
PROPOSED MITIGATED NEGATIVE DECLARATION

Prepared by
The City of Antioch

Northeast Antioch Area Reorganization

With assistance from



1814 Franklin Street, Suite 1000
Oakland, CA 94612

May 2013

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- Appendix B:** Plan for Providing Services. 2012. City of Antioch.
- Appendix C:** Cost Estimate for Infrastructure Improvements, Subarea 2b. November 2011. Carlson, Barbee & Gibson, Inc.
- Appendix D:** The Fiscal Impacts of the Northeast Antioch Annexation. January 2009. Gruen Gruen & Associates.
- Appendix E:** Air Quality and Greenhouse Gas Emissions Assessment. November 2012. Illingworth & Rodkin, Inc.
- Appendix F:** Biological Resources Assessment. August 2012. RCL Ecology.
- Appendix G:** Cultural Resources Assessment Report. July 2012. William Self Associates, Inc.
- Appendix H:** Phase I Environmental Site Assessment. July 2012. Baseline Environmental Consulting.
- Appendix I:** Supplement to March 4, 2013 comments. May 2013. Delta Diablo Sanitation District.

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INTRODUCTION

The City of Antioch released an Initial Study and proposed Mitigated Negative Declaration on February 1, 2013, which analyzed potential impacts of the proposed Northeast Antioch Area Reorganization Project (the project). The project includes the reorganization of approximately 678 acres of land involving three distinct Subareas (1, 2A, and 2B) to the City of Antioch and the Delta Diablo Sanitation District, as well as the extension of public infrastructure (including sewer and potable water) to serve Subarea 2B. The release of the document initiated a public a 30-day comment period, which ran from February 1, 2013 through March 4, 2013. In publishing the document, the City met noticing requirements set forth in CEQA Guidelines Section 15072. The City conducted a public hearing on February 20, 2013, at which several oral comments were received. During the public comment period, the City also received several written comments. In this document, the City provides its responses to both the oral and written comments received during the public comment period.

To that end, this updated document includes the following sections:

- Section 1 (page v) A copy of each written comment received, and individual responses to each substantive issue raised.
- Section 2 (page 1) A revised initial study, including edits and corrections made in response to comments received on the draft initial study. In the revised initial study, any added text is shown is presented in **bold underlined italic** text. Deleted text is shown in ~~strikeout~~.

COMMENTS RECEIVED IN RESPONSE TO THE INITIAL STUDY/PROPOSED MITIGATED NEGATIVE DECLARATION

Letter 1: John Bo

Letter 2: California Department of Transportation

Letter 3: S.L. Cameron

Letter 4: Karri Campbell (oral comments)

Letter 5: Central Valley Regional Water Quality Control Board

Letter 6: Gerald Continente (oral comments)

Letter 7: Contra Costa Local Agency Formation Commission

Letter 8: Delta Diablo Sanitation District

Letter 9: Scott Jenny

Letter 10: Kristina Lawson

Letter 11: Marilyn Placial

Letter 12: Marilyn Placial (oral comments)

Letter 13: Mary Angel Tarango (oral comments)

Letter 14: Douglas Tokes (oral comments)

Letter 15: Bill Worrell (oral comments)

Letter 16: Ken Wentworth

Letter 17: Ken Wentworth (oral comments)

SECTION 1 - INDIVIDUAL COMMENT LETTERS AND RESPONSES

Letter 1

From: [REDACTED]
Sent: Sunday, March 03, 2013 8:58 AM
To: Gentry, Mindy
Subject: Northeast Antioch Annexation

March 3, 2013

Dear Ms. Mindy Gentry

I would like to write to you to voice my opposition to the annexation of Sub area 2b. I live at [REDACTED] lane. The reason I purchased the property was for the rural setting. I like this way of life. You, the city, have nothing to offer in the way of making my way of life better. I have no need or interest for sewer or water hook up, or for a paved road. The gravel road works just fine. We have no blight or rampant disregard for property on this lane. We are all part of a small community that cares about our way of life.

I urge the council to leave my way of life alone. You, as a city, you have more important matters to correct, especially in south east Antioch the once golden child of Antioch.

Regards,

John Bo
[REDACTED]

Antioch

1.1

Comment Letter 1: John Bo

- 1.1 *The commenter is a resident in the project area. The commenter states that he is opposed to the annexation of Subarea 2b and that the proposed infrastructure is not needed.*

The comment expressing opposition to the City's potential approval of the project is noted. However, the comment does not raise any issue regarding a significant environmental effect of the project or of the adequacy of the proposed mitigated negative declaration. Therefore, under CEQA, no further response is necessary.

This comment will be included in the record as the City of Antioch evaluates the merits of the project.

