. Per State CEQA Guidelines Section 15126.6(f)(3), the “EIR need not consider an alternative whose effect cannot be reasonably ascertained and whose implementation is remote and speculative.”

The commenter states that the Draft EIR narrows the alternatives and should address alternative alignments and project design to minimize impacts. Per the State CEQA Guidelines, the Draft EIR considered all of the proposed project’s environmental impacts, recommended mitigation measures (where warranted and feasible), and concluded the significance of each of the 13 resource topic areas before and after the incorporation of mitigation measures. The Draft EIR then compared the proposed project impacts to those of the reasonable range of alternatives identified in Chapter 6, *Alternatives*. Two design alternatives were considered but eliminated from further consideration (the Kirker Pass Road Relocation “T” Intersection Alternative and the Southern Alignment Alternative) because they were identified as having increased impacts on agricultural, biological and cultural resources as well as traffic. Three alternatives were brought forward for further



evaluation within the Draft EIR Chapter 6, *Alternatives*. These three alternatives include a “no project” alternative per State CEQA Guidelines Section 15126.6(e), and an alternative location alternative (Alternative B – Widen Buchanan Road) and a design and alignment alternative (Alternative A – Northern Alignment) per State CEQA Guidelines Section 15126.6(f). These three alternatives evaluated impacts as compared to the proposed project for all 13 resource topic areas. Table 6.1, *Comparison of Alternative Environmental Impacts with Proposed Project*, provides a way to compare each alternative’s impacts in relation to the proposed project. Thus, the Draft EIR includes and analyzes alternative roadway alignments as well as off-site improvements to existing roadways to determine if environmental effects are reduced as compared to the proposed project.

Please refer to Responses to Comments 8-B and 8-I regarding non-vehicular modes of transportation, including pedestrian, bicycle, and equestrian circulation. Page 4.13-38 of the Draft EIR discusses impacts to pedestrian, bicycle, and public transit circulation and the applicable policies, plans, and programs and concluded that the proposed project has a beneficial impact. Also, as discussed in Response to Comment 7-H, the eBART project is currently under construction and will be completed over several phases. The eBART project includes construction of stations at Railroad Avenue in the City of Pittsburgh, and further east at Hillcrest Avenue. Therefore, other modes of transportation (beyond passenger cars) are available and in construction in the project area and the proposed project is expected to have beneficial impacts on non-passenger vehicle modes of transportation (i.e., public transit and bicycle routes). Thus, per State CEQA Guidelines, the Lead Agency has evaluated a reasonable range of feasible alternatives. The comment is noted for the record and will be provided to the City of Pittsburgh City Council for consideration. No further response or change to the Draft EIR is necessary.

- M. Thank you for your comment. Please refer to Topical Responses 1 through 5 and Responses to Comments 15-A through 15-L, regarding overall concerns of the proposed project. Please refer to Response to Comment 5-Q as it relates to the City’s efforts to support the goals of the recently adopted Plan Bay Area. The comment is noted for the record and will be provided to the City of Pittsburgh City Council for consideration. No further response or change to the Draft EIR is necessary.

With respect to the commenter’s concerns regarding the filling of existing drainages, the proposed project’s grading would not be “filling in canyons and removing hilltops.” The Draft EIR analyzes the proposed project’s effect on federally protected wetlands and other waters of the U.S. and the state with respect to direct removal, filling, and hydrological interruption on pages 4.6-36 and 4.6-37. The Draft EIR states that construction of the proposed project would result in permanent impacts to 1.27 acres of jurisdictional wetlands, 0.06 acre of jurisdictional other waters, and 5.3 acres of CDFW-regulated habitats. As stated on page 4.6-37 of the Draft EIR, temporary impacts on aquatic habitats would occur within the construction easements and would include impacts to 0.1 acre of jurisdictional wetlands, less than 0.01 acre of jurisdictional other waters, and 0.8 acre of CDFW regulated habitats. The City and its design team have investigated several design options to identify means of minimizing such impacts, such as through bridging the portions of the road over Kirker Creek, crossing all drainages at right angles to the extent feasible (to minimize the footprint of the project within drainages), and steepening slopes to reduce the extent of fill. The City has minimized impacts related to the introduction of fill material to the extent feasible, and has performed the necessary assessments and agency coordination, as outlined in the Draft EIR Chapter 4, *Existing Conditions, Environmental Impacts and Mitigation Measures*. The comment is noted for the record and will be provided to the City of Pittsburgh City Council for consideration. No further response or change to the Draft EIR is necessary.



Comment Letter 16

## California Native Plant Society

East Bay Chapter

P O Box 5597, Elmwood Station, Berkeley, CA 94705

May 29, 2013

Leigha Schmidt  
Associate Planner  
Planning Department  
City of Pittsburg  
Civic Center  
65 Civic Avenue  
Pittsburg, CA 94565

**Subject: Comments on the James Donlon Boulevard Extension Project Draft EIR (SCH# 2007102106)**

Dear Ms. Schmidt:

The California Native Plant Society's East Bay Chapter (EBCNPS) appreciates the opportunity to comment on proposed Donlon Boulevard Extension Project Draft EIR (DEIR).

The California Native Plant Society is a statewide non-profit organization that works to protect California's native plant heritage and preserve it for future generations. The Society's mission is to increase the understanding and appreciation of California's native plants and to preserve them in their natural habitat. We promote native plant appreciation, research, education, and conservation through our 5 statewide programs and 33 regional chapters in California. The East Bay Chapter covers Alameda and Contra Costa Counties and represents some 1100 members.

EBCNPS has been following this project for several years. As the DEIR notes, EBCNPS submitted comments for the 2007 IS/NOP.

Pursuant to the mission of protecting California's native plant species and habitats, EBCNPS submits the following comments and recommendations for the DEIR:

- 1.) The "Landscaping and Revegetation" section of Table 3-1 indicates the intent to use "Drought tolerant species and ornamental vegetation consistent with City approved landscaping themes" and to "revegetate with native seed mix." EBCNPS recommends the use of native species for revegetation wherever possible in accordance with Pittsburg General Plan Policy 9-P-2: *Establish an on-going program to remove and prevent the re-establishment of invasive species and restore native species as part of development proposals on sites that include ecologically sensitive habitat.* In the event that native plants are used to satisfy the landscaping requirements, the requirement should be added that *local ecotypes* of native plants be used. Language should be added to ensure that if ornamental plants are used, species that are not invasive are selected.
- 2.) The impact of weed invasion in this area is not properly considered in the EIR – Vehicular traffic is one of the most common vectors for invasive species dispersal. There will be a greater chance of weed invasion and dispersal along this new corridor. Ground disturbance such as the grading that will be required for this project also has potential to introduce new invasive species and to spread existing invasives throughout the project site. Weeds have been estimated to have enormous impacts on ranchlands and habitat value, therefore weed abatement must be considered. Any impact to local ranchers needs to be fully considered with complete consideration for long term monitoring and maintenance. Failure to consider these impacts and to plan for weed monitoring and management in perpetuity will result in unforeseen and unmitigated impacts to the areas bordering the project site and throughout the proposed corridor. Once again, General



*Dedicated to the preservation of California native flora*

1





## California Native Plant Society

Plan Policy 9-P-2 calls for the prevention of re-establishment of invasive species and restoration of native species for developments on ecologically sensitive habitat. The DEIR fails to plan for how such prevention of re-establishment of invasive species would be accomplished for this project.

C

- 3.) EBCNPS urges the project planners to consider growth inducing impacts that would be caused by this leap frog development as well as the impacts to Pittsburg's existing urban center should this development be allowed. The DEIR does not consider how this project would inhibit ongoing efforts to revitalize areas of Pittsburg's urban center that are still struggling after the crash of the housing market.

D

- 4.) The DEIR's alternative's analysis section is inadequate. The Alternatives section should also consider different designs for the project that would avoid or minimize environmental impacts rather than simply considering different alignment locations as the DIER currently does.

E

EBCNPS appreciates the consideration of these comments and will look forward to following this project in the future. Please do not hesitate to contact me with questions at [conservation@ebcnps.org](mailto:conservation@ebcnps.org) or by phone at (510) 734 0335.

Sincerely,

Mack Casterman  
Conservation Analyst  
California Native Plant Society, East Bay Chapter



*Dedicated to the preservation of California native flora*

2



**Response to Comment Letter 16: California Native Plant Society, East Bay Chapter (May 29, 2013)**

- A. Thank you for your comment. The participation of the California Native Plant Society, East Bay Chapter (EBCNPS) in the public review of this document is appreciated. The comment provides an introduction of EBCNPS and does not raise new environmental information or directly challenge information provided in the Draft EIR. As stated in the Draft EIR, the EBCNPS submitted comments during the 2007 IS/NOP public circulation period; the comment letter is provided in Appendix A of the Draft EIR. The comment is noted for the record and will be provided to the City of Pittsburg City Council for consideration. No further response or change to the Draft EIR is necessary.
- B. The term “ornamental vegetation” has been revised to read “native vegetation” or “local ecotypes of native vegetation” in the Draft EIR, as shown in Section 10.3, *Revisions to the Project Draft EIR*, above. This includes the text in Table 3-1, page 3-2 of the Draft EIR, and clarifications statements in Mitigation Measure AES2, which have been revised to read as shown below. These changes provide minor clarification to the text in the Draft EIR and do not constitute “significant new information” pursuant to Section 15088.5 of the State CEQA Guidelines.

**Page 3-2**

**Table 3-1  
Proposed Project Statistics**

Project Activity	Proposed Project	
	2007	2012
Landscaping and Revegetation	<ul style="list-style-type: none"><li>• Drought-tolerant species and ornamental vegetation consistent with City-approved landscaping themes</li><li>• Revegetate with native seed mix</li></ul>	<ul style="list-style-type: none"><li>• Drought-tolerant species and <del>ornamental</del> <u>local ecotypes of native</u> vegetation consistent with City-approved landscaping themes</li><li>• Revegetate with native seed mix, <u>using local ecotypes of native plants to the extent feasible, in areas that are revegetated to natural (not landscaped) conditions</u></li><li>• No permanent irrigation for revegetated areas</li></ul>

**Page 4.3-23**

AES2 A comprehensive landscape plan shall be prepared and approved concurrent with the final roadway implementation plans. Landscaping design shall be subject to approval by the City of Pittsburg Development Services Department prior to the issuance of grading or building permits. Design elements of the landscape plan shall include, but not be limited to the following (where feasible):

- Erosion control shall be applied to all disturbed slopes.
- Slopes shall be restored with hydroseeding using native, non-invasive vegetation; local ecotypes of native plants will be used to the extent feasible.
- Where possible, topsoil shall be saved, stockpiled and reapplied on disturbed slopes to reduce the newly-constructed look and to promote natural revegetation.
- In order to reduce the artificial appearance of engineered slopes, cut-and-fill slopes shall be blended within existing contours, with horizontal variation, and shall be finished with a rough appearance where possible to create an aged look.



- Existing rock outcroppings shall be retained where possible.
- All mature removed trees shall be replaced using a planting ratio and maintenance program which shall ensure plant establishment and long-term success; trees planted to replace mature trees that are removed shall be native species, and local ecotypes of these species will be used to the extent feasible.
- Trees shall be planted or relocated in irregular locations to achieve a natural appearance along the roadway, at a density similar to the trees that would be removed.
- Natural creeks and drainage courses shall be preserved as close as possible to their natural location and appearance. Soft surface alternatives to concrete ditches and rock slope protection shall be utilized wherever possible.

Installed landscaping shall be subject to review and approval by the City of Pittsburgh Development Services Department prior to final sign-off of construction of the roadway and associated improvements. The City shall be responsible for maintenance of the landscaping until it is established (anticipated to be approximately five years).

- C. Please refer to Response to Comment 8-F regarding invasive species and noxious weeds. Because the proposed project is a covered activity under the HCP/NCCP, the proposed project would have to comply with conditions to reduce the potential for such invasions. The proposed project would comply with HCP/NCCP Conservation Measures including Conservation Measure 1.12 (cleaning mowing equipment before use in rural areas) and Conservation Measure 1.14 (roadside vegetation within the right-of-way of roads adjacent to open space areas is to be controlled to prevent the spread of invasive plants). These HCP/NCCP Conservation Measures are incorporated into the proposed project by virtue of the proposed project's standing as an HCP/NCCP-covered activity and therefore do not need to be also listed as mitigation measures (Refer to Responses to Comments 8-H, 15-I, and 15-J related to analysis of biological resources in the project area and consistency with the HCP/NCCP). The comment is noted for the record and will be provided to the City of Pittsburgh City Council for consideration. No further response or change to the Draft EIR is necessary.
- D. Thank you for your comment. Please refer to Topical Response 5, *Growth Inducing Impacts*, and Responses to Comments 4-B, 5-N, 7-E, 8-A, 8-J, and 15-B, 15-C and 15-K regarding growth inducing and economic impacts. With respect to growth inducement, as stated above, the proposed project would not cause or contribute to "leap frog" or "premature" development and the proposed project is not a new development that has a potential to cause growth through a "multiplier effect." In addition, the proposed project would not induce development in areas not already identified for development within the City General Plan.

With respect to the commenter's concerns regarding the proposed project's impacts on the revitalization efforts of the City's urban center, please refer to Response to Comment 15-K. As stated above, the proposed project would not divert development away from already identified development areas, including in-fill areas. The proposed project and the City General Plan infill and transit focus coexist in the City General Plan as part of a comprehensive, long-term plan to meet the land use challenges in a diverse Pittsburgh community. The comment is noted for the record and will be provided to the City of Pittsburgh City Council. No further response or change to the Draft EIR is necessary.



- E. Please refer to Response to Comment 15-L regarding alternatives analyzed in the Draft EIR. The Draft EIR considered a reasonable range of alternatives to the proposed project based on the findings of the Draft EIR. The comment is noted for the record and will be provided to the City of Pittsburgh City Council for consideration. No further response or change to the Draft EIR is necessary.



## Comment Letter 17



May 29, 2013

Leigha Schmidt  
Associate Planner  
Planning Department  
City of Pittsburg  
Civic Center  
65 Civic Avenue  
Pittsburg, CA 94565

**Subject: Comments on the James Donlon Boulevard Extension Project Draft EIR  
(SCH# 2007102106)**

Dear Ms. Schmidt:

Save Mount Diablo (SMD) appreciates the opportunity to comment on the proposed James Donlon Boulevard Extension Project Draft EIR. SMD is a non-profit conservation organization founded in 1971 which acquires land for addition to parks on and around Mt. Diablo, and monitors land use planning which might affect protected lands. We build trails, restore habitat, and are involved in environmental education. In 1971 there was just one park on Mt. Diablo totaling 6,788 acres; today there are more than 40 parks and preserves totaling over 110,000 acres. We include almost 7000 donors and supporters.

### General Comments

Save Mount Diablo has tremendous concern about the proposed 1.7 mile long James Donlon Boulevard Extension project, stretching between Seeno developments along Somersville Road to Kirker Pass Road literally across incredibly steep and beautiful canyons below Black Diamond Mines Regional Preserve. It would cross and bisect and thereby destroy the historic Wayne Thomas cattle ranch, leading to its development as well. It would traverse steep slopes and canyons that provide important agricultural grazing land and wildlife habitat; it would bisect existing wildlife corridors, cutting off connections from one side to the other, likely resulting in significant animal mortality along the roadway; it would require the filling of multiple drainages and involve more than 2 million cubic yards of grading (2,165,000 cubic yards); it would also result in visual impacts to the hillsides that provide the open space and the aesthetic backdrop for eastern Contra Costa County. Although not a direct environmental impact; the topography the road would traverse is so steep that landslides, additional grading, and additional and

A





substantial mitigations must be factored in. We are absolutely sure that the project cost estimates are hugely underestimated. We would be surprised if this project is possible for less than \$100-125 million, funds which could be better spent on more effective congestion relief.

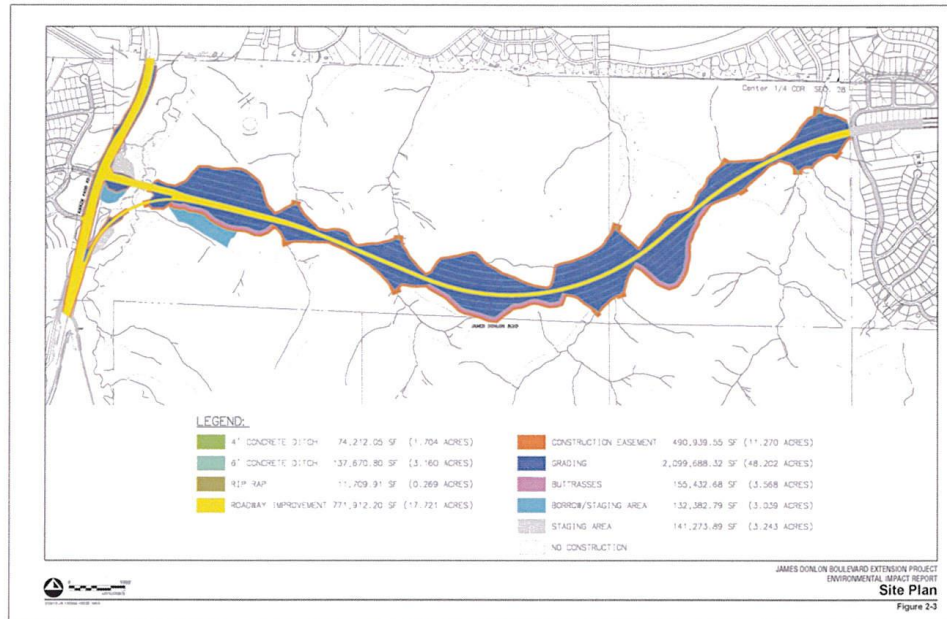


Figure 1: The Project would involve massive grading of the hillsides that form the aesthetic backdrop for eastern Contra Costa County (DEIR Figure 3-3).

**The DEIR has many Deficiencies:** SMD has significant concerns about the Draft EIR (DEIR) which is deficient in many areas, particularly the analysis of biological resources and greenhouse gases (GHG). Impacts and mitigation measures related to biological resources are deferred to the HCP process, in violation of the California Environmental Quality Act (CEQA). The greenhouse gas analysis fails to consider the project's impact on Contra Costa County's commitment to reduce countywide GHG emissions to 80% below baseline levels by 2050. These are enormous omissions in a DEIR.

**The project's Primary Purpose seems to be to Link Subdivisions:** It appears to SMD that the primary purpose of the project is to serve approved and proposed Seeno developments (Sky Ranch II and Montreux Subdivision, respectively), and to bisect and destroy the historic Wayne Thomas cattle ranch, leading to its development as well. SMD is concerned that project costs have been underestimated and that additional development would be needed to pay for the project, thereby inducing growth; this growth would quickly overwhelm any congestion relief the roadway would provide and simply shift existing bottlenecks to new locations.



### Specific Comments

In reviewing the DEIR, Save Mount Diablo finds the environmental impacts of the project are vastly understated; we have the following specific comments:

#### *Project Summary*

**Impacts Identified as being Beneficial appear to be Mis-labeled:** The Project Summary lists two impacts as beneficial that appear to be adverse (DEIR page 2-12). Correction or clarification is needed:

- The proposed project would reduce the delay index to unacceptable levels on roadway segments within the study area.
- The proposed project would conflict with adopted alternative transportation policies, plans or programs.

B

#### *Project Description*

**The Project Description is Incomplete:** CEQA Guidelines Section 15124 (c) requires a complete description of the project including its technical, economic, and environmental characteristics. Information is incomplete as it relates to the number of drainages that would be filled in or spanned, the number, location and size of wildlife crossings, and the species they are designed to accommodate. It is not possible for SMD biologists to evaluate the effectiveness of this roadway design without specification of the features involved. The Project Description should also include a topographic map, particularly given the steep terrain the proposed project would cross, and the more than 2 million cubic yards of grading that would be required to construct the project.

C

**The HCP Specifies that Bridges and Overcrossings should be Used Rather than Culverts:** Page 3-13 of the DEIR Project Description indicates that the proposed project would include culverts and bridges, as necessary, in order to cross three ephemeral and three intermittent stream and drainage features including Kirker Creek. The HCP specifies that the natural course of creek channels should be protected to every degree feasible. From what we can observe, the only bridge proposed is over Kirker Creek. All other crossings appear to require culverts. The Project Description should describe and depict these design details.

D

**The DEIR does not identify Wildlife Corridors:** Natural drainages should be protected to every extent feasible so that they are available as movement corridors for wildlife. Some tunnels would likely still be needed for movement of cattle. As indicated above, specific information should be provided for the design of wildlife crossings.

E

The City General Plan EIR identifies policies such as 9-P-1, 9-P-9, and 9-P-10 to reduce potentially significant impacts to biological resources. These policies are included in the General



Plan EIR as mitigation measures; failure to implement the policies in subsequent projects would result in significant impacts, for which mitigation has not been identified.

E

***The Project should utilize Native Landscaping:*** DEIR Table 3-1 should specify that native vegetation would be used for landscaping, rather than “some mix of native and ornamental landscaping”. Project landscaping should be consistent with Pittsburgh General Plan Policy 9-P-2, which indicates: “*Establish an on-going program to remove and prevent the re-establishment of invasive species and restore native species as part of development proposals on sites that include ecologically sensitive habitat.*” This policy is identified in the City of Pittsburgh General Plan EIR to mitigate a potentially significant impact related to the loss of sensitive habitat areas to a less-than-significant level, and should be followed for this project. Using native species is even more critical for a project that runs directly through the Habitat Conservation Plan (HCP) boundaries. Ignoring the policy would result in a Significant Impact related to introduction of non-native species.

