

**OAKLEY DOWNTOWN SPECIFIC PLAN  
ENVIRONMENTAL IMPACT REPORT  
RESPONSE TO COMMENTS DOCUMENT**

STATE CLEARINGHOUSE NO. 2008112089

LSA

December 2009

**OAKLEY DOWNTOWN SPECIFIC PLAN  
ENVIRONMENTAL IMPACT REPORT  
RESPONSE TO COMMENTS DOCUMENT**

STATE CLEARINGHOUSE NO. 2008112089

Submitted to:

City of Oakley  
3231 Main Street  
Oakley, CA 94561

Prepared by:

LSA Associates, Inc.  
2215 Fifth Street  
Berkeley, CA 94710

LSA

December 2009

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## **I. INTRODUCTION**

### **A. PURPOSE OF THE RESPONSE TO COMMENTS DOCUMENT**

This document has been prepared to respond to comments received on the Draft Environmental Impact Report (Draft EIR) prepared for the proposed Oakley Downtown Specific Plan (project). The Draft EIR identifies the likely environmental consequences associated with development of the proposed project, and recommends mitigation measures to reduce potentially significant impacts. This Response to Comments (RTC) Document provides a response to comments on the Draft EIR and makes revisions to the Draft EIR, as necessary, in response to those comments or to make clarifications to material in the Draft EIR. This document, together with the Draft EIR, constitutes the Final EIR for the proposed project.

### **B. ENVIRONMENTAL REVIEW PROCESS**

According to the California Environmental Quality Act (CEQA), lead agencies are required to consult with public agencies having jurisdiction over a proposed project and to provide the general public with an opportunity to comment on the Draft EIR.

On November 21, 2008 the City of Oakley circulated a Notice of Preparation (NOP) to help identify the types of impacts that could result from the proposed project, as well as potential areas of controversy. The NOP was mailed to public agencies (including the State Clearinghouse), organizations, and individuals considered likely to be interested in the proposed project and its potential impacts. Comments received by the City on the NOP were taken into account during the preparation of the Draft EIR.

The Draft EIR was made available for public review on September 10, 2009. The Notice of Availability (NOA) was distributed to local and State responsible and trustee agencies and interested parties and published in the Contra Costa Times newspaper on September 10, 2009. The Draft EIR and an announcement of its availability were also posted electronically on the City's website, and a hard copy was available for public review at the City of Oakley Department of Community Development and Oakley Library.

The CEQA-mandated 45-day public comment period ended on October 28, 2009. The City held a hearing on the Draft EIR before the City Council on October 13, 2009. The City received a total of six comment letters from State, regional and local agencies during the public review period. Copies of all written comments received during the comment period and a transcript of the oral comments received at the public hearing are included in Chapter III of this document.

## C. DOCUMENT ORGANIZATION

This RTC Document consists of the following chapters:

- *Chapter I: Introduction.* This chapter discusses the purpose and organization of this RTC Document, and the Final EIR, and summarizes the environmental review process for the project.
- *Chapter II: List of Commenting Agencies.* This chapter contains a list of agencies who submitted written comments during the public review period and comments made at the public hearing on the Draft EIR.
- *Chapter III: Comments and Responses.* This chapter contains reproductions of all comment letters received on the Draft EIR as well as a summary of verbal comments provided at the public hearing. A written response for each CEQA-related comment received during the public review period is provided. Each response is keyed to the corresponding comment.
- *Chapter IV: Draft EIR Revisions.* Corrections to the Draft EIR that are necessary in light of the comments received and responses provided, or necessary to amplify or clarify material in the Draft EIR, are contained in this chapter. Underlined text represents language that has been added to the Draft EIR; text with ~~strikeout~~ has been deleted from the Draft EIR.

## **II. LIST OF COMMENTING AGENCIES**

This chapter presents a list of comment letters and oral testimony received during the public review period and describes the organization of the letters and comments that are provided in Chapter III, Comments and Responses, of this document.

### **A. ORGANIZATION OF COMMENT LETTERS AND RESPONSES**

Chapter III includes a reproduction of each comment letter received on the Draft EIR. The written comments are grouped by the affiliation of the commenter, as follows: State, regional and local agencies (A) and public hearing comments (B).

The letters are numbered and comments within each letter are numbered consecutively after the hyphen. Each speaker at the public hearing has been designated with a number as well.

### **B. LIST OF AGENCIES COMMENTING ON THE DRAFT EIR**

The following comment letters were submitted to the City during the public review period. Following the letters are comments received at the public hearing held on the Draft EIR.

#### **State, Regional & Local Agencies**

- A1 State of California, Office of Planning and Research, Scott Morgan, Acting Director, October 29, 2009
- A2 California Department of Transportation, Lisa Carboni, District Branch Chief, October 28, 2009
- A3 Contra Costa County Flood Control, Jane Kao, Staff Engineer, October 28, 2009
- A4 Contra Costa Health Services, Joe Doser, Supervising Environmental Health Specialist, October 15, 2009
- A5 Contra Costa Water District, Mark Seedall, Principal Planner, September 15, 2009
- A6 Ironhouse Sanitary District, Tom Williams, General Manager, October 28, 2009

#### **Public Hearing Comments, City Council Meeting, October 13, 2009**

- B1 City Council Comments
- B2 Public Comments



### **III. COMMENTS AND RESPONSES**

Written responses to each comment letter received on the Draft EIR are provided in this chapter. All letters received during the public review period on the Draft EIR are provided in their entirety. Each letter is immediately followed by responses keyed to the specific comments. The letters are grouped by the affiliation of the commenting entity as follows: State, regional, and local agencies (A) and public hearing comments (B).

Please note that text within individual letters that has not been numbered does not raise environmental issues or relate to the adequacy of the information or analysis within the Draft EIR, and therefore no comment is enumerated or response required, per *CEQA Guidelines* Section 15132.

## A. STATE, REGIONAL, AND LOCAL AGENCIES



ARNOLD SCHWARZENEGGER  
GOVERNOR

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



CYNTHIA BRYANT  
DIRECTOR

October 29, 2009

Ken Strelo  
City of Oakley  
3231 Main Street  
Oakley, CA 94561

Subject: Oakley Downtown Specific Plan  
SCH#: 2008112089

Dear Ken Strelo:

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 October 28, 2009, and the comments from the responding agency (ies) is (are) enclosed. If this comment package is not in order, please notify the State Clearinghouse immediately. Please refer to the project's ten-digit State Clearinghouse number in future correspondence so that we may respond promptly.

