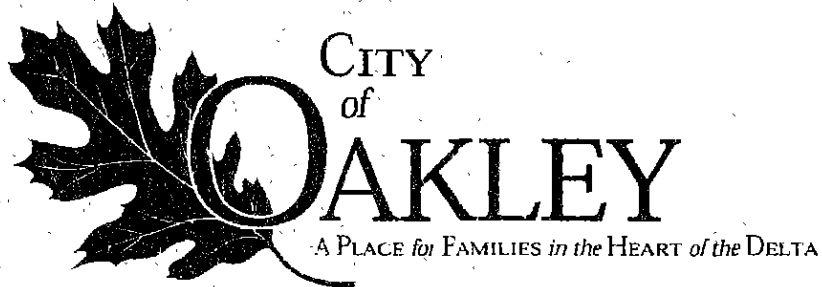


GILBERT PROPERTY

FINAL ENVIRONMENTAL IMPACT REPORT SCH# 2007012075

PREPARED FOR
THE CITY OF OAKLEY



SEPTEMBER 2007

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FINAL
ENVIRONMENTAL IMPACT REPORT
GILBERT PROPERTY PROJECT

State Clearinghouse #: 2007012075

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September 2007

TABLE OF CONTENTS

TABLE OF CONTENTS

<u>CHAPTER</u>	<u>PAGE</u>
1. INTRODUCTION AND LIST OF COMMENTERS.....	1-1
2. REVISIONS TO THE DEIR TEXT.....	2-1
3. COMMENTS AND RESPONSES	3-1
4. MITIGATION MONITORING PLAN	4-1

APPENDICES

Appendix A: Revised Stormwater Drainage Figure
Appendix B: Revised Tentative Map

LIST OF FIGURES

3-1 Western Area Power Administration Easement Rights Location..... 3-13

LIST OF TABLES

4-1 Gilbert Property Project Mitigation Monitoring Plan..... 4-3

1. INTRODUCTION AND LIST OF COMMENTERS

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INTRODUCTION

This Final Environmental Impact Report (FEIR) contains public and agency comments received during the public review period of the Gilbert Property Draft Environmental Impact Report (DEIR). This document has been prepared by the City of Oakley in accordance with the California Environmental Quality Act (CEQA).

BACKGROUND

A Notice of Preparation (NOP) for the DEIR was released January 25, 2007 for a 30-day review period. In addition, a public scoping meeting was held on February 7, 2007. The comments received from the NOP were addressed in the Gilbert Property DEIR. The Gilbert Property DEIR is an informational document intended to disclose the environmental consequences of approving and implementing the Gilbert Property project. All written comments received during the 45-day public review period, from April 9, 2007 to May 23, 2007, are addressed in this FEIR.

SUMMARY OF TEXT CHANGES

Chapter 2, Revisions to the DEIR Text, identifies all changes to the DEIR. These changes are in response to comments on the DEIR received during the public review period.

RESPONSES TO COMMENTS

Responses to comments received on the DEIR during the public review period are presented in Chapter 3, Comments and Responses. Comments were received during the public comment period solely from written correspondence. Each comment letter received has been numbered at the top and then bracketed to indicate how the letter has been divided into individual comments. Each comment is given a number with the letter number appearing first, followed by the comment number. For example, the first comment in Letter 1 would have the following format: 1-1. In Chapter 3 of the FEIR, the bracketed comment letters precede responses to the comments found in the letters.

LIST OF COMMENTERS

The following is a list of comment letters received identifying the letter number, agency or person submitting the letter, and the page number on which the letter appears.

<u>Letter</u>	<u>Page</u>
1. Ironhouse Sanitary District	3-2
2. Department of Energy, Western Area Power Administration	3-10

3. Department of Transportation..... 3-14
4. Carlson, Barbee & Gibson, Inc. 3-18
5. Carlson, Barbee & Gibson, Inc (Memorandum)..... 3-20

2. REVISIONS TO THE DEIR TEXT

2. REVISIONS TO THE DEIR TEXT

INTRODUCTION

This chapter presents all of the revisions made to the DEIR in response to comments received. New text is double underlined and deleted text is struck through. Text changes are presented in the page order in which they appear in the DEIR. It should be noted that none of the following text revisions change the conclusions of the DEIR.

TEXT CHANGES

NOTE: New text is double underlined; deleted text is ~~struck through~~.

2.0 EXECUTIVE SUMMARY

Page 2-1 of the DEIR, third paragraph, is hereby revised to read:

The Gilbert Property project site is bounded by the partially developed Cypress Grove project, Delta Vista Middle School, Iron House Elementary School, the currently vacant Emerson property to the west, the vacant Burroughs property to east, Cypress Road to the south, and the Contra Costa Water District Canal (CCWD/USBR Canal) to the north. The canal separates the project site from approximately 1,200-acres of open space to the north. ~~The canal separates the project site from approximately 1,200 acres of open space to the north.~~ As a result of complete agreements reached between the State of California, the City of Oakley, environmental groups and the prior land owners, the property north of the canal was conveyed to public entities and the parcels south of the canal were designated for development. A substantial portion of this area north of the canal is currently owned by the State of California and is anticipated to be restored to wetlands in the near future. A 55-acre portion of land immediately north of the CCWD/USBR canal and the project site at the end of Sellers Avenue is held in escrow, pursuant to a Memorandum of Understanding and Development Agreement, for future conveyance to the City of Oakley as a community park.

Page 2-1 of the DEIR, fourth paragraph, is hereby revised to read:

The property owners of the Gilbert, Emerson and Burroughs Properties entered into Memorandums of Understanding and Development Agreements during 2002 and 2003 ~~resulted in~~ ing in a comprehensive plan that would result in (1) vested rights for residential development on approximately 271 acres south of the Contra Costa Canal, including the Gilbert Property; (2) conveyance to the State of California (more specifically, to the Department of Water Resources) of approximately 1,150 acres adjusted to the Delta for wetland and Marsh habitat

restoration; and (3) conveyance to the City of approximately 100 acres for park, recreational, trail and community center purposes, including approximately 27 acres within the Burroughs property south of the Contra Costa Canal.

Table 2-1, Summary of Impacts and Mitigation Measures, Page 2-62 of the DEIR, Mitigation Measure 4.13-2 is hereby revised as follows:

4.13-2 *Prior to the issuance of building permits, the applicant shall participate in the provision of funding, per ordinance 86-01, to maintain police services through a special police services tax, similar to conditions placed on recent City subdivision approval, for the approval of the Community Development Department.*

Table 2-1, Summary of Impacts and Mitigation Measures, Page 2-62 of the DEIR, Mitigation Measure 4.13-3(a) is hereby revised as follows:

4.13-3(a) *Prior to the issuance of building permits, the project proponent shall pay a fair share of costs per ordinance 06-01, for new fire protection facilities and services, consistent with fire impact fees adopted by the City of Oakley ~~the development agreement as determined by the City Manager.~~*

3.0 PROJECT DESCRIPTION

Figure 3-3, Gilbert Property Tentative Map has been updated and replaced (See Appendix A of the Final EIR).

Page 3-12 of the DEIR, first paragraph, is hereby revised to read:

A trail would be located along the northern boundary of the development just south of the CCWD/USBR canal. This trail ultimately would connect to the trail ~~constructed by~~ adjacent to the levee across the Emerson north boundary that was completed as part of the Cypress Grove development to the west, which in turn provides access to the existing Marsh Creek Trail, and links to an existing regional trail system. It should be noted that a gap would exist in the trail across the Emerson property until that area is developed.

Page 3-13 of the DEIR, fourth paragraph, is hereby revised to read:

Sellers Avenue will be designed as ultimately a four-lane divided road from Cypress Road to the project boundary with the CCWD/USBR right of way. The Gilbert Property would include the construction of two of these northbound lanes and one southbound lane plus ~~half of the~~ entire median, minus landscape improvements, as a portion of the project.