F

***The Project fails to Meet Many of the Project Objectives:*** For example:

- The DEIR should clarify what is meant by the objective of providing a secondary access route for existing, planned and future residential developments in southern Pittsburgh and southwest Antioch. This objective basically acknowledges that the project is growth-inducing. If the James Donlon Boulevard Extension allows for the additional development (and even requires new development to pay for it), then over the long-term, it would not meet the objective of “relieving traffic congestion on Buchannan Road, which receives a high volume of east-west commute traffic between Antioch and Concord.” The project appears to simply relocate an existing bottleneck. Developments that would pay for the proposed project should be identified in terms of the “rough proportionality” of their financial contribution to the project; this list of projects, both approved and proposed, should also be evaluated in the section on growth-inducement.
- The project does not meet the objectives of “*Avoiding sensitive wildlife and plant habitat*” as this area, as stated above, is all part of land placed within the boundaries of the HCP due to its value for plants and wildlife.
- The project does not meet the objective of “*Avoiding severe landslide areas*”, as numerous landslides are identified along the project alignment, and the DEIR acknowledges that additional movement along the proposed roadway alignment can be anticipated.

G

***The DEIR should Specify all Permits that would be Required for the Proposed Project:*** The Project Description should clarify whether Streambed Alteration Agreements and other permits would be required for the project, and if so, how many and in what locations. Information on

H





drainages affected should be included at this stage of review so that impacts can be analyzed and adequate mitigation identified, in compliance with CEQA.

H

**The DEIR should indicate the Anticipated Timeline for Construction:** The DEIR Appendices (Volume 1) indicates that one year of wildlife studies are required to identify the wildlife crossings. This information is needed now to identify impacts and the required mitigation measures. Without this information, the DEIR is premature and should be recirculated with a complete evaluation of impacts related to biological resources.

I

#### **Land Use and Planning**

**The Proposed Project is Fundamentally Inconsistent with many of the City of Pittsburg General Plan Policies:** When the City of Pittsburg General Plan EIR was certified and its General Plan adopted, the City adopted many of its policies as mitigation measures to mitigate significant impacts to less-than-significant levels. To avoid these significant impacts into the future, these policies need to be adhered to; ignoring these policies would result in the same significant impacts they were designed to avoid.

The proposed project is designed in a manner that ignores many of the City's own policies that were adopted as mitigation. For example:

J

The project is inconsistent with General Plan Policy 2-P-109 which indicates: "*Ensure the rural character of existing agricultural grazing lands is retained.*" Kirker Pass Road would be 'upgraded' to an urban rather than rural highway in the vicinity of the proposed project. This is also a key gateway location both to the City of Pittsburg and to Kirker Pass. Building urban level improvements that connect with new subdivisions would fundamentally change the rural character of this gateway area.

Throughout the DEIR, under environmental issues including but not limited to visual quality and aesthetics, biological resources, geology and soils, hydrology and water quality, the City's basic policy structure is ignored, in direct violation with the City's commitments to environmental preservation, and the policy framework it adopted as enforceable mitigation. Ignoring these policies in the design of the proposed project would result in a wide range of significant environmental impacts that have not been identified or adequately mitigated in this DEIR.

**The Proposed Project is Inconsistent with LAFCO provisions. Impacts to Agricultural Land, according to LAFCO's definitions, appear to be Significant and Unavoidable:** Cortese-Knox-Hertzberg Act Section 56856.5(a) indicates the commission shall not approve or conditionally approve a change of organization or reorganization that would result in the annexation to a city or special district of territory that is subject to a contract entered into pursuant to the California Land Conservation Act of 1965 if that city or special district provides or would provide facilities or services related to sewers, nonagricultural water or streets and roads to the territory, unless these facilities or services benefit land uses that are allowed under the contract. Clearly, the road is not being designed to benefit agricultural uses.<sup>i</sup>

K



"Assessor Parcel Numbers 089-050—056 total approximately 466.8 acres, east of Kirker Pass Road, and 3.7 acres, west of Kirker Pass Road and is under Williamson Act Non-Prime Agricultural Land contract (California Department of Conservation, 2012). Thus, the area east of Kirker Pass Road, for these two parcels, totals 475 acres and is currently used for cattle ranch operations. The area within the proposed James Donlon Boulevard Extension would be acquired by the City which would trigger the cancellation of the Williamson Act contract on the approximately 70 acres utilized by the project. Pursuant to Government Code Section 51243.5(a), the City would administer the Williamson Act contract upon annexation for areas outside the proposed James Donlon Boulevard right-of-way".<sup>ii</sup> Cancelling the contract on an alignment that divides the land, and including only one tunnel for cattle along the 1.7 mile length, effectively disrupts use of a large portion of the site for cattle grazing. So would changes in the hydrology of the ranch.

L

SMD strongly disagrees with the interpretation that the City is providing a road "through" rather than "to" the agricultural parcels, and that it would therefore be consistent with relevant Contra Costa County LAFCO goals and policies and the guidance provided in the Cortese-Knox-Hertzberg Act. Given the steepness of the hills in the project vicinity, and the fact that only one tunnel for cattle is proposed, SMD requests that an analysis of the viability of continuing to use land south of the proposed road alignment for grazing be conducted.

M

SMD firmly believes that LAFCO is precluded from annexing Williamson Act Land to the City of Pittsburg, given the proposed extension of services (including roads). Since the primary purpose of the roadway extension appears to be to improve access for the approved Sky Ranch II project and the proposed Montreux subdivision, at either end of the proposed road, LAFCO should be precluded from approving the annexation.

***The project is inconsistent with the Contra Costa County General Plan policies related to visual quality in the County Transportation and Circulation Element:*** Examples of inconsistencies include the following:

Goal 5-R: *To identify, preserve and enhance scenic routes in the County.*

Policy 5-35: *Scenic corridors shall be maintained with the intent of protecting attractive natural qualities adjacent to various roads throughout the County.*

N

Kirker Pass would not be protected as a scenic corridor with the changes that would result from the proposed project. The aesthetic quality of this scenic corridor would be degraded by the installation of urban-scale roadway "improvements".

Policy 5-37: *Scenic views observable from scenic routes shall be conserved, enhanced and protected to the extent possible.*



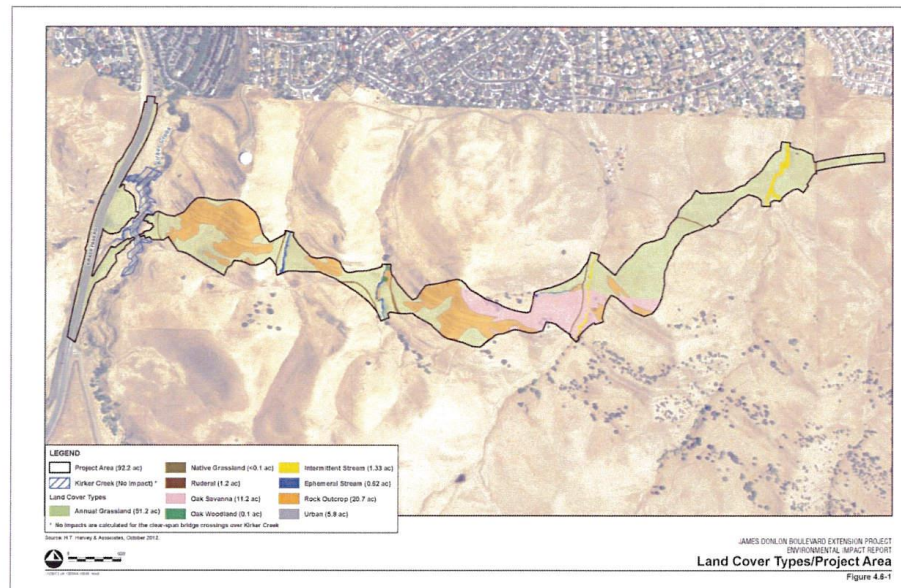


Scenic views from Kirker Pass Road would be degraded with the construction of the proposed project.

N

#### Aesthetics and Visual Quality

**The Project is Inconsistent with Goals Pertaining to Preservation of Aesthetic Features:** The project, as currently designed, would result in the degradation of many natural features. The City of Pittsburgh Goal 4-G-4 indicates: "Encourage development that preserves unique natural features, such as topography, rock outcroppings, mature trees, creeks, and ridgelines, in the design of hillside neighborhoods". However, in direct contradiction to this Goal, the project would result in the loss of 20.7 acres of Rock Outcrop; 11.2 acres of Oak Savanna; 1.33 acres of Intermittent Stream and .62 acres of Ephemeral Stream (See Figure 2; DEIR Figure 4.6-1).



O

Figure 2: The project would result in impacts to many natural plant communities and natural features. (DEIR Figure 4.6-1)

The Proposed Project would also result in visual impacts to county designated scenic routes including Kirker Pass Road and Nortonville Road.<sup>iii</sup> Changing Kirker Pass Road from a four-lane rural road to a four-lane urban road would fundamentally change the rural character of this gateway to Pittsburgh. The DEIR fails to identify mitigation measures to address this Significant Impact related to the loss of rural character.

P

The proposed project would be inconsistent with County General Plan Policy 5-37: *Scenic views observable from scenic routes shall be conserved, enhanced and protected to the extent*



*possible*. The project would dramatically affect the views of rural countryside in the project vicinity, including the approach to Nortonville Road and the Thomas Home Ranch. The DEIR fails to identify mitigation measures to address this Significant Impact related to the degradation of scenic views.

The proposed project would be inconsistent with County Policy 5-43: *Provide special protection for natural topographic features, aesthetic view, vistas, hills and prominent ridgelines at "gateway section of scenic routes"*. Clearly, approaching and leaving Pittsburg at the location where the proposed project would join Kirker Pass Road is one such location. The DEIR fails to identify mitigation measures to address this Significant Impact related to destruction of natural topographic features and views at this gateway section of a county-designated scenic route.

P

The proposed project would be inconsistent with County Policy 9-17: *Extreme topographic modification, such as filling in canyons or removing hilltops shall be avoided*. Similarly, the proposed project would also be inconsistent with County Policy 9-24: *Any new development shall be encouraged to generally conform to natural contours to avoid excessive grading*. In fact, the project proposes extreme topographic modification, filling in canyons and removing hilltops. The DEIR fails to identify mitigation measures to address these significant impacts that would result from massive grading of the existing topography along the project alignment.

***The James Donlon Boulevard Extension would fundamentally change the character of the rural hillsides that provide the visual backdrop for the City of Pittsburg:*** The proposed project is inconsistent with the Viewshed Analysis conducted for the Pittsburg General Plan. The project would result in impacts to minor ridgelines and areas above the 500-foot contour identified on the Viewshed Analysis map in the City of Pittsburg General Plan.<sup>iv</sup> (See Figure 3, Viewshed Analysis, below; Figure 2-1 in the Pittsburg General Plan). The DEIR does not identify mitigation measures to address significant impacts to visually important ridgelines.

Q

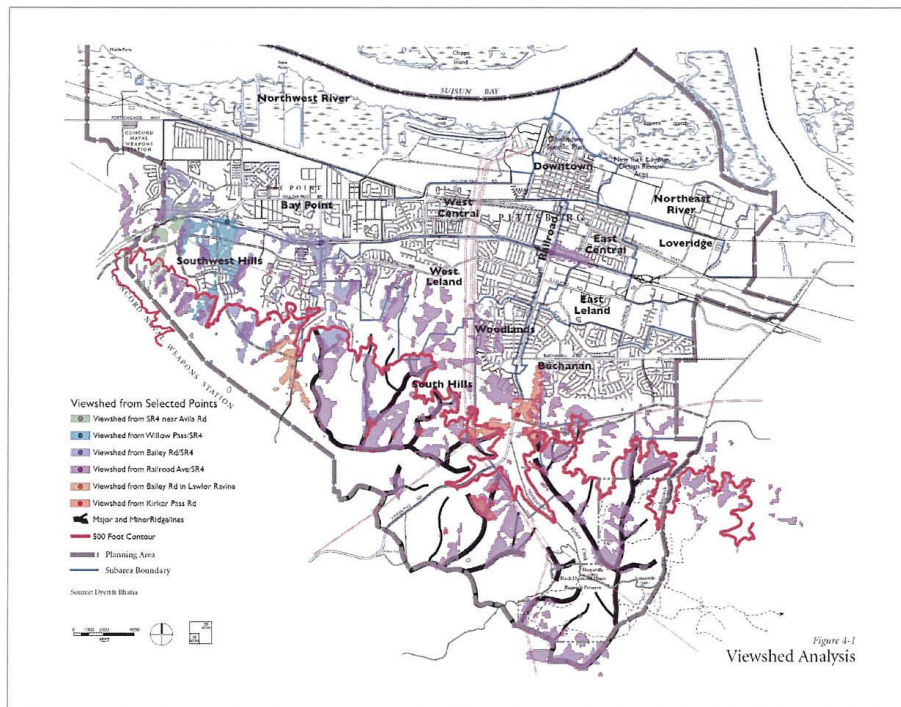


Figure 3: Pittsburg General Plan Viewshed Analysis

#### Air Quality

**The Proposed Project would result in Potential Impacts to Sensitive Receptors:** City of Pittsburg General Plan Goal-G-10 indicates: "Reduce the potential for human discomfort or illness due to local concentrations of toxic contaminants, odors and dust." Cases of Valley Fever have increased dramatically in California, including some cases in Contra Costa County. Construction workers in dry, dusty conditions can be particularly vulnerable to this disease. In consultation with the Contra Costa County Public Health Department, it may be appropriate to add construction workers to the list of sensitive receptors on page 4.5-9, and to Table 4.5-2 on page 4.5-10. The DEIR should consider the potential impacts of massive grading on human health, and specifically the health of construction workers, as it relates to the incidence of Valley Fever, and identify mitigation measures as needed to reduce this impact to a less-than-significant level.





### **Biological Resources**

**The Biological Resources section of the DEIR is entirely deficient:** The Biological Resources section of the DEIR fails to analyze impacts related to wildlife, wildlife corridors, wildlife mortality, creek crossings and/or buffers and other issues. The analysis defers to implementation of HCP/NCCP Conservation 1.4 “which requires the proposed James Donlon Boulevard Extension to collect data on wildlife movement and to provide means by which wildlife would move across the project site.” However, this information is required to be in the DEIR so that agencies and the public can review the impacts and mitigation measures associated with these issues. At times, it has been proposed that the City of Pittsburgh pull out of the HCP, making it even more critical for this analysis to occur now, as is required by CEQA. The DEIR, as currently drafted, is deficient and should be recirculated to include this very critical information.

S

**Potential Conflicts with the Provisions of the HCP/NCCP:** The DEIR indicates that the proposed project is a “covered activity” as a rural road and infrastructure project.<sup>v</sup> Key issues that need to be addressed in the DEIR include impacts and mitigation measures related to: wildlife affected by the roadway corridor including mortality from attempting to cross the road; location of key wildlife corridors and how the roadway design would accommodate different types of wildlife. DEIR Volume 2, Appendix D refers to the need for one year of wildlife studies to evaluate the location of wildlife corridors, so that this information can be used to design the roadway; as indicated above, these studies should have already been conducted so that information about wildlife corridors and movement patterns could be included in the DEIR. All provisions of the HCP/NCCP that serve as mitigation for potentially significant impacts should be identified and linked to these specific impacts. Studies required as part of implementing conservation measures should be conducted now, and the findings described as part of the CEQA process.

T

**Potential impacts to Wildlife Corridors:** SMD is concerned about the viability of existing wildlife corridors and the habitat fragmentation that would result from the project. The DEIR identifies the following potential impact as less-than-significant: “The proposed project could interfere substantially with the movement of native resident or migratory wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites.”<sup>vi</sup> On page 4.6-38, the DEIR states that “the area to the north of the proposed roadway is relatively small (acreage of this area should be indicated), and thus does not support large populations of any wildlife species for which the proposed project would reduce dispersal”. “As a result, a reduction in dispersal across the proposed roadway would not result in impacts to regional populations of any given species. This impact on wildlife movement would be less-than-significant.” There is no clear basis for reaching this conclusion and SMD strongly disagrees with this statement. In fact, the roadway is likely to be a barrier for a lot of wildlife; construction of the project could result in substantial animal mortality as roadkill.<sup>vii</sup>

U

The CEQA Guidelines Section 15151 requires that “an EIR should be prepared with a sufficient degree of analysis to provide decision makers with information which enables them to make a



decision which intelligently takes account of environmental consequences.” Information on wildlife corridors is insufficient for the finding of a less-than-significant impact. The DEIR indicates that the Proposed Project would implement HCP/NCCP Conservation Measure 1.4 which requires the proposed James Donlon Boulevard Extension to collect data on wildlife movement and provide for means by which wildlife would move across the project site. This information should be included or referenced in the DEIR, so the public knows how the impacts to the corridors will be mitigated through the project design, or the incorporation of mitigation measures. CEQA does not allow for postponing studies that are needed to evaluate impacts and the adequacy of mitigation measures (*Sundstrom v. County of Mendocino* (1988)).

This requirement that the applicant adopt mitigation measures recommended in a future study is in direct conflict with the guidelines implementing CEQA (or in the case of the proposed project, referring to another requirement instead of adopting a mitigation measure). “By deferring environmental assessment to a future date, the conditions run counter to that policy of CEQA which requires environmental review at the earliest feasible stage of the planning process.” (*Public Resource Code Section 21003.1; No Oil, Inc. v. City of Los Angeles, supra 13 Cal.3d 68, 84, 118 Cal Rptr. 34, 529 P.2d 1017*). A study conducted after approval of a project will inevitably have a diminished influence on decision making. Even if the study is subject to administrative approval, it is analogous to the sort of post hoc rationalization of agency actions that has been repeatedly condemned in decisions construing CEQA. (*id. at p. 35, 143 Cal.Rptr. 365; No Oil, Inc. v. City of Los Angeles, supra, 13 Cal.3d 68, 81, 118 Cal.Rptr. 34, 529 P.2d 66; Environmental Defense Fund, Inc. v. Coastside County Water District* (1972) 27 Cal.App.3d 695, 706, 104 Cal.Rptr. 197).

U

**Potential impacts on Specific Species:** SMD disagrees with many of the statements made in the DEIR pertaining to specific species. SMD Board Member and Professional Biologist, Malcolm Sproul, of LSA Associates was consulted for this evaluation.

Covered Large Branchiopods: The DEIR notes that “some rock outcrops in Contra Costa County are known to support populations of the longhorn fairy shrimp. Project site surveys identified six locations in the rock outcrop land cover type that provide potential habitat for covered branchiopods. No sampling of suitable habitat for branchiopods was conducted as part of the planning surveys. No covered branchiopods were observed during the site surveys”; however, this statement is misleading because it appears that site surveys were conducted in November when branchiopods would not be expected to be found in pools. BIO3 is identified as mitigation in the event that the project results in impacts to occupied pools; however, studies should be conducted now to determine whether branchiopods exist on the site; if they are present, the appropriate mitigation would be avoidance.<sup>viii</sup> This information is needed before an alternative is selected and a decision is made about project approval, and should be available within the DEIR so it may be reviewed by agencies and the public.

V

California Tiger Salamander: On p. 4.6-11, the DEIR indicates: “The land cover types within the project area do not provide breeding habitat for this species (California Tiger Salamander)”. However, ephemeral streams are known to support breeding of California Tiger Salamanders at





Cowell Ranch/John Marsh Property and Briones Regional Park and CTS are well known in neighboring Black Diamond Mines Regional Preserve.<sup>ix</sup> The DEIR is also misleading in stating that “No California tiger salamanders were observed on-site during the planning surveys which included walking the project site during diurnal site visits.” It appears that these studies were conducted in August when ponds are dry. California tiger salamanders are generally seen during the night when it is raining, so the time of year and time of day were not appropriate for determining presence on the site.<sup>x</sup>

V

Burrowing Owl: SMD disagrees with the statement that “Because no burrows (abandoned by ground squirrels and other mammals) occur within the project site, suitable roosting or breeding habitat for burrowing owls is absent from the site”. Burrowing owls do use rock outcrops if they are low to the ground, particularly during winter months.<sup>xi</sup>

**Potential Impacts to Riparian Corridors and Buffers:** City of Pittsburgh General Plan Policy 9-P-11 states: “Ensure that riparian corridor characteristics are retained. Encourage the retention and/or establishment of creeks in the design of new development”, City of Pittsburgh General Plan Policy 9-G-5 indicates: “Preserve and enhance Pittsburgh’s creeks for their value in providing visual amenity, drainage capacity and habitat value.” The proposed project conflicts with both of these policies, yet fails to identify mitigation measures to reduce these significant impacts to creeks and riparian corridors to less-than-significant levels.

The Pittsburgh General Plan EIR identifies policies 9-P-1; 9-P-9 and 9-P-11 (among others) to reduce a potentially significant impact related to: *expansion of urban land uses under the General Plan may result in loss of sensitive habitat areas*. These policies are identified to reduce potential impacts to a less-than-significant level. Yet, the James Donlon Boulevard Extension is entirely inconsistent with these policies, rendering the project level impact, Significant. These and additional policies are listed below:

W

City of Pittsburgh General Plan Policy 9-P-1: *Cooperate with State and federal agencies to ensure that development does not substantially affect special status species, as listed in Table 9-1. Conduct assessments of biological resources prior to approval of development within 300 feet of creekways, wetlands, or habitat areas of identified special status species as depicted in Figure 9-1.*

City of Pittsburgh General Plan Policy 9-P-9: *Establish creek protection areas along riparian corridors, extending a minimum of 50-150 feet laterally on each side of the creekbed. Setback buffers for habitat areas of identified special status species and wetlands may be expanded as needed to preserve ecological resources.*

City of Pittsburgh General Plan 9-P-10: *No development should occur within creek setback areas, except as part of greenway enhancement (for example trails and bikeways). Encourage developers to reserve space outside of the creek setbacks where endangered species habitat makes trail development inappropriate.*



City of Pittsburgh General Plan Policy 9-P-11: *Ensure that riparian corridor characteristics are retained. Encourage retention and/or reestablishment of creeks in the design of new developments.*

City of Pittsburgh General Plan Policy 9-P-16: *Establish development standards for new construction adjacent to riparian zones to reduce sedimentation and flooding. Standards should include: Requirements that low berms or other temporary structures such as protection fences be built between a construction site and riparian corridor to preclude sheet-flooding storm-water from entering the corridors during construction.*

W

These policies, included in the General Plan EIR as mitigation for potentially significant impacts, are ignored in the design of the proposed project. SMD is concerned that the City of Pittsburgh is ignoring its own planning framework and CEQA obligations in the review and evaluation of proposed projects, and as such, failing to mitigate the significant impacts of the project, in violation of CEQA.