DEPARTMENT OF TRANSPORTATION

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



*Flex your power!
Be energy efficient!*

February 28, 2013

RECEIVED

MAR 06 2013

CITY OF ANTIOCH
COMMUNITY DEVELOPMENT

CCVAR017
CC-160/4-VAR
SCH#2013012078

Ms. Mindy Gentry
Planning Division
City of Antioch
P.O. Box 5007
Antioch, CA 94531

Dear Ms. Gentry:

Northeast Antioch Area Reorganization – Mitigated Negative Declaration (MND)

Thank you for including the California Department of Transportation (Caltrans) in the environmental document review process for the project referenced above. We have reviewed the MND and have the following comments to offer.

Traffic Impact Study (TIS)

One of Caltrans' ongoing responsibilities is to collaborate with local agencies to avoid, eliminate, or reduce to insignificance potential adverse impacts to state transportation facilities or traveler safety from local development. Based on the project location, Caltrans anticipates potential adverse impacts to State Route (SR) 4 and SR 160 if and when an intensification of traffic-generating development occurs.

Therefore, once development is proposed, a TIS will be required to assess the impact on the adjacent road network, with specific attention to SR 4 and SR 160. We recommend using Caltrans' *Guide for the Preparation of Traffic Impact Studies* (TIS Guide) for determining which scenarios and methodologies to use in the analysis. The TIS Guide is a starting point for collaboration between the lead agency and Caltrans in determining when a TIS is needed. It is available at the following website address: http://www.dot.ca.gov/hq/tpp/offices/ocp/igr_ceqa_files/tisguide.pdf.

When future development proposals are made, please include a complete TIS that identifies additional trips, cumulative impacts, and cumulative mitigations to State Facilities. This would include the SR 4 mainline, SR 160, connectors, and individual ramps (E. 18th St/Main St., Wilbur Av and Hillcrest Av). Please also include the SR 4/SR 160 interchange its south-to-west single-lane connector impacts.

2.1

Lead Agency

As the lead agency, the City of Antioch (City) 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 ROW, and Caltrans will not issue a permit until our concerns are adequately addressed, we strongly recommend that the City work with both the applicant and Caltrans to ensure that our concerns are resolved during the environmental process, and in any case prior to submittal of an encroachment permit application. Further comments will be provided during the encroachment permit process; see the end of this letter for more information regarding encroachment permits.

2.2

Cultural Resources

Caltrans requires that a project ED include documentation of a current archaeological record search from the Northwest Information Center of the California Historical Resources Information System if construction activities are proposed within State ROW. Current record searches must be no more than five years old. Caltrans requires the records search, and if warranted, a cultural resource study by a qualified, professional archaeologist, and evidence of Native American consultation to ensure compliance with California Environmental Quality Act (CEQA), Section 5024.5 and 5097 of the California Public Resources Code, and Volume 2 of Caltrans' Standard Environmental Reference (<http://www.dot.ca.gov/ser/vol2/vol2.htm>).

2.3

These requirements, including applicable mitigation, must be fulfilled before an encroachment permit can be issued for project-related work in State ROW; these requirements also apply to National Environmental Policy Act (NEPA) documents when there is a federal action on a project. Work subject to these requirements includes, but is not limited to: lane widening, channelization, auxiliary lanes, and/or modification of existing features such as slopes, drainage features, curbs, sidewalks and driveways within or adjacent to State ROW.

Habitat Restoration and Management

Project level activities related to habitat restoration and management should be done in coordination with local and regional Habitat Conservation Plans and with Caltrans, where our programs share stewardship responsibilities for habitats, species and/or migration routes.

2.4

Transportation Management Plan (TMP)

If it is determined that traffic restrictions and detours are needed on or affecting State highways, a TMP or construction TIS may be required of the developer for approval by Caltrans prior to construction. Traffic Management Plans must be prepared in accordance with Caltrans' *Manual on Uniform Traffic Control Devices*. Further information is available for download at the following web address: <http://www.dot.ca.gov/hq/traffops/signtech/mutcdsupp/pdf/camutcd2012/Part6.pdf>.

2.5

Please ensure that such plans are also prepared in accordance with the transportation management plan requirements of the corresponding jurisdictions. For further TMP assistance, please contact the Office of Traffic Management Plans at (510) 286-4647.

2.5,
cont.

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 Caltrans. 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. David Salladay, District Office Chief, Office of Permits, California Department of Transportation, District 4, P.O. Box 23660, Oakland, CA 94623-0660. Traffic-related mitigation measures should be incorporated into the construction plans prior to the encroachment permit process. See the website linked below for more information:
<http://www.dot.ca.gov/hq/traffops/developserv/permits>.