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

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

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

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

Sincerely,

for: Scott Morgan  
Acting Director, State Clearinghouse

Enclosures  
cc: Resources Agency

**Document Details Report  
State Clearinghouse Data Base**

**SCH#** 2008112089  
**Project Title** Oakley Downtown Specific Plan  
**Lead Agency** Oakley, City of

**Type** EIR Draft EIR  
**Description** NOTE: Review Per Lead

Adoption of a Specific Plan to implement GP policies and goals for Oakley's downtown. The Plan area totals 80 acres and contains a range of land uses and types of development including: older storefront commercial buildings; small-scale highway commercial development; light-industrial; auto-related development; and residential uses. Approximately 29 acres are vacant. As part of the improvements to the downtown, a Main Street Realignment would be constructed to help reduce through traffic and create additional street frontage to accommodate downtown business and pedestrian traffic. Implementation of the Specific Plan could result in development of up to 300 dwelling units and 360,000 square feet of commercial space, anticipated over a 10 yr time frame.

**Lead Agency Contact**

**Name** Ken Strelow  
**Agency** City of Oakley  
**Phone** 925-625-7036  
**email**  
**Address** 3231 Main Street  
**City** Oakley  
**State** CA **Zip** 94561  
**Fax**

**Project Location**

**County** Contra Costa  
**City** Oakley  
**Region**  
**Lat / Long** 37° 59' 52" N / 121° 42' 58" W  
**Cross Streets** Main Street and O'Hara  
**Parcel No.** various  
**Township** 2N **Range** 2E **Section** 23 **Base** MDB&M

**Proximity to:**

**Highways** 4  
**Airports** None  
**Railways** BNSF  
**Waterways** Sacramento/San Joaquin River Delta  
**Schools** LUHSD and OUESD  
**Land Use** Land Use: Residential and commercial  
Zoning: P-1RA (Redevelopment Area PUD)  
GP: Comm. Downtown, SF High, MF Low, and Public/Semi-public

**Project Issues** Agricultural Land; Air Quality; Archaeologic-Historic; Biological Resources; Economics/Jobs; Geologic/Seismic; Noise; Population/Housing Balance; Public Services; Recreation/Parks; Traffic/Circulation; Water Quality; Landuse; Cumulative Effects; Aesthetic/Visual

**Reviewing Agencies** Resources Agency; Department of Fish and Game, Region 3; Office of Historic Preservation; Department of Parks and Recreation; Department of Water Resources; California Highway Patrol; Caltrans, District 4; Regional Water Quality Control Bd., Region 5 (Sacramento); Department of Toxic Substances Control; Native American Heritage Commission; Public Utilities Commission

**Date Received** 09/10/2009 **Start of Review** 09/10/2009 **End of Review** 10/28/2009

**LETTER A1**

**State of California, Office of Planning and Research**

**Scott Morgan, Acting Director**

**October 29, 2009**

A1-1: This letter indicates that the State Clearinghouse submitted the Draft EIR to eleven selected State agencies for review. One comment letter on the Draft EIR was received during the public review period. That letter was from Caltrans and is provided herein as letter A2. The State Clearinghouse letter notes that the City of Oakley has complied with State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act (CEQA).

**DEPARTMENT OF TRANSPORTATION**

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



*Flex your power!  
Be energy efficient!*

October 28, 2009

**RECEIVED  
CITY OF OAKLEY**

**OCT 28 2009**

CCGEN013  
SCH #2008112089

Mr. Ken Strelor  
City of Oakley  
3231 Main Street  
Oakley, CA 94561

**COMMUNITY DEV DEP  
PLANNING DIVISION**

Dear Mr. Strelor:

**Oakley Downtown Specific Plan – Draft Environmental Impact Report**

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

***Highway Operations***

The Department acknowledges that Main Street State Route 4 (SR-4) will be relinquished. It is important to note that a portion of the existing SR-4 would be used as connectors between State Route 160 (SR-160) and SR-4 Bypass. The connectors are likely to be Main Street and Empire Avenue.

Please include the SR-4/Main Street interchange with SR-160 in the analysis.

Mr. Ken Strelow  
October 28, 2009  
Page 2

Please provide volumes and trip distribution for the 2030 with project, no-project, and project conditions.

1  
cont.

**Design**

The Department needs to verify the validity of the resulting traffic volume resulting in the proposed design options. The proposed boundary lines of the Oakley Downtown Specific Plan lies in close proximity with Burlington Northern Santa Fee Railroad (BNSF). Is there any cooperative agreement among the parties involved?

2

Please note that the conceptual approval is required in the proposed option #2, which consist of roundabouts. This conceptual approval means that a preliminary decision has been made that a roundabout is a viable alternative. See the website link below for more information.

3

<http://www.dot.ca.gov/hq/oppd/dib/dib80-01.htm>

**Encroachment Permit**

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

4

<http://www.dot.ca.gov/hq/traffops/developserv/permits/>

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

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

Sincerely,



LISA CARBONI  
District Branch Chief  
Local Development – Intergovernmental Review

c: State Clearinghouse

**LETTER A2**  
**California Department of Transportation**  
**Lisa Carboni, District Branch Chief**  
**October 28, 2009**

A2-1: The first paragraph under Highway Operations does not relate to analysis in the Draft EIR but is noted.

The SR 4/SR 160/Main Street interchange was not included in the analysis because of its distance from the study area. As described in Chapter III, Project Description, of the Draft EIR, the proposed Specific Plan would encourage revitalization of the commercial opportunity sites in the area as local-serving, pedestrian oriented uses. It envisions higher density development and a mixture of commercial, governmental, and residential uses. Redevelopment that occurs within its boundaries is expected to generate few trips that would use the SR 4/SR 160/Main Street interchange.

Furthermore, the recently completed traffic operations analysis report for the *Main Street (SR 4) Widening (PM 31.1/32.3, EA-2A1700)* accounted for the land uses and roadway improvements envisioned in the Specific Plan. Thus, it included traffic generated by the proposed Specific Plan that would use the SR 4/SR 160 interchange. Based on the Traffic Analysis Report completed for the Main Street Widening project, the intersections of Main Street with north and southbound SR 160 ramps are estimated to operate at LOS C or better under 2030 conditions during AM and PM peak hours.

As stated in Appendix C of the Draft EIR, Transportation Impact Analysis Report (p. 17), since the development proposed in the Specific Plan is not confined to a specific location and the Specific Plan includes the Main Street Bypass, which would change traffic patterns in the study area, the CCTA Countywide Travel Demand model was selected as the most appropriate tool to estimate the Specific Plan's trip making characteristics and changes in area-wide traffic patterns. Traditional trip distribution and assignment methods were not developed as they would not capture affects of the proposed Main Street Bypass or the interaction between various components of the Specific Plan and the surrounding areas. Peak hour intersection volumes under Cumulative (2030) No Project conditions are presented on Figure IV.B-3; Cumulative (2030) Plus Project conditions are presented on Figure IV.B-5

A2-2: The proposed Specific Plan does not envision any encroachment on the railroad right-of-way. Thus, no cooperative agreement is needed.