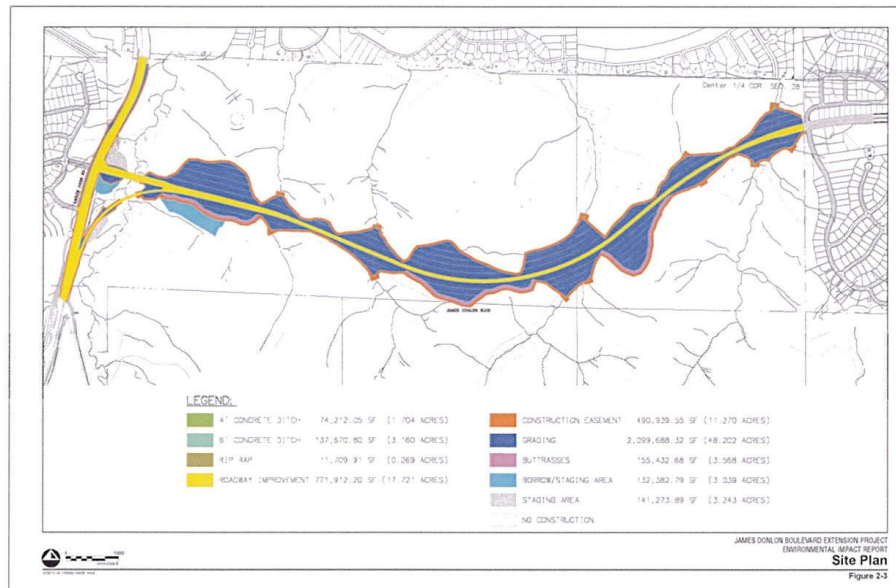
***Streambed Alteration Agreements would be Required for Creek Crossings and Filling in Drainages:*** SMD disagrees with the conclusion, as identified on Figure 4.6-1, that no impacts are identified to Kirker Creek, because of the proposed use of a clear span. The creek banks and riparian vegetation can still be affected by the span. On page 4.6-38, the DEIR notes that all 40 trees within the project site are subject to removal as part of the proposed project. These include five arroyo willows (which are generally found in riparian areas). CEQA requires that EIR conclusions be supported by substantial evidence. CEQA Guidelines Section 15384 (a) defines "substantial evidence" as enough relevant information and reasonable inferences from this information that a fair argument can be made to support a conclusion even though other conclusions might also be reached. "Substantial evidence shall include facts, reasonable assumption predicated upon facts, and expert opinion supported by facts." (CEQA Guidelines Section 15384 (b)). The conclusion that the bridge span would not affect Kirker Creek or adjacent riparian vegetation is not supported by substantial evidence, and is therefore speculative.

X

#### ***Geology and Soils***

***The proposed project involves massive grading of the hillsides that form the backdrop for the City of Pittsburgh:*** The Geologic Map (Figure 4.8-1a) should depict portions of the alignment where slopes exceed 30%. The DEIR notes that due to the relatively steep nature of the topography, slope failure is a possibility (DEIR p. 4.8-13).

Y



(Copy of Figure 1, above; DEIR Figure 3-3)

While one of the project objectives is to "Avoid severe landslide areas", the alignment extends through areas subject to severe landslides. The DEIR also notes that the "While the Supplemental Geotechnical Report confirms that the proposed project would cross areas of dormant landslides, the topography of the project area presents the potential for other landslides to occur in the future".<sup>xii</sup>

The DEIR notes that the project could result in substantial soil erosion or the loss of topsoil. This impact is identified as being potentially significant. One of the mitigation measure identified to mitigate this impact (GS1) includes the following provision: "*The Erosion Control Plan shall include measures to protect slopes that are anticipated to be susceptible to erosion by wind and rainfall. The plan shall also provide measures for the protection of creek banks where undercutting could occur during large volume flows*". These measures should be identified now so that their effectiveness can be evaluated.

The City of Pittsburgh General Plan policy 4-P-11 indicates: *Avoid grading of slopes that are greater than 30 percent. During review of development plans, ensure that necessary grading respects significant natural features and visually blends with adjacent properties.* This is one of the policies identified in the General Plan EIR to reduce a potentially significant impact related to the visual character of the hillsides, but it is difficult to evaluate impacts relating to steep slopes without the project depicted on a topographic map that identifies slopes over 30 percent.



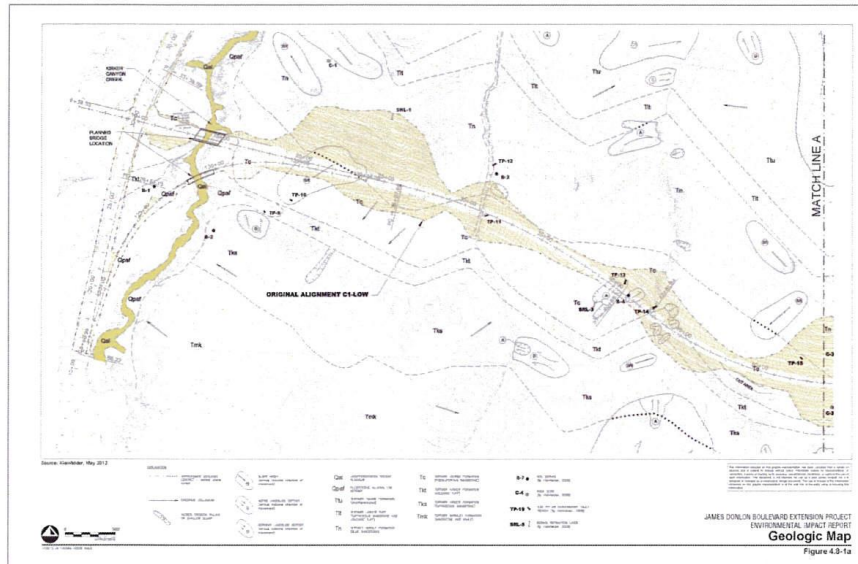


Figure 4: The project would be constructed through landslide-prone areas.  
(DEIR Figure 4.8-1a – western portion of the project alignment)

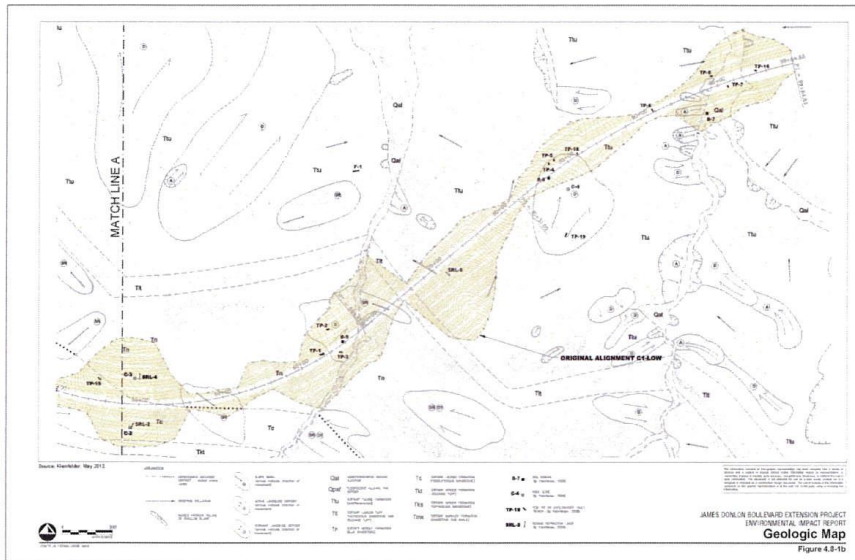


Figure 5: The project would be constructed through landslide-prone areas.  
(DEIR Figure 4.8-1b – eastern portion of the project alignment)



### ***Greenhouse Gas Analysis***

***The DEIR analysis of greenhouse gas emissions (GHGs) is deeply flawed:*** The DEIR conclusion that the project's impacts will be insignificant and therefore not require mitigation is unsubstantiated and inaccurate. The induced growth and induced travel would generate significant GHG emissions. The construction phase of this 1.7 mile new roadway project—including extensive landform modifications through exceptionally steep terrain—would also generate significant GHG emissions. The DEIR section on GHGs should be re-analyzed, rewritten and recirculated.

Z

### ***Hydrology and Water Quality***

***The Project would Bisect the Majority of the Kirker Creek Watershed:*** "A total of six ephemeral and intermittent streams traverse the project area, which flow in a south to north direction, eventually flowing into Kirker Creek". As a project that proposes to place 6-9 intermittent and ephemeral drainages into culverts, the project is fundamentally inconsistent with policies related to creeks and their associated riparian zones. The DEIR fails to identify mitigation measures to reduce the impacts to waterways to less-than-significant levels.

AA

***The Project is Inconsistent with City of Pittsburgh General Plan Policies Related to Creeks and Drainages:*** Examples of inconsistencies include:

City of Pittsburgh General Plan Goal 9-G-5: *Preserve and enhance Pittsburgh's creeks for their value in providing visual amenity, drainage capacity and habitat value.*

City of Pittsburgh General Plan Policy 9-P-9: *Establish creek protection areas along riparian corridors, extending a minimum of 50-150 feet laterally on each side of the creekbed. Setback buffers for habitat areas of identified special status species and wetlands may be expanded as needed to preserve ecological resources.*

City of Pittsburgh General Plan 9-P-10: *No development should occur within creek setback areas, except as part of greenway enhancement (for example trails and bikeways). Encourage developers to reserve space outside of the creek setbacks where endangered species habitat makes trail development inappropriate.*

City of Pittsburgh General Plan Policy 9-P-11: *Ensure that riparian corridor characteristics are retained. Encourage retention and/or re-establishment of creeks in the design of new developments.*

City of Pittsburgh General Plan Policy 9-P-16: *Establish development standards for new construction adjacent to riparian zones to reduce sedimentation and flooding. Standards should include:*

BB





- *Requirements that low berms or other temporary structures such as protection fences be built between a construction site and riparian corridor to preclude sheet-flooding storm-water from entering the corridors during construction.*

BB

***The Proposed Project is Inconsistent with Contra Costa General Plan Policies related to hydrology including:***

Contra Costa County General Plan Goal 8-U: *To maintain the ecology and hydrology of creeks and streams and provide an amenity to the public, while at the same time preventing flooding, erosion and danger to life and property.*

CC

Contra Costa County General Plan Goal 8-W: *To provide alternative drainage system improvements which rely on increased retention capacity to lessen or eliminate the need for structure modifications to watercourses, whenever economically possible.*

Contra Costa County General Plan Policy 8-78: *Where feasible, existing natural waterways shall be protected and preserved in their natural state, and channels which already are modified shall be restored. A natural waterway is defined as a waterway which can support its own environment of vegetation, fowl, fish and reptiles, and which appears natural.*

If it is not feasible to maintain the natural waterways, the DEIR should explain the factors that make it infeasible. SMD strongly disagrees with the DEIR statement that “The proposed project would not directly alter the course of any drainages on or off the project site”. In fact, the proposed project dramatically alters the natural drainageways onsite. The DEIR does not include substantial evidence that requiring a Stormwater Control Plan, which would limit peak flows and duration, would mitigate this impact to a less-than-significant level. Unless this impact can be mitigated with a project design that spans drainageways, this impact should be identified as Significant and Unavoidable.

DD

SMD also strongly disagrees with the DEIR statement that “The proposed project would comply with the goals and policies of the City General Plan and the County General Plan, as well as the City Municipal Code and the County Ordinance Code.” As is clear from the policies included above, the proposed project is fundamentally inconsistent with city and county policies related to protecting natural landforms including natural drainageways, and avoiding major grading.

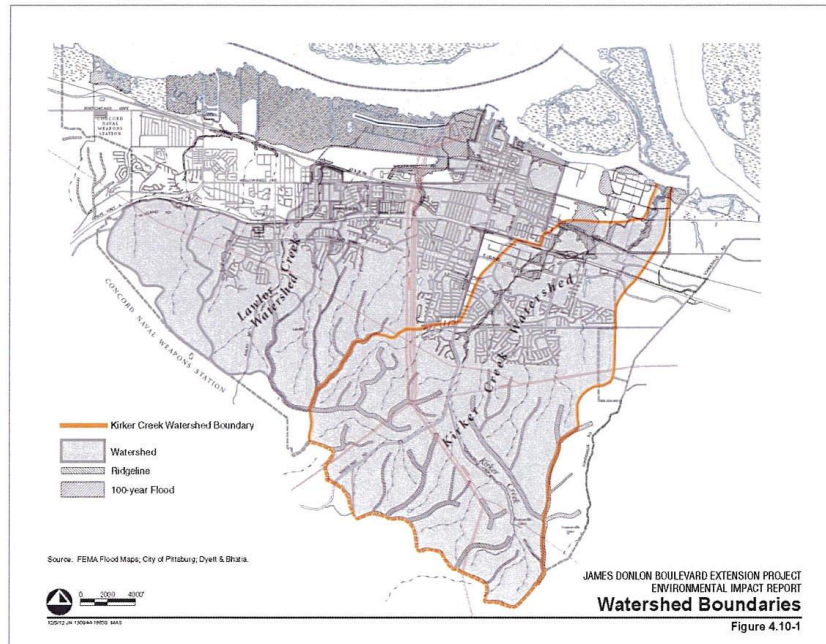


Figure 6: The project dramatically affects site drainage by placing all water flow, apart from water in Kirker Creek, into culverts below the roadway (DEIR Figure 4.10-1).

DD

#### Traffic and Transportation

**The DEIR Discussion of the Regulatory Framework is not Up-to-Date:** The DEIR describes the Contra Costa Countywide Plan through the year 2004.<sup>xiii</sup> However, there is actually a 2009 plan that is relevant because of its discussion on Senate Bill 375 of 2008 (Steinberg) pertaining to sustainability and livable communities. SB 375 shifted the focus of the type of growth that is encouraged, from subdivisions at the urban fringe, to growth at city-centers and along transportation corridors. Similarly, in the discussion of Congestion Management Programs, the discussion stops at 2005<sup>xiv</sup>; however, there are 2007, 2009, and 2011 plans with standards and evaluations that that should be referenced and evaluated for consistency.

EE

**The DEIR fails to Include Data on Average Daily Traffic (ADT):** The DEIR includes information about peak hour traffic but fails to include information about average daily traffic. The DEIR should discuss what the average daily traffic is on Buchanan Road today in contrast to average daily traffic on Buchanan Road with construction of the proposed project. Also, how would the proposed project affect average daily traffic on Kirker Pass/Ignacio Valley Road?

FF



On Table 4-13-10, under cumulative conditions in the year 2030, the intersection of Kirker Pass Road/Ygnacio Valley Road/Clayton Road would deteriorate from an LOS of D to E during the PM peak hour, resulting in a significant impact by exceeding the City of Concord's LOS threshold of LOS D. The DEIR should identify this as a Significant Impact, for which there appears to be no mitigation.

GG

***The DEIR should Address Potential Safety Concerns Associated with Increasing Traffic on Kirker Pass Road:*** Kirker Pass Road is steep and subject to very foggy conditions. Residents living along the roadway already report difficulty entering the roadway during morning and afternoon peak travel periods. The DEIR should describe the roadway design capacity and evaluate how the project would affect this capacity.

HH

***The DEIR describes the Proposed Project as a Regional Roadway, and yet the Regional Transportation Plan (RTP) does not evaluate it favorably:*** The Regional Transportation Plan (RTP) identifies the James Donlon Boulevard Extension as a project that is fully funded locally. The project did not perform well based on performance standards, so it is unlikely to receive MTC or federal funding.

II

***The Project is Inconsistent with the City of Pittsburg's Complete Streets Policy:*** The project would result in a potentially significant traffic and transportation impact by not addressing non-vehicular transportation. The project as proposed violates the "Pittsburg Complete Streets Policy". "Complete Streets infrastructure sufficient to enable reasonably safe travel along and across the right of way for each category of user shall be incorporated in to all planning, funding, design, approval and implementation process for any construction, reconstruction, retrofit, repaving, changes in allocation of pavement space, or alteration of city streets, including new privately built roads and easements intended for public use."<sup>xv</sup> If the project is subject to an exception, the DEIR should clarify the rationale for the exception.

JJ

#### ***Growth Inducement***

***The Project would be Growth-Inducing:*** City of Pittsburg General Plan Goal 2-G-26 indicates: "Encourage development as a means of funding the construction of Buchanan Bypass as an alternative route for regional through-traffic". Again, this policy clarifies that the project's primary purpose is not to relieve congestion on Buchanan Road, but to allow for more development, and is therefore, growth-inducing. The projects that are required in order to pay for the project should be identified; the DEIR should also identify which of the projects have already been approved.

KK

#### ***Alternatives Analysis***

***The range of alternatives should not be limited to different Alignment Locations, but should also consider Designs that Minimize Environmental Degradation:*** Both the City and County policy frameworks support maintaining the integrity of the landforms, riparian habitat areas and natural drainage courses within watersheds. An alternative should be included that utilizes

LL





bridges instead of culverts along the length of the 1.7 mile roadway, rather than filling in canyons and culverting creeks and other drainages. This should be added as an *environmentally superior alternative*.

LL

**Summary**

SMD does not believe the 'subdivision to subdivision' roadway is warranted to address regional traffic flow. Approving additional subdivisions to pay for the roadway would simply clog any additional capacity the roadway would provide, and shift the location of existing bottlenecks. SMD does not feel the 'subdivision to subdivision' route is a justified use given that it requires converting agricultural land to other uses; transforming rural countryside with urban scale "improvements"; and, altering visually sensitive hillsides that form the backdrop to the City of Pittsburg and all of eastern Contra Costa County. The project utilizes an outmoded development model that involves carving up hillsides, filling in canyons, culverting creeks, providing improvements only for vehicles (rather than addressing bicycle and pedestrian use); and serving subdivisions built at distances from downtown and transit- oriented hubs. The environmental impacts, particularly related to biological resources and greenhouse gases, are vastly understated. The City of Pittsburg is failing to adhere to its own Policy Framework adopted to reduce potentially significant impacts to less-than-significant levels. As a result, this project would result in numerous significant impacts that have not been adequately mitigated, in violation with CEQA.

MM

We hope the City of Pittsburg realizes the 'subdivision to subdivision' roadway is an idea whose time has come and gone.

Thank you for the opportunity to submit comments.

Sincerely,

Seth Adams  
Land Programs Director

Nancy Woltering  
Land Conservation Associate



- <sup>i</sup> James Donlon Boulevard Extension Draft EIR, p. 4.2-15.
- <sup>ii</sup> James Donlon Boulevard Extension Draft EIR, p. 4.2-15 and -16.
- <sup>iii</sup> James Donlon Boulevard Extension Draft EIR, p. 4.3-12.
- <sup>iv</sup> City of Pittsburgh General Plan, Viewshed Analysis, Figure 4-1.
- <sup>v</sup> James Donlon Boulevard Extension Draft EIR, p. 4.2-8.
- <sup>vi</sup> James Donlon Boulevard Extension Draft EIR, p. 2-14.
- <sup>vii</sup> Telephone communication with SMD Board Member and Professional Biologist, Malcolm Sproul, May 16, 2013.
- <sup>viii</sup> Telephone communication with SMD Board Member and Professional Biologist, Malcolm Sproul, May 16, 2013.
- <sup>ix</sup> Telephone communication with SMD Board Member and Professional Biologist, Malcolm Sproul, May 16, 2013.
- <sup>x</sup> Telephone communication with SMD Board Member and Professional Biologist, Malcolm Sproul, May 16, 2013.
- <sup>xi</sup> Telephone communication with SMD Board Member and Professional Biologist, Malcolm Sproul, May 16, 2013.
- <sup>xii</sup> James Donlon Boulevard Extension Draft EIR, p. 4.8-13.
- <sup>xiii</sup> James Donlon Boulevard Extension Draft EIR, p. 4.2-8.
- <sup>xiv</sup> James Donlon Boulevard Extension Draft EIR, p. 4.2-9.
- <sup>xv</sup> City of Pittsburgh Complete Streets policy, January 22, 2013.





**Response to Comment Letter 17: Save Mount Diablo (May 29, 2013)**

- A. Thank you for your comment. The participation of Save Mount Diablo in the public review of this document is appreciated. The commenter summarizes concerns with the proposed project including impacts to cultural, biological and visual resources, greenhouse gas (GHG) analysis, reliance on the East Contra Costa County Habitat Conservation Plan/Natural Community Conservation Plan (HCP/NCCP), purpose of the project, growth inducing impacts, and relationship between the proposed project and surrounding approved and pending projects. The Draft EIR analyzed the physical environmental effects of the proposed project for 13 resource areas, as provided in Chapter 4, *Existing Conditions, Environmental Impacts and Mitigation Measures*, Sections 4.1 through 4.14 of the document. The Draft EIR also provided an analysis regarding growth inducing impacts in Section 5.3, *Growth-Inducing Impacts*, of the Draft EIR. Please refer to Topical Responses 1 through 5 regarding the commenter's overall concerns of the proposed project with respect to purpose and need for the project, the relationship between the proposed project and the adjacent pending and approved projects, project funding, the relationship of the proposed project to the HCP/NCCP, and growth inducing impacts. These general concerns are briefly discussed below. The specific concerns that are raised by Save Mount Diablo pertaining to the proposed project are discussed in detail in Responses to Comments 17-B through 17-MM, below.