2.6

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

Sincerely,



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

c: Scott Morgan (State Clearinghouse)

Comment Letter 2: California Department of Transportation

- 2.1 *The commenter states that if and when any new development occurs in the project area, there is the potential for adverse impacts to SR 4 and SR 160 and as such, complete transportation impact studies (TISs) should be prepared when future development proposals are made.*

The comment is noted. Please refer to page 3 of the proposed mitigated negative declaration, which identifies all of the components comprising the project. The project includes rezoning each of the three subareas, the City entering into a Tax Transfer Agreement and Infrastructure Funding Agreement with the County, and, as a result of the Infrastructure Funding Agreement, extension of infrastructure to specifically serve Subarea 2b. Page 5 notes that the rezoning would effectively perpetuate existing County zoning regulations on the subject properties. As a result, the Project's rezoning would not allow for intensification of land uses above existing/allowable levels permitted by the County. Therefore, the project would have no potential to increase traffic levels along area roadways, including SR 4 and SR 160.

Assuming the subareas are annexed to the City of Antioch, if and when any new development is proposed within any of the affected subareas, the City will review the proposal to determine what level of environmental review if required. As noted on page 56 in the MND, Government Code Section 56375 stipulates a 2 year moratorium on any zoning changes following an annexation/reorganization. When this moratorium period expires, any proposed zoning changes in the affected subareas would be subject to typical City permitting procedures, which would require project-specific environmental review.

- 2.2 *The commenter states that the City of Antioch is responsible for all project mitigation, including any needed improvements to State highways. The commenter further notes that work in any State highway will require an encroachment permit from Caltrans.*

As noted in the response to comment 2.1 above, the proposed project does not increase allowable land use intensity or permit any specific development project with the potential to increase traffic on any local street or State highway. Accordingly – and as stated on page 70 of the proposed mitigated negative declaration -- the project could not adversely affect level of service standards on area roadway. Therefore, no mitigation is necessary. While the project does propose the extension of infrastructure to serve Subarea 2b and this work does entail construction/trenching work on several streets in and near the project area, none of the streets are State-owned rights-of-way, and thus no encroachment permit would be needed.

With regard to any potential future (post-annexation) development proposals for the subareas, as would be the case for development in any other portions of the City of Antioch, the responsibility for funding any identified mitigation would lie with the particular project applicant following appropriate environmental review of any such future development application.

- 2.3 *The commenter states that future development proposals subject to a transportation impact study should include documentation of a current archaeological record search from the Northwest Information Center of the California Historical Resources Information System if construction activities are proposed within the state ROW and otherwise conform to Caltrans's procedures relative to cultural resources.*

The comment is noted. As discussed above in the response to comment 2.2, the project does not entail any work in any State right-of-way, but the comment is acknowledged with regard to any future development proposals that may come before the City following the annexation. Please also note that the proposed MND includes mitigation measures to minimize project impacts to both known and unrecorded archaeological resources in the project area.

- 2.4 *The commenter states that any future project level activities related to habitat restoration and management should be done in coordination with local and regional HCPs and with Caltrans.*

The comment is noted. Please see the discussion on page 56 of the proposed MND which notes the status of the subareas with regard to the East Contra Costa County Habitat Conservation Plan (ECCHCP). As discussed above in the response to comments 2.1 and 2.2, the project entails only temporary construction work as part of infrastructure extension to Subarea 2b; this work will occur within existing roadways in and near the project area. Page 27 of the proposed MND includes mitigation measures relative to potential impacts to protected species; page 56 of the MND notes that these measures are consistent with those of the ECCHCP.

- 2.5 *The commenter states that if traffic restrictions and detours are needed on or would affect State Highways, a transportation management plan would be required.*

Please see the responses to comments 2.2 and 2.3 above. The project as proposed does not include any work within any State highway or right-of-way. Temporary construction impacts are expected on local streets in and around Subarea 2b. No detours affecting State highways are anticipated, but to the extent this construction work requires any road closures or detours potentially affecting State highways, the City as project sponsor will coordinate with Caltrans as necessary and comply with all pertinent requirements.

2.6 *The commenter states that any work or traffic control that encroaches onto the State ROW requires an encroachment permit issued by Caltrans.*

This comment is noted.

Letter 3

CAMERON
RT. 1, BOX 391-D
ANTIOCH, CA 94509
February 25, 2013

RECEIVED

MAR 11 2013

CITY OF ANTIOCH
COMMUNITY DEVELOPMENT

Mindy Gentry, Senior Planner
City of Antioch
P. O. Box 5007
Antioch, CA 94531

Re: Proposed Annexation Northeast Antioch Area 2B Viera Subdivision

This letter is in response to notices received from the City of Antioch regarding the above-described Annexation of the residential 2B Viera Subdivision area.

As a property owner in 2B, I am against your proposed annexation of the 2B residential area. It is a "rural area" and my property consists of two parcels which total approximately one acre and is a horse set-up. Previous owners had horses, so it was perfect.

The only reason my husband and I moved here 35 years ago was so we could have our horses and animals at home on our own property, instead of boarding our horses elsewhere. This property is a "horse set-up" with a barn, corrals, hay shed and pasture. It has been a horse property since 1946 when the house was built. No matter what happens that must remain protected.