A2-3: The comment that conceptual approval of proposed Option #2 for the east end of the main street realignment would be required is noted.

A2-4: The City and subsequent project applicant(s) will comply with all encroachment permit requirements of Caltrans.



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

Julia R. Bueren,  
ex officio Chief Engineer  
R. Mitch Avalon,  
Deputy Chief Engineer

October 28, 2009

Ken Strelow  
City of Oakley  
3231 Main Street  
Oakley, CA 94561

Our Files: 97-29C, 97-29D, & 97-29E

Dear Mr. Strelow:

We have reviewed the Draft Environmental Impact Report (DEIR) for the Oakley Downtown Specific Plan Project. This project is located along both sides of Main Street, between Miguel Drive to the west and the Contra Costa Canal to the east, and the Burlington Northern Santa Fe Railroad line to the North. We received the Notice of Availability on September 9, 2009, and have the following comments:

1. We previously commented on the Notice of Preparation of the DEIR and the Initial Study. Our main concern is whether or not the Contra Costa County Flood Control & Water Conservation District (FC District) planned facilities, within Drainage Areas 29C, 29D, and 29E, have adequate capacities for the proposed increased density. Our planned facilities were designed based on the 1987 Oakley Area General Plan. The Specific Plan changes some areas designated as Residential (R-60) to commercial. This increase in development density will produce a higher volume of runoff. If the existing and proposed facilities are not adequate for the proposed development density, the DEIR should discuss proposed mitigation measures.
2. According to our records, alternatives have been studied for DA 29E facilities. The City of Oakley (City) should review these alternatives and develop a Drainage Master Plan for this specific area. This plan should be approved by the City and the FC District prior to allowing further development in the area. The Drainage Master Plan should include detailed hydrologic modeling of the watershed that considers land use, existing facilities, soil conditions, and topographic data. The Drainage Master Plan should also result in a plan with descriptions of proposed flood control facilities (which typically include basins, channels, and storm drains), compliance with discharge and water quality requirements, cost estimates, and schedules.
3. The FC District should be included in the review of all drainage facilities that have a region-wide benefit, that impact region-wide facilities, or that impact FC District-owned facilities.

1

2

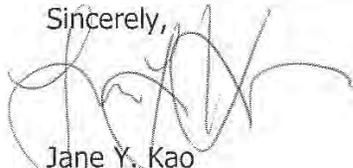
3

Ken Strelo  
October 28, 2009  
Page 2 of 2

4. The DEIR should state that DA fees are required for all new impervious surfaces. By ordinance, all building permits and subdivision maps filed in this area are subject to the provisions of the drainage fee ordinance. Effective February 19, 2007, the current fees in these three drainage areas are \$0.67, \$1.71, and \$1.60 per square foot of newly created impervious surface, respectively. The City should collect the fees during the development process, prior to the recordation of the final maps or the issuance of building permits. These fees pay for drainage improvements that help mitigate the increased runoff generated by new development. 4
  
5. The remaining portion of Line J as part of DA 29C/29D plans should be completed prior or as part of this project. Subdivision 8728, Cypress Estates, was conditioned to install this line. As of today, it is our understanding that Discovery Builders will only install the portion within the subdivision. Therefore, the DEIR should discuss how new developments will mitigate their flows to predevelopment level. 5

We appreciate the opportunity to comment on the DEIR submittal and welcome continued coordination. We look forward to reviewing the Final EIR, which should address our comments. If you should have any questions, please contact Jane Kao at (925) 313-2179 or [jkao@pw.cccounty.us](mailto:jkao@pw.cccounty.us); alternately, you can contact me at (925) 313-2363 or [trie@pw.cccounty.us](mailto:trie@pw.cccounty.us).

Sincerely,



Jane Y. Kao  
Staff Engineer  
Contra Costa County Flood Control  
& Water Conservation District

JK:cw  
G:\FldCt\CurDev\CITIES\Oakley\Oakley Downtown Specific Plan\DEIR Comments.doc

c: Greg Connaughton, Flood Control  
Tim Jensen, Flood Control  
Teri E. Rie, Flood Control

**LETTER A3**  
**Contra Costa County Flood Control**  
**Jane Kao, Staff Engineer**  
**October 28, 2009**

- A3-1: While redevelopment of opportunity sites under the Specific Plan could lead to increased population and employment densities, it would be premature to conclude that the extent of impervious surface areas or the runoff volumes would increase once specific development projects are proposed. In fact, in some areas, there should be substantial opportunities for site planners and engineers to reduce the amount of impervious surface areas. It should also be noted that there isn't a substantial difference in the build-out development densities identified in the 1987 Oakley Area General Plan and the City of Oakley 2020 General Plan. The District is a reviewing agency for development applications submitted to the City of Oakley. Therefore, once specific projects are proposed and drainage plans prepared, the City of Oakley will coordinate with the District to ensure that the drainage area plans for Areas 29C, 29D, and 29E are appropriate to convey the runoff within those areas, and that new development pays any required fees collected by the District for drainage area improvements.
- A3-2: The City notes the District's recommendation that a Drainage Master Plan should be prepared for Drainage Area 29E. See Response to Comment A3-1 above in regard to the timing of this effort.
- A3-3: The comment, that the Flood Control District should be included in the review of all drainage facilities that have a region-wide benefit, that impact region-wide facilities or that impact Flood Control District-owned facilities, is noted, but does not raise questions of the adequacy of the Draft EIR. No further response is necessary.
- A3-4: The comment, that Drainage Area fees (of the amounts listed) are required for all new impervious surfaces, is noted. At the time that specific development projects are proposed, assignment and collection of these fees would be undertaken.
- A3-5: Please refer to Mitigation Measures HYD-2b, (page 33 of the Initial Study) which requires individual project applicants to demonstrate that post-project runoff rates for new development do not exceed estimated pre-project rates or durations. Line J within Drainage Area 29C/29D will be installed as development necessitates, and as required by the City of Oakley and/or the District.