As discussed on page 4.7-10 of the Draft EIR, road construction would not result in direct physical impacts to the buildings associated with the Abrams Ranch Complex (also referred to as the Thomas Ranch), which have been largely unchanged since the early 20th century. The roadway would be situated on the north slope of the hill above the ranch complex. Construction of the proposed project would, to some extent, affect the visual setting of the property; however, the site evaluation determined that the ranch setting had been previously compromised due to the encroachment of a housing subdivision to the north of the ranch buildings and, as a result, the setting was considered only fair. The evaluation of the historic property was based more importantly on the presence and integrity of the buildings at the site. The Draft EIR cultural evaluation specified that the proposed project's impacts to the setting of the ranch would not affect the potential eligibility for listing in the National Register and California Register (A/HC, 2007). Further, at this time, there are no plans to develop the Thomas Ranch and the proposed project provides no access to the ranch. This property is currently owned and operated by the Thomas family. Implementation of the proposed project would also include culvert structures in order to maintain access to both sides of the new roadway for existing cattle ranching purposes as shown in Figure 3-8, *Project Culverts*. The proposed project also includes a general plan amendment to designate the properties Open Space and would pre-zone the project area to the Open Space (OS) District, with an Agricultural Preserve Overlay. No other access points would be provided for the proposed James Donlon Boulevard extension beyond the intersections at Kirker Pass Road on the west and Sky Ranch II, including Metcalf Street, Ventura Drive, and Somersville Road, on the east. Refer to Response to Comment 8-D for further details regarding impacts to the Abrams Ranch Complex and aesthetics.

The proposed right-of-way acquisition would not be expected to substantially reduce the agricultural viability of the properties. The existing cattle ranch would be retained and cattle grazing would continue after implementation of the proposed project. Refer to Section 4.4, *Agriculture and Forestry Resources*, of the Draft EIR as well as Responses to Comments 5-G, 5-H, 7-D, and 8-F related to the City's intention to continue the Williamson Act contract to support continuation of the existing cattle ranching activities on the property and rural road maintenance requirements along the proposed roadway.



As discussed in Section 4.6, *Biological Resources*, of the Draft EIR, with implementation of the recommended mitigation measures BIO1 through BIO9, the proposed project would result in less than significant impacts pertaining to wildlife species. The proposed project would include culverts ranging in size from 24 inches to 132 inches, as depicted on Figure 3-8, *Project Culverts*, for wildlife and cattle to cross from one side of the proposed roadway to the other. The wildlife crossing areas would be located in accordance with the HCP/NCCP requirements, in coordination with the ECCC Habitat Conservancy and California Department of Fish and Wildlife (CDFW), and designed for the type of species that would utilize the corridor. Directional fencing would be installed to direct wildlife toward the undercrossings. Although it is anticipated that some animal mortality may occur as a result of the proposed project, with implementation of the proposed mitigation measures and project features pertaining to wildlife crossings, impacts in this regard would be reduced to less than significant levels. Refer to Responses to Comments 8-H, 15-I, and 15-J for further detail related to the proposed undercrossings.

With respect to the commenters concerns regarding drainages and fill, the proposed project's grading would not be "filling in canyons and removing hilltops." The Draft EIR analyzes the proposed project's effect on federally protected wetlands and other waters of the U.S. and the state with respect to direct removal, filling, and hydrological interruption on pages 4.6-36 and 4.6-37. The Draft EIR (page 4.6-37) states that construction of the proposed project would result in permanent impacts to 1.27 acres of jurisdictional wetlands, 0.06 acre of jurisdictional other waters, and 5.3 acres of CDFW-regulated habitats. Temporary impacts on aquatic habitats would occur within the construction easements and would include impacts to 0.1 acre of jurisdictional wetlands, less than 0.01 acre of jurisdictional other waters, and 0.8 acre of CDFW regulated habitats. The City and its design team have investigated several design options to identify means of minimizing such impacts, such as through bridging the portions of the road over Kirker Creek, crossing all drainages at right angles to the extent feasible (to minimize the footprint of the project within drainages), and steepening slopes to reduce the extent of fill. Culverts would be sized to facilitate 100-year storm events and are anticipated to range in size from 24-inch to 132-inch. The proposed culverts and bridges would require construction within the drainage features and, therefore, would require permits from the U.S. Army Corps of Engineers (USACE), San Francisco Bay Regional Water Quality Control Board (RWQCB) and CDFW. The City has minimized impacts related to the introduction of fill material to the extent feasible, and has performed the necessary assessments and agency coordination, as outlined in the Draft EIR Chapter 4, *Existing Conditions, Environmental Impacts and Mitigation Measures*.

As discussed throughout Section 4.3, *Aesthetics*, of the Draft EIR, the project site is considered a highly valued landscape, as the project site is located in the foothills of the Mount Diablo Mountains and includes designated scenic resources on-site (i.e., scenic ridges, hillsides, rock outcroppings, mature strands of trees, and other natural resources). Publicly accessible areas that would have expansive views to the foothills and the County-designated ridgeway would include Black Diamond Mines Regional Preserve and surrounding trails, and Highlands Ranch Park. Implementation of the proposed project would alter these existing views (page 4.3-18 of the Draft EIR); however, upon completion of the proposed project, views to the surrounding landscape and undeveloped hillsides would still remain. Further, due to the distance of the project from surrounding viewers as well as the low profile of the proposed alignment, the proposed conditions would appear similar to the existing conditions after implementation of required landscaping measures (Mitigation Measure AES2). Therefore, implementation of the proposed project would



result in less than significant impacts with regards to view impacts of the foothills. Please refer to Response to Comment 8-C for further details related to aesthetics.

As discussed on page 4.8-13 of the Draft EIR, active and dormant landslides have been identified throughout the project area. The *Supplemental Engineering Geologic and Geotechnical Report James Donlon Boulevard Alignment Extension Middle Alignment (C2-Low) Alternative*, prepared by Kleinfelder in September 2012 (refer to Appendix E.3 of the Draft EIR), further investigates the areas requiring cut and fill slopes and provides engineering recommendations which have been incorporated into the design of the proposed project. While the Supplemental Geotechnical Report confirms that the proposed project would cross areas of dormant landslides, the topography of the project area presents the potential for other landslides to occur in the future. Areas susceptible to landsliding may experience slippage during earthquake ground shaking, the magnitude of which would be influenced by the level of ground shaking and ground saturation induced by rainfall. Due to these project area conditions and the relatively steep nature of the topography, slope failure is a possibility. Cut slopes proposed higher or lower than the right-of-way are of particular concern. In addition, all bedrock formations mapped within the project area dip northeastward, which makes them more susceptible to landslide. In areas where slopes would be steeper due to the bedrock formations, buttresses and 12-foot-wide drainage terraces and concrete v-ditches have been incorporated into the project design to minimize the landslide potential. In addition, the implementation of Mitigation Measures GS3 through GS6 would further reduce potentially significant slope stability impacts to a less than significant level. Refer to Response to Comment 11-D for further detail related to geology and soils.

The commenter states that the EIR defers to the HCP process, which violates CEQA. State CEQA Guidelines Section 15126.4(a)(1)(B) states that the formulation of mitigation measures should not be deferred until some future time. However, measures may specify performance standards which would mitigate the significant effect of the project and which may be accomplished in more than one specified way. Thus, although the recommended mitigation measures BIO1 through BIO9 rely on the HCP/NCCP process in place to mitigate impacts to biological resources, these mitigation measures also include specific performance criteria that must be achieved by the project in order to ensure that these impacts are reduced to less than significant levels. Refer to Topical Response 4, *Relationship of the Proposed Project with the East Contra Costa County Habitat Conservation Plan/Natural Community Conservation Plan*, and Response to Comment 15-J, above, as well as a more detailed response in Response to Comment 17-S, below.

The commenter states that the project will impact the County's commitment to reduce countywide GHG emissions to 80 percent below the baseline levels by 2050. This commitment by the County is consistent with the requirements of Assembly Bill (AB) 1493, which was analyzed by the Draft EIR. As the project would relieve congestion and improve connectivity, the project would serve as a GHG reduction measure. As depicted in Table 4.5-8 of the Draft EIR, implementation of the proposed project would reduce vehicle miles traveled (VMT) by 69,000 miles per day. Additionally, vehicle hours traveled (VHT) would be reduced by 5,400 hours per day. Implementation of the proposed project would improve the efficiency of the circulation system in the area, thereby reducing VMT and VHT. Table 4.5-8 also depicts the estimated future emissions from vehicles traveling within the project limits. Based on the VMT data, implementation of the proposed project would reduce GHG emissions by 12,035 metric tons per year. With the implementation of the AB 1493 Pavley emissions reductions and the Low Carbon Fuel Standard, automobile GHG emission would be reduced overall and implementation of the proposed project would reduce emissions by 10,186 metric tons per year. As the proposed project would provide



better traffic flow through the project area, reduce vehicle CO<sub>2</sub> emissions by 12,035 metric tons per year, and result in 5,400 less VHT than No Project conditions, CO<sub>2</sub> emissions for the proposed project would be less than the No Project conditions. As the proposed project would result in a decrease in CO<sub>2</sub> emissions, the proposed project is anticipated to work toward achieving the County's commitment to reduce countywide GHG emissions to 80 percent below the baseline levels by 2050 and impacts in this regard would be less than significant. Refer to Responses to Comments 7-H and 15-F, above, as well as a more detailed response to the commenter's concerns in Response to Comment 17-Z, below.

The commenter suggests that the project's primary purpose is to connect proposed developments. As discussed on page 3-2 of the Draft EIR, the proposed project would provide a limited access arterial roadway to serve regional circulation needs and relieve existing traffic congestion on Buchanan Road, which currently receives a high volume of east-west commute traffic between the City of Antioch and the City of Concord. The extension of James Donlon Boulevard would provide an alternative access route that would link the eastern portion of Contra Costa County (e.g., the cities of Brentwood, Antioch and Pittsburg) to the central portion of Contra Costa County (e.g. the cities of Concord and Walnut Creek). Further, implementation of the proposed project would result in the pre-zoning of the project area to designate all subject properties Open Space (OS) District, with an Agricultural Preserve Overlay in order to ensure that development along the proposed alignment is limited. Please refer to Topical Response 1, *Purpose and Need for the Proposed Project*, with respect to the purpose of the project and Topical Response 2, *Relationship between the Proposed Project and Adjacent Pending and Approved Development Projects*, with respect to adjacent projects. Also refer to Responses to Comments 5-N and 8-B.

The commenter also suggests that future development would have to be approved in order to fund the project. As discussed in Topical Response 3, *Project Funding*, the proposed James Donlon Extension Project will be locally and regionally funded. Funds have been identified within the Pittsburg Regional Transportation Development Impact Mitigation Program and the Pittsburg Local Transportation Mitigation Fee Program. No further response or change to the Draft EIR is necessary.

- B. Please refer to Response to Comment 9-B with respect to the impact statements listed in the subsection titled *Beneficial Impacts* of Section 2.4.1 of the Draft EIR. The impact statements on page 2-12 of the Draft EIR, and subsequently on pages 2-21, 4.13-26, and 4.13-38, have been revised to clarify the beneficial impact, as shown in Section 10.3, *Revision to the Project Draft EIR*. The comment is noted for the record and will be provided to the City of Pittsburg City Council for consideration. No further response or change to the Draft EIR is necessary.
- C. Per State CEQA Guidelines Section 15124(c), the description of the project shall contain a general description of the project's technical, economic, and environmental characteristics, considering the principal engineering proposals, if any, and supporting public service facilities. The commenter suggests that the project description of the Draft EIR includes incomplete information regarding the number of drainages to be filled; the number, location, and size of wildlife crossings; and the species that the crossings are designed to accommodate.

The Draft EIR provides a general description of the proposed project features pertaining to the number of drainages to be filled, the proposed wildlife crossings, and the species that the crossings are designed to accommodate. As discussed on page 3-1 of the Draft EIR, nine culverts/bridges are proposed and would cross three ephemeral and three intermittent streams, as necessary. As



discussed on page 3-13 of the Draft EIR, culverts would be sized to facilitate 100-year storm events. The proposed culverts and bridges would require construction within these drainage features and would be sized to facilitate a 100-year storm event. Additional culverts of various sizes would also be provided to accommodate wildlife movement and cattle ranch operations crossing James Donlon Boulevard. Culverts are anticipated to range in size from 24-inch to 132-inch.

Page 3-2 of the Draft EIR states that the proposed wildlife corridors would be provided and designed in accordance with the HCP/NCCP and the species type. Page 3-13 of the Draft EIR further states that the proposed project would include wildlife movement corridors that provide safe access routes for wildlife to cross from one side of the proposed roadway to the other. Additional culverts of various sizes would be provided to accommodate wildlife movement and cattle ranch operations crossing the proposed James Donlon Boulevard extension. Culverts are anticipated to range in size from 24-inch to 132-inch. Wildlife movement corridors would be located in accordance with HCP/NCCP requirements and designed for the type of species that would utilize the corridor. Directional fencing would be installed to direct wildlife toward the undercrossings. The City and its consultants are working with the ECCC Habitat Conservancy, USFWS, and CDFW regarding wildlife movement issues, including the requirements to provide at least one large wildlife crossing per mile of new roadway and one small wildlife crossing per 1,000 feet of new roadway; refer to Figure 3-8, *Project Culverts*. These measures will allow for wildlife movement to continue between the 400-acre area north of the project area and the natural areas to the south.

Ongoing engineering refinements and discussions with the ECCC Habitat Conservancy during the circulation of the Draft EIR further defined the culverts and sizes, as well as their spacing. Refer to Figure 3-8, *Project Culverts*, in Section 10.3, *Revisions to the Project Draft EIR*, for further clarification. However, consultation with the ECCC Habitat Conservancy is ongoing and may result in further refinement during final design. Per the required HCP/NCCP Conservation Measure 1.4, the USFWS/CDFW approved biologist would be required to determine whether or not the proposed wildlife crossing(s) are effective for each particular species. Should the USFWS/CDFW approved biologist determine that the crossing is not effective, the biologist would require the project proponent to revise the design accordingly prior to construction, as required by the HCP/NCCP, thus ensuring that impacts in this regard are less than significant. Refer to Responses to Comments 8-H, 15-I, and 15-J for further detail.

With respect to a topographic map, due to the scale of the proposed project, specific topographic information on the figures in the Draft EIR were not provided for legibility purposes; however, general topographic lines were provided in Figures 4.8-1 and 6-2 of the Draft EIR and the steepness of the terrain is referenced throughout the Draft EIR. In addition, the Draft EIR does include a description of the proposed grading activities on page 3-13, which are considered in the analyses included as part of the Draft EIR. It should be noted that State CEQA Guidelines Section 15147 states that placement of highly technical and specialized analysis and data in the body of an EIR should be avoided through inclusion of supporting information and analyses as appendices to the main body of the EIR. Therefore, many of the technical reports provided in Volumes 2 and 3 of the Draft EIR provide topographic figures of varying clarity and information. No further response or changes to the Draft EIR are necessary.

- D. Per State CEQA Guidelines Section 15124, the description of the project should not supply extensive detail beyond that needed for evaluation and review of the environmental impact. This section goes on to list the information required within an EIR project description. State CEQA





Guidelines 15124(c) further states that the description of the project shall contain a general description of the project's technical, economic, and environmental characteristics, considering the principal engineering proposals, if any, and supporting public service facilities. The commenter suggests that the project description should describe in detail the culverts and bridges proposed for the project. The Draft EIR provides a general description of the proposed project features pertaining to the number of drainages. Page 3-1 of the Draft EIR states that nine culverts/bridges are proposed and, as necessary, would cross three ephemeral and three intermittent streams. As discussed on page 3-13 of the Draft EIR, culverts would be sized to facilitate 100-year storm events.

As discussed in Response to Comment 17-C, above, ongoing discussions with the ECCC Habitat Conservancy during the circulation of the Draft EIR further defined the culverts and bridges. Refer to Figure 3-8, *Project Culverts*, in Section 10.3, *Revisions to the Project Draft EIR*, above, for further a clarification. However, as the discussions with the ECCC Habitat Conservancy are ongoing, a USFWS/CDFW approved biologist is required to provide approval of the final number and spacing of all culverts, both at drainages and for wildlife crossings. The USFWS/CDFW approved biologist may also provide a revised design for culvert sizing and spacing prior to final design and construction.

In addition, as discussed in Response to Comment 15-J, Table 6.6 of the HCP/NCCP clearly indicates that the use of bridges (as opposed to culverts) for the James Donlon Extension Project (referred to in the HCP/NCCP as the "Buchanan Bypass") is optional. As part of the City's and RBF Consulting's evaluation of the alignment, three additional bridge crossings were evaluated. As shown on Exhibit B-3 of the *Technical Memorandum Report* prepared by RBF Consulting on November 30, 2012 (refer to Appendix G.2 of the Draft EIR), bridges spanning the ephemeral and intermittent streams would vary in cost from \$8.3 million to \$17.0 million per bridge. These costs reflect the need for long bridge spans due to the height of the roadway grade. However, as the discussions with the ECCC Habitat Conservancy are ongoing, a USFWS/CDFW approved biologist is required to provide approval of the final number and spacing of all culverts, both at drainages and for wildlife crossings. The USFWS/CDFW approved biologist may also provide a revised design for culvert sizing and spacing prior to final design and construction. As a result, the use of culverts instead of bridges at those drainages does not conflict with the HCP/NCCP. No further response or changes to the Draft EIR are necessary.

- E. Please refer to Responses to Comments 7-D, 8-F, 8-H, 15-I, 15-J, 17-A, 17-C, and 17-D, above, regarding the wildlife crossing culverts as well as the ranching operation crossing culverts. As stated above, ongoing discussions with the ECCC Habitat Conservancy during the circulation of the Draft EIR further defined the culverts and bridges. Refer to Figure 3-8, *Project Culverts*, in Section 10.3, *Revisions to the Project Draft EIR*, above, for further clarification. However, as the discussions with ECCC Habitat Conservancy are ongoing, a USFWS/CDFW approved biologist is required to provide approval of the final number and spacing of all culverts, both at drainages and for wildlife crossings. The USFWS/CDFW approved biologist may also provide a revised design for culvert sizing and spacing prior to final design and construction.

City General Plan policies 9-P-1, 9-P-9, and 9-P-10 are provided in Section 4.6, *Biological Resources*, on page 4.6-23, Subsection 4.6.2, *Regulatory Setting*, of the Draft EIR. As shown in Figure 4.6-1, *Land Cover Types/Project Area*, of the Draft EIR, Kirker Creek has a no impact area and the bridge over Kirker Creek would be a clear span bridge, staying outside of the no impact limits, which is a 75-foot buffer area around Kirker Creek. Coordination with the HCP is ongoing,



in order to determine the appropriate design and mitigation measures involving special status species. As discussed above, the proposed culvert locations as depicted in Figure 3-8, includes the culverts for drainages and wildlife crossings as deemed appropriate through the coordination with the HCP. However, these discussions will continue through final design. Technical studies analyzing impacts to biological resources are provided in Appendix C of the Draft EIR and include the following: *James Donlon Boulevard Extension Planning Survey Report* (June 2008, Appendix C.1); *James Donlon Boulevard Extension Tree Survey Report* (June 2008, Appendix C.2); *James Donlon Boulevard Extension Special-Status Species Report for CEQA Compliance* (June 2008, Appendix C.3); *James Donlon Boulevard Extension Project Alternative Alignment Assessment* (May 2012, Appendix C.4); and *City of Pittsburgh Application Form and Planning Survey Report to Comply with and Receive Permit Coverage under the East Contra Costa County Habitat Conservation Plan and Natural Community Conservation Plan* (October 2012; Appendix C.5). In addition, Mitigation Measures BIO1 through BIO5 would reduce impacts to candidate, sensitive and special-status species to a less than significant level. Mitigation Measure BIO6 would reduce impacts to wetlands and other jurisdictional waters to a less than significant level. Therefore, given the design of the proposed project and the mitigation measures required, the proposed project would reduce the potentially significant impacts to biological resources, consistent with these City General Plan policies. No further response or changes to the Draft EIR are necessary.

- F. Please refer to Response to Comment 16-B, above, regarding the term “ornamental vegetation” and refer to Responses to Comments 8-F and 16-C regarding invasive species and noxious weeds. The EIR has been revised to identify native vegetation instead of ornamental vegetation, refer to Section 10.3, *Revisions to the Project Draft EIR*. These changes provide minor clarification to the text in the Draft EIR and do not constitute “significant, new information” pursuant to State CEQA Guidelines Section 15088.5. No further response or changes to the Draft EIR are necessary.
- G. As stated in Response to Comment 15-B, Chapter 3, *Project Description*, of the Draft EIR, complies with the State CEQA Guidelines Section 15124(b) requirement to include in the project description a statement of objectives sought by the proposed project. The purpose of the project objectives is to help the lead agency develop a reasonable range of alternatives to evaluate in the EIR and to aid the decision makers in preparing findings or a statement of overriding considerations, if necessary. The statement of objectives should include the underlying purpose of the project. Please refer to Response to Comment 15-B, above, regarding project objectives, specifically the objectives to provide a limited access arterial roadway, provide a secondary access route, and relieve traffic congestion on Buchanan Road. In addition, please refer to Topical Responses 1, 2, and 3 regarding the purpose of the proposed project, the relationship of the proposed project to approved and pending development projects, and the project funding sources. As is noted in the topical responses and throughout this Final EIR, the proposed roadway is intended to accommodate existing and planned growth in Pittsburgh and East Contra Costa County.