3.1

The Viera Subdivision 2B is not surrounded by City, but mostly industrial sites and the power plants. The Railroad runs right behind this property. We loved our horses that much to live here where the view is not lovely, but we could have our beloved animals.

This is not an affluent area. It's a mix of older residents, retired and also many Latino families now. It's not a neat and tidy neighborhood. Not your average city neighborhood. Many residents run a business on their property, others have horses or other animals. Each is unique.

The Antioch news article in January contained many untrue statements. Stating the Sheriff's Department failed to notice Jaycee Dugard because of "lack of police presence in an isolated region". The truth is that the officers actually visiting the house where Dugard was, did not do their job. Antioch is already short regarding their police force. This residential 2B area is not isolated or surrounded by city, but industry, business and power plants.

The Annexation of the Residential 2B area is not in the best interest of the residents. The property owners have a legal right and deserve to vote on this issue. By completion of your Annexation on Area 1 and 2, the industrial area and Gen On Power Plant, you will still realize revenues and the "windfall for Antioch". Again, 2B is not affluent and any revenue would be hard pressed. It would be best to leave 2B out of the Annexation totally in my opinion.

Sincerely,


S. L. Cameron

Comment Letter 3: S.L. Cameron

3.1 *The commenter states that he is opposed to the proposed annexation of Subarea 2b.*

The comment expressing opposition to the City's potential approval of the project is noted. However, the comment does not raise any issue regarding a significant environmental effect of the project or of the adequacy of the proposed mitigated negative declaration. Therefore, under CEQA, no further response is necessary.

Notwithstanding, please note that in the project description (starting on page 3 of the proposed mitigated negative declaration), the proposed (City) rezoning would "grandfather" the land uses currently allowed under County zoning, including the keeping of animals.

This comment will be included in the record as the City of Antioch evaluates the merits of the project.

Bill Worrell, lifetime resident of Antioch representing the Sportsman Yacht Club spoke in favor of the annexation, but stated that the marina (Area 2) does not want to be annexed. He said that the City has in the past had a poll of registered voters which did not pass. He said that their club which was formed in the early 30s has a main feature the ferryboat Sausalito, and that they are a family club with membership of local residents.

Karri Campbell representing Calpine and the Riverview Energy Center, said that they have heard about the requirement to utilize public utilities; however, their power plant is currently connected to Delta Diablo Sanitation but on a well and therefore would not be required to connect to City water.

4.1

CC Carniglia said that the City does have an ordinance in place with distance requirement mandating sewer hookups.

Mary Angel Tarango said that she has lived on Viera for almost 50 years, that everyone in that area has a septic and well and asked what is going to happen regarding hookups and taxes.

Chairman Baatrup said that he is not sure if that is an issue for the environmental document.

CC Carniglia said that the neighborhood meeting one week from today should provide answers.

Gerald Continente asked regarding Area 1, what kind of project is being proposed and for Area 2b what is the impact on ground water. He also wanted to know what kind of fee would be charged to hookup to services, and if the fee could be waived.

Chairman Baatrup said that no projects are proposed at this moment, that there is no development at this point and that this is a step in the annexation process and to bring utilities into Area 2b.

CC Carniglia said that part of this project is to install sewer and water in Area 2b to allow hookup which should improve the ground water situation and that the overall environmental effect of such hookups would be positive.

Chairman Baatrup said that the environmental document does address water and sewer for those parts of area, and the speaker may want to review the document. He said that more information can be obtained by attending the neighborhood meeting or following up with staff.

CA Nerland referenced Section XVII which starts on page 73 of the environmental document and talks about environmental impacts.

Douglas Tokes spoke to say that he lives on Trembath Lane, that he is on a two acre parcel, that he has no desire to hookup to sewer but would like to hook up to water. He said that he was also concerned about the possibility of extending the road through,

Comment Letter 4: Karri Campbell

- 4.1 *The commenter stated at the Planning Commission public hearing that she represents Calpine and the Riverview Energy Center and questions whether the project will require that their facility in Subarea 1 connect to City water.*

The Project does not include any physical utility extension to serve parcels in Subarea 1, though it should be noted that a significant length of the sewer line proposed to serve Subarea 2b traverses Subarea 1. Further, the City has an existing water line running along Wilbur Avenue that touches all of the involved subareas. The City does require sewer connections for properties within 200 feet of a City *sewer* line, but this ordinance does not apply to *water* lines. However, the City, as part of the rezoning process for Subarea 2b, intends to implement a zoning designation that would exempt properties in Subarea 2b from the 200 foot sewer connection requirement.¹ Therefore, the project would not result in any requirement that the referenced facility in Subarea 1 would be required to connect to City water.

Please also note that page 8 of the proposed MND describes existing previously approved Out of Agency Services Agreements relative to Subarea 1.