WILLIAM B. WALKER, M.D.  
HEALTH SERVICES DIRECTOR

SHERMAN L. QUINLAN, REHS, MPH  
ENVIRONMENTAL HEALTH DIRECTOR



CONTRA COSTA  
ENVIRONMENTAL HEALTH

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October 15, 2009

Ken Strelo, Senior Planner  
City of Oakley  
3231 Main St.  
Oakley, CA 94561

RECEIVED  
CITY OF OAKLEY

OCT 19 2009

RE: Oakley Downtown Specific Plan Draft EIR  
State Clearinghouse # 2008112089

COMMUNITY DEV DEP  
PLANNING DIVISION

Dear Mr. Strelo:

Contra Costa Environmental Health Division (CCEHD) appreciates the opportunity to review and comment on the Oakley Downtown Specific Plan Draft EIR. CCEHD regulates a number of activities that, depending on the ultimate development or use of the property, would fall under our agency's jurisdiction. For example, the following areas are subject to regulatory oversight by the Environmental Health Division:

- Retail food facilities
- Jail facilities (includes holding cells at police stations/substations)
- Public swimming pools/spas (including water parks, spray parks, and interactive water features)
- Well drilling, well abandonment, and soil borings
- Septic systems
- Small public water systems
- Medical waste disposal
- Waste tires
- Solid waste facilities

CCEHD is organized into several sections, and the regulatory activities in the aforementioned areas are divided among these. The following information is a summary of requirements that could be of interest to developers, business operators, and others who may become involved with this project. Any assistance the City of Oakley can provide in disseminating this information is greatly appreciated.

#### Land Use Section

1. A permit from CCEHD is required for any well or soil boring prior to commencing drilling activities, including those associated with environmental investigation and cleanup, and geotechnical investigation. There appears to be a large amount of vacant land associated with the project; therefore, environmental or geotechnical drilling activities are anticipated.



2. Any abandoned wells (water, environmental, or geotechnical) must be destroyed under permit from CCEHD. If the existence of such wells are known in advance or discovered during construction or other activities, these should be clearly marked, kept secure, and destroyed pursuant to CCEHD requirements.
3. Any abandoned septic tanks must be destroyed under permit from CCEHD.
4. It is unlikely that new septic systems will be installed for this project, but if so, a permit from CCEHD is required prior to installation. Holding tanks for sewage disposal are prohibited unless these are owned and maintained by a public entity.

#### Retail Food/Consumer Protection/Plan Check Sections

1. A significant number of new retail food facilities and public swimmingpool/spa facilities could result from this project. Food facilities include restaurants, stores, bars, cafeterias, snack bars, kiosks at transit sites, and any business or operation that sells or gives food away to the public (including employees or students). Public swimming pools/spas include those found at health clubs, municipals pools, apartments, condominiums, and swim clubs; these facilities also include water parks, spray parks, and interactive water features.

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

2. Dumpster areas serving retail food facilities are required to have a drain to the sanitary sewer and a hot/cold water supply. It is recommended that developers be informed of this requirement, since it is usually easier to plan for the installation of sewer and water in dumpster areas during initial construction rather than install these afterwards.
3. All food facilities must have approved restrooms. This includes kiosks located at transit sites. It is recommended that developers be informed of this requirement, since it is usually easier to plan for the installation of restrooms during initial construction rather than install these afterwards.
4. Any newly constructed jail facilities must meet the requirements specified in the California Health & Safety Code and the California Code of Regulations, Title 24, Minimum Standards for Local Adult Detention Facilities.

#### Medical Waste

1. Medical waste generators include hospitals, clinics, doctors' offices, veterinarians, and laboratories. These facilities must register with CCEHD and meet the requirements of the Medical Waste Management Act.

Solid Waste

1. CCEHD is designated by the California Integrated Waste Management Board (CIWMB) as the Local Enforcement Agency (LEA) for solid waste facilities, including landfills, transfer stations, and waste tire generators and haulers. The prospective operators of such facilities should be directed to contact CCEHD for information regarding requirements.
  
2. If any recycling facilities are proposed, please include the LEA in the review process to ensure that all solid waste regulations are met. For example, if the recycling facility does not meet the definition described in the California Code of Regulations, Title 14, Section 17402.5(d), "Recycling Center," then the facility is required to obtain a full solid waste facility permit as a transfer station/operation. This will require a California Environmental Quality Act (CEQA) review prior to the issuance of a solid waste facility permit from the LEA and the CIWMB.
  
3. The Draft EIR makes reference to the disposal of solid waste by Oakley Disposal Service and Mount Diablo Recycling. These companies transport solid waste materials to the transfer station in Pittsburg. Solid waste from this transfer station is then taken to the Potrero Hills landfill (PHLF) in Solano County.  
  
The proposed closure date for PHLF is January 2011. The PHLF is has reportedly proposed to submit a permit application for the expansion of this landfill in 2010. This application is subject to review and approval by the Solano County LEA and the CIWMB. If this landfill expansion is not authorized, alternative approved disposal sites should be reviewed and designated.
  
4. Substantial construction and demolition (C & D) waste could result from this project. Hazardous C & D materials should be separated from those that can be recycled or disposed.

1  
cont.

2

3

If you should have any questions, please do not hesitate to call me at (925) 692-2535.

Sincerely



Joe Doser  
Supervising Environmental Health Specialist

cc: Sherman Quinlan, Director of Environmental Health  
Richard Lee, Assistant Director of Environment Health  
Diana Kato, Assistant Director of Environmental Health

JD:ssm

## LETTER A4

### Contra Costa Health Services

Joe Doser, Supervising Environmental Health Specialist

October 15, 2009

A4-1: The City of Oakley notes the Contra Costa Health Services' description of its various sections and their respective responsibilities. The comment and subsequent descriptive text do not relate to the adequacy of the Draft EIR and no further response is necessary.

A4-2: The comment summarizes information from Appendix B of the Draft EIR, Initial Study (p. 51) and provides a small update to that information that "[t]he PHLF is [sic] has reportedly proposed to submit a permit application for the expansion of this landfill in 2010." It then goes on to summarize the review and approval process for such an expansion and notes that the absence of approval could require an alternative disposal site. This updated information is noted, but does not change the finding of the Initial Study that potential impacts related to solid waste would be less than significant.

A4-3: The comment that construction and demolition (C & D) waste could result from development envisioned under the Specific Plan is noted. This issue is addressed in Appendix B of the Draft EIR, Initial Study (pp. 25-30). Specifically, the response to question VII (b) includes the following analysis and mitigation measure:

Additionally, older buildings constructed prior to the 1980s may contain lead-based paint (LBP) and/or asbestos-containing materials (ACM). Demolition of these structures may have the potential to release lead particles and asbestos fibers into the air, where they could potentially pose a health risk to construction workers and the general public. Implementation of the following mitigation measure would reduce the potential impact of exposure to LBP and/or ACM to a less-than-significant level.