Page 3-14 of the DEIR, Storm Drainage Section, is hereby revised to read:

The design of the storm water management facilities for the Gilbert Property project would be developed to control peak storm water flows, improve the quality of the storm water runoff before being discharged from the site, and to protect the homes from flooding during large storm events. A storm water pond would be located in the central portion of the Gilbert Property. The pond's surface area would be approximately five acres and pumped into the existing outfalls to Emerson Slough, which is consistent with the area's drainage shed. The pond would be sized to accommodate developed flows for the proposed project site and Burroughs property, as well as the existing flows from properties to the south ~~and east~~. As the properties to the south develop, additional ponds or below grade detention would need to be constructed within those properties to detain storm flows. The outfalls have already been comprehensively studied and analyzed for CEQA purposes and permitted by the City of Oakley under the entitlements for the Cypress Grove subdivisions to the west (8678, 8679 and 8680), which has been constructed. As a result, these outfalls are not considered part of the proposed project.

Page 3-15 of the DEIR, first paragraph, last line, is hereby revised to read:

The Gilbert Property project may accommodate a portion of this improvement ~~if~~ within the project boundary.

4.2 AESTHETICS

Page 4.2-2 of the DEIR, second paragraph, is hereby revised to read:

The proposed land plan for the Gilbert Property project site includes ~~commercial and~~ residential development, trails, a park, levees, and a storm water detention pond, as well as the infrastructure improvements necessary to accommodate the new development (See Chapter 3, Project Description, of this Draft EIR for a complete description of project features.)

Page 4.2-7 of the DEIR, fourth paragraph, is hereby revised to read:

A minimum of 25 feet of landscaping (including a trail) is planned along the north side of Cypress Road, ~~and 15 feet along the south side along the southern boundary of the Emerson, Gilbert and Burroughs properties~~. A generally 16-foot wide landscaped street median divider would be constructed in the center of Cypress Road. A decorative sound wall would be constructed along the north side of Cypress Road. In addition, a creatively designed "highlighted intersection" is planned for the Cypress Road and Sellers Avenue intersection, as called for in Oakley's Residential Design Guidelines.

Page 4.2-8 of the DEIR, third paragraph, is hereby revised to read:

Street yard landscaping would be provided for all private residential lots by the home builders. The landscaping would include trees, shrubs, groundcover, sidewalks and fencing. ~~Landscaping would be maintained through homeowner's associations for all green court cluster and duet lots, and possibly for other housing product lots as well. Non-street yard facing~~ Landscaping improvements would generally be the responsibility of the future residents.

4.3 LAND USE AND AGRICULTURAL RESOURCES

Page 4.3-6 of the DEIR, third paragraph, is hereby revised to read:

Although the General Plan Land Use Diagram places the commercial space on both the Emerson and Gilbert sites, the General Plan does not explicitly state that the commercial development be situated on the Gilbert site. The General Plan states that the "intersection of East Cypress Road and Sellers Avenue is designated for higher intensity uses, including a node of commercial uses at the intersection with multi-family or high density single family surrounding." (City of Oakley General Plan Land Use Element, Page 2-24.) The Framework Study specifies that the totality of the commercial development would be shifted onto the Emerson site. The Gilbert Project would include multi-family high-density land uses in the southeast corner of the project site (~~see Figure 4.3-3, Gilbert Land Use Diagram~~).

Page 4.3-7 of the DEIR, Figure 4.3-3, Gilbert Land Use Diagram, is hereby removed from the DEIR.

4.4 TRAFFIC AND CIRCULATION

Page 4.4-22 of the DEIR, second paragraph, is hereby revised to read:

Cypress Road will be improved along the project boundary with a landscaped median, as well as a landscaped corridor with a trail on the north side of the road. The project would complete the northern half of Cypress Road with three westbound through lanes from Sellers Avenue to ~~the western boundary of the CCWD/USBR right of way~~ Knightsen Avenue with transition to the existing road necessary for safe vehicular movement.

Page 4.4-22 of the DEIR, third paragraph, is hereby revised to read:

The ultimate design of Sellers Avenue will be constructed as a two ~~four~~ lane divided road from Cypress Road north to the project boundary with the CCWD/USBR Right of Way, as adopted by the Development Agreement. The proposed project would include the construction of the northbound lanes, but

stripe the road for two-way traffic (i.e. one southbound lane and one northbound lane), and would construct a median with no landscape improvements.

Page 4.4-22 of the DEIR, last paragraph, is hereby revised to read:

Other roadway improvements associated with the Gilbert Property project include the following:

- Transition of Sellers Avenue north to the Contra Costa Water District Canal ~~future community park~~;
- Modification of existing traffic signals and installation of new traffic signal at the main entry;
- Intersection improvements for Franklin Lane and Knightsen Avenue at Cypress Road; and
- Modification of existing driveways to adjacent properties.

Mitigation Measure 4.4-4, Chapter 4.4, Transportation and Circulation and in Table 2-1, Chapter 2, Executive Summary, of the DEIR is hereby amended as follows:

4.4-4 *The project shall include bus stops on the north both sides of Cypress Road near Sellers Avenue. The final design and location of these bus stops shall be subject to the approval of the Oakley City Engineer prior to approval of final maps. The City Engineer shall coordinate with Tri-Delta Transit as to the placement of the bus stops.*

4.13 PUBLIC SERVICES AND UTILITIES

Pages 4.13-2 and 4.13-3 of the DEIR are hereby revised to read:

Wastewater Collection and Treatment

The Ironhouse Sanitary District (ISD) provides wastewater service to the entire City of Oakley and the unincorporated areas of Bethel Island and Sandmound. Wastewater services include the ~~transmission~~ conveyance of primarily residential and some commercial and light industrial raw wastewater to a treatment facility, ~~for treatment,~~ and ~~land disposal of treated effluent onto agricultural lands on the mainland and Jersey Island~~ the wastewater and residual waste solids.

Current System Capacity

The wastewater system is composed of collection, treatment, and disposal. The collection and treatment facilities will be expanded to meet future requirements. The disposal system has been sized to meet the buildout capacity within the District. The current daily average dry weather flow is 2.64 MGD and treatment capacity totals 3.0 MGD. The current average BOD concentration is 225 mg/l, an

increase of 20 percent over the original design value of 188 mg/l disposal delivery system can handle 4.3 MGD.

Current Conveyance Facilities

The trunk line system is divided into four general areas that are identified as follows:

- Empire Avenue System
- South of Ridge Line System
- Central System, O'Hara Avenue, Laurel Road
- Highway 4 System

The ISD collection system includes approximately 85 miles of gravity pipelines, 20 miles of pressure pipelines, and 31 pump stations. All of the pump stations have a permanent standby generator on-site or are equipped with a portable generator plug-in. Pumping stations and wet wells are to be designed for continuous operation at peak inflow. For reasons of safety, the pumping stations are duplex installations with standby power at major stations. Pump system failure alarms and pumping status is telemetered to signal the ISD office.

Wastewater Treatment

ISD owns and operates a wastewater treatment plant in the northeast portion of Oakley. The plant currently provides wastewater treatment services for Oakley, Bethel Island, and the Sandmound area. Fifty acres of on-site storage are currently available for treated wastewater. The plant uses an aerated pond treatment system that occupies about 7.5 acres of the site. The aerated pond system consists of a nine-inch parshall flume, two grinders, two pumps, and two parallel-two-stage aerated treatment ponds followed by storage and then chlorination.