With respect to sensitive wildlife and plant habitat, please refer to Topical Response 4 regarding the proposed project’s relationship with the HCP/NCCP. In addition, please refer to Responses to Comments 8-H, 15-I, 15-J, 17-A, 17-D, and 17-E regarding biological resources. As discussed in Section 4.6, *Biological Resources*, of the Draft EIR, annual grassland, oak savanna, ruderal, and native grassland land cover types such as those within the project area are relatively abundant and widespread in the region. These habitats are not sensitive or valuable, from the perspective of providing important habitat for plants and wildlife. In addition, due to disturbance from historical ranching activities, the land cover types are not considered pristine within the project area. Further analysis regarding special-status species impacts can be found on pages 4.6-26 through 4.6-32 of



the Draft EIR. While some impacts to sensitive species would occur, implementation of mitigation measures would render those impacts less than significant. Additionally, as discussed in the biological resources technical studies provided in Appendix C, *Biological Resources*, of the Draft EIR, this proposed project alignment would result in the least amount of permanent impacts to sensitive habitats. The proposed project is also a covered project within the HCP/NCCP. Therefore, with implementation of the HCP/NCCP and mitigation measures, impacts are less than significant and the proposed project is consistent with the defined project objectives provided in Section 3.4 of the Draft EIR.

With respect to severe landslide areas, please refer to Responses to Comments 11-D and 17-A. As discussed on page 4.8-13 of the Draft EIR, active and dormant landslides have been identified throughout the project area. Technical studies provided in Appendix E, *Geological and Geotechnical Resources*, of the Draft EIR provide further investigation in the areas requiring cut and fill slopes. As depicted in Figure 6-3, *Approximate Northern Alignment Alternative*, the proposed project would traverse the least number of dormant landslide areas. While the Supplemental Engineering Geologic and Geotechnical Report (refer to Appendix E.3 of the Draft EIR) confirms that the proposed project would cross areas of dormant landslides, design requirements include buttresses and 12-foot-wide drainage terraces and concrete v-ditches to minimize the landslide potential. In addition, the implementation of Mitigation Measures GS3 through GS6 would further reduce potentially significant slope stability impacts. Therefore, with implementation of the design requirements and mitigation measures, impacts are less than significant and the proposed project is consistent with the defined project objectives provided in Section 3.4 of the Draft EIR. No further response or changes to the Draft EIR are necessary.

- H. The proposed project would be required to obtain all necessary and relevant permits from state and local agencies and provides this list, to the extent required by CEQA, in the Draft EIR Section 2.4, *Project Summary*, and Section 3.5.2, *Entitlements Required*, as amended in Section 10.3, *Revisions to the Project Draft EIR*, above. These lists include the need for the California Department of Fish and Game Code Section 1600 et seq. permits (Streambed Alteration Agreements). The Draft EIR assessed impacts to drainages, including wetlands and aquatic habitats potentially subject to agency regulation, on pages 4.6-36 and 4.6-37 of the Draft EIR. As discussed on Draft EIR page 4.6-37, construction of the proposed project would result in permanent impacts to 1.27 acres of jurisdictional wetlands, 0.06 acre of jurisdictional other waters, and 5.3 acres of CDFW-regulated habitats. The Draft EIR analysis also states that temporary impacts on aquatic habitats would occur within the construction easements and would include impacts to 0.1 acre of jurisdictional wetlands, less than 0.01 acre of jurisdictional other waters, and 0.8 acre of CDFW-regulated habitats. The Draft EIR analysis concludes that impacts of the proposed project on sensitive and regulated habitats are mitigated through compliance with the HCP/NCCP conservation strategy via the payment of a rural road fee and wetland mitigation fee, and via the implementation of applicable conservation measures.

The HCP/NCCP requires that additional fees be paid for impacts to wetlands and creeks and contains habitat-specific requirements for the preservation and restoration of these habitats by the ECCC Habitat Conservancy. As a result, payment of these impact fees would mitigate proposed project impacts to wetland and aquatic resources to less-than-significant levels. In the *Regulatory Setting* subsection of Draft EIR Section 4.6, *Biological Resources*, page 4.6-21, Section 1602 (Streambed Alteration Agreement) requirements are described. The City anticipates the need for a Streambed Alteration Agreement for impacts to Kirker Creek (which would only consist of bridging over CDFW jurisdiction) and four unnamed creeks. In addition, Mitigation Measure BIO6



requires the submittal of permits to the City of Pittsburg Development Services Department prior to the City's issuance of grading permits. Therefore, although the Draft EIR did not describe project-specific permitting requirements related to Section 1602 of the California Fish and Game Code, it is not necessary in a CEQA document to go into detail regarding regulatory permitting issues. Further, while the number of Lake and Streambed Alteration Agreements are not identified, the total acreages and mitigation measures are identified to appropriately evaluate impacts to wetlands and other waters of the U.S as required by State CEQA Guidelines Sections 15126.2 and 15126.4. No further response or changes to the Draft EIR are necessary.

- I. The commenter states that one year of wildlife studies are required to identify the wildlife crossings. Although the commenter does not site specific sections within the Draft EIR where this requirement is stated, the Lead Agency acknowledges that the HCP/NCCP does specify a guideline of one year of wildlife movement studies for such regional roadway projects. The Lead Agency has discussed such a study in ongoing coordination with the ECCC Habitat Conservancy, USFWS, and CDFW. In accordance with that coordination, the HCP/NCCP guideline for one year of wildlife movement studies is being modified for this proposed project by the ECCC Habitat Conservancy in conjunction with the USFWS, and CDFW because the types and locations of undercrossings that can be feasibly incorporated for wildlife movement on this proposed project are dictated more by topography than by any existing wildlife movement patterns. Please also see Response to Comment 17-U, below, for further detail regarding wildlife corridors.

The Draft EIR analyzes impacts to wildlife movement on pages 4.6-37 and 4.6-38. As discussed in the Draft EIR, this impact is less than significant because the proposed project would not adversely affect regional movements of large numbers of animals, the types of movements necessary to sustain entire populations. In the project vicinity, such movements occur primarily in an east-west direction, parallel to the proposed project. These regionally important wildlife movements will continue to occur on the south side of the project area even after project completion. The proposed project would reduce wildlife movement between the approximately 400-acre area to the north of the road and east of Kirker Pass Road and the natural areas to the south. However, such reduction would not affect important regional animal dispersal. Because the impact was considered less than significant, no mitigation is necessary and no detailed description of design elements related to wildlife movement is necessary. Nevertheless, in accordance with requirements in Chapter 6 of the HCP/NCCP, the proposed project is incorporating measures to facilitate movement of wildlife across the road while minimizing traffic-related mortality. As noted above, the City and its consultants are working with the ECCC Habitat Conservancy, USFWS, and CDFW regarding wildlife movement issues, including the requirement to provide at least one large wildlife crossing per mile of new roadway and one small wildlife crossing per 1,000 feet of new roadway. Because the locations where such undercrossings can be feasibly constructed and would be effective for wildlife movement are dictated so much by topography on this proposed project, discussions with the agencies have focused more on the type, number, and locations where such undercrossings are biological sensible than on pre-project wildlife movement.

Please refer to Responses to Comments 8-H, 15-I, and 15-J for additional details related to undercrossings. The proposed project incorporates large and small-diameter undercrossings at regular intervals along the proposed project alignment to allow animals to cross under the roadway. Directional fencing would be constructed on both sides of the roadway to minimize the potential for animals to cross over the road (thus reducing the potential for collisions with vehicles) and to direct animals to the undercrossings. Ongoing discussions with the ECCC Habitat Conservancy during the circulation of the Draft EIR further defined the culverts and bridges. Refer to Figure 3-8,



*Project Culverts*, in Section 10.3, *Revisions to the Project Draft EIR*, above, for further a clarification. However, as the discussions with the ECCC Habitat Conservancy are ongoing, a USFWS/CDFW approved biologist is required to provide approval of the final number and spacing of all culverts, both at drainages and for wildlife crossings. The USFWS/CDFW approved biologist may also provide a revised design for culvert sizing and spacing prior to final design and construction. No further response or changes to the Draft EIR are necessary.

- J. Pursuant to State CEQA Guidelines Section 15125, the EIR shall discuss any inconsistencies between the proposed project and applicable general plans, specific plans, and regional plans. Where a proposed project is compared with an adopted plan, the analysis shall examine the existing physical conditions at the time the NOP is published and potential future conditions discussed in the plan. Section 4.2, *Land Use and Planning*, of the Draft EIR provides a consistency discussion regarding the City General Plan, County General Plan, and the Contra Costa LAFCO. In addition, the Draft EIR evaluated 13 resource areas and analyzed the physical impacts related to the proposed project and provided mitigation measures, where feasible, to reduce the impacts. Thus the Draft EIR complies with State CEQA Guidelines Section 15125.

Please refer to Response to Comment 5-E regarding the basic project consistency with the City General Plan. As stated in the Draft EIR and Response to Comment 5-E, the proposed project would amend the City General Plan land use designations on APNs 089-050-056 and 089-020-011 from Open Space and Hillside Low Density Residential to Open Space. In addition, the proposed project would pre-zone the two privately-owned parcels from Hillside Planned Development (HSD) District and Open Space (OS) District to Open Space (OS) District, with an Agricultural Preserve Overlay. Therefore, although the proposed project would convert 70 acres of agricultural land to non-agricultural land, it would ultimately protect approximately 400 acres of agricultural land by designating the land Open Space, thus ensuring that the rural character of the existing agricultural grazing lands is retained. Therefore, as stated in the Draft EIR in Table 4.2-1, the proposed project is considered consistent with Policy 2-P-109.

The commenter concludes that the basic City General Plan policy structure is ignored in the design of the proposed project and the analysis within the Draft EIR. However, in compliance with State CEQA Guidelines Section 15125, each resource section within the Draft EIR provides a subsection titled *Regulatory Setting*, in which the applicable laws, plans, goals and policies under federal, state, and local jurisdictions, are listed. Also in compliance with State CEQA Guidelines 15125, the Draft EIR resource sections provide a subsection titled *Environmental Analysis*, where thresholds of significance are identified and the existing physical conditions at the time of the NOP were examined in relationship to the proposed project and compared with any applicable adopted plans. Each individual resource analysis of physical impacts identifies mitigations measures, where applicable and feasible, in order to reduce impact significance levels and comply with adopted laws, regulations, plans and policies. In addition, the proposed project would amend the City General Plan land use designation on APNs 089-050-056 and 089-020-011 from Open Space and Hillside Low Density Residential to Open Space. The proposed project would also pre-zone the two privately-owned parcels from Hillside Planned Development (HSD) District and Open Space (OS) District to Open Space (OS) District, with an Agricultural Preserve Overlay. These project features along with implementation of the required mitigation measures identified within the Draft EIR ensure that the proposed project remains consistent with the law, regulations, plans, and policies identified as applicable to the James Donlon Boulevard Extension Project. Please refer to Responses to Comments 5-E, 8-B, 15-G, and 17-E for additional detail. No further response or changes to the Draft EIR are necessary.





- K. Please refer to Responses to Comments 5-A through 5-Q for information regarding annexation and Contra Costa LAFCO concerns. Please also refer to Response to Comment 7-D for information regarding Contra Costa County concerns with the annexation and Williamson Act contract requirements. Pages 4.2-13 through 4.2-17 of the Draft EIR analyze the proposed project in accordance to consistency with the Contra Costa LAFCO policies, including the Cortese-Knox-Hertzberg Act and the LAFCO Commissioner Handbook Policies and Standards. Specifically, pages 4.2-14 through 4.2-16 discuss and analyze the proposed project pursuant to the Cortese-Knox-Hertzberg Act Section 56856.5(a) and concludes that the City would not provide facilities or services related to sewers, nonagricultural water, or streets and roads to the territory (APNs 089-050-056 and 089-020-011). No access points would be provided to the existing cattle ranch property from the proposed project; therefore the project would provide facilities *through* the agricultural land but not *to* the land. The comment is noted for the record and will be provided to the City of Pittsburg City Council for consideration. No further response or changes to the Draft EIR are necessary.
- L. Please refer to Response to Comment 5-G regarding the bifurcation of the existing cattle ranch. Please refer to Responses to Comments 5-A, 5-D, 5-F, 5-G, 7-D, and 8-F regarding impacts to agricultural and Williamson Act lands. As stated in the Draft EIR, the existing cattle ranch would be retained and cattle grazing would continue after implementation of the proposed project. As discussed in Section 10.3, *Revisions to the Project Draft EIR*, and shown in Figure 3-8, *Project Culverts*, safe passage of the cattle and equipment from the north to the south sides of the proposed roadway would be provided through approximately 18 culverts ranging in size from 24 inches (2 feet) to 132 inches (11 feet). Through discussions with the ECCC Habitat Conservancy, USFWS, and CDFW regarding wildlife movement issues, there would be at least one large wildlife crossing per mile of new roadway, large enough to be used by cattle, rather than one as stated in the comment. Therefore, as concluded in the Draft EIR, impacts to agricultural lands are considered less than significant.

With respect to the hydrology of the project area, please refer to Responses to Comments 6-D and 6-E. Page 4.10-14 in Section 4.10, *Hydrology and Water Quality*, of the Draft EIR states the planned stormwater control devices and systems would be configured to accommodate a 25-year design storm event. The planned stormwater control devices and systems would discharge toward logical stream crossings to maintain existing drainage patterns and minimize erosion potential. The intent of the planned stormwater control devices and systems is to mimic the existing drainage patterns and provide hydromodification measures that mimic existing runoff events. In addition, runoff from the roadway and terrace drains would enter the planned stormwater control devices and systems where the required treatment and flow control volume would be provided. Therefore, with implementation of Mitigation Measures WQ1 through WQ3, runoff rates discharged from the site are expected to be similar to pre-project conditions. Therefore, as concluded in the Draft EIR, impacts to hydrology are considered less than significant. No further response or change to the Draft EIR is necessary.

- M. Thank you for your comment. Please refer to Topical Responses 1 and 2 and Responses to Comments 4-B, 5-A through 5-Q, 7-D, 8-A, 8-F, 8-H, 17-A, 17-C through 17-E, 17-G, 17-J through 17-L for further detail regarding the concerns of the proposed project on agricultural land under a Williamson Act contract, the purpose of the project, and the relationship of the proposed project to pending and approved projects. The comment is noted for the record and will be



provided to the City of Pittsburgh City Council. No further response or change to the Draft EIR is necessary.

- N. As discussed in Draft EIR Section 4.3, *Aesthetics*, pages 4.3-23 and 4.3-24, subheading *Scenic Views Along Transportation Corridors*, the only scenic routes with views toward the proposed project include Kirker Pass Road and Nortonville Road, which are located within the western portion of the project site and represented by Key Views 4 and 5, which are analyzed in the Draft EIR. Views along other designated scenic routes in the area (i.e., Somersville Road to the east of the project site) are not readily afforded due to existing topography and intervening trees and structures. Implementation of the proposed project would result in the slight modification of the visible landforms, as seen from motorists along Kirker Pass Road. However, upon the re-landscaping of the cut areas resulting from project grading required by Mitigation Measure AES2, the hillsides which dominate the views from motorists along Kirker Pass Road would remain similar to existing conditions. Ultimately the roadway improvements, as seen from Kirker Pass Road would appear relatively similar to the existing roadway character in this area; refer to Figures 4.3-12, *Key View 4 Proposed Condition*, and 4.3-13, *Key View 5 Proposed Condition*, of the Draft EIR. As stated in the Draft EIR, implementation of the proposed project would result in less than significant impacts with regards to views from Kirker Pass Road.

As discussed on page 4.3-29, of the Draft EIR, based on the importance ascribed to ridgelines in the City General Plan, and the designation of portions of nearby roads as scenic or connecting routes by the County General Plan, views of portions of the project area are of moderate to high visual quality. Viewer sensitivity to the proposed project would likely be high. Viewer exposure would be high for some of the residences north of the project site, and moderate to high for motorists traveling on Kirker Pass Road and Nortonville Road.

Implementation of the proposed project would require grading that would leave visible hillside cuts immediately following construction. Upon revegetation of the disturbed areas, as required by Mitigation Measure AES2, the hillsides would appear similar to existing conditions. The change in character/quality as seen from the selected Key Views and surrounding areas would not be substantial following implementation of proposed landscaping (Mitigation Measure AES2); refer to Draft EIR Figures 4.3-2 through 4.3-15, which provide photosimulations depicting the existing condition, the after construction (prior to landscaping) condition, and the after landscaping condition of the proposed project. The proposed roadway itself would be nestled between the hillsides and would not be readily visible to the majority of surrounding viewers. Implementation of Mitigation Measure AES2 would ensure visual character and quality impacts are reduced to less than significant levels. Refer to Response to Comment 8-C for additional information related to scenic resources. No further response or change to the Draft EIR is necessary.

- O. Please refer to Responses to Comments 8-C and 17-N related to scenic resources. As discussed in Responses to Comments 8-C, scenic resources noted to contribute to the character/quality of the area include scenic ridges, hillsides, and rock outcroppings. The County also has many smaller, localized scenic resources in the project area (such as isolated hilltops, rock outcroppings, mature stands of trees, and other natural features). On-site rock outcroppings (defined in Response to Comment 8-C) are not readily visible from surrounding publicly accessible areas, including but not limited to Black Diamond Mines Regional Preserve, Kirker Pass Road, adjacent north/south streets and parks within the City of Pittsburgh, as well as SR 4. Other scenic resources, including topography, mature trees, creeks (particularly Kirker Creek), and ridgelines are noted, as discussed in the Key View analyses throughout Section 4.3.



As depicted on Figures 4.3-2 through 4.3-15 of the Draft EIR (which include photosimulations from publicly accessible view areas), implementation of the proposed project would not result in significant visual impacts to visual resources, as viewed from the surrounding community. Although the proposed project would be impacting visual resources, including, but not limited to, rock outcroppings, oak savanna, and streams, these visual resources are not readily visible from surrounding publicly accessible areas and visual resources, also present and adjacent to the project site, would remain upon implementation of the proposed project. Further, implementation of Mitigation Measure AES2 would require relocation/replacement of visual resources impacted as a result of the proposed project. It should also be noted that implementation of the proposed roadway extension would increase publicly accessible areas in the project vicinity such that new public views toward these visual resources (including surrounding rock outcroppings) would become available to the viewing public upon proposed project implementation.

- P. Refer to Responses to Comments 8-C, 15-G, 17-N, and 17-O regarding the proposed project's impacts to aesthetics and consistency with City and County goals and policies. The County General Plan goals and policies listed by the commenter (Policy 5-37, 5-43, 9-17, and 9-24) are listed on pages 4.3-14 through 4.3-16, Section 4.3.2, *Regulatory Setting*, of the Draft EIR. The physical impacts to aesthetics are analyzed in Section 4.3.3, *Environmental Analysis*, beginning on page 4.3-17, of the Draft EIR.

Page 4.3-27 of the Draft EIR acknowledges that portions of the proposed project alignment would cross two minor ridgelines and one major ridgeline designated in the City General Plan, and lie within City-designated viewsheds. The proposed roadway would cross a ridgeline that is designated as a scenic ridgeway in the County General Plan. The County General Plan emphasizes the value of views from scenic routes and major scenic ridgelines. The Draft EIR, page 4.3-27, goes on to state that while a variety of goals and policies in the City General Plan emphasize the preservation of ridge views, it explicitly contemplates and acknowledges construction of the proposed project (referenced as the Buchanan Bypass within the City General Plan).

The Draft EIR considers scenic view impacts, particularly from Black Diamond Mines Regional Preserve, Highlands Ranch Park, transportation corridors (particularly along Kirker Pass Road and Nortonville Road), as well as the potential for degradation of character/quality in the general area. Key View Points 1 through 7 represent various viewing locations surrounding the project area. Impacts to these representative views are analyzed in the Draft EIR. Figures 4.3-9 through 4.3-15 of the Draft EIR provide photosimulations which depict the proposed project in both unmitigated and mitigated forms. Specific to the commenter's concerns, Figures 4.3-12 and 4.3-13 depict the photosimulations for Key View Points 4 and 5, which represent Kirker Pass Road and Nortonville Road. Figures 4.3-9 and 4.3-10 provide photosimulations for Key View Points 1 and 2, which represent views from Black Diamond Mines Regional Preserve. Figure 4.3-11 depicts the photosimulation for Key View Point 3, which represents views from Highlands Ranch Park. The commenter is referred to pages 4.3-18 through 4.3-22 of the Draft EIR for the full analysis of impacts associated with Key View Points 1 through 3; associated Mitigation Measure AES2 is provided on page 4.3-23 of the Draft EIR. The commenter is referred to pages 4.3-23 through 4.3-24 of the Draft EIR for the full analysis of impacts associated with Key View Points 4 and 5. The impacts to the selected Key Views and surrounding areas would not be substantial following implementation of proposed landscaping. The proposed roadway itself would include a low profile between the existing hillsides and would not be readily visible to the majority of surrounding viewers. Alteration of slopes would be required to implement specific treatments, as discussed in



Mitigation Measure AES2, in order to ensure contours appear similar to existing conditions. Implementation of Mitigation Measure AES2 would ensure visual character and quality impacts are reduced to less than significant levels.

As discussed throughout Section 4.3, *Aesthetics*, implementation of the proposed project would require substantial grading that would leave visible hillside cuts immediately following construction. The grading would not be “filling in canyons and removing hilltops.” Upon revegetation of the disturbed areas, as required by Mitigation Measure AES2, the hillsides would appear similar to existing conditions. The analysis and photosimulations support the conclusions provided in the Draft EIR of less than significant with the incorporation of mitigation measures. Thus, implementation of Mitigation Measures AES1 through AES3 would reduce impacts to a less than significant level and would maintain the proposed project’s consistency with the City and County General Plan goals and policies. No further response or change to the Draft EIR is necessary.