Mitigation Measure HAZ-2: As a condition of approval for any demolition or permit for a structure known or suspected to have been constructed prior to 1980, an asbestos and lead-based paint survey shall be performed. If asbestos-containing materials are determined to be present, the materials shall be abated by a certified asbestos abatement contractor in accordance with the regulations and notification requirements of the Bay Area Air Quality Management District. If lead-based paint is identified, then federal and State construction worker health and safety regulations shall be followed during renovation or demolition activities. If loose or peeling lead-based paint is identified, it shall be removed by a qualified lead abatement contractor and disposed of in accordance with existing hazardous waste regulations.



**CONTRA COSTA  
WATER DISTRICT**

1331 Concord Avenue  
P.O. Box H2O  
Concord, CA 94524  
(925) 688-8000 FAX (925) 688-8122  
www.ccwater.com

**RECEIVED  
CITY OF OAKLEY**

**SEP 17 2009**

**COMMUNITY DEV DEP  
PLANNING DIVISION**

**Directors**

Joseph L. Campbell  
*President*

Karl L. Wandry  
*Vice President*

Elizabeth R. Anello  
Bette Boatman  
John A. Burgh

Walter J. Bishop  
*General Manager*

September 15, 2009

Mr. Ken Strelo  
Senior Planner  
City of Oakley  
3231 Main Street  
Oakley, CA 94561

*VIA FACSIMILE (925) 625-9194  
Hard Copy to Follow*

**Subject: Comments on the Downtown Specific Plan EIR**

Dear Mr. Strelo:

The Contra Costa Water District (CCWD) has reviewed the Draft Environmental Impact Report for the Oakley Downtown Specific Plan.

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 (Canal) as well as a number of untreated water laterals. Proposed commercial uses in the eastern portion of the Downtown Specific Plan abut the Canal. The Downtown Specific Plan project has the potential to adversely affect the Canal. We note that the EIR and its supporting Initial Study are silent on potential impacts to the Canal.

CCWD recommends that conditions for approving the project include the following:

-NEPA review is required for any actions required by Reclamation, with respect to its fee-owned property and easements.

-All issues potentially affecting Reclamation property should be thoroughly reviewed before approval of the project. Please contact Dino Angelosante at (925) 688-8152 if there is any need to encroach upon Reclamation property.

-City of Oakley shall provide to CCWD details on how their contractor will prevent the project from potentially impacting the Canal.

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Mr. Ken Strelow  
City of Oakley  
September 15, 2009  
Page 2

-CCWD should review the proposed project drainage plan. Drainage from the project should avoid the adjacent Contra Costa Canal.

-A six foot high property line fence is required to protect the Canal as well as a liner fence, if not already installed. Any damage to existing Canal fences from construction must be repaired to the satisfaction of CCWD.

-Reclamation facilities must be protected from damage by heavy construction equipment possibly crossing or working adjacent to the Canal. Prior to any grading or crossing of the Canal with heavy equipment, City of Oakley must provide CCWD with information on the type and weight of equipment that will be crossing the facility, identify how their work may impact the existing Canal, and identify their proposed mitigation and protection measures.

- If a shutdown of the Canal is required for any reason, City of Oakley and their contractor must comply with CCWD's requirements for maintaining service to existing treated and untreated water customers. City of Oakley shall be responsible for any costs incurred by CCWD to repair any damage to Reclamation facilities.

Please contact Chris Hentz at CCWD regarding engineering issues at (925) 688-8311. Alternatively, I may be contacted at (925) 688-8119 should you have further questions.

Sincerely,



Mark A. Seedall  
Principal Planner

MAS/jmt/

2  
cont.

**LETTER A5**

**Contra Costa Water District  
Mark Seedall, Principal Planner  
September 15, 2009**

- A5-1: The proposed Specific Plan does not envision any encroachment on the right of way for the Contra Costa Canal. Because the proposed “project” in CEQA terms is a Specific Plan, there are no drainage plans for subsequent specific development projects. Such plans would be prepared and subject to review and approval at the time that specific development is proposed. CCCWD is a reviewing agency for development applications submitted to the City of Oakley.
- A5-2: The District’s recommendations are noted. At the time that specific development projects are proposed, these recommendations will be considered.

Fax  
(925) 625-0169



**IRONHOUSE SANITARY DISTRICT**

450 Walnut Meadows Drive . P.O. Box 1105 . Oakley, CA 94561

Telephone  
(925) 625-2279

VIA: U. S. Mail and e-mail

Mr. Kenneth W. Strelo, Senior Planner  
City of Oakley  
3231 Main Street  
Oakley, CA 94561

**RECEIVED  
CITY OF OAKLEY**

**OCT 28 2009**

**COMMUNITY DEV DEP  
PLANNING DIVISION**

**RE: Comments on Draft EIR for the Oakley Downtown Specific Plan**

Dear Mr. Strelo:

On behalf of the Board of Directors of Ironhouse Sanitary District, thank you for the opportunity to comment on the Draft EIR for the Oakley Downtown Specific Plan (the "Specific Plan"). Since many of ISD's comments pertain to portions of the Specific Plan itself which relate to Old Oakley Road and Districts Way, I begin this letter by commenting on those portions of the Specific Plan.

**Oakley Downtown Specific Plan.**

Prior to late 2001, ISD's primary access to its treatment plant, office and workshop (the "ISD Facilities") located in Oakley was via Old Oakley Road which at that time crossed the tracks of the Burlington Northern Santa Fe Railroad (the "Railroad") at an unsignalized, at-grade crossing. In late 2001, the Railroad installed an additional set of tracks parallel to and along the existing tracks in order to accommodate Amtrak Trains Passenger Service.<sup>1</sup> Incident to the installation of this new set of tracks, the Railroad removed this existing unsignalized, at-grade crossing and thus it was no longer possible to cross the tracks at the Old Oakley Road location. From this time forward until the opening of the Districts Way undercrossing in December 2007, access to the ISD Facilities was through the residential subdivision located along Vintage Parkway and then along Walnut Meadows Drive to the ISD Facilities. With its installation and opening in December 2007, Districts Way became the primary access to the ISD Facilities and the

<sup>1</sup> Letter from Hector Valdepena, Manager, Public Projects, BNSFRR, to David N. Bauer, General Manger, ISD, dated November 2, 2001.

Ken Strelo  
October 28, 2009  
Page 2

Walnut Meadows Drive entrance was permanently closed except when Districts Way is impassable on a temporary basis.

Please be advised that the following Figures in the Specific Plan incorrectly show Oakley Road as a through road running easterly from Main Street (Highway 4), crossing over the Burlington Northern & Santa Fe Railroad at grade and connecting with Walnut Meadows Drive. These same Figures also do not show Districts Way because it did not exist when the aerial photographs used by the Specific Plan as base maps for these Figures were taken. Please see the attached Exhibit A: Location Map which shows Districts Way. Here are the Figures which require correction in order to correctly show that Oakley Road is no longer a through road and to also show Districts Way.