Effluent Current Disposal Facilities

Current ISD disposal facilities consist of disinfection facilities, 50 acres of storage ponds with a capacity of 350 acre-feet, and land application of recycled water on 166 acres of "mainland" agricultural adjacent to the WWTP and on 425 acres of Jersey Island. Effluent is disposed of through land application of the treated effluent on irrigated pasture and agricultural crops. Currently the disposal is split between the mainland and Jersey Island properties, both are owned by the District. ISD is permitted to apply the reclaimed water on 350 acres of the Jersey Island property and on 260 acres of the mainland property. This provides enough capacity to accommodate the current plant capacity of 3.0 MGD. ISD has increased expected ultimate effluent disposal capacity from 3.0 MGD to 8.0 MGD by the acquisition of additional land.

Sludge Disposal Capacity

The Ironhouse Sanitary District has never applied sludge on property they own, although sludge application is permitted in their current Wastewater Discharge Requirements. ISD has increased its sludge disposal capacity through the beneficial reuse of sludge by land application on ISD owned lands. ISD rotates the application of dewatered sludge and treated effluent both on the existing disposal areas on ISD property and on Jersey Island.

Pages 4.13-17 and 4.13-18 of the DEIR, impact discussion 4.13-1, is hereby revised to read:

Wastewater treatment for the project is provided by Ironhouse Sanitary District (ISD). ~~The ISD's new Wastewater Treatment Facility has a capacity of three million gallons per day (MGD). The current average dry weather flow into the plan is approximately 2.15~~ 2.6 million gallons per day (mgd). Ironhouse Sanitary District's WWTP is rapidly approaching capacity, which is estimated at 2.7 mgd. In order to provide adequate capacity until a new wastewater treatment plant is constructed and operable, ISD is removing solids from the treatment cells and effluent storage ponds on an annual basis. The current average dry weather flow into the plan is approximately 2.15 MGD. The base average dry weather wastewater generation from the project's 510 residential units is illustrated in Table 4.13-2.

Table 4.13-2 Estimated Wastewater Generation for Proposed Project		
Residential:	510 units x 225 gallons per dwelling unit	114,750 Gallons Per Day (GPD)
Ground Water Infiltration (High Groundwater):	120 acres x 300 gallons per day per acre	36,000 GPD
Total:		150,750 GPD (0.15 MGD)
<i>Figures are based upon 225 gallons-per-residential dwelling unit and 300 gallons per acre infiltration estimates.</i>		

Ironhouse Sanitary District is currently designing a new 4.3 mgd wastewater treatment plant. The ISD Wastewater Treatment Facility has adequate capacity to handle the added 0.15 MGD. In addition, ~~t~~the applicant project developer shall would pay applicable trunkline capacity and plant capacity fees for the new WWTP, which would help fund current expansion.

Currently, properties connected to the system on Cypress Road pump their wastewater to the treatment plant through an existing 14-inch ~~force main~~ forcemain in Cypress Road. The ~~force main~~ forcemain connects to an existing ~~18-inch~~ gravity main in State Route (SR) 4 that flows to the treatment plant (See Figure 4.13-1).

As shown in Figure 4.13-1, the proposed project includes a regional pump station on the proposed project site. The pump station is envisioned to serve all of the original Dutch Slough properties, as well as areas south of Cypress Road, and would flow from the Cypress Groves Subdivision.

The proposed project requires the construction of a 14-inch forcemain. The new forcemain is proposed to begin east of Jersey Island Road and run down Cypress Road, turn north on Sellers to the USBR canal ROW and be located in the ROW, and then cross over onto ISD property at the junction of Marsh Creek and the Contra Costa Canal.

In addition to the forcemain, the project would be required to contribute to the upsizing of the current 18-inch sewer trunk to a 36-inch sewer trunk.

~~Ironhouse Sanitation District is requiring a second force main, estimated at 14 inches, to serve the ultimate buildout of the City and ISD service boundary. This line may be constructed in Cypress Road or along the northern trail corridor adjacent to the CCWD/USBR right of way. The Gilbert Property project would construct trunk mains in the local streets to collect wastewater produced by the project. The wastewater would flow by gravity to pump stations. This system would connect to the new 14 inch force main.~~

Pages 4.13-18 and 2-61 of the DEIR, for clarification purposes, mitigation measure 4.13-2 is hereby revised to read:

4.13-2 Prior to the issuance of building permits, the applicant shall participate in the provision of funding, per ordinance 86-01, to maintain police services through a special police services tax, similar to conditions placed on recent City subdivision approval, for the approval of the Community Development Department.

Pages 4.13-20 and 2-61 of the DEIR, for clarification purposes, mitigation measure 4.13-3(a) is hereby revised to read:

4.13-3(a) Prior to the issuance of building permits, the project proponent shall pay a fair share of costs, per ordinance 06-01, for new fire protection facilities and services, consistent with fire impact fees adopted by the City of Oakley the development agreement as determined by the City Manager.

3. COMMENTS AND RESPONSES

3. COMMENTS AND RESPONSES

This chapter responds to each of the five comment letters on the DEIR received during the public comment period. Each bracketed comment letter is followed by numbered responses to each bracketed comment.

Letter 1

FAX
(925) 625-0189



IRONHOUSE SANITARY DISTRICT
450 Walnut Meadows Drive • P.O. Box 1105 • Oakley, CA 94561

Telephone
(925) 625-2279

May 22, 2007

Ms. Rochelle Henson
City of Oakley
3231 Main Street
Oakley, CA 94561

RECEIVED
MAY 23 2007
CITY OF OAKLEY

**SUBJECT: DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE
GILBERT PROPERTY**

Dear Ms. Henson,

1-1

Ironhouse Sanitary District's comments, consisting of 3 pages, on the DEIR for the Gilbert Property are attached.

If you wish to discuss the comments, please call.

Sincerely,
IRONHOUSE SANITARY DISTRICT


Jennifer M. Skrel
District Engineer

**Letter 1
(Cont'd.)**

Corrections to Page 4.13-2 through 4.13-3

Wastewater Collection, Treatment, and Disposal

Ironhouse Sanitary District (ISD) provides wastewater service to the entire City of Oakley and unincorporated areas of Bethel Island and Sandmound. Wastewater services include the conveyance of primarily residential and some commercial and light industrial raw wastewater to a treatment facility for treatment and disposal of treated effluent onto agricultural lands on the mainland and Jersey Island.

Current System Capacity

The wastewater system is composed of collection, treatment, and disposal. The current average dry weather flow to ISD's wastewater treatment plant is 2.60 mgd. Improvements to the WWTP completed in 1997, provided capacity for up to 3.0 mgd at an influent BOD concentration of 188 mg/l. Over the past several years, the influent BOD concentration has steadily increased, due mainly to the use of low flush toilets. The current average influent BOD concentration is 225 mg/l, an increase of 20% over the original design value of 188 mg/l.

Due to the impacts of increased influent BOD load, ISD's WWTP is rapidly approaching capacity estimated at approximately 2.7 mgd. To address the higher BOD load, ISD is removing solids from the treatment cells and effluent storage ponds on an annual basis.

Current Conveyance Facilities

The ISD collection system includes approximately 85 miles of gravity pipelines, 20 miles of pressure pipelines and 31 pump stations. All the pump stations have either a permanent standby generator on-site or are equipped with a plug in for a portable generator.

ISD under has the ability to route raw sewage, from the north easterly portion of the collection system, to emergency storage basins south of Bethel Island when periodic maintenance and/or repair of wastewater conveyance systems is necessary.

Current Treatment Facilities

The treatment train consists of two channel grinders, a 9-inch parshall flume, two 42-inch diameter screw pumps, and two parallel, two-stage aerated ponds, with return sludge capability. The first aerated pond is a completely mixed basin with a volume of 1.7 million gallons and five 20-horsepower floating aerators. The second completely mixed aerated pond has a volume of 2.4 million gallons, and six 10-horsepower floating aerators.