¹ See Antioch Municipal Code, Section 6-4.202: Connections with Municipal Sewer System.



RECEIVED

MAR 04 2013

EDMUND G. BROWN JR.
GOVERNORMATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION

Central Valley Regional Water Quality Control Board
CITY OF ANTIOCH
COMMUNITY DEVELOPMENT

28 February 2013

Mindy Gentry
City of Antioch
P.O. Box 5007
Antioch, CA 94531

CERTIFIED MAIL
7012 0470 0000 9904 4700

**COMMENTS TO REQUEST FOR REVIEW FOR THE DRAFT MITIGATED NEGATIVE
DECLARATION, NORTHEAST ANTIOCH AREA REORGANIZATION PROJECT,
SCH NO. 2013012078, CONTRA COSTA COUNTY**

Pursuant to the State Clearinghouse's 1 February 2013 request, the Central Valley Regional Water Quality Control Board (Central Valley Water Board) has reviewed the *Request for Review for the Draft Mitigated Negative Declaration* for the Northeast Antioch Area Reorganization Project, located in Contra Costa County.

Our agency is delegated with the responsibility of protecting the quality of surface and groundwaters of the state; therefore our comments will address concerns surrounding those issues.

Construction Storm Water General Permit

Dischargers whose project disturb one or more acres of soil or where projects disturb less than one acre but are part of a larger common plan of development that in total disturbs one or more acres, are required to obtain coverage under the General Permit for Storm Water Discharges Associated with Construction Activities (Construction General Permit), Construction General Permit Order No. 2009-009-DWQ. Construction activity subject to this permit includes clearing, grading, grubbing, disturbances to the ground, such as stockpiling, or excavation, but does not include regular maintenance activities performed to restore the original line, grade, or capacity of the facility. The Construction General Permit requires the development and implementation of a Storm Water Pollution Prevention Plan (SWPPP).

5.1

For more information on the Construction General Permit, visit the State Water Resources Control Board website at:

http://www.waterboards.ca.gov/water_issues/programs/stormwater/constpermits.shtml.

Phase I and II Municipal Separate Storm Sewer System (MS4) Permits¹

The Phase I and II MS4 permits require the Permittees reduce pollutants and runoff flows from new development and redevelopment using Best Management Practices (BMPs) to the maximum extent practicable (MEP). MS4 Permittees have their own development standards, also known as Low Impact Development (LID)/post-construction standards that include a hydromodification component. The MS4 permits also require specific design concepts for LID/post-construction BMPs in the early stages of a project during the entitlement and CEQA process and the development plan review process.

For more information on which Phase I MS4 Permit this project applies to, visit the Central Valley Water Board website at:

http://www.waterboards.ca.gov/centralvalley/water_issues/storm_water/municipal_permits/.

Industrial Storm Water General Permit

Storm water discharges associated with industrial sites must comply with the regulations contained in the Industrial Storm Water General Permit Order No. 97-03-DWQ.

For more information on the Industrial Storm Water General Permit, visit the Central Valley Water Board website at:

http://www.waterboards.ca.gov/centralvalley/water_issues/storm_water/industrial_general_permits/index.shtml.

Clean Water Act Section 404 Permit

If the project will involve the discharge of dredged or fill material in navigable waters or wetlands, a permit pursuant to Section 404 of the Clean Water Act may be needed from the United States Army Corps of Engineers (USACOE). If a Section 404 permit is required by the USACOE, the Central Valley Water Board will review the permit application to ensure that discharge will not violate water quality standards. If the project requires surface water drainage realignment, the applicant is advised to contact the Department of Fish and Game for information on Streambed Alteration Permit requirements.

If you have any questions regarding the Clean Water Act Section 404 permits, please contact the Regulatory Division of the Sacramento District of USACOE at (916) 557-5250.

Clean Water Act Section 401 Permit – Water Quality Certification

If an USACOE permit, or any other federal permit, is required for this project due to the disturbance of waters of the United States (such as streams and wetlands), then a Water Quality Certification must be obtained from the Central Valley Water Board prior to initiation of project activities. There are no waivers for 401 Water Quality Certifications.

¹ Municipal Permits = The Phase I Municipal Separate Storm Water System (MS4) Permit covers medium sized Municipalities (serving between 100,000 and 250,000 people) and large sized municipalities (serving over 250,000 people). The Phase II MS4 provides coverage for small municipalities, including non-traditional Small MS4s, which include military bases, public campuses, prisons and hospitals.

Waste Discharge Requirements

If USACOE determines that only non-jurisdictional waters of the State (i.e., "non-federal" waters of the State) are present in the proposed project area, the proposed project will require a Waste Discharge Requirement (WDR) permit to be issued by Central Valley Water Board. Under the California Porter-Cologne Water Quality Control Act, discharges to all waters of the State, including all wetlands and other waters of the State including, but not limited to, isolated wetlands, are subject to State regulation.