1. Figure I.4 – Downtown Conditions,
2. Figure I.5 – Current General Plan Map,
3. Figure I.6 – Revitalization Projects,
4. Figure II.1 – Downtown Specific Plan Subarea Map,
5. Figure II.2 – Redevelopment Opportunity Sites,
6. Figure V.1 – Current Zoning and Land Use Designations,
7. Figure V.2 – Proposed Zoning,
8. Figure VI.1 – Downtown Specific Plan Subarea Map.

The Specific Plan also requires two minor textual revisions. First, please see the attached Exhibit B which shows the Roadway Underpass Easement referenced in the following text. I request that the second sentence of Section 3. East Main Street at page 25 be revised as shown in bold to read as follows:

The north frontage of Main Street from Second Street east consists of vacant parcels and buildings that need significant physical upgrades. This area totals approximately 4 acres, of which approximately 1.3 acres are owned by the BNSF railroad, and **0.33 acres of this 1.3 acres are subject to a Roadway Underpass Easement granted by the BNSF railroad to Ironhouse Sanitary District. (Roadway Underpass Easement recorded September 22, 2006.)** The State of California – Department of Transportation (CALTRANS) owns some portion of this approximately 4 acres over which CALTRANS granted Ironhouse Sanitary District an

Ken Strelo  
October 28, 2009  
Page 3

**Encroachment Permit for the construction and operation of a 20' private driveway connection from Highway 4/Main Street to Districts Way. (State of California – Department of Transportation, Encroachment Permit No. 046-NMC 0740.)**

I request that the following sentence at page 40 be revised as shown in bold type to read as follows:

**East Main Street Widening and Streetscape (bold in original)**

East Main Street should be widened to 62 feet and four lanes, with the necessary right-of-way acquisition and construction taking place on the north side of the roadway. **A roadway easement replacing the CALTRANS Encroachment permit will provide access from East Main Street to Districts Way. (Note: See Section 3. East Main Street at page 25, above.)**

Draft EIR for the Oakley Downtown Specific Plan

ISD's comments on the Draft EIR for the Oakley Downtown Specific Plan fall into two categories and I begin with the first category containing comments on the completeness and accuracy of the Figures contained in the EIR.

1. Figure III-2 Project Vicinity -- does not show the roadway from Main Street to Districts Way.
2. Figure III-3 Existing Land Uses – aerial photograph used for base map does not show Districts Way.
3. Figure III-4 Redevelopment Opportunity Sites -- aerial photograph used for base map does not show Districts Way.
4. Figure III-7 Downtown Specific Plan Subareas and Proposed Zoning -- aerial photograph used for base map does not show Districts Way.
5. Final Transportation Impact Analysis Report, Figure 4 -- aerial photograph used for base map does not show Districts Way.

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The second category is comments on the text of the Draft EIR. Please first see the photograph attached as Exhibit C showing the intersection of Districts Way with Highway 4. At page 43 the Draft EIR states: "East Main

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Page 4

Street would be widened to 62 feet curb to curb, with two lanes of travel in each direction and a landscaped medium/left turn lane.” The proposed widening of East Main Street is also discussed at page 35 of the Final Transportation Impact Analysis Report of the Draft EIR. Any future widening of Highway 4 (East Main Street) at its intersection with Districts Way, which would result in any changes to (a) the existing travel lanes, turning lanes and acceleration/deceleration lanes configuration, (b) the paving thicknesses at this intersection and (c) the retaining wall located on the north side of this intersection which protects the Undercrossing would not be the financial responsibility of ISD and/or the three special districts<sup>2</sup> who use Distracts Way to gain access to their properties located to the north of this intersection, as shown in Exhibit A. Further, if such widening is undertaken, ISD and the three special districts using Districts Way would require that Oakley grant ISD, for the benefit of itself and these three districts, a driveway easement from East Main Street to the Districts Way Underpass to replace the CALTRANS Encroachment permit listed above. Please allow me to add that this comment is in no way intended to be adversarial, and I would be pleased to meet with you and discuss this comment in detail to arrive at a reasonable accommodation that meets all of our interests.

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cont.

Also, on page 43, item e. Infrastructure Projects, no mention is made of the drainage deficiencies that exist at the east end of the Specific Plan Area. During planning and design the City staff (primarily Jason Vogan) was involved in many discussions regarding the impact of non-existent drainage facilities in the east area, where the Districts installed the new undercrossing. The lack of adequate drainage facilities in this area nearly killed the undercrossing project and continue to pose a long-term problem for the undercrossing. The Districts discussed several City/Caltrans/Flood Control District options to solve the problem but, at the time, no funding was available to implement a permanent fix. So the burden fell on the Districts to implement a temporary solution for drainage in the area, and now look to the City, with its Specific Plan efforts, to ultimately address a permanent solution. One possible solution is to utilize any money received from Caltrans in the right-of-way transfer to the City, to implement new drainage infrastructure to collect and convey runoff in the area to more regional storm drain facilities and/or the proposed Contra Costa County Flood Control and Water Conservation District’s flood control detention basin

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<sup>2</sup> Contra Costa Water District, Diablo Water District and East Bay Regional Park District.  
TR00-11 017

Ken Strelo  
October 28, 2009  
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planed just north of the project area. Again ISD is willing to discuss the issues and possible solutions.

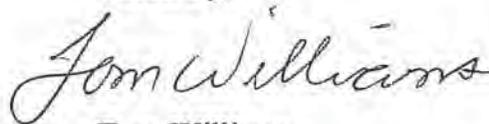
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cont.

Oakley General Plan

The initial Oakley General Plan, the City of Oakley 2020 General Plan, was adopted in December 2002, six years before the opening of Districts Way. When the General Plan is updated at some time in the future it will incorporate the Districts Way.

This concludes ISD's comments on the Oakley Downtown Specific Plan and EIR and thank you again for this opportunity. Please call me if you have any questions regarding my comments and I look forward to your responses.