1-2

1-3

**Letter 1
(Cont'd.)**

Current Disposal Facilities

ISD's disposal system currently consists of disinfection facilities, 50 acres of storage ponds with a capacity of 350 acre-feet (114 MG) assuming 3-feet of freeboard, and land application of recycled water on 166 acres of "mainland" agricultural land adjacent to the wastewater treatment plant, and on 425 acres on Jersey Island.

Sludge Disposal Capacity

ISD has never applied sludge on property they own though their current Waste Discharge Requirements allow them to do so. Currently ISD is contracting to have sludge removed from the treatment and effluent storage ponds and disposed of off-site.

Corrections to Pages 4.13-17 through 4.13-18

4.13-1 Impacts related to adequate wastewater treatment and infrastructure capacity

Wastewater treatment for the project is provided by Ironhouse Sanitary District (ISD). The current average dry weather flow into the plant is approximately 2.6 MGD. ISD's WWTP is rapidly approaching capacity estimated at approximately 2.7 mgd. To provide adequate capacity until a new wastewater treatment plant is constructed and operable ISD is removing solids from the treatment cells and effluent storage ponds on an annual basis.

The base average dry weather wastewater generation from the project's 510 residential units is illustrated in Table 4.13-2.

**Table 4.13-2
Estimated Wastewater Generation for Proposed Project**

No corrections to table.

ISD is in the process of designing a new 4.3 MGD wastewater treatment plant that is planned to be operational by September 2010. The project developer will pay applicable trunkline capacity and plant capacity fees to help fund the proposed new plant.

Currently, properties connected to the system on Cypress Road pump their wastewater to the treatment plant through an existing 14-inch forcemain in Cypress Road. The forcemain connects to an existing gravity main in SR 4 that flows to the treatment plant (See Figure 4.13-1).

To serve growth in the Cypress Road area ISD is requiring construction of a Regional Pump Station, 14-inch forcemain, and 36-inch gravity trunk sewer.

**1-2
(Cont'd.)**

**Letter 1
(Cont'd.)**

Regional Pump Station

To serve the project a new Regional Pump Station on the Gilbert property is proposed. Originally to serve the Burroughs, Gilbert and Emerson properties the Regional Pump Station was located on the Emerson Property. This proposed Regional Pump Station on the Gilbert property is envisioned to serve all the original Dutch Slough Properties as well as areas to the south of Cypress Road and flow from the Cypress Groves Subdivision. A 10-inch gravity line has been partially constructed to convey flow from the existing Cypress Groves pump station to the proposed Regional Pump Station on the Gilbert property. It is ISD desire minimize the number of sub-regional pump stations constructed for all the areas tributary to the proposed Regional Pump Station.

Forcemain

The proposed project will require construction of a new 14-inch forcemain. The new Regional Pump Station shall pump into the new forcemain in the future once construction of the entire 14-inch forcemain is complete and can temporarily pump into the existing forcemain. The new 14-inch forcemain is proposed to begin east of Jersey Island Road and run down Cypress Road, turn north on Sellers to the USBR canal ROW and be located in the ROW then cross over onto ISD property at the junction of Marsh Creek and the Contra Costa Canal. ISD is in the process of designing a casing for the 14-inch as it crossings Contra Costa Water District's proposed canal pipeline.

36-inch Trunk Sewer

Flow from the Gilbert project and surrounding areas plus that from the East Cypress Corridor and Bethel Island will necessitate upsizing the current 18-inch truck sewer which conveys flows to the wastewater treatment plant to a 36-inch trunk sewer. The proposed project will participate in construction of the 36-inch trunk sewer. ISD is in the process of designing the segment of 36-inch as it crosses the Contra Costa water District's proposed canal pipeline.

The proposed project will be paying fees and installing infrastructure that will allow ISD to provide adequate collection, treatment and disposal capacity to serve the proposed project, hence the proposed project would have a *less-than-significant* impact on the wastewater system.

**1-2
(Cont'd.)**

LETTER 1: JENNIFER M. SKREL, IRONHOUSE SANITARY DISTRICT

Response to Comment 1-1

The comment is an introduction to comments 1-2 and 1-3 and does not address the adequacy of the DEIR.

Response to Comment 1-2

The suggested edits have been incorporated, as appropriate, to Pages 4.13-2 and 4.13-3 of the Draft EIR.

Wastewater Collection and Treatment

The Ironhouse Sanitary District (ISD) provides wastewater service to the entire City of Oakley and the unincorporated areas of Bethel Island and Sandmound. Wastewater services include the ~~transmission~~ conveyance of primarily residential and some commercial and light industrial raw wastewater to a treatment facility; for treatment; and land disposal of treated effluent onto agricultural lands on the mainland and Jersey Island ~~the wastewater and residual waste solids.~~

Current System Capacity

The wastewater system is composed of collection, treatment, and disposal. The collection and treatment facilities will be expanded to meet future requirements. The disposal system has been sized to meet the buildout capacity within the District. The current daily average dry weather flow is 2.61 MGD and treatment capacity totals 3.0 MGD. Although the design capacity is 3.0 MGD, due to increased BODs (an increase of 20 percent over the original design value of 188 mg/L to an average of 225 mg/L), the ISD's WWTP is rapidly approaching capacity, which is estimated at 2.7 MGD. In order to provide adequate capacity (3.0 MGD) until a new wastewater treatment plant is constructed and operable, ISD is removing solids from the treatment cells and effluent storage ponds on an annual basis. The current disposal delivery system can handle 4.3 MGD.

Current Conveyance Facilities

The trunk line system is divided into four general areas that are identified as follows:

- Empire Avenue System
- South of Ridge Line System
- Central System, O'Hara Avenue, Laurel Road
- Highway 4 System

The ISD collection system includes approximately 85 miles of gravity pipelines, 20 miles of pressure pipelines, and 31 pump stations. All of the pump stations have a permanent standby generator on-site or are equipped with a portable generator plug-in. Pumping stations and wet wells are to be designed for continuous operation at peak inflow. For reasons of safety, the pumping stations are duplex installations with standby power at major stations. Pump system failure alarms and pumping status is telemetered to signal the ISD office.

Wastewater Treatment

ISD owns and operates a wastewater treatment plant in the northeast portion of Oakley. The plant currently provides wastewater treatment services for Oakley, Bethel Island, and the Sandmound area. Fifty acres of on-site storage are currently available for treated wastewater. The plant uses an aerated pond treatment system that occupies about 7.5 acres of the site. The aerated pond system consists of a nine-inch parshall flume, two grinders, two pumps, and two parallel-two-stage aerated treatment ponds followed by storage and then chlorination.

Effluent Current Disposal Facilities

Current ISD disposal facilities consist of disinfection facilities, 50 acres of storage ponds with a capacity of 350 acre-feet, and land application of recycled water on 166 acres of "mainland" agricultural adjacent to the WWTP and on 425 acres of Jersey Island. Effluent is disposed of through land application of the treated effluent on irrigated pasture and agricultural crops. Currently the disposal is split between the mainland and Jersey Island properties, both are owned by the District. ISD is permitted to apply the reclaimed water on 350 acres of the Jersey Island property and on 260 acres of the mainland property. This provides enough capacity to accommodate the current plant capacity of 3.0 MGD. ISD has increased expected ultimate effluent disposal capacity from 3.0 MGD to 8.0 MGD by the acquisition of additional land.

Sludge Disposal Capacity

The Ironhouse Sanitary District has never applied sludge on property they own, although sludge application is permitted in their current Wastewater Discharge Requirements. ISD has increased its sludge disposal capacity through the beneficial reuse of sludge by land application on ISD owned lands. ISD rotates the application of dewatered sludge and treated effluent both on the existing disposal areas on ISD property and on Jersey Island.