5.1,
cont.

For more information on the Water Quality Certification and WDR processes, visit the Central Valley Water Board website at:

http://www.waterboards.ca.gov/centralvalley/help/business_help/permit2.shtml.

If you have questions regarding these comments, please contact me at (916) 464-4684 or tcleak@waterboards.ca.gov.



for

Trevor Cleak
Environmental Scientist

cc: State Clearinghouse Unit, Governor's Office of Planning and Research, Sacramento

Comment Letter 5: Central Valley Regional Water Quality Control Board

- 5.1 *The commenter describes various permits and requirements related to new development that may have the potential to affect the quality of surface and ground water.*

As noted in the Hydrology and Water Quality section of the proposed MND (pages 49-54), the project would have an overall benefit on ground water quality in the project area, as the proposed extension of infrastructure to serve Subarea 2b would allow for the closure of individual septic systems on properties in Subarea 2b by giving residents the opportunity to hook up to municipal wastewater collection and treatment service.

Please refer to pages 3-9 of the proposed MND, which describe all of the components comprising the project. The project includes rezoning each of the three subareas, the City entering into an Infrastructure Funding Agreement and Tax Transfer Agreement with the County, and, as a result of the Infrastructure Funding Agreement, extension of municipal infrastructure to specifically serve Subarea 2b.

Pages 52 and 53 of the proposed MND note that the extension of infrastructure to serve Subarea 2b, like any other public or private project in the City disturbing 1 acre or more, is subject to the terms of the State's General Construction Permit under the National Pollution Discharge Elimination System (NPDES). Adherence to permit conditions will ensure that ground disturbance associated with the infrastructure extension will not result in any significant impacts to water quality.

The remainder of permits and requirements noted by the commenter would be applicable to any future qualifying development that may be proposed by property owners/developers in any of the subareas. It should be noted that these would not be new requirements insofar as Contra Costa County is also a participant in the NPDES program and imposes similar conditions on qualifying development.

Bill Worrell, lifetime resident of Antioch representing the Sportsman Yacht Club spoke in favor of the annexation, but stated that the marina (Area 2) does not want to be annexed. He said that the City has in the past had a poll of registered voters which did not pass. He said that their club which was formed in the early 30s has a main feature the ferryboat Sausalito, and that they are a family club with membership of local residents.

Karri Campbell representing Calpine and the Riverview Energy Center, said that they have heard about the requirement to utilize public utilities; however, their power plant is currently connected to Delta Diablo Sanitation but on a well and therefore would not be required to connect to City water.

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6.1

Chairman Baatrup said that no projects are proposed at this moment, that there is no development at this point and that this is a step in the annexation process and to bring utilities into Area 2b.

CC Carniglia said that part of this project is to install sewer and water in Area 2b to allow hookup which should improve the ground water situation and that the overall environmental effect of such hookups would be positive.

Chairman Baatrup said that the environmental document does address water and sewer for those parts of area, and the speaker may want to review the document. He said that more information can be obtained by attending the neighborhood meeting or following up with staff.

CA Nerland referenced Section XVII which starts on page 73 of the environmental document and talks about environmental impacts.

Douglas Tokes spoke to say that he lives on Trembath Lane, that he is on a two acre parcel, that he has no desire to hookup to sewer but would like to hook up to water. He said that he was also concerned about the possibility of extending the road through,

Comment Letter 6: Gerald Continente

- 6.1 *The commenter asked what kind of project is being proposed for Subarea 2b, and what the impact would be on ground water. The commenter also asked what the fee would be to connect to proposed utility infrastructure and if it could be waived.*

This oral comment was addressed in part during the February 20, 2013 Planning Commission public hearing. Please refer to pages 3–9 of the proposed MND, which describes the various aspects of the reorganization project in detail. Beyond the extension of infrastructure to serve Subarea 2b, the project does not include any other physical improvement in Subarea 2b or either of the other subareas.

With regard to potential groundwater impacts, please refer to page 51 of the proposed MND, which notes that the extension of infrastructure to Subarea 2b is expected to have a beneficial effect on groundwater. This is because the properties in Subarea 2b will over time no longer rely on the use of individual septic systems, as they will eventually connect to the City’s waste water collection system. As homes in Subarea 2B that currently rely on septic systems hook up to the City’s new sewer system, the quality of groundwater in the vicinity of Subarea 2b will significantly improve as a direct result of wastewater no longer entering the groundwater from aging septic systems (which can discharge into groundwater). In addition, once properties in Subarea 2b are connected to municipal potable water, these properties will likely phase out individual wells for potable water use, conserving groundwater and reducing possible future environmental effects associated with overdraw of groundwater. In sum, the extension of infrastructure to Subarea 2b will have beneficial effects on the supply and quality of groundwater.