- Q. The actual project alignment and design have been modified since completion of the Viewshed Analysis conducted as part of the City General Plan and City General Plan EIR. The proposed project’s viewshed was considered in the Draft EIR. Based on the existing topographic conditions in the area, the majority of the proposed project features that are visible from the surrounding area include minor portions of the proposed cut and fill areas along the foothills. Upon the re-landscaping of the cut/fill areas resulting from project grading and contouring similar to the surrounding topographic conditions, required by Mitigation Measure AES2, the existing character of the hillsides which dominate the views of the project area would remain upon implementation of the proposed project. The comment is noted for the record and will be provided to the City of Pittsburg City Council for consideration. No further response or change in the Draft EIR is necessary.
- R. The available public health statistics for incidence of Valley Fever are provided through the California Department of Public Health (Coccidioidomycosis Yearly Summary Report, 2012). These statistics do not indicate a comparatively high Valley Fever incidence rate within Contra Costa County. The California Department of Public Health’s 2012 *Coccidioidomycosis Yearly Summary Report* identifies the counties of Fresno, Kern, and Kings, as having the highest rates of occurrence<sup>11</sup>. The impact analysis in the Draft EIR carefully considers the fugitive dust emissions potential and incorporates appropriate mitigation measures that would require disturbed areas to be stabilized to reduce fugitive dust emissions (Mitigation Measures AQ1 and AQ2). These mitigation measures would reduce the exposure potential for any *Coccidioidomycosis* spores, which cause Valley Fever, which may be present in the fugitive dust emissions. The comment is noted for the record and will be provided to the City of Pittsburg City Council for consideration. No further response or change to the Draft EIR is necessary.
- S. Thank you for your comment. Please refer to the Responses to Comments 15-I and 17-U related to biological resources. The comment is noted for the record and will be provided to the City of Pittsburg City Council for consideration. No further response or change to the Draft EIR is necessary.
- T. Please refer to the Responses to Comments 8-H, 15-I, 15-J, and 17-I regarding project impacts to wildlife movement. The impact was determined to be less than significant, as described in the

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<sup>11</sup> The rate of occurrence is based on the number of cases per 100,000 population.



Draft EIR; additional information on wildlife movement through the proposed culverts is provided in Figure 3-8, *Project Culverts*. In accordance with the Lead Agency's coordination with the ECCC Habitat Conservancy, the HCP/NCCP guideline for one year of wildlife movement studies is being modified for this proposed project by the ECCC Habitat Conservancy in conjunction with the USFWS and CDFW, because the types and locations of undercrossings that can be feasibly incorporated for wildlife movement on this proposed project are dictated more by topography than by an existing wildlife movement pattern. As noted above, the City and its consultants are working with the ECCC Habitat Conservancy, USFWS, and CDFW regarding wildlife movement issues, including the requirement to provide at least one large wildlife crossing per mile of new roadway and one small wildlife crossing per 1,000 feet of new roadway. Because the locations where such undercrossings can be feasibly constructed and would be effective for wildlife movement are dictated so much by topography on this proposed project, discussions with the agencies have focused more on the type, number, and locations where such undercrossings are biological sensible than on pre-project wildlife movement patterns. Please also see Response to Comment 17-U below. No further response or change to the Draft EIR is necessary.

- U. Please refer to the Responses to Comments 8-H, 15-I, 15-J, and 17-I regarding project impacts to wildlife movement. As discussed in the Draft EIR, the conclusion regarding impacts to wildlife movement was reached primarily on the basis of the extent of land that would be separated by the proposed project from other expanses of open lands (i.e., a relatively limited area), and on the geographic location of that land (i.e., not within a major regional movement corridor for wildlife). The area bound by the proposed project to the south and east, Kirker Pass Road to the west, and developed areas of the City to the north comprises approximately 400 acres of habitat similar to those comprising the project site. That area supports populations of animals such as reptiles, amphibians, and mammals that would be separated from open space to the south by the proposed James Donlon Boulevard extension. However, the proportion of the regional population of those species that occupies that area is very small; this 400-acre area comprises only 0.3 percent of the natural communities present in the HCP/NCCP area (according to the HCP/NCCP land cover mapping). No particularly large or valuable wetlands or other sensitive habitats are present within this 400-acre area to suggest that it supports disproportionately high concentrations of species (refer to Appendix C, *Biological Resources*, of the Draft EIR for further detail). Therefore, introduction of an impediment to dispersal to or from that area would affect a very small proportion of the regional populations of those species. Furthermore, that area is not within a major regional movement corridor for wildlife, largely because the developed portions of the City to the north preclude large-scale wildlife movements in a north-south direction in the regional area. For example, Figure 5-5 in the HCP/NCCP depicts potential movement routes for the San Joaquin kit fox in the HCP/NCCP area, and Figure 5-11 of the HCP/NCCP depicts regional connections for terrestrial species, birds, and aquatic species that would be desirable; neither figure shows the small area to the north of the proposed project alignment as being within one of these important wildlife movement areas. Nevertheless, the proposed project would construct undercrossings to facilitate wildlife movement across the proposed roadway while also installing directional fencing designed to minimize the potential for wildlife to cross over the road's surface, where mortality could occur. Both of these measures are required by the HCP/NCCP. As a result, even though the Draft EIR determined the impact to wildlife movement to be less than significant in the absence of such measures, the proposed project would implement measures to minimize traffic-related mortality and facilitate movement of wildlife under the road.

The City and its consultants are working with the ECCC Habitat Conservancy, USFWS, and CDFW regarding wildlife movement issues, including the requirement to provide at least one large





wildlife crossing per mile of new roadway and one small wildlife crossing per 1,000 feet of new roadway. The ongoing discussions with the ECCC Habitat Conservancy during the circulation of the Draft EIR further defined the culverts and bridges. Refer to Figure 3-8, *Project Culverts*, in Section 10.3, *Revisions to the Project Draft EIR*, above, for further a clarification. As the discussions with the ECCC Habitat Conservancy are ongoing, a USFWS/CDFW approved biologist is required to provide approval of the final number and spacing of all culverts, both at drainages and for wildlife crossings. The USFWS/CDFW approved biologist may also provide a revised design for culvert sizing and spacing prior to final design and construction.

With respect to the commenter's statement "[t]his requirement that the applicant adopt mitigation measures recommended in a future study is in direct conflict with the guidelines implementing CEOA". Please refer to Response to Comment 15-J regarding CEQA requirements and deferred mitigation.

State CEQA Guidelines Section 15126.4(a)(1)(B) states that the formulation "of mitigation measures should not be deferred until some future time. However, measures may specify performance standards which would mitigate the significant effect of the project and which may be accomplished in more than one specified way." The Lead Agency may commit itself to devising additional mitigation measures at a later time, provided that the measures are required to "satisfy specific performance criteria articulated at the time of project approval" (*Sacramento Old City Assn. v. City Council* (1991)229 Cal.App.3d 1011, 1028-1029). Thus, the Draft EIR analyzed impacts to species both covered and not covered by the HCP/NCCP and provided mitigation measures where appropriate for those species and issues not covered in the HCP/NCCP. These mitigation measures provided in the Draft EIR incorporate specific performance criteria, clearly identifying the pre-construction surveys required for the proposed project which is a standard and widely-accepted approach pursuant to CEQA. The mitigation measures go on to identify avoidance and minimization measures, as well as construction monitoring requirements, if the HCP/NCCP non-covered species are found during the standard pre-construction surveys. The EIR identifies impacts and mitigation measures BIO1 through BIO9, in accordance with CEQA. The commenter refers repeatedly to Conservation Measure 1.4 and its requirement for data collection, but ignores the many other HCP/NCCP measures that the proposed project is required to implement. The Draft EIR clearly and explicitly addresses potential impacts under the heading "Wildlife Movement Impacts," and finds them less than significant for the reasons stated in the text. Additional information is presented in in this response. The commenter may disagree with the Draft EIR conclusion; however, the analysis and conclusion are disclosed and supported by substantial evidence, as required by CEQA.

- V. The commenter presents concerns regarding large branchiopods, California tiger salamander, and burrowing owl. Additionally, the commenter feels that some issues are deferred. Please refer to Responses to Comments 15-J and 17-U regarding this issue. The following are responses to the commenter's specific concerns as they related to the three special-status species.
- **Covered large branchiopods** – the statement in the Draft EIR that "no covered branchiopods were observed during site surveys" was simply intended to confirm that none were seen; it was not intended to suggest that surveys had been adequate to confirm absence. This is demonstrated by the discussion of the potential for occurrence of special-status branchiopods on pages 4.6-29 and 4.6-30 of the Draft EIR, and the inclusion of branchiopod-specific mitigation measures as Mitigation Measure BIO3. The Draft EIR indicated the locations of potential habitat for these species and identified the survey requirements and the mitigation that would need to be



implemented if special-status branchiopods are found during those surveys. Because the Draft EIR disclosed the potential for occurrence of these species, described potential impacts to the species if they are present, described in detail the process for determining presence/absence and described the mitigation required if these species are present and impacts cannot be avoided, the Draft EIR has not inappropriately deferred any elements of the CEQA analysis related to these species.

- **California tiger salamander** – Although ephemeral streams in some areas may support breeding by California tiger salamanders, the reaches of streams in the proposed project alignment do not provide any suitable breeding habitat. The reaches present within the project area possess two characteristics that make them unsuitable as breeding habitat for California tiger salamanders: (1) they are too “flashy”, with sporadic high flows following rain events that would tend to wash away any eggs laid by tiger salamanders, and (2) they do not possess pools suitable for use as breeding sites by this species. With the exception of Kirker Creek, none of the drainages within the proposed project alignment provide pools with hydroperiods adequate for successful breeding by California tiger salamanders. As indicated on page 4.6-12 of the Draft EIR, under the discussion for the California red-legged frog, some pools are present in Kirker Creek, but they are outside the proposed project footprint. For these reasons, suitable breeding habitat for California tiger salamanders is absent from the proposed project alignment. See additional details provided in the technical studies in Appendix C, *Biological Resources*, of Draft EIR Volume 2.

The statement in the Draft EIR that no California tiger salamanders were observed during surveys was simply intended to confirm that none were seen; it was not intended to suggest that surveys had been adequate to confirm absence. On the contrary, the Draft EIR indicates on page 4.6-30 that this species may occur on the project site. The California tiger salamander is an HCP/NCCP covered species; therefore, compliance with the HCP/NCCP would reduce project impacts to less than significant levels.

**Burrowing owl** – Although the rock outcrops in the project area do not provide burrow-like cavities that can completely conceal burrowing owls the way, for example, a ground squirrel burrow can, the City agrees that burrowing owls could roost in and among the rock outcrops on the project site. The following revision has been made to the discussion of burrowing owl on page 4.6-14. These changes provide minor clarification to the text in the Draft EIR and do not constitute “significant new information” pursuant to Section 15088.5 of the State CEQA Guidelines. As noted in the Draft EIR, the burrowing owl is an HCP/NCCP covered species; therefore, compliance with the HCP/NCCP would reduce project impacts to less than significant levels.

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Because no burrows occur within the project site, suitable ~~roosting or breeding~~ nesting habitat for burrowing owls is absent from the site, and the only suitable roosting sites are provided by the rock outcrops.

- W. The commenter feels that the project is inconsistent with City General Plan policies and fails to mitigate its impacts to creeks and riparian corridors to less-than-significant levels. Please refer to Topical Response 4, *Relationship of the Proposed Project with the East Contra Costa County Habitat Conservation Plan/Natural Community Conservation Plan*, and Responses to Comments



17-E and 17-H. The Draft EIR assessed impacts to drainages, including wetland, aquatic, and riparian habitats, on pages 4.6-36 and 4.6-37 of Section 4.6, *Biological Resources*. Additional information on these impacts was provided in the biological resources technical reports available in Appendix C, *Biological Resources*, of the Draft EIR. Mitigation measures for impacts to these resources were described, and would consist of payment of impact fees to the HCP/NCCP. The HCP/NCCP requires that additional fees be paid for impacts to wetlands and creeks and contains habitat-specific requirements for the preservation and restoration of these habitats by the ECCC Habitat Conservancy. As a result, payment of these impact fees would mitigate impacts to wetland and aquatic resources to less-than-significant levels.

With respect to the concern that the City has failed to implement its own General Plan policies in the design of the proposed project or that the project conflicts with the City's policies, please refer to Responses to Comments 8-D, 15-B, 15-G, and 17-A, 17-E, 17-G, and 17-J, as well as Responses to Comments 17-Y and 17-AA, provided below. There are no feasible alternative alignments for the proposed James Donlon Boulevard extension that would allow for the proposed project to avoid impacts to creeks and riparian habitats while meeting the project objectives. The City and its design team have investigated several alternatives to identify means of minimizing such impacts, through bridging the portions of the road over Kirker Creek, maintaining a no construction zone around Kirker Creek (a 75-foot buffer), crossing all drainages at right angles to the extent feasible (to minimize the footprint of the project within drainages), and steepening slopes to reduce the extent of fill. In addition, as discussed in Chapter 6, *Alternatives*, even an off-site alternative (Alternative B – Widen Buchanan Road) would have impacts to Kirker Creek and the Contra Costa Canal. The City has minimized impacts to these resources to the extent feasible, and has performed the necessary biological resources assessments (provided in Appendix C of the Draft EIR Volume 2) and agency coordination with ECCC Habitat Conservancy, USFWS, and CDFW, in accordance with its General Plan policies.

Thus, the Draft EIR adequately analyzes whether the proposed project is consistent with the City General Plan, which anticipated development of the proposed project since 1988. As demonstrated in Table 4.2-1, *Consistency with the City of Pittsburgh General Plan*, the proposed project is consistent with the relevant City General Plan land use goals, objectives, and policies. In addition, the Draft EIR specifically references and analyzes the City General Plan policies referenced by the commenter in the subsections titled *Regulatory Setting* of Draft EIR Section 4.6, *Biological Resources*. The physical impacts to these resources are analyzed in the subsections titled *Environmental Analysis* of the Draft EIR Section 4.6, *Biological Resources*. Mitigation measures are provided that would reduce impacts to a less than significant level. Thus, the proposed project features and required mitigation measures as depicted in Draft EIR Section 4.6, *Biological Resources*, would reduce impacts to a less than significant level and would maintain the proposed project's consistency with the City General Plan goals and policies.

- X. Please refer to Responses to Comments 17-E and 17-H related to impacts on wildlife and permitting and coordination with outside agencies. As shown in Figure 3-7, *Site Plan*, of the Draft EIR, the proposed project includes a clear span bridge over Kirker Creek. As shown in Figure 4.6-1, *Land Cover Types/Project Area*, of the Draft EIR, Kirker Creek has a no impact area and is surrounded by annual grasslands. The bridge over Kirker Creek would stay outside of the no impact limits, which is a 75-foot buffer area around Kirker Creek. No fill would be placed within the aquatic/wetland habitats of Kirker Creek by the proposed project as a result of the 75-foot buffer area.



The commenter noted that five arroyo willows were among the 40 trees that the Draft EIR indicated could potentially be impacted by the proposed project and inferred that these trees must occur along Kirker Creek. As indicated in the *Tree Survey Report* included in the Draft EIR as Appendix C.2, only one of the five arroyo willows that could be impacted by the proposed project is along Kirker Creek; the others are along a drainage farther east. The single arroyo willow along Kirker Creek is actually outside of the proposed project area, and its inclusion was to take a conservative approach to the impact assessment. Protection of individual trees to minimize impacts will be implemented to the extent feasible as the project design is finalized and construction occurs.

As the commenter references, per State CEQA Guidelines Section 15384, substantial evidence “means enough relevant information and reasonable inferences from this information that a fair argument can be made to support a conclusions, even though other conclusion might also be reached.” Thus an EIR is an “environmental ‘alarm bell’ whose purpose it is to alert the public and its responsible officials to environmental changes before they have reached ecological points of no return” (*Rialto Citizens for Responsible Growth v. City of Rialto* (2012) 208 Cal.App.4<sup>th</sup> 899 [146 Cal. Rptr. 3d 12]). In addition, the level of analysis in an EIR is subject to a rule of reason (*Laurel Heights Improvement Assn. v. Regents of University of California, supra*, 47 Cal.3d). Thus, the analysis provided in Draft EIR Section 4.6, *Biological Resources*, along with the technical information provided in Draft EIR Volume 2, Appendix C, and compliance with the HCP/NCCP, provides enough relevant information to support the impact conclusions identified for the proposed project. The comment is noted for the record and will be provided to the City of Pittsburg City Council for consideration. No further response or change to the Draft EIR is necessary.

- Y. The commenter provides concerns regarding construction on slopes that exceed 30 percent, construction on areas of severe landslides, substantial soil erosion or loss of topsoil, and consistency with City General Plan Policy 4-P-11.

For ease of responding to the commenter’s concerns, City General Plan Policy 4-P-11 is quoted on page 4.3-14 of the Draft EIR as follows:

Limit grading of hillside areas over 30 percent slope (see Figure 10-1) to elevations less than 900 feet, foothills, knolls, and ridges not classified as major or minor ridgelines (see Figure 4-2). During review of development plans, ensure that necessary grading respects significant natural features and visually blends with adjacent properties.

Please refer to Responses to Comments 11-D and 17-A regarding the cut slopes and landslide potential. It should be noted that State CEQA Guidelines Section 15147 states that placement of highly technical and specialized analysis and data in the body of an EIR should be avoided through inclusion of supporting information and analyses as appendices to the main body of the EIR. Therefore, many of the technical reports provided in Volumes 2 and 3 of the Draft EIR provide topographic figures of varying clarity and information. Appendix E, *Geology and Geotechnical Resources*, of the Draft EIR Volume 3, provides three geotechnical studies prepared between 2008 and 2012 regarding the proposed project; all were prepared by Professional Registered Geologists. In addition, as part of the preliminary design process numerous alignments were evaluated to minimize the grading impacts to the proposed project; refer to Appendix G, *Project Study Report*, of the Draft EIR Volume 3 which provides three project study reports and alignment feasibility analyses prepared between 2003 and 2012 for the proposed project and various alignments considered over a nine-year period. Typical of any design process through rolling hills, the project



study reports and analyses help to select an alignment that is the most cost effective, by minimizing and balancing the earthwork volumes in cut and fill areas, and to avoid landslide areas.

The commenter is correct in stating that it is noted that the proposed project would cross areas of dormant landslides and that the topography of the project area presents the potential for other landslides to occur in the future. Please refer to Response to Comment 11-D, above, for further discussion on this matter. As stated on page 4.8-13 of the Draft EIR, the *Engineering and Geotechnical Feasibility Report: Four Proposed James Donlon Boulevard Extension Alternatives* (Appendix E.2 of the Draft EIR) maps the areas of slope wash, as well as active and dormant landslides. The *Supplemental Engineering Geologic and Geotechnical Report James Donlon Boulevard Alignment Extension Middle Alignment (C-2 Low) Alternative* (Appendix E.3 of the Draft EIR) further investigates the areas requiring cut and fill slopes and provides engineering recommendations which have been incorporated into the design of the proposed project. As stated on page 4.8-14 of the Draft EIR and in Response to Comment 11-D, in areas where slopes are steeper due to the bedrock formations, buttresses and 12-foot-wide drainage terraces and concrete v-ditches have been incorporated into the project design to minimize the landslide potential. Implementation of Mitigation Measures GS3 through GS6, along with the engineering recommendations incorporated into the design, would reduce the impacts related to landslides, liquefaction and lateral spreading and settlement and fill to a less than significant level.

With respect to landslide potential and the identified project objectives, please refer to Response to Comment 17-G, above. As depicted in Figure 6-3, *Approximate Northern Alignment Alternative*, of the Draft EIR, the proposed project would traverse the least number of dormant landslide areas. In addition, the implementation of Mitigation Measures GS3 through GS6 would further reduce potentially significant slope stability impacts. Therefore, with implementation of the design requirements and mitigation measures, impacts are less than significant and the proposed project is consistent with the defined project objectives provided in Section 3.4 of the Draft EIR.

With respect to erosion control measures, as stated on Page 4.10-11 of the Draft EIR, the project proponent will implement measures to minimize and contain erosion and sedimentation in accordance with the Pittsburgh Municipal Code, Section 15.88, *Grading, Erosion and Sediment Control*, and Contra Costa County Ordinance Code, Title 7, Division 716, *Grading*. Because the proposed project would disturb more than one acre of land, a National Pollutant Discharge Elimination System (NPDES) General Construction Permit is required. As part of this permit, a Stormwater Pollution Prevention Plan (SWPPP) will be developed and implemented. The SWPPP general requirements include, but are not limited to: hydroseeding, straw mulch, fiber rolls, ditches, sand bag or straw bale barriers, stabilized construction entrances, street sweeping and vacuuming, stockpile management, soil binders, and/or temporary stockpile covers. During operation of the project, a Stormwater Control Plan and Erosion Control Plan are required as well (refer to Draft EIR Mitigation Measures GS1 through GS7 and WQ1 through WQ3). The proposed project design includes the incorporation of 12-foot-wide drainage terraces and concrete v-ditches per the Uniform Building Code (UBC) and the City of Pittsburgh construction standards for high slopes. In addition, as shown on Figure 3-7, *Site Plan*, of the Draft EIR, rip rap (or rock slope protection) would be placed at approximately five drainage areas to further reduce the erosion potential. All slopes will be hydroseeded by native seed. Additionally, the culvert sizes (sized to convey the 100-year peak storm event runoff) and the planned stormwater control devices and systems would control flow volumes that would be discharged toward logical stream crossings to mimic existing drainage patterns and minimize erosion potential. Refer to Draft EIR Mitigation Measures AES2, AQ1, AQ2, BIO6, GS1 through GS7, and WQ1 through WQ3 for further information. Therefore, with the





identification of these measures and the requirements for complying with the federal, state, and local laws, regulations, plans, goals, and policies, as well as complying with NPDES General construction Activities Stormwater Permit requirements and the preparation of the Stormwater Pollution Prevention Plan (SWPPP) and Erosion Control Plan, the Draft EIR provides the slope protection measures and evaluates these measures appropriately and pursuant to State CEQA Guidelines, specifically Section 15126.4.