In addition, the suggested edits have been incorporated, as appropriate, to Pages 4.13-17 and 4.13-18 of the DEIR as follows:

4.13-1 Impacts related to adequate wastewater treatment and infrastructure capacity.

Wastewater treatment for the project is provided by Ironhouse Sanitary District (ISD). ~~The ISD's new Wastewater Treatment Facility has a capacity of three million gallons per day (MGD). The current average dry weather flow into the plan is approximately 2.15~~ 2.6 million gallons per day (mgd). Ironhouse Sanitary District's WWTP is rapidly approaching capacity, which is estimated at 2.7 mgd. In order to provide adequate capacity until a new wastewater treatment plant is constructed and operable, ISD is removing solids from the treatment cells and effluent storage ponds on an annual basis. The current average dry weather flow into the plan is approximately 2.15 MGD. The base average dry weather wastewater generation from the project's 510 residential units is illustrated in Table 4.13-2.

Table 4.13-2 Estimated Wastewater Generation for Proposed Project		
Residential:	510 units x 225 gallons per dwelling unit	114,750 Gallons Per Day (GPD)
Ground Water Infiltration (High Groundwater):	120 acres x 300 gallons per day per acre	36,000 GPD
Total:		150,750 GPD (0.15 MGD)
<i>Figures are based upon 225 gallons-per-residential dwelling unit and 300 gallons per acre infiltration estimates.</i>		

Ironhouse Sanitary District is currently designing a new 4.3 mgd wastewater treatment plant. The ISD Wastewater Treatment Facility has adequate capacity to handle the added 0.15 MGD. In addition, t~~The applicant project developer shall would pay applicable trunkline capacity and plant capacity fees for the new WWTP, which would help fund current expansion.~~

Currently, properties connected to the system on Cypress Road pump their wastewater to the treatment plant through an existing 14-inch ~~foree main~~ forcemain in Cypress Road. The ~~foree main~~ forcemain connects to an existing 18-inch gravity main in State Route (SR) 4 that flows to the treatment plant (See Figure 4.13-1).

As shown in Figure 4.13-1, the proposed project includes a regional pump station on the proposed project site. The pump station is envisioned to serve all of the original Dutch Slough properties, as well as areas south of Cypress Road, and would flow from the Cypress Groves Subdivision.

The proposed project requires the construction of a 14-inch forcemain. The new forcemain is proposed to begin east of Jersey Island Road and run down Cypress Road, turn north on Sellers to the USBR canal ROW and be located in the ROW, and then cross over onto ISD property at the junction of Marsh Creek and the Contra Costa Canal.

In addition to the forcemain, the project would be required to contribute to the upsizing of the current 18-inch sewer trunk to a 36-inch sewer trunk.

~~Ironhouse Sanitation District is requiring a second force main, estimated at 14 inches, to serve the ultimate buildout of the City and ISD service boundary. This line may be constructed in Cypress Road or along the northern trail corridor adjacent to the CCWD/USBR right of way. The Gilbert Property project would construct trunk mains in the local streets to collect wastewater produced by the project. The wastewater would flow by gravity to pump stations. This system would connect to the new 14 inch force main.~~

It should be noted that ISD is not requesting the project include construction of the 36-inch sewer trunk line, but rather the fair-share contribution to the future construction of the trunk line. Therefore, the above revised text is to clarify details based on the ISD information provided in their comment letter and do not alter the conclusions of the DEIR.

Letter 2



Department of Energy
Western Area Power Administration
Sierra Nevada Customer Service Region
114 Parkshore Drive
Folsom, California 95630-4710

MAY 2 2007

Ms. Rochell Henson
Senior Planner
City of Oakley
3231 Main Street
Oakley, CA 94561

Dear Ms. Henson:

2-1

Thank you for the opportunity to comment on the Notice of Availability of the Draft Environmental Impact Report for the Gilbert Ranch Project (Subdivision 9033). The United States Department of Energy, Western Area Power Administration (Western), does not have any objections to the proposed use of Western's Olinda-Tracy 500-kilovolt transmission line easement, provided the project does not interfere with our easement rights and are in accordance with our general guidelines. The developers should obtain license agreements from Western prior to construction. Please have the developer submit the project specific improvement plans to Western for review and approval prior to construction.

Enclosed is a copy of Western's general guidelines for the use of the easement area. If you have any questions, please contact Ms. Susan Sinclair at (916) 353-4600.

Sincerely,

A handwritten signature in cursive script that reads "Heidi R. Miller".

Heidi R. Miller
Realty Specialist

Enclosure

**Letter 2
(Cont'd.)**

**WESTERN AREA POWER ADMINISTRATION
GENERAL GUIDELINES CONCERNING THE USE OF
ELECTRIC TRANSMISSION LINE RIGHTS-OF-WAY**

RE: Olinda-Tracy 500-kV Transmission Line (Olinda to the Sacramento River)

Western Area Power Administration (Western) owns a 125-foot easement along the length of the referenced transmission line. Western's rights within the easement include the right to construct, reconstruct, operate, maintain, and patrol the transmission line.

Rights usually reserved to the landowner include the right to cultivate, occupy, and use the land for any purpose that does not conflict with Western's use of its easement. To avoid potential conflicts, it is Western's policy to review all proposed uses within the transmission line easement. We consider (1) Safety of the public, (2) Safety of our Employees, (3) Restrictions covered in the easement, (4) Western's maintenance requirements, and (5) Protection of the transmission line structures and (6) Road or street crossings.

The outline below lists the considerations covered in the review. Please note that some items may overlap. This outline has been prepared only as a guide; each right-of-way encroachment is evaluated on an individual basis.

1. **Safety Of The Public**
 - A. Approval depends, to a large extent, on the type and purpose of the development. Western takes our obligation to public safety very seriously. To insure our obligation, any use of the easement that will endanger the public will not be allowed or strongly discouraged (e.g., kite flying is prohibited).
 - B. Metal fences must be grounded in accordance with applicable safety codes.
 - C. Lighting standards shall not exceed a maximum height of 15 feet and not placed directly under the conductors (wires). All lighting standards must be grounded.
 - D. All vegetation on the easement shall not exceed a maximum height of 12 feet at maturity.
 - E. Structures are not allowed on the easement. Structures include, but are not limited to, buildings, sheds, swimming pools, basketball courts, tennis courts, gazebos, etc.
 - F. No ground elevation changes are allowed which would reduce the ground to conductor clearance below 35 feet.

**Letter 2
(Cont'd.)**

2. **Safety Of Our Employees**

Vegetation and encroachments into our right-of-way requires our crews to take action, which places them at risk. Therefore, any vegetation or encroachments that present a risk to our employees will not be allowed.

3. **Restrictions Covered In The Easement**

The easement prohibits the following: (1) any use that will interfere with or damage the equipment of the United States, (2) digging or drilling of a well, (3) erecting buildings or structures, (4) placing or piling up material within the easement boundaries. The easement gives Western the right to remove trees, brush or other objects interfering with the safe operation and maintenance of the line.

4. **Maintenance Requirements**

- A. Berms shall not be placed next to the base of the transmission line tower.
- B. Any proposed improvements to the easement (including grading, parking lot, lighting, landscaping, fences, etc.), must be reviewed by Western to assure that they will not interfere with the safe operation and maintenance of the transmission line.
- C. A 14-foot gate is required in any fences that cut off access along our easement.
- D. Thirty (30) feet of unobstructed access is to be maintained around towers.

5. **Protection Of The Transmission Line Structure (Towers, Guy Wires, etc.)**

- A. If the proposed use increases the possibility of a motor vehicle hitting the transmission line structure, an appropriate guardrail shall be installed to protect the structure (e.g., parking lots or roads).
- B. Trench digging, which would weaken or damage the structure, is prohibited.
- C. No ground elevation changes are allowed within 20 feet of the structure, and in no case shall the conductor to ground clearance be reduced below code limitation.