Sincerely,



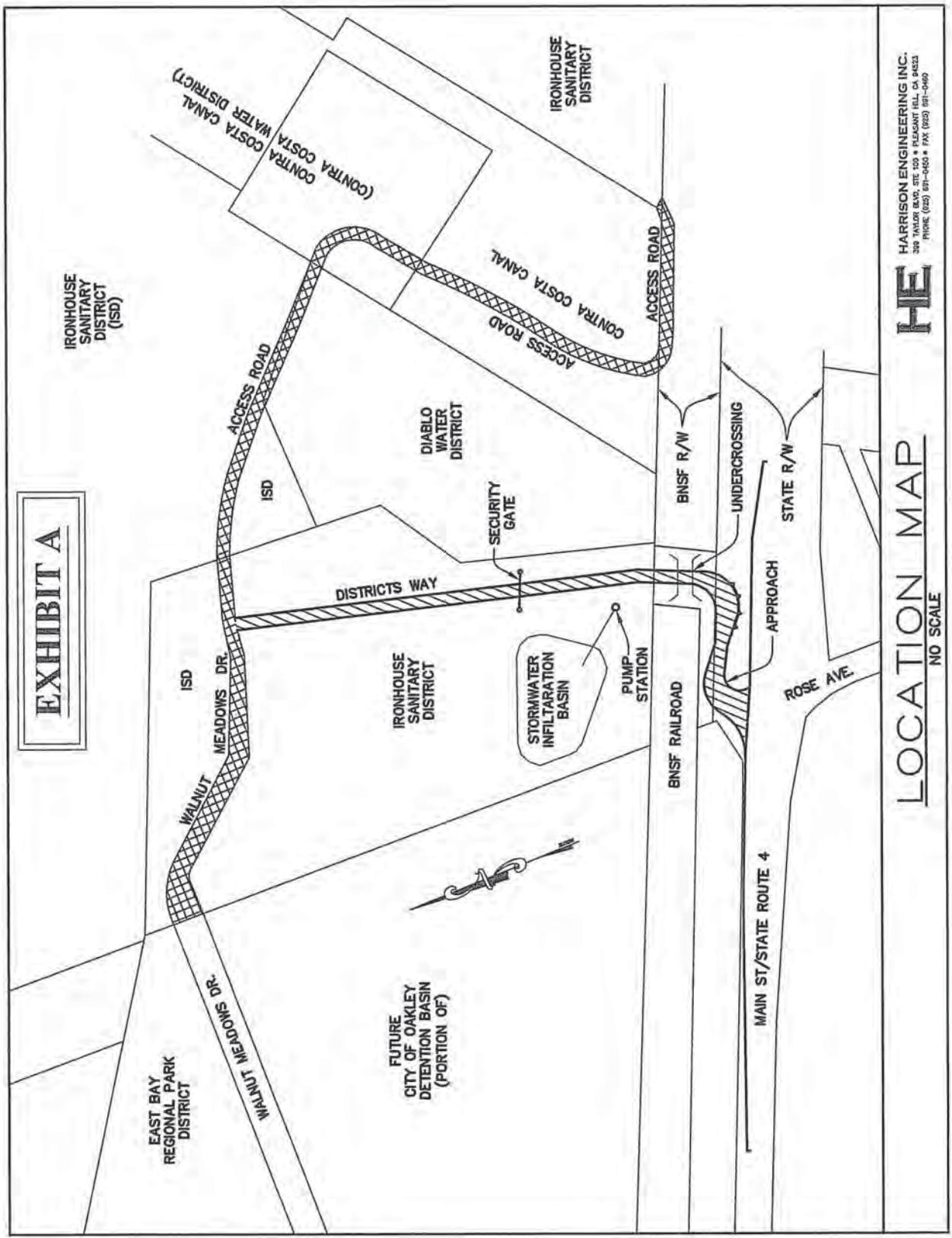
Tom Williams  
General Manger

Cc: ISD Board of Directors  
Fred Etzel, Henn, Etzel and Moore  
Kurt Ladensack, Ass't General Manager, Contra Costa Water District  
Jim Townsend, Regional Trails Supervisor, East Bay Regional Park District  
Mike Yeraka, General Manager, Diablo Water District  
Ken Galt, Chief, Railroad Technology, Department of Transportation

Exhibit A: Location Map

Exhibit B: Roadway Underpass Easement

Exhibit C: Photograph of intersection of Districts Way with Highway 4



**EXHIBIT A**

**HE** HARRISON ENGINEERING INC.  
300 TAYLOR BLVD. STE 100 • PLEASANT HILL, CA 94553  
PHONE: (925) 681-0661 • FAX: (925) 681-0660