Please refer to Responses to Comments 8-D, 15-B, 15-G, and 17-A, 17-E, 17-G, 17-J, and 17-W, regarding the proposed project's consistency with project objectives and consistency with plans, goals, and policies. In addition, Draft EIR Section 4.3, *Aesthetics*, provides an analysis of the proposed project impacts to visual resources, which includes reference and analysis regarding City General Plan Policy 4-P-11. While the proposed project is depicted on topographic maps, such as those provided in Figure 4.8-1, *Geologic Map*, of the Draft EIR, the City feels that an additional figure would be useful for the response to this comment. Therefore, as stated in Section 10.3, *Revisions to the Project Draft EIR*, Figure 4.3-16, *Slopes Within the Project Area*, has been provided as part of the EIR to clarify areas of concern regarding 30 percent slopes and the proposed project. The Draft EIR states that while a variety of goals and policies in the City General Plan emphasize the preservation of slopes, ridge lines, and ridge views, it explicitly contemplates and acknowledges construction of the proposed project (referenced as the Buchanan Bypass within the City General Plan). The commenter is also referred to Responses to Comments 8-C, 17-A, 17-C, and 17-N through 17-Q regarding visual resource impacts. Finally, with regard to the need for a topographic map and the topographic maps provided in the Draft EIR Volumes 1 through 3, the commenter is referred to Response to Comment 17-C.

- Z. Thank you for your comment. Refer to Response to Comment 15-F regarding the Draft EIR analysis of greenhouse gas (GHG) emissions. The comment does not explain how the Draft EIR analysis is unsubstantiated or inaccurate, but is noted for the record and will be provided to the City of Pittsburgh City Council for consideration. No further response or change to the Draft EIR is necessary.
- AA. The commenter states that the Draft EIR fails to identify mitigation measures to reduce the impacts to waterways to less-than-significant levels and feels that the project is fundamentally inconsistent with policies. Refer to Responses to Comments 8-D, 15-B, 15-G, 17-A, 17-E, 17-G, 17-J, 17-W, and 17-Y regarding the proposed project's consistency with applicable plans, goals and policies. Refer to Responses to Comments 4-D, 6-A through 6-H, 17-L, and 17-Y with respect to hydrology and water quality. Runoff rates in the watercourses passing through the project site are expected to be similar to pre-project conditions. With the implementation of Mitigation Measures WQ1 through WQ3, runoff rates discharged from the site are expected to be similar to pre-project conditions. Additionally, the culvert sizes (sized to convey the 100-year peak storm event runoff) and the planned stormwater control devices and systems would control flow volumes that would be discharged toward logical stream crossings to maintain existing drainage patterns.

In addition, the Draft EIR assessed impacts to drainages from the biological perspective, including wetland, aquatic, and riparian habitats, on pages 4.6-36 and 4.6-37 (Section 4.6, *Biological Resources*). Additional information on these impacts was provided in the biological resources reports in Draft EIR Volume 2, Appendix C. Mitigation for impacts to those resources was described, and would consist of payment of impact fees to the HCP/NCCP. The HCP/NCCP requires that additional fees be paid for impacts to wetlands and creeks and contains habitat-specific



requirements for the preservation and restoration of these habitats by the ECCC Habitat Conservancy. As a result, payment of these impact fees will mitigate impacts to wetland and aquatic resources to less-than-significant levels. The comment is noted for the record and will be provided to the City of Pittsburgh City Council for consideration. No further response or change to the Draft EIR is necessary.

BB. The commenter states that the project is inconsistent with five specific City General Plan goals and policies; however the commenter does not provide new environmental information regarding why it is felt the project is inconsistent. Please refer to Responses to Comments 8-D, 15-B, 15-G, and 17-A, 17-E, 17-G, 17-J, 17-W, 17-Y, and 17-AA with respect to project consistency with applicable City General Plan goals and policies. The Draft EIR adequately analyzes whether the proposed project is consistent with the City General Plan. As demonstrated in Table 4.2-1, *Consistency with the City of Pittsburgh General Plan*, the proposed project is consistent with the relevant City General Plan land use goals, objectives, and policies. In addition, the Draft EIR specifically references and analyzes the City General Plan goals and policies referenced by the commenter, as listed below.

- Goal 9-G-5: Refer to Draft EIR Sections 4.6, *Biological Resources*, 4.10, *Hydrology and Water Quality*, and 4.14, *Utilities and Service Systems*.
- Policy 9-P-9, 9-P-10, and 9-P-11: Refer to Draft EIR Section 4.6, *Biological Resources*.
- Policy 9-P-16: Refer to Draft EIR Sections 4.6, *Biological Resources*, 4.10, *Hydrology and Water Quality*, and 4.14, *Utilities and Service Systems*.

The applicable goals and policies are listed in the subsections titled *Regulatory Setting* of Draft EIR sections listed above and the physical impacts to these resources are analyzed in the subsections titled *Environmental Analysis* of the Draft EIR sections listed above. Mitigation measures are provided that would reduce impacts to a less than significant level. Thus, the proposed project features and required mitigation measures as depicted in Draft EIR Sections 4.6, *Biological Resources*, 4.10, *Hydrology and Water Quality*, and 4.14, *Utilities and Service Systems*, would reduce impacts to a less than significant level and would maintain the proposed project's consistency with the City General Plan goals and policies. No further response or change to the Draft EIR is necessary.

CC. The commenter states that the proposed project is inconsistent with three specific County General Plan goals and policies; however the commenter does not provide new environmental information regarding why it is felt the project is inconsistent. Please refer to Responses to Comments 8-D, 15-B, 15-G, and 17-A, 17-E, 17-G, 17-J, 17-W, 17-Y, and 17-AA with respect to proposed project consistency with applicable goals and policies. The Draft EIR adequately analyzes whether the proposed project is consistent with the County General Plan. As demonstrated in Table 4.2-2, *Consistency with Contra Costa County General Plan*, the proposed project is consistent with the relevant County General Plan land use goals, objectives, and policies. As stated on page 4.2-12 of the Draft EIR, in order to simplify the consistency analysis within Section 4.2, *Land Use and Planning*, County goals and policies that are addressed in other sections of the Draft EIR are not included in Table 4.2-2. Thus, the Draft EIR specifically references County General Plan Goal 8-U, Goal 8-W, and Policy 8-78 in Section 4.10.2, *Regulatory Setting*, and the physical impacts are analyzed in Section 4.10.3, *Environmental Analysis*, of Section 4.10, *Hydrology and Water Quality*. In addition, Goal 8-W is also listed in Section 4.14.2, *Regulatory Setting*, and the physical impacts are analyzed in Section 4.14.3, *Environmental Analysis*, of the Draft EIR.



Page 4.10-14 in Section 4.10, *Hydrology and Water Quality*, of the Draft EIR states the planned stormwater control devices and systems would be configured to accommodate a 25-year design storm event. The planned stormwater control devices and systems would discharge toward logical stream crossings to maintain existing drainage patterns and minimize erosion potential. The intent of the planned stormwater control devices and systems is to mimic the existing drainage patterns and provide hydromodification measures that mimic existing runoff events. Mitigation measures are provided that would reduce impacts to a less than significant level. Thus, the proposed project features and required mitigation measures as depicted in Draft EIR Sections 4.10, *Hydrology and Water Quality*, and 4.14, *Utilities and Service Systems*, would reduce impacts to a less than significant level and would maintain the proposed project's consistency with the County General Plan goals and policies. No further response or change to the Draft EIR is necessary.

- DD. The commenter is concerned with maintaining the natural waterways within and surrounding the project site and feels that the proposed project is inconsistent with City and County goals and policies related to protection drainageways and avoiding major grading. Refer to Responses to Comments 4-D, 6-A through 6-H, 17-A, 17-D, 17-E, 17-W through 17-Y, and 17-AA regarding the waterways and drainage patterns. Please refer to Response to Comment 17- X regarding substantial evidence. It should be noted that State CEQA Guidelines Section 15147 states that placement of highly technical and specialized analysis and data in the body of an EIR should be avoided through inclusion of supporting information and analyses as appendices to the main body of the EIR. Therefore, many of the technical reports provided in Volumes 2 and 3 of the Draft EIR provide varying clarity and information on the watercourses and natural drainages within the project area. Appendix G, *Project Study Report*, of the Draft EIR (refer to Draft EIR Volume 3) provides three project study reports and feasibility studies prepared between 2003 and 2012 regarding the proposed project; all include technical hydrological information.

Page 4.10-14 in Section 4.10, *Hydrology and Water Quality*, of the Draft EIR states the planned stormwater control devices and systems would be configured to accommodate a 25-year design storm event. The planned stormwater control devices and systems would discharge toward logical stream crossings to maintain existing drainage patterns and minimize erosion potential. The intent of the planned stormwater control devices and systems is to mimic the existing drainage patterns and provide hydromodification measures that mimic existing runoff events. In addition, runoff from the roadway and terrace drains would enter planned stormwater control devices and systems where the required treatment and flow control volume would be allowed to drawdown over a period of at least 48 hours using an appropriately sized orifice opening. Therefore, the culverts and bridges provided by the proposed James Donlon Boulevard extension would be provided in order for the proposed roadway to cross the existing watercourses; no watercourses would be redirected as a result of the proposed project. Therefore, the conclusion that the proposed project would not directly alter the course of any drainages on or off the project site is correct.

Refer to Responses to Comments 8-D, 15-B, 15-G, and 17-A, 17-E, 17-G, 17-J, 17-Y, 17-AA, 17-BB, and 17-CC with respect to project consistency with applicable goals and policies. The comment is noted for the record and will be provided to the City of Pittsburgh City Council for consideration. No further response or change to the Draft EIR is necessary.

The commenter feels that the Draft EIR does not include substantial evidence regarding the requirements of a Stormwater Control Plan and impact significance levels. Per State CEQA Guidelines Section 15384, substantial evidence “means enough relevant information and reasonable inferences from this information that a fair argument can be made to support a conclusions, even



though other conclusion might also be reached.” Thus an EIR is an “environmental ‘alarm bell’ whose purpose it is to alert the public and its responsible officials to environmental changes before they have reached ecological points of no return” (*Rialto Citizens for Responsible Growth v. City of Rialto* (2012) 208 Cal.App.4<sup>th</sup> 899 [146 Cal. Rptr. 3d 12]). In addition, the level of analysis in an EIR is subject to a rule of reason (*Laurel Heights Improvement Assn. v. Regents of University of California, supra*, 47 Cal.3d). Thus, the analysis provided in Draft EIR Section 4.10, *Hydrology and Water Quality*, along with the technical information provided in Draft EIR Volume 3, Appendix G, provides enough relevant information to support the impact conclusions identified for the proposed project. The comment is noted for the record and will be provided to the City of Pittsburg City Council for consideration. No further response or change to the Draft EIR is necessary.

- EE. The commenter states that the Draft EIR references out-of-date documents for the Countywide Transportation Plan (CTP) and the Congestion Management Plan (CMP), both published by CCTA. Section 4.13, *Transportation/Traffic*, of the Draft EIR references the 2009 versions of both reports starting on page 4.13-16. A summary of both documents is provided for informational purposes below.

#### **Contra Costa Countywide Comprehensive Transportation Plan (CTP)**

The CTP is a 20-year plan prepared by the CCTA, which serves as the long-range transportation planning document for the County. The CCTA adopted its first CTP in 1995. This first CTP established a countywide vision and set of goals, strategies and projects. Major updates to the CTP occurred in 2000 and 2004. The 2009 CTP is the third major update to the document.

The 2009 CTP identifies the CCTA’s vision for Contra Costa County, goals and strategies for achieving that vision, and future transportation priorities. It reflects comments received from Regional Transportation Planning Committees (RTPCs) – representing the eastern, western, central and southwestern parts of Contra Costa County – and other stakeholders. The 2009 CTP also incorporates the goals and objectives for managing the transportation system within each subarea as outlined in the Action Plans for Routes of Regional Significance, which were updated in 2009 as part of the 2009 CTP development.

The 2009 CTP is intended to help carry out the CCTA’s four goals:

- Enhance the movement of people and goods on highways and arterial roads
- Manage the impacts of growth to sustain Contra Costa County’s economy and preserve its environment
- Provide and expand safe, convenient, and affordable alternatives to the single-occupant vehicle
- Maintain the transportation system

In comparison to the previous CTP’s, the 2009 CTP emphasizes increasing the sustainability of the transportation system through strategies that encourage “1) supportive transportation-land use relationships, 2) transit, 3) bicycle and pedestrian improvements, 4) safe and efficiently managed highways and roads, and 5) new technologies.”



Measure C, passed by voters in 1988, established a half-cent sales tax to fund transportation improvements and established a process for growth management and transportation planning. The Measure C Extension (approved as Measure J in November 2004) continued the half-cent sales tax through 2034, a 25-year extension beyond the original 2009 expiration date, responding to increased congestion and loss of mobility within the County.

### **Contra Costa Transportation Authority Congestion Management Plan (CMP)**

As the Congestion Management Agency (CMA) for Contra Costa County, the CCTA has the responsibility under State law, to prepare and update a Congestion Management Program. As required by State law (California Government Code Section 65088 et seq.), the program contains five elements:

- Traffic Level of Service (LOS) standards applied to a designated system of State highways and principal arterial streets
- A performance element that includes performance measures to evaluate current and future multimodal system performance for the movement of people and goods
- A seven-year capital improvement program (CIP) whose projects will maintain or improve the performance of the multimodal system for the movement of people and goods or mitigates regional transportation impacts identified in the land-use evaluation program
- A program to analyze the impacts of land use decisions made by local jurisdictions on regional transportation systems, including an estimate of the costs associated with mitigating those impacts
- A travel demand element that promotes transportation alternatives to the single-occupant vehicle.

On November 16, 2011, the CMA adopted the 2011 CMP Update. Major changes in the 2011 CMP Update include updates to the Travel Demand Element to reflect AB 32 and SB 375, which require greater efforts to manage travel demand, reduce greenhouse gas emissions, and coordinate regional transportation and land-use planning efforts.

The newer versions of these documents would not affect the analysis and conclusions presented in the Draft EIR. Policy documents directly affecting the traffic analysis presented in the Draft EIR include the general plans of the various jurisdictions (Cities of Pittsburg, Antioch, and Concord, and Contra Costa County) and the 2009 Action Plan for East County and Central County. None of these documents have been updated since the Draft EIR analysis was completed and the Draft EIR was circulated for public review. No further response or change to the Draft EIR is necessary.

- FF. The Draft EIR provided existing average daily traffic (ADT) information for informational purposes on select roadways, where available, starting on page 4.13-8 of the Draft EIR. The Draft EIR did not collect existing or forecast future ADT information on all study roadways because ADT numbers are not relevant to the analysis of impacts based on the identified Thresholds of Significance (page 4.13-18 of the Draft EIR). Based on the Thresholds of Significance identified on page 4.13-18 of the Draft EIR, the traffic impact analysis is based on peak hour traffic operations and peak hour volumes. Therefore, the Draft EIR presents and analyzes traffic operations during the AM and PM peak hours at intersections. Providing the ADT data would not





result in identification of new impacts or mitigation measures, or change the conclusions of the Draft EIR. In addition, the 2003 Project Study Report, included as Appendix G.1 of the Draft EIR, presents preliminary existing and future ADTs that were forecasted as part of the initial screening analysis conducted for the proposed project. No further response or change to the Draft EIR is necessary.

- GG. The commenter states that the Kirker Pass Road/Ygnacio Valley Road/Clayton Road intersection should be identified as a significant impact with no available mitigation. The Draft EIR does refer to this impact as a significant impact; however, the Lead Agency respectfully disagrees that there is no available mitigation. Please refer to page 4.13-33 of the Draft EIR for a description of the impact at this intersection. Mitigation Measure TRA1, provided on page 4.13-35, would reduce the impact to a less than significant level if implemented, as discussed on pages 4.13-33 through 4.13-36. However, the Draft EIR identifies the impact as significant and unavoidable because the mitigation measure is not fully funded nor approved. In addition, this improvement is outside the jurisdiction of the City of Pittsburgh, so the implementation of the SR 4 improvements cannot be guaranteed. Thus this impact is considered significant and unavoidable. No further response or change to the Draft EIR is necessary.
- HH. As described in the Threshold of Significance on page 4.13-18 of the DEIR, the proposed project would have a significant impact on safety if it increases “hazards or congestion due to a design feature (e.g., sharp curves) or incompatible uses (e.g., farm equipment).” As discussed in Responses to Comments 3-B and 7-B, the proposed project would not result in an increase in traffic volumes beyond what is assumed in the CCTA Travel Demand Model for future conditions. Therefore, considering that the proposed project would not change the configuration or design features on Kirker Pass Road and the proposed project would not introduce incompatible uses to the study area, it would not have a significant impact on safety along Kirker Pass Road. No further response or change to the Draft EIR is necessary.
- II. The commenter states that the proposed project may not receive funding from MTC or the federal government. Please see Response to Comment 15-E related to Plan Bay Area. The comment does not raise new environmental information or directly challenge information provided in the Draft EIR, and is outside the scope of CEQA. However, please refer to Topical Response 3, *Project Funding*. The comment is noted for the record and will be provided to the City of Pittsburgh City Council for consideration. No further response or change to the Draft EIR is necessary.
- JJ. Thank you for your comment. Please refer to Responses to Comments 3-F, 8-B, 8-I, 9-B, and 15-L regarding alternate modes of transportation, including pedestrians and cyclists. On January 22, 2013, the City Council adopted Resolution No. 13-11920, approving a City-wide Complete Streets Policy to provide safe, comfortable, and convenient travel along and across streets through comprehensive and integrated transportation networks that supports all users. Page 4.13-38 of the Draft EIR provided the analysis supporting the impact statement that the proposed project would not conflict with adopted alternative transportation policies, plans, or programs. The impact statement was revised for clarification per Section 10.3, *Revisions to the Project Draft EIR*, above. As discussed in the analysis, the proposed project would have a beneficial impact to connectivity for bicycle traffic in that it would provide adequate shoulders to accommodate a Class III bicycle route on the proposed James Donlon Boulevard Extension thereby improving the connectivity of the regional bicycle network; and, it would have a beneficial impact to the transit network in that it would enhance connectivity of the roadway thereby reducing delays. While the proposed project would accommodate pedestrian connectivity by extending sidewalks along the east side of Kirker



Pass Road from the southern City limits to the proposed roadway intersection, sidewalks are not planned along the proposed James Donlon Boulevard extension. This is due to the fact that the area is to remain undeveloped and privately-owned open space. As mentioned previously, proposed project would include paved eight-foot shoulders that could accommodate pedestrian, bicycle or equestrian activity. Thus, the proposed project is in compliance with the City of Pittsburgh's Complete Streets policies.

- KK. Thank you for your comment. Please refer to Topical Response 1, *Purpose and Need for the Proposed Project*, Topical Response 2, *Relationship between the Proposed Project and Adjacent Pending and Approved Development Projects*, 3, *Project Funding*, and Topical Response 5, *Growth Inducing Impacts*, regarding the proposed project's purpose, the relationship with pending and approved project, the funding of the proposed project, and the growth inducing impacts of the proposed project. The City General Plan Policy 2-P-72 states that the proposed project would be an alternative route for commuters traveling between Kirker Pass Road and destinations east of Pittsburgh. This policy explicitly states that the proposed project is intended to provide congestion relief on existing Buchanan Road and not encourage additional development. City General Plan Goal 2-G-26 is intended to provide a potential funding source for the proposed project. The comment is noted for the record and will be provided to the City of Pittsburgh City Council for consideration. No further response or change to the Draft EIR is necessary.
- LL. Refer to Response to Comment 15-L regarding the Draft EIR alternatives analysis and refer to Response to Comment 17-D regarding additional bridges. The comment is noted for the record and will be provided to the City of Pittsburgh City Council for consideration. No further response or change in the Draft EIR is necessary.
- MM. Thank you for your comment. The commenter summarizes concerns regarding purpose of the project, project funding, project relationship to adjacent pending and approved project, impacts to biological resources, GHG analysis, consistency with plans, goals, and policies, and bicycle and pedestrian use. As these comments have been made throughout the letter, often in more detail, please refer to Topical Responses 1 through 5 and Responses to Comments 17-A through 17-LL, above. The comment is noted for the record and will be provided to the City of Pittsburgh City Council for consideration. No further response or change to the Draft EIR is necessary.



## Verbal Comments



### Verbal Comment 18: Public Comment Meeting (May 22, 2013)

A Public Comment Meeting was held at the City Council Chambers at 65 Civic Avenue on May 22, 2013, from 5:30 PM to 7:00 PM. The meeting was attended by the following interested parties:

- Pete Riso
- Debbie Riso
- Karen Cunningham
- Marilyn Torres
- Nancy Woltering, Save Mount Diablo
- Eve Mitchell, Contra Costa Times

Verbal comments were made for the record by the attendees and are listed below; the responses follow the comment list.

- A. All meetings should not start at 5:30 PM, as it is difficult to attend. The meetings should start at 7:00 PM.
- B. Will existing residences be moved as a result of this proposed project?
- C. How many homes are to be constructed in Sky Ranch II and in Montreux developments?
- D. Clarify the details of the proposed project, such as number of lanes, type of intersection at Kirker Pass Road (signal or stop-sign), and total footprint acreage.
- E. What is the distance from the back of the existing properties to the proposed project right-of-way?
- F. What is the funding for this project? Does this proposed project require funding from future developments?
- G. The Draft EIR should discuss and analyze the relationship of the proposed project to the approved Sky Ranch II development, the proposed Montreux development, and other development in the area including Antioch.
- H. The Draft EIR should clearly analyze the proposed project's consistency with current appropriate planning documents, including the City General Plan and the City's Complete Streets Plan. This analysis should include the proposed project's consistency with aesthetic resources, biological resources, and cultural resources.
- I. Clarify the relationship between the proposed project and the existing habitat conservation plan (HCP) and the mitigation measures required for the proposed project. Mitigation measures should not defer to the HCP. The mitigation measures for biological resources are not adequately addressed.
- J. The EIR should clearly discuss and analyze impacts to biological resources. This analysis should include a detailed discussion of the wildlife crossing culverts, the cattle culverts, and the drainage culverts. Details should include locations and sized of the culverts. This discussion should include the rationale pertaining to the number of cattle culverts that would be provided.
- K. Please provide details regarding biological resources mitigation lands and location of those lands.
- L. Paleontological resources are known in the area. The Draft EIR should analyze the potential for discovering paleontological resources within the proposed project footprint.