6. **Roads Or Street Crossings**

Western's policy is to have roads or streets cross the easement at right angles, or as nearly at right angles as possible, so that a minimum area of the road or street lies within the transmission line easement.

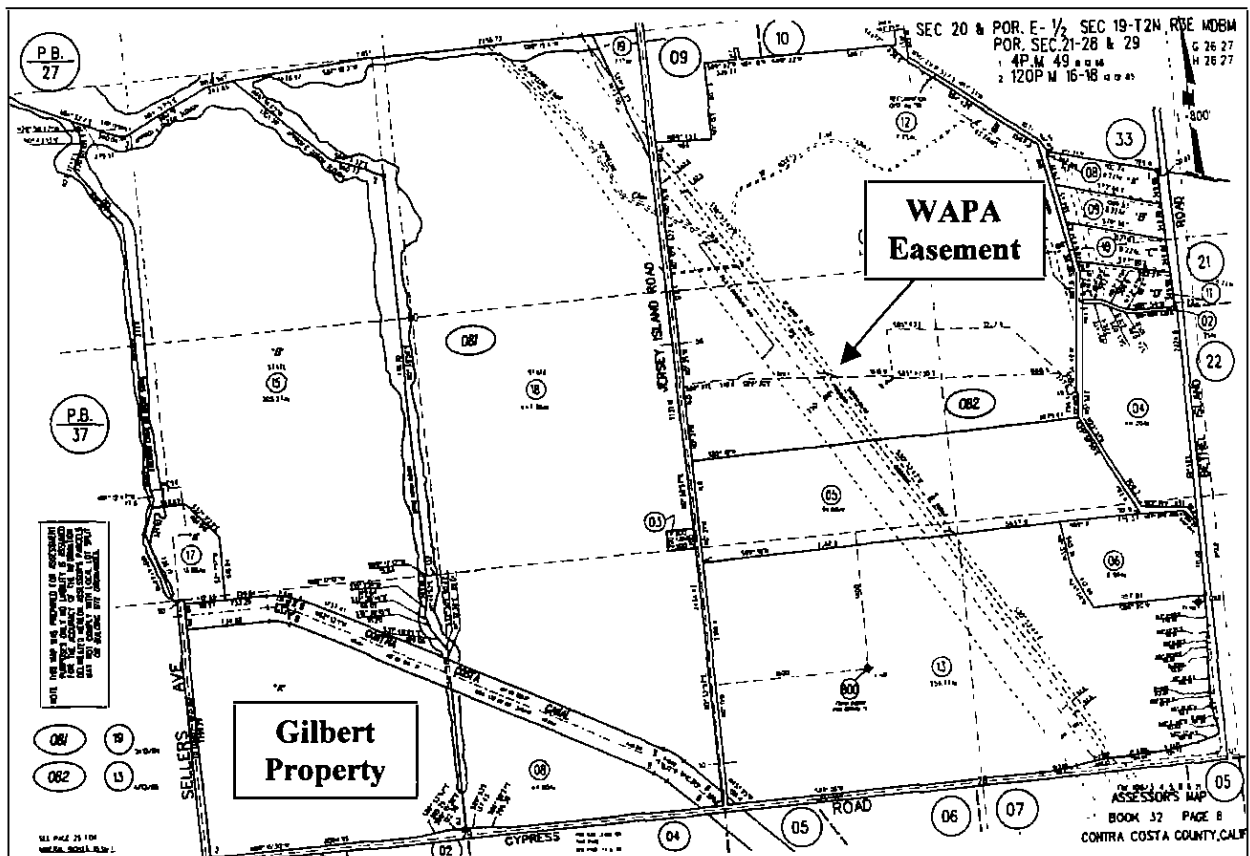
Requests for permission to use the transmission line right-of-way should be submitted to:
Western Area Power Administration, Sierra Nevada Regional Office, Attn: Realty Officer,
114 Parkshore Drive, Folsom, CA 95630.

LETTER 2: HEIDI R. MILLER, DEPARTMENT OF ENERGY

Response to Comment 2-1

The comment does not raise issues regarding the content of the DEIR. However, Contra Costa Assessor Map 32.8 shows the Western Area Power Administration Easement as located approximately 0.5 miles east of the project site (See Figure 3-1). Therefore, the easement will not be encroached upon and a license agreement is not required.

**Figure 3-1
Western Area Power Administration Easement Rights Location**



Letter 3

STATE OF CALIFORNIA BUSINESS TRANSPORTATION AND HOUSING AGENCY

ARNOLD BOHWARTENBERGER Governor

DEPARTMENT OF TRANSPORTATION
111 GRAND AVENUE
P. O. BOX 28660
OAKLAND, CA 94623-0660
PHONE (510) 286-5505
FAX (510) 286-5569
TTY (800) 735-2929



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May 22, 2007

CCD04958
CC-4-R34.92
SCH 2007012075

Rochelle Henson
City of Oakley
3231 Main Street
Oakley, CA 94561

Dear Ms. Henson:

Gilbert Property Project – Draft Environmental Impact Report

Thank you for including the California Department of Transportation (Department) in the environmental review for the proposed Gilbert Property Project. The comments presented are based on the Draft Environmental Impact Report (DEIR). As lead agency, the City of Oakley is responsible for all project mitigation, including 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.

3-1 **Advance Planning**
Figure 4.4-7 shows 22% of the trips as "Trips that stay within the City of Oakley." Are these trips assumed to not pass through any of the analyzed intersections? If so, this is unrealistic since most of these trips would likely pass through one or more of these intersections.

3-2 Figure 4.4-7 identifies the AM peak-hour as 8:00-9:00 AM. This seems late given the large number of long distance commuters in Oakley. What is the source for this determination?

3-3 **Traffic & Highway Operations**
There is a pending permit project to cut into the existing northbound storage length of the turning lanes at Cypress Road and Main Street (SR 4), creating a "keep clear" zone, that allows southbound SR 4 traffic to make a left turn into the gas station on the southeast corner.

This will reduce the storage capacity for the right turn lane to eastbound Cypress Road south of the intersection. This could cause a traffic backup and time delay on northbound SR 4 at Cypress Road. The project's proponent and the City should discuss the operation of this intersection keeping both the proposed Gilbert Property Project, and the highway permit project in mind.

"Caltrans improves mobility across California"

Sent By: CALTRANS TRANSPORTATIO PLANNING; 510 288 5560;

May-22-07 2:55PM;

Page 2/2

Ms. Rochelle Henson
May 22, 2007
Page 2

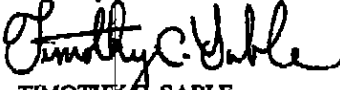
Letter 3
(Cont'd.)

3-4

Impacts to any affected sections of mainline State Route 4 (SR 4), SR 4 Bypass, and the SR 4/SR160 northbound onramp were not discussed. As appropriate, impacts should be identified and mitigation measures proposed.

Should you require further information or have any questions regarding this letter, please call Christian Bushong of my staff at (510) 286-5606.

Sincerely,



TIMOTHY C. SABLE
District Branch Chief
IGR/CEQA

c: State Clearinghouse

"Caltrans improves mobility across California"

LETTER 3: TIMOTHY G. SABLE, DEPARTMENT OF TRANSPORTATION

Response to Comment 3-1

The 22 percent of trips assumed to stay within the City of Oakley were distributed through most of the project intersections along East Cypress Road and Main Street into Downtown Oakley. The reduction was mainly taken at the perimeter intersections to the south and beyond Oakley's commercial areas. In addition, the report assumes the implementation of the East Cypress Road Specific Plan, which includes an additional 300,000 square feet of commercial/retail space and would draw some of its business from the project.