**LOCATION MAP**  
NO SCALE

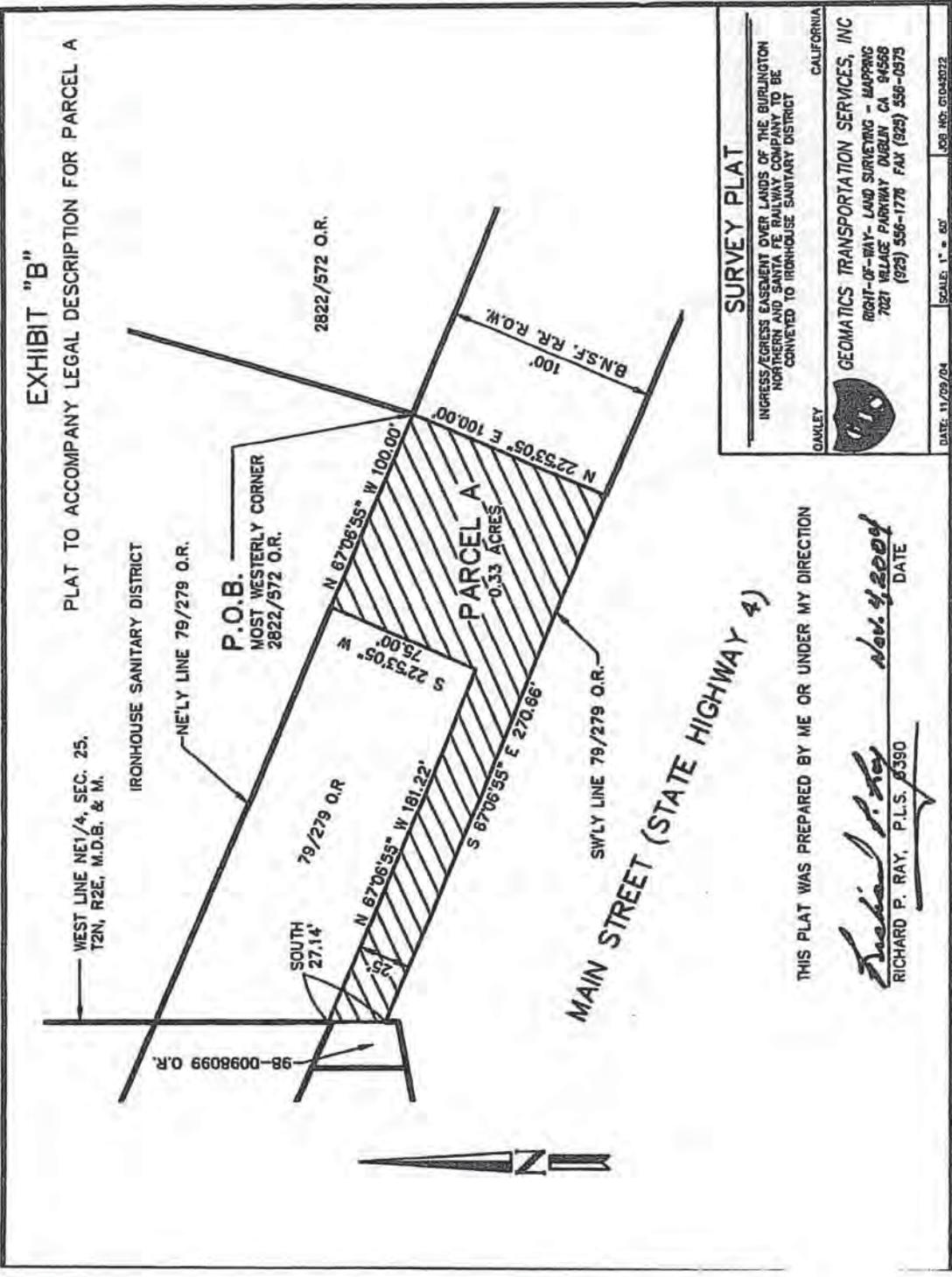




Exhibit C

**LETTER A6**  
**Ironhouse Sanitary District**  
**Tom Williams, General Manager**  
**October 28, 2009**

A6-1: As acknowledged in the comment letter, Districts Way was constructed after most of the analysis for the Oakley Downtown Specific Plan had been completed. At the time that the Draft EIR was circulated, commercially available aerial photographs and maps did not label Districts Way.

The following two figures (from November 2009) show Districts Way and its context.



Source: Mapquest, November 2009



Source: Google Maps, November 2009

The driveway is located outside of the Specific Plan area and nothing about its construction raises the potential for significant environmental impacts that should be discussed in the EIR for the Specific Plan. The above maps may be referenced as updates to the base maps used in the Specific Plan and the Draft EIR.

A6-2: As discussed in the previous comment, Districts Way did not exist at the time that the Specific Plan was prepared and was not labeled by that name at the time the Draft EIR was circulated for public review. Thus, neither document labeled Districts Way. Districts Way currently provides access for ISD and three adjacent special districts. The amount of traffic using the driveway is not expected to substantially increase in the future. Thus, the current configuration of Districts Way at Main Street should continue to provide adequate access. The City of Oakley intends to maintain safe access between Districts Way and Main Street as the Specific Plan area develops. As redevelopment along this section of East Main Street occurs, the City of Oakley is open to further discussions with ISD.

A6-3: The necessary drainage infrastructure for the Specific Plan area is detailed in the Drainage Area Plans for Drainage Area 29D and 29E as prepared by the Contra

Costa County Flood Control and Water Conservation District. Consistent with other development in Oakley, developers in the Downtown Specific Plan area will be required to demonstrate that they can collect and convey drainage from their project to an adequate downstream facility and will be responsible for constructing the facilities necessary to make such a conveyance. The City has also voluntarily begun to address the drainage deficiencies in the Downtown area, specifically by recently constructing CIP #73, Downtown Drainage Relief where an upsized, redundant line was constructed in Jordan Lane to provide additional capacity for the system.

## B. PUBLIC HEARING COMMENTS

City Council Meeting  
October 13, 2009

### B1 City Council Comments

Comment B1-1: Many of the structures are very old – what about hazardous materials releases during demolition? How would air quality be affected?

Response B1-1: Environmental consultant Theresa Bravo, Project Manager with LSA, pointed to the Hazards and Hazardous Materials section of the Initial Study (Appendix B to the Draft EIR) where, on pages 27 and 28, there is discussion of the potential for the presence of older buildings (constructed prior to the 1980s) is acknowledged and where the text points out that these buildings may contain lead-based paint (LBP) and/or asbestos-containing materials (ACM). Demolition of these structures may have the potential to release lead particles and asbestos fibers into the air, where they could potentially pose a health risk to construction workers and the general public.

Implementation of the following mitigation measure would reduce the potential impact of exposure to LBP and/or ACM to a less-than-significant level.

Mitigation Measure HAZ-2: As a condition of approval for any demolition or permit for a structure known or suspected to have been constructed prior to 1980, an asbestos and lead-based paint survey shall be performed. If asbestos-containing materials are determined to be present, the materials shall be abated by a certified asbestos abatement contractor in accordance with the regulations and notification requirements of the Bay Area Air Quality Management District. If lead-based paint is identified, then federal and State construction worker health and safety regulations shall be followed during renovation or demolition activities. If loose or peeling lead-based paint is identified, it shall be removed by a qualified lead abatement contractor and disposed of in accordance with existing hazardous waste regulations.

Comment B1-2: What makes the roundabout option a significant unavoidable impact?

Response B1-2: The proposed roundabout at the Main Street/Main Street Bypass/O'Hara Avenue intersection under Option #2 would cause the intersection to operate at a level of service (LOS) of F (with delay of > 120 seconds) during the PM peak hour. The key issue appears to be the relatively high traffic volumes that are projected to occur along the Main Street Bypass and how they would provide few gaps for vehicles on the O'Hara Avenue and Main Street approaches of the intersection to turn into the Main Street Bypass.

Comment B1-3: Does the traffic analysis assume that the West Cypress Road/O'Hara Avenue intersection is signalized?

Response B1-3: The initial impact analysis (which leads to Impact TRANS-2, unacceptable LOS F conditions during the PM peak hour under Cumulative Plus Project conditions) did not include the signalization of the currently all-way stop-controlled West Cypress Road/O'Hara Avenue intersection. Recommended Mitigation Measure TRANS-2 (installation of traffic signals there) would cause the intersection to operate at LOS B ( $v/c = 0.67$ ) based on the CCTALOS method and LOS C (delay = 31 seconds) based on the HCM method during the PM peak hour

## **B2 Public Comments**

### **Paul Seger, Resident**

Comment B2-1: Offered broad comments on the desirability of Oakley's becoming a "green city" and suggested ways in which the Specific Plan could implement this vision.

Response B2-1: These comments did not raise questions or offer comments about the analysis or findings of the Draft EIR. No further response is necessary.

## **IV. DRAFT EIR TEXT REVISIONS**

Chapter IV in a Response to Comments document is reserved to present specific changes to the text of the Draft EIR and Draft Initial Study that are being made to clarify any errors, omissions, or misinterpretation of materials in the Draft EIR and Draft Initial Study, in response to comments received during the public review period.

In the case of the Draft EIR for the Oakley Downtown Specific Plan, no revisions are necessary.