- M. An environmentally superior alternative that does not fill in riparian areas and drainages should be considered.
- N. What intersections were studied for the traffic analysis? The Kirker Pass Road/Hess Road and Kirker Pass Road/Nortonville Road intersections should be analyzed.
- O. Consider providing improvements to State Route (SR) 4 instead of approving the proposed project.
- P. The EIR should clarify the existing intersection signal metering. Kirker Pass Road and Buchanan Road should be metered at key intersections.
- Q. The cumulative project list east of the City of Pittsburgh should be clarified in the EIR.
- R. The alternatives should include an analysis of the potential to close Buchanan Road to through traffic.
- S. Kirker Pass Road, with the steep hills, is a safety concern, especially during inclement weather.
- T. What is the current design capacity of Kirker Pass Road?
- U. The EIR should include the average daily trips on Kirker Pass Road for existing, future (cumulative) for the conditions with and without the project.
- V. The EIR should clarify the time of day the vehicle counts were taken for the traffic analysis.
- W. The EIR should include a discussion of signal operational changes on Buchanan Road if this proposed project is constructed. How would these changes affect the local movements entering/exiting the adjacent neighborhoods, as well as local traffic entering/exiting the City?
- X. The EIR should include the proposed posted speed limit for the James Donlon Boulevard extension.
- Y. Would this roadway be widened in the future?





**Response to Verbal Comment 18: Public Comment Meeting (May 22, 2013)**

- A. Thank you for your comment. The concerns brought forth in this comment are not related or connected to the proposed project, raise no issue with the adequacy of the Draft EIR, and are outside the scope of CEQA. The comment, however, is noted for the record and will be provided to the City of Pittsburgh City Council.
- B. As stated on page 4.12-4 of Section 4.12, *Population and Housing*, of the Draft EIR, the proposed project would not require the removal or displacement of any structures or their inhabitants; therefore, no housing and/or people would be displaced. The proposed project would accommodate culverts large enough to allow the cattle, as well as ranching equipment, to safely access the northern and southern portions of the property, thus the existing cattle ranch would be retained; refer to Sections 4.2, *Land Use and Planning*, and 4.4, *Agriculture and Forestry Resources*, of the Draft EIR for further detail.
- C. The concerns brought forth in this comment are not related, or connected, to the proposed project, raise no issue with the adequacy of the Draft EIR, and are outside the scope of CEQA. However, per Chapter 3, *Project Description*, of the Draft EIR, the Sky Ranch II Project consists of 415 single-family homes. With regard to the proposed Montreux Subdivision, according to the *Montreux Residential Subdivision Draft Environmental Impact Report* (SCH No. 2013032079) circulated by the City between November 27, 2013 and January 10, 2014, the proposed Montreux Subdivision would include approximately 356 single-family residential units. The comment is noted for the record and will be provided to the City of Pittsburgh City Council for consideration. No further response or change to the Draft EIR is necessary.
- D. The concerns brought forth in this comment are not related or connected to the proposed project, raise no issue with the adequacy of the Draft EIR, and are outside the scope of CEQA. However, the following is a list of proposed project features that are specifically requested by the commenter. A detailed project description is available in Chapter 3, *Project Description*, of the Draft EIR.
- The proposed James Donlon Boulevard Extension would be four lanes at the Kirker Pass Road intersection and designed to urban road standards.
  - The proposed James Donlon Boulevard Extension between the Kirker Pass Road intersection and Sky Ranch II Subdivision would be a two-lane facility, designed to rural road standards.
  - Signalized intersection where the proposed James Donlon Boulevard meets Kirker Pass Road.
  - Permanent right-of-way conversion (total footprint of the project) is 70 acres.

The comment is noted for the record and will be provided to the City of Pittsburgh City Council. No further response or change to the Draft EIR is necessary.

- E. The concerns brought forth in this comment are not related or connected to the proposed project, raise no issue with the adequacy of the Draft EIR, and are outside the scope of CEQA. However, as shown on Figure 3-7, *Site Plan*, of the Draft EIR, the proposed project's distance from existing back of residences fluctuates throughout the project area. The distance from the back of the property lines of the existing residential properties to the northern grading limits of the proposed project ranges from approximately 341.16 feet (0.06 mile) to approximately 1,831.43 feet (0.35



mile) to the south. The comment is noted for the record and will be provided to the City of Pittsburgh City Council. No further response or change to the Draft EIR is necessary.

- F. Please refer to Topical Response 3, *Project Funding*, for details. The comment is noted for the record and will be provided to the City of Pittsburgh City Council. No further response or change to the Draft EIR is necessary.
- G. Please refer to Topical Response 2, *Relationship between the Proposed Project and Adjacent Pending and Approved Development Projects*, and Responses to Comments 4-B, 5-N, 7-E, 8-J, 15-B, 15-C, 17-A, 17-G, 17-M, 17-KK, and 17-MM, for detailed discussions regarding the relationship between the proposed project and surrounding proposed and approved developments. The comment is noted for the record and will be provided to the City of Pittsburgh City Council. No further response or change to the Draft EIR is necessary.
- H. Please refer to Refer to Responses to Comments 8-D, 15-B, 15-G, and 17-A, 17-E, 17-G, 17-J, 17-Y, 17-AA, 17-BB, 17-CC, and 17-JJ with respect to project consistency with applicable goals and policies. The Draft EIR adequately analyzes the proposed project's consistency with applicable plans and policies per State CEQA Guidelines. The comment is noted for the record and will be provided to the City of Pittsburgh City Council. No further response or change to the Draft EIR is necessary.
- I. Please refer to Topical Response 4, *Relationship of the Proposed Project with the East Contra Costa County Habitat Conservation Plan/Natural Community Conservation Plan (HCP/NCCP)*, for details regarding the relationship between the proposed project and the HCP/NCCP. Additionally, please refer to Responses to Comments 8-C, 15-I, 15-J, 17-A, 17-G, 17-T, 17-U, 17-V, and 17-W regarding both the relationship of the proposed project to the HCP/NCCP and identified mitigation measures and any issues of deferral. The HCP/NCCP itself has undergone CEQA review, and thus in the context of both the HCP/NCCP's EIR and the James Donlon Boulevard Extension Project's Draft EIR, the manner in which the proposed project will mitigate its impacts to biological resources have been adequately analyzed. Mitigation measures have not been deferred; rather, they are being provided through the very well thought-out, well-reviewed, and well-supervised HCP/NCCP implementation process under supervision of Conservancy staff and representatives of the various Agencies. The comment is noted for the record and will be provided to the City of Pittsburgh City Council. No further response or change to the Draft EIR is necessary.
- J. Please refer to Responses to Comments 5-G, 7-D, 8-F, 8-H, 15-I, 15-J, 17-A, 17-C, 17-D, 17-I, 17-S, 17-T through 17-X regarding impacts to biological resources, including wildlife crossing culverts, cattle culverts, and drainage culverts. The Draft EIR analyzes impacts to wildlife movement on pages 4.6-37 and 4.6-38. As discussed in the Draft EIR, this impact is less than significant because the proposed project would not adversely affect regional movements of large animals, the types of movements necessary to sustain entire populations. In the project vicinity, such movements occur primarily in an east-west direction, parallel to the proposed project. These regionally important wildlife movements will continue to occur on the south side of the project area even after project completion. The proposed project would reduce wildlife movement between the approximately 400-acre area to the north of the road and east of Kirker Pass Road and the natural areas to the south. Because the Draft EIR concluded that the impact is considered less than significant, no mitigation is necessary and no detailed description of design elements related to wildlife movement is necessary. Nevertheless, in accordance with requirements in Chapter 6 of the HCP/NCCP, the proposed project is incorporating measures to facilitate movement of wildlife



across the road while minimizing traffic-related mortality. The City and its consultants are working with the ECCC Habitat Conservancy, USFWS, and CDFW regarding wildlife movement issues, including the requirements to provide at least one large wildlife crossing per mile of new roadway and one small wildlife crossing per 1,000 feet of new roadway; refer to Figure 3-8, *Project Culverts*, provided above in Section 10.3, *Revisions to the Project Draft EIR*. These measures will allow for considerable wildlife movement to continue between the 400-acre area north of the project area and the natural areas to the south.

Through ongoing discussions with ECCC Habitat Conservancy, USFWS, and CDFW regarding wildlife movement issues, the City is currently proposing two under-crossings that are large enough to be used by cattle, in addition to the area under the proposed Kirker Creek bridges. As a result, there would be three crossings large enough to be used by cattle rather than one crossing, as stated in the comment. Figure 3-8, *Project Culverts*, provides a graphical representation of the proposed culvert locations and sizes. As the discussions with the ECCC Habitat Conservancy are ongoing, a USFWS/CDFW approved biologist is required to provide approval of the final number and spacing of all culverts, both at drainages and for wildlife crossings. Therefore, the USFWS/CDFW approved biologist may also provide a revised design for culvert sizing and spacing prior to final design and construction.

- K. The comment does not raise new environmental information or directly challenge information provided in the Draft EIR. Please refer to Topical Response 4, *Relationship of the Proposed Project with the East Contra Costa County Habitat Conservation Plan/Natural Community Conservation Plan (HCP/NCCP)*, and Responses to Comments 8-C, 15-I, 15-J, 17-A, 17-G, 17-T, 17-U, 17-V, and 17-W, above, regarding the HCP/NCCP and the manner in which the proposed project's impacts to biological resources are mitigated by compliance with the HCP/NCCP, including payment of impact fees and adherence to HCP/NCCP conditions. The actual lands that will be preserved, enhanced, and/or managed using the impact fees from the proposed project will be identified by the ECCC Habitat Conservancy, the entity charged with implementing the HCP/NCCP. The locations of and conditions on those lands, as well as the management of those lands once they are part of the HCP/NCCP preserve system, are subject to numerous conditions described in the HCP/NCCP. This comment is noted for the record and will be provided to the City of Pittsburgh City Council for consideration. No further response or change to the Draft EIR is necessary.
- L. Section 4.7, *Cultural Resources*, of the Draft EIR includes an analysis regarding paleontological resources in the area (pages 4.7-13 and 4.7-14). There are known paleontological resources within close proximity to the proposed project. While the known resources are within close proximity, they are outside the proposed project footprint. However, because the construction of the proposed project would involve site preparation (e.g., grading, trenching, or other excavation) that could result in the uncovering of previously unidentified paleontological resources, Mitigation Measure CULT4 is required. Mitigation Measure CULT4 would require a paleontologist to monitor ground disturbing activities, thus reducing impacts on unknown paleontological resources to a less than significant level (page 4.7-13 of the Draft EIR). The comment is noted for the record and will be provided to the City of Pittsburgh City Council. No further response or change to the Draft EIR is necessary.
- M. The comment does not raise new environmental information or directly challenge information provided in the Draft EIR. Please Refer to Responses to Comments 15-L and 17-G related to project objectives and alternatives. Chapter 6, *Alternatives*, of the Draft EIR provides both



alternatives eliminated from further consideration (Section 6.3) and project alternatives (Section 6.4). The Draft EIR analyzed three project alternatives: No Project Alternative; Alternative A – Northern Alignment; and Alternative B – Widen Buchanan Road. The Draft EIR considered a reasonable range of alternatives to the proposed project based on the findings of the Draft EIR; refer to Response to Comment 15-L. State CEQA Guidelines Section 15126.6(a) requires that an EIR consider a “range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives.” However, Section 15126.6(a) goes on to state that and “EIR is not required to consider alternatives which are infeasible.” In addition, State CEQA Guidelines Section 15126.6(f)(3) states that an EIR need not consider an alternative whose implementation is remote and speculative. Therefore, the comment is noted for the record and will be provided to the City of Pittsburgh City Council. No further response or change to the Draft EIR is necessary.

- N. Figure 4.13-1, *Project Study Area*, of Section 4.13, *Transportation/Traffic*, on pages 4.13-2 and 4.13-3 of the Draft EIR, depicts the intersections studies within the Draft EIR. The study intersections are listed on pages 4.13-1 and 4.13-4 and include the following:

1. Kirker Pass Road/Concord Boulevard
2. Kirker Pass Road/Myrtle Drive
3. Buchanan Road/Kirker Pass Road/Railroad Avenue
4. Buchanan Road/Somersville Road
5. James Donlon Boulevard/Somersville Road
6. James Donlon Boulevard Extension/Kirker Pass Road (future scenarios only)
7. James Donlon Boulevard Extension/Ventura Drive (future scenarios only)
8. Kirker Pass Road/Ygnacio Valley Road/Clayton Road
9. Ygnacio Valley Road/Alberta Way/Pine Hollow Drive
10. Ygnacio Valley Road/Ayers Road/Campus Drive
11. Ygnacio Valley Road/Cowell Road
12. Treat Boulevard/Dekinger Road/Clayton Road
13. Treat Boulevard/Cowell Road
14. Treat Boulevard/Oak Grove Road

Please refer to Responses to Comments 7-B and 8-I regarding project intersections, traffic volumes and assumptions. Both Kirker Pass Road/Nortonville Road and Kirker Pass Road/Hess Road intersections are currently unsignalized and controlled by a stop sign on the side-street approach (Nortonville Road and Hess Road approaches). Based on the thresholds of significance as identified on page 4.13-18 of the Draft EIR, the proposed project would have a significant impact at these unsignalized intersections if it causes the intersections to deteriorate “from an acceptable level to an unacceptable level, and the need for installation of a traffic signal at an unsignalized intersection, based on the *Manual on Uniform Traffic Control Devices* (MUTCD) Peak Hour Signal Warrant” is met. Given the existing and forecasted future volumes on Kirker Pass Road and given that the proposed project would not add traffic to the Nortonville Road approach of the intersection, the proposed project would not cause the intersection to meet the MUTCD peak hour signal warrant. Therefore, the proposed project is not expected to cause a significant impact at this intersection and no mitigation measures are required.

- O. Thank you for your comment. The comment does not raise new environmental information or directly challenge information provided in the Draft EIR. The comment suggests a project



alternative that would provide improvements to SR 4, which is outside of the City's jurisdiction. Please refer to Responses to Comments 3-A, 3-B, 14-A, 15-L, 17-G, and 18-M related to traffic analysis on State Route (SR) 4 and surrounding roadways as well as the State Route 4 East Final Major Investment Study prepared by CCTA that analyzed improvements to SR 4. Note that as shown in Tables 4.13-9 and 4.13-14 of the Draft EIR, the proposed project would improve travel times along SR 4 by providing additional east-west roadway capacity in the area. In addition, Mitigation Measure TRA1 would provide fair share funding toward an additional mixed-flow lane on eastbound SR 4 from SR 242 through the San Marco Boulevard interchange. As stated in Mitigation Measures TRA1, the implementation of the mixed-flow lane has not been approved or identified in regional transportation plans and does not have full funding. This improvement is outside the jurisdiction of the City of Pittsburg. The comment is noted for the record and will be provided to the City of Pittsburg City Council. No further response or change to the Draft EIR is necessary.

- P. Thank you for your comment. The comment does not raise new environmental information or directly challenge information provided in the Draft EIR. However, please refer to Topical Response 5, *Growth Inducing Impacts*, and Responses to Comments 3-B, 3-L, 10-B and 11-L regarding metering. In summary, the East-Central Traffic Management Study has identified the following intersections for control point metering:

1. Buchanan Road/Meadows Avenue (City of Pittsburg)
2. Kirker Pass Road/Nortonville Road (County of Contra Costa)
3. Kirker Pass Road/Myrtle Drive (City of Concord)
4. Ygnacio Valley Road/Oak Grove Road (City of Walnut Creek)

The control point metering at the Buchanan Road/Meadows Avenue Road intersection currently operates from 6 AM to 8:45 AM weekdays in the westbound direction and operates through a fixed time cycle by extending the green light for side street (Meadows Avenue) approaches such that the resulting westbound queue on Buchanan Road does not extend into the Buchanan Road/Somersville Road intersection. The comment is noted for the record and will be provided to the City of Pittsburg City Council. No further response or change to the Draft EIR is necessary.

- Q. The Draft EIR provides a list of cumulative projects considered for Contra Costa County, the City of Pittsburg, and the City of Antioch. Please refer to Table 5-1, *Cumulative Projects Considered*, beginning on page 5-2, of the Draft EIR. This list provides the name of the proposed project or the project applicant, the lead agency/jurisdiction, the size of the project, and the project status. This list consists of 28 residential projects, 19 commercial projects, and three industrial projects that are either under construction, approved and awaiting construction, or undergoing review by agency staff. The comment is noted for the record and will be provided to the City of Pittsburg City Council for consideration. No further response or change to the Draft EIR is necessary.

- R. Thank you for your comment. The comment does not raise new environmental information or directly challenge information provided in the Draft EIR. The comment suggests a project alternative that would close Buchanan Road to through traffic. The comment does not raise new environmental information or directly challenge information provided in the Draft EIR. The Draft EIR considered a reasonable range of alternatives to the proposed project based on the findings of the Draft EIR. State CEQA Guidelines Section 15126.6(a) requires that an EIR consider a "range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the



significant effects of the project, and evaluate the comparative merits of the alternatives.” However, Section 15126.6(a) goes on to state that and “EIR is not required to consider alternatives which are infeasible.” In addition, State CEQA Guidelines Section 15126.6(f)(3) states that an EIR need not consider an alternative whose implementation is remote and speculative. Please refer to Responses to Comments 14-A, 15-L, 17-G, 18-M, and 18-O, for additional information regarding alternatives considered and analyzed. The comment is noted for the record and will be provided to the City of Pittsburgh City Council for consideration. No further response or change to the Draft EIR is necessary.

- S. Thank you for your comment. The comment does not raise new environmental information or directly challenge information provided in the Draft EIR. Please refer to Responses to Comments 11-E and 11-F regarding area roadways and safety during inclement weather. The comment is noted for the record and will be provided to the City of Pittsburgh City Council. No further response or change to the Draft EIR is necessary.
- T. Thank you for your comment. The comment does not raise new environmental information or directly challenge information provided in the Draft EIR. However, the current capacity of Kirker Pass Road depends on direction and time of day. During the weekday AM peak period, the City of Concord meters traffic on westbound Kirker Pass Road at Myrtle Drive to allow approximately 1,700 vehicles per hour. Please refer to Topical Comment 5, *Growth Inducing Impacts*, and Responses to Comments 3-B, 3-L, 10-B, 11-L, and 18-P for additional detail regarding metering. The comment is noted for the record and will be provided to the City of Pittsburgh City Council for consideration. No further response or change to the Draft EIR is necessary.
- U. Thank you for your comment. Please refer to Response to Comment 17-FF regarding average daily traffic (ADT) volumes on the study roadways. Based on the Thresholds of Significance identified on page 4.13-18 of the Draft EIR, the traffic impact analysis is based on peak hour traffic operations and peak hour volumes. Therefore, the Draft EIR presents and analyzes traffic operations during the AM and PM peak hours at intersections. Providing the ADT data would not result in identification of new impacts or mitigation measures, or change the conclusions of the Draft EIR. In addition, as noted in Responses to Comments 3-B, 3-L, 10-B, 11-L, 18-P, and 18-T, the City of Concord meters traffic on westbound Kirker Pass Road at Myrtle Drive to allow approximately 1,700 vehicles per hour. The comment is noted for the record and will be provided to the City of Pittsburgh City Council for consideration. No further response or change to the Draft EIR is necessary.
- V. The comment does not raise new environmental information or directly challenge information provided in the Draft EIR. However, Draft EIR Section 4.13, *Transportation/Traffic*, page 4.13-9 provides the traffic data collection methods. Peak period intersection turning movement counts were conducted between 7 AM and 9 AM and from 4 PM to 6 PM during June 2007 and November 2007, while local schools were in normal session. Within each peak period, the hour with the highest traffic volume was selected for analysis. The comment is noted for the record and will be provided to the City of Pittsburgh City Council for consideration. No further response or change to the Draft EIR is necessary.
- W. Thank you for your comment. The commenter does not raise new environmental information or directly challenge information provided in the Draft EIR. The Draft EIR did not analyze impacts at intersections along Buchanan Road between Somersville Road and Railroad Avenue because the proposed project would reduce traffic volumes along this segment of Buchanan Road and it would





not cause a significant impact at any of the intersections. Since the proposed project would reduce the through east-west traffic volumes on Buchanan Road, traffic signals along Buchanan Road would not need additional east-west signal green time. As a result, the traffic signals along Buchanan Road can have shorter east-west green times, longer north-south green times, and/or shorter overall signal cycle times, which would reduce delays for traffic on all approaches at these intersections. The comment is noted for the record and will be provided to the City of Pittsburgh City Council for consideration. No further response or change to the Draft EIR is necessary.

- X. Thank you for your comment. The comment does not raise new environmental information or directly challenge information provided in the Draft EIR. However, please refer to Response to Comment 11-G regarding posted speed limits for the proposed project. The comment is noted for the record and will be provided to the City of Pittsburgh City Council for consideration. No further response or change to the Draft EIR is necessary.
- Y. Thank you for your comment. The comment does not raise new environmental information or directly challenge information provided in the Draft EIR. However, the general life-span of a roadway project is 20 years; hence, the traffic forecasts have been modeled for Year 2030. Because of topography of the project area and the traffic analysis provided in Section 4.13, *Transportation/Traffic*, of the Draft EIR, the proposed project is not anticipated to need future roadway improvements. The comment is noted for the record and will be provided to the City of Pittsburgh City Council for consideration. No further response or change to the Draft EIR is necessary.