Response to Comment 3-2

The peak hour was determined to be the average peak period from the various traffic counts that were taken for the project. This varies in different parts of the City due to effects from schools, truck traffic, commuters, and other factors. 7:30 to 8:30 AM was the peak hour recorded at many of the intersections. To be conservative, the highest peak hour of data was collected at each intersection. As a result, the 8:00 to 9:00 AM peak hour identified in the text was not necessarily what was used for many of the intersections. At some intersections, the data used was actually from earlier peak hours.

Response to Comment 3-3

The City and the project sponsor are both aware of the current operational issues at Cypress Road and Main Street. The project sponsor has agreed, and is required per Mitigation Measure 4.4-3(a), to contribute a share proportionate to the operational improvements that the City determines are needed.

Response to Comment 3-4

Recent studies for the design of the SR 4 Bypass have included detailed analyses of the operations on the mainline freeways in the area, and have accounted for the potential future development in Oakley. Further analysis of freeway operations in the area would not be expected to yield any meaningful information. At the existing ramps at the SR 4/SR 160 interchange, the project would increase traffic volumes by less than two percent and, in coordination with the City, the determination was made that further analysis of these ramps would not be required. This is, in part, based on the fact that the project would contribute to the Laurel Extension. Impact 4.4-1, Page 4.4-26 of the DEIR, states that improvements to Laurel Road would include extending the western portion to connect with the SR-4 Bypass, widening Laurel Road to a four-lane arterial between Empire Avenue and Main Street, and extending Laurel Road on the east from Laurel Road's current terminus just west of the Union Pacific Railroad to Sellers Avenue. The Laurel Extension, along with the completion of the SR 4 Bypass, will substantially reduce the future traffic volumes at the SR 4/SR 160 interchange. Furthermore, Mitigation Measure 4.4-1, page 4.4-28 of the DEIR, indicates that the project applicant would contribute to the Laurel Extension by paying a fair share of the cost through payment of the City's Transportation Impact

Fee and payment of regional traffic fees to the East Contra Costa Regional Fee and Finance Authority (ECCRFFA).

Letter 4

Rochelle Henson

From: Sandra Pellegrino [SPellegrino@CBandG.com]
Sent: Wednesday, May 23, 2007 9:41 AM
To: Rochelle Henson
Cc: Bob@denovahomes.com
Subject: FW: Gilbert EIR Comment

Rochelle,

Did the Gilbert EIR Project Description get revised per the attached pond comment?

Thanks,

Sandra Pellegrino, P.E.
Project Engineer



Carlson, Barbee & Gibson, Inc.
CIVIL ENGINEERS • SURVEYORS • PLANNERS

6111 Bollinger Canyon Road, Suite 150
San Ramon, CA 94583
P: (925) 866-0322
F: (925) 866-8575
www.cbandg.com

From: Sandra Pellegrino
Sent: Friday, May 04, 2007 5:22 PM
To: Steve Garrett (SGarrett@castlecompanies.com); tsaunders@ryderhomes.com; 'Rochelle Henson'; Rod Stinson
Cc: 'Bob Weiss'; Dave Carlson
Subject: Gilbert EIR Comment

4-1 The Gilbert Project Description includes the statement "The pond would be sized to accommodate developed flows for the proposed project as well as the existing flows from properties to the south and east" on page 3-14. The Dutch Slough master drainage concept has included the developed Burroughs site draining to the Gilbert pond. It is our understanding that only the properties south of Cypress Road were included as existing condition and would need their own detention system when developed in the future. Please review.

4-2 Also, the Hydrology section 4.12-3 on page 4.12-29 mentions the Baldocchi property being part of the drainage area and Figure 4.12-4 shows the Gilbert, Baldocchi and Burroughs properties hatched. The figure does not show the drainage boundary for the other properties to the south that will contribute existing condition flows. Please review.

4-3 Also, please update the Tentative Map on page 3-11. We will email Raney the scanned current map separately.

I will be out of the office and will return on May 21. If you need anything, please contact Karrie Mosca (kmosca@cbandg.com) or Dave Carlson.

Sandra Pellegrino, P.E.
Project Engineer

5/23/2007

LETTER 4: SANDRA PELLEGRINO, CARLSON, BARBEE & GIBSON, INC.

Response to Comment 4-1

Based on the Comment 4-1, and for clarification purposes, page 3-14 of the DEIR is hereby revised as follows:

Storm Drain

The design of the storm water management facilities for the Gilbert Property project would be developed to control peak storm water flows, improve the quality of the storm water runoff before being discharged from the site, and to protect the homes from flooding during large storm events. A storm water pond would be located in the central portion of the Gilbert Property. The pond's surface area would be approximately five acres and pumped into the existing outfalls to Emerson Slough, which is consistent with the area's drainage shed. The pond would be sized to accommodate developed flows for the proposed project site and Burroughs property, as well as the existing flows from properties to the south and east. As the properties to the south develop, additional ponds or below grade detention would need to be constructed within those properties to detain storm flows. The outfalls have already been comprehensively studied and analyzed for CEQA purposes and permitted by the City of Oakley under the entitlements for the Cypress Grove subdivisions to the west (8678, 8679 and 8680), which has been constructed. As a result, these outfalls are not considered part of the proposed project.

This change is for clarification purposes only, and does not alter any of the conclusions contained within the DEIR.

Response to Comment 4-2

Figure 4.12-4, Gilbert Site Stormwater Drainage, on page 4.12-31 of the DEIR, does not show the drainage area for the other properties to the south. Based on the Dutch Slough Properties Master Infrastructure Exhibit prepared by Carlson, Barbee & Gibson, Figure 4.12-4 has been revised to depict the drainage area for the properties to the south (See Appendix A). In addition, the DEIR existing drainage discussion and data includes the properties south, which were originally left out of the figure. Because the drainage discussion and data were included in the analysis of the DEIR, the conclusions of the DEIR do not change.

Response to Comment 4-3

Based on Comment 4-3, Figure 3-3, Gilbert Property Tentative Map is hereby replaced with the updated Tentative Map (See Appendix A). The Tentative Map was updated to reflect revisions to the Land Area Summary. Acreage totals for some parcels were changed slightly; however, the total acreage, density, and number of lots did not change. Therefore, the revisions that were made to the Tentative Map do not alter any of the conclusions contained within the DEIR.

Letter 5



**Carlson, Barbee
& Gibson, Inc.**

CIVIL ENGINEERS • SURVEYORS • PLANNERS

May 21, 2007
Job No.: 878-20

MEMORANDUM

TO: Tim Saunders, Ryder Companies
Steve Garrett, Castle Companies, Inc.

FROM: Karrie Mosca, P.E., Project Manger

CC: Dave Carlson, Principal
Sandra Pellegrino, P.E., Project Engineer

SUBJECT: Comments to Gilbert Property EIR

Executive Summary

- 5-1 - Third paragraph, 5th Line
Delete Duplicate sentence
- 5-2 - Fourth paragraph, 2nd Line
"...during 2002 and 2003 resulted ing.."

Table 2-1

- 5-3 - Impact 4.4-3 – Question –
The Main Street Improvements referenced were completed by the developers of the Cypress Grove project. We are not aware of additional improvements that need to be made or any specific cost to the Gilbert project for those improvements other than through the payment of Traffic Impact fees.
- 5-4 - 4.4-4
The Gilbert project does not plan to construct the ultimate improvements on the south side of Cypress. Perhaps, this could indicate construction of bus stops on the north side only, but indicate bus stops will be required on the south side in the future.
- 5-5 - 4.4-8
This item is very vague because these improvements could be very costly. Is the intent for this project to truly pay a "fair share" and if so, what is the equation for the calculation? Or is the intent of the mitigation to just pay City Traffic Impact fees?
- 5-6 - 4.7-5, 4.12-2, 4-12-6
Can these measures be tied to "prior to acceptance of the improvements by the City", rather than "approval of Improvement Plans?"

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SAN RAMON • LATHROP

KRM/ahr
P:\PROJECTS\2007\878-20\Map-001.doc

Letter 5
(Cont'd.)

Carlson, Barbee & Gibson, Inc.

Comments to Gilbert Property EIR
Page 2 of 2

May 21, 2007
Job No.: 878-20

Chapter 3 – Project Description

- 5-7 - Page 3-12 1st paragraph
The trail adjacent to the Levee across the Emerson north boundary was completed by the Cypress Grove project.
- 5-8 - Page 3-13 4th paragraph
The project has proposed to construct the entire median with no landscape improvements in Sellers Avenue not “half”.
- 5-9 - Page 3-15 1st paragraph last line
“Improvement if within the project boundary”.

Chapter 4.2 – Aesthetics

- 5-10 - 4.2-2 Project Features
No commercial component is proposed.
- 5-11 - 4.2-7 Landscape Architecture – 2nd paragraph
The project is not proposing to complete any landscaping on the south side of Cypress Road. This section is an old reference. The ultimate south side landscaping will be a 30' parkway to be completed in the future.
- 5-12 - 4.2-8– 3rd paragraph
No Homeowner's Associations are being proposed with this project.
- 5-13 - Figure 4.3-3, Page 4.3-7
Figure should be updated for current site plan.

Chapter 4.4 – Traffic and Circulation

- 5-14 - 4.2-22 2nd paragraph
“The project would complete the northern half of Cypress Road with three westbound through lanes from Sellers Avenue to the western boundary of the CCWD/USBR right of way Knightsen Avenue with transition to the existing road necessary for safe vehicular movement”.
- 5-15 - 4.2-22 3rd paragraph
This paragraph should read “the ultimate design of Sellers Avenue will be a four lane divided road from Cypress Road north to the project boundary with the CCWD/USBR Right of Way, as adopted by the Development Agreement. The project has proposed to construct the northbound lanes but strip the road for two-way traffic (i.e. one southbound and one northbound lane), and to construct median with no landscape improvements in the median.”
- 5-16 - 4.2-22 Last paragraph
First bullet point says the project will include, “transition of Sellers Avenue north to the future community park”. This leads me to believe the project is crossing CCWD which is not the case. I think it should be deleted.

LETTER 5: KARRIE MOSCA, CARLSON, BARBEE & GIBSON, INC.

Response to Comment 5-1

Based on the Comment 5-1, Page 2-1, third paragraph of the DEIR is hereby revised:

The Gilbert Property project site is bounded by the partially developed Cypress Grove project, Delta Vista Middle School, Iron House Elementary School, the currently vacant Emerson property to the west, the vacant Burroughs property to east, Cypress Road to the south, and the Contra Costa Water District Canal (CCWD/USBR Canal) to the north. The canal separates the project site from approximately 1,200-acres of open space to the north. ~~The canal separates the project site from approximately 1,200 acres of open space to the north.~~ As a result of complete agreements reached between the State of California, the City of Oakley, environmental groups and the prior land owners, the property north of the canal was conveyed to public entities and the parcels south of the canal were designated for development. A substantial portion of this area north of the canal is currently owned by the State of California and is anticipated to be restored to wetlands in the near future. A 55-acre portion of land immediately north of the CCWD/USBR canal and the project site at the end of Sellers Avenue is held in escrow, pursuant to a Memorandum of Understanding and Development Agreement, for future conveyance to the City of Oakley as a community park.

This change is for clarification purposes only, and does not alter any of the conclusions contained within the DEIR.

Response to Comment 5-2

Based on the Comment 5-2, Page 2-1, fourth paragraph of the DEIR is hereby revised:

The property owners of the Gilbert, Emerson and Burroughs Properties entered into Memorandums of Understanding and Development Agreements during 2002 and 2003 ~~resulted~~ ing in a comprehensive plan that would result in (1) vested rights for residential development on approximately 271 acres south of the Contra Costa Canal, including the Gilbert Property; (2) conveyance to the State of California (more specifically, to the Department of Water Resources) of approximately 1,150 acres adjusted to the Delta for wetland and Marsh habitat restoration; and (3) conveyance to the City of approximately 100 acres for park, recreational, trail and community center purposes, including approximately 27 acres within the Burroughs property south of the Contra Costa Canal.

This change is for clarification purposes only, and does not alter any of the conclusions contained within the DEIR.

Response to Comment 5-3

The improvements to Main Street were completed and funded by the developers of the Cypress Grove project; however, the intent of the mitigation measure is to ensure that the developers of the proposed project contribute their fair share toward reimbursement of the expenditures for the Main Street improvements.

Response to Comment 5-4

The commenter is correct. The proposed project does not include construction of bus stops on the south side of Cypress Road near Sellers Avenue. Construction of bus stops on the north side of Cypress Road will sufficiently mitigate impacts related to alternative transportation facilities. It should be noted that future developments to the south would be responsible for construction of bus stops on the south side of Cypress Road. Therefore, Mitigation Measure 4.4-4 in Chapter 4.4, Transportation and Circulation, page 4.4-30 of the DEIR is hereby amended as follows:

- 4.4-4 *The project shall include bus stops on the north both sides of Cypress Road near Sellers Avenue. The final design and location of these bus stops shall be subject to the approval of the Oakley City Engineer prior to approval of final maps. The City Engineer shall coordinate with Tri-Delta Transit as to the placement of the bus stops.*

This change is for clarification purposes only, and does not alter any of the conclusions contained within the DEIR.

Response to Comment 5-5

This comment does not address the adequacy of the DEIR. The City and the project sponsor are both aware of the current operational issues at Cypress Road and Main Street and that the project sponsor has agreed to contribute a proportionate share to the operational improvements that the City determines are needed there.

Response to Comment 5-6

The timing for Mitigation Measures 4.7-5, 4.12-2, and 4.12-6 may not be tied to acceptance of improvements by the City rather than the approval of Improvement Plans. The detention basin safety program, the levee maintenance program, and the storm drain system maintenance program included in these mitigation measures must be reviewed and approved in conjunction with Improvement Plans because they are integral to the system's design. Therefore, the programs must be submitted prior to approval of Improvement Plans.

Response to Comment 5-7

The commenter is correct. The trail that was completed by the Cypress Grove project is adjacent to the levee across the north boundary of the Emerson Property. Page 3-12, first paragraph of the Draft EIR is hereby revised as follows:

A trail would be located along the northern boundary of the development just south of the CCWD/USBR canal. This trail ultimately would connect to the trail constructed by adjacent to the levee across the Emerson Property north boundary that was completed as part of the Cypress Grove development to the west, which in turn provides access to the existing Marsh Creek Trail, and links to an existing regional trail system. It should be noted that a gap would exist in the trail across the Emerson property until that area is developed.

This change is for clarification purposes only, and does not alter any of the conclusions contained within the DEIR.

Response to Comment 5-8

The commenter is correct. The proposed project includes the construction of the entire median on Sellers Avenue, but does not include landscape improvements for the median. Page 3-13, fourth paragraph of the Draft EIR is hereby revised as follows:

Sellers Avenue will be designed as ultimately a four-lane divided road from Cypress Road to the project boundary with the CCWD/USBR right of way. The Gilbert Property would include the construction of two of these northbound lanes and one southbound lane plus ~~half of the~~ entire median, without landscape improvements, as a portion of the project.

This change is for clarification purposes only, and does not alter any of the conclusions contained within the DEIR.

Response to Comment 5-9

Based on the Comment 5-9, Page 3-15, last line of the first paragraph, of the DEIR is hereby revised as follows:

The Gilbert Property project may accommodate a portion of this improvement if within the project boundary.

This change is for clarification purposes only, and does not alter any of the conclusions contained within the DEIR.