The remainder of the comment is concerned with anticipated fees the City will impose if and when the area is annexed and infrastructure is extended to Subarea 2b. This comment is noted. However, the comment does not raise any issue regarding a significant environmental effect of the project or of the adequacy of the proposed mitigated negative declaration. Therefore, no further response is necessary.

Notwithstanding, for informational purposes, the City notes that a property owner would be required to connect to the proposed sewer system only if the County Environmental Health Department determines that the property’s existing septic system is in need of major repair.

The City estimates that the per-property connection fees cost is approximately \$14,000. An additional estimated \$6,000 per property would be needed to cover costs of closing the septic field and constructing the sewer /water laterals from the house, for a total cost of approximately \$20,000.

The cost of a major repair to a septic system to meet the current standards of County Environmental Health would very likely exceed the above connection-related costs. It should also be noted that connecting to the sewer system is essentially a one-time, permanent solution, whereas septic systems require ongoing cost of periodic maintenance and repair.



CONTRA COSTA LOCAL AGENCY FORMATION COMMISSION

651 Pine Street, Sixth Floor • Martinez, CA 94553-1229

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George H. Schmidt
Special District Member

March 1, 2013

Mindy Gentry, Senior Planner
City of Antioch Community Development, Planning Division
3rd and H Streets
P.O. Box 5007
Antioch, CA 94531

**Subject: Northeast Antioch Area Reorganization
Proposed Mitigated Negative Declaration**

Dear Ms. Gentry:

Thank you for sending LAFCO the Notice of Intent to adopt the above-referenced Mitigated Negative Declaration (MND). Receipt of this Notice and the accompanying Initial Study/MND represents an important milestone in what has been a lengthy and challenging process required for the desired annexation of this unincorporated area to the City of Antioch and the Delta Diablo Sanitation District (DDSD) for needed municipal services.

In response to the Initial Study/Mitigated Negative Declaration (IS/MND), we offer general and specific comments below.

General Comments

As a Responsible Agency pursuant to the California Environmental Quality Act (CEQA), LAFCO will need to rely on this environmental document when considering action on the proposed reorganization - annexation of the area to the City of Antioch and to DDSD and corresponding detachments from county service areas.

LAFCO is an independent, regulatory agency with discretion to approve, with or without conditions, or deny boundary changes. LAFCO is required to consider numerous factors when reviewing a boundary change proposal including, but not limited to, the project's potential impacts on agricultural land and open space, the provision of municipal services and infrastructure to the project site, the extent to which the proposal will affect a city or the county in achieving its fair share of regional housing needs, the timely and available supply of water, etc.

7.1

The factors relating to the proposed reorganization are contained in the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 ("CKH" - Government Code section 56000 et seq.) and include §56668.

7.1,
cont.

Based on our review of the IS/MND, it appears that the relevant environmental information needed by LAFCO has been addressed.

Specific Comments

On page 17 of the Initial Study, the first line of the second paragraph, there appears to be a grammatical error (i.e. use of an unintended double negative) that needs to be corrected. The apparent error is in the sentence that reads: "As no aspect of the project would not include any change to existing land use on the ground..." (emphasis added). We suggest deleting the word "not."

7.2

Please contact the LAFCO office if you have questions or if we can be of assistance.

Sincerely,



Lou Ann Texeira
Executive Officer

c: LAFCO Planner

Comment Letter 7: Contra Costa Local Agency Formation Commission

- 7.1 *The commenter states that as a responsible agency under CEQA, LAFCO will need to rely on the completed environmental document when considering its own action(s) on the proposed reorganization. The commenter states that it has reviewed the initial study and proposed MND and that it appears to the commenter that the relevant environmental information needed by LAFCO has been addressed.*

The comment regarding the adequacy and completeness of the proposed MND is noted. No further response is necessary.

- 7.2 *The commenter states that page 17 of the Initial Study includes a grammatical error (an unintended double negative). The sentence in question reads “As no aspect of the project would not include any change to existing land use on the ground...” (emphasis added). The commenter states that the word “not” should be removed.*

The City appreciates this comment and agrees with the commenter regarding the typographical error. Accordingly, the revised text included in this proposed MND has been revised. Please refer to page 17 to see the revision.



Delta Diablo Sanitation District

OFFICE AND TREATMENT PLANT: 2500 PITTSBURG-ANTIOCH HIGHWAY, ANTIOCH, CA 94509-1373
 TEL.: (925) 756-1900 ADMIN. FAX: (925) 756-1961 MAINT. FAX: (925) 756-1963 OPER. FAX: (925) 756-1962 ENGINEERING SVCS. FAX: (925) 756-1960
www.ddsd.org

March 4, 2013

Ms. Mindy Gentry, Senior Planner
 Economic Development Department
 City of Antioch
 P.O. Box 5007
 Antioch, CA 94531

SUBJECT: NORTHEAST ANTIOCH REORGANIZATION DRAFT MITIGATED
 NEGATIVE DECLARATION

Dear Ms. Gentry:

Thank you for providing the District with the opportunity to review the subject Draft Mitigated Negative Declaration. The draft study includes a review of the potential environmental impacts for the proposed reorganization (annexation) including associated reorganization-related actions of three subareas totaling 678 acres into both the City of Antioch (City) and the Delta Diablo Sanitation District (District). As noted by the study, Subarea 1 is an approximately 481 acre area predominantly occupied by heavy industrial uses and generally located south of the San Joaquin River, west of State Route 160, and north of the BNSF railroad. Subarea 2a is a 94 acre area currently occupied primarily by storage and marina and located between Subarea 1 and the Antioch Bridge (State Route 160). Subarea 2b is approximately 103 acres located south of Wilbur Avenue in the vicinity of Viera Avenue. Subarea 2b currently contains 120 existing residential uses that are served primarily by well water and private septic systems. All subareas are located within the sphere of influence of the City and the District. The project also includes the review of new sewer, water, and storm drain infrastructure to serve subarea 2b and indicates that infrastructure for undeveloped properties will be addressed at the time of development.

The following summarizes our comments related to recycled water, wastewater conveyance through District facilities, and wastewater treatment.

Wastewater Conveyance and Treatment

As noted in the draft mitigated negative declaration, the Delta Diablo Sanitation District Wastewater Treatment Plant NPDES Permit⁽¹⁾ allows an average dry weather flow of 16.5 million gallons per day (mgd). Additionally, it should be noted that an Environmental Impact Report (EIR) for the expansion of the Wastewater Treatment Plant capacity to an average dry weather flow of 22.7 mgd was completed in April 1988. During the most recent reporting period, 2012, the average dry weather flow influent to the treatment plant was 12.7 mgd. In 2005 and 2010, the average dry weather flow influent to the treatment plant was 14.2 mgd and 13.2, respectively.

Ms. Mindy Gentry, Senior Planner

March 4, 2013

NORTHEAST ANTIOCH REORGANIZATION DRAFT MITIGATED NEGATIVE
DECLARATION

Page 2

- (1) *NPDES No. CA0038547, Order No. R2-2009-0018, adopted by the California Regional Water Quality Control Board, San Francisco Bay Region, on March 11, 2009 cites the District's intent to increase permitted flows from 16.5 mgd to 22.7 mgd (average dry weather flow).*

The District has wastewater conveyance and treatment facilities planned and under construction to increase system capacity. The District collects Capital Facilities Capacity Charges to build capacity as it is consumed by new connections. Capacity is provided through facilities constructed by the District as prescribed in its Conveyance and Treatment Plant Master Plans. These Master Plans use the City planning data for the communities in the District service area. In the 2010 District Conveyance System Master Plan Update, the reorganization area was included in the study. The reorganization area is within District Sewer Basins 3-6 through 3-9 which have a combined contributing area of 3,387 acres and an existing average dry weather estimated flow of 2.42 mgd which will increase to 3.71 mgd at buildout. Per the 2011 District Treatment Plant Master Plan Update, buildout will occur in about year 2057. The buildout year will change based on the rate that the flows increase.

8.1,
cont.

The existing District sewer forcemain shown conceptually in Figure 6 consists of two separate sewer forcemains. One District sewer forcemain is 24 inches in diameter and the second forcemain is 14 inches in diameter. The 14 inch diameter forcemain joins with the 24 inch diameter forcemain just east of the Wilbur Avenue Bridge overcrossing of BNSF railroad. Both forcemains are necessary for conveyance of projected buildout flows from the Bridgehead Pump Station. The pipeline corridor within the Wilbur Avenue public right of way is congested as it accommodates not only the two existing District forcemains, but also a number of gas transmission mains as well as a potable water transmission main.

8.2

In the Figure 6 map, the District's "Antioch Pump Station" is labeled, "Fulton Sewer Pumphouse" and the District's "Bridgehead Pump Station" is labeled "Bridgehead Road Sewer Pump Station". The City may wish to update its GIS maps with the correct facility names.

The conceptual sewer plan shown in Figure 7 is generally consistent with City and District master plans for sewage flow routing. A portion of the sewage flows will route through the District's Antioch Pump Station and a portion of the sewage flows will route through the District's Bridgehead Pump Station.

8.3

Recycled Water

In 2009, the District and the City, through a joint project, developed and constructed a recycled water pipeline, using existing pipeline and installing new pipeline, to deliver recycled water to various landscape irrigation sites within Antioch, including the Lone Tree Golf Course and four City-owned parks. The pipeline was sized to provide for future recycled water demands, including possible industrial recycled water use at the western end of Wilbur Avenue in the proposed reorganization area.

8.4

Ms. Mindy Gentry, Senior Planner

March 4, 2013

NORTHEAST ANTIOCH REORGANIZATION DRAFT MITIGATED NEGATIVE
DECLARATION

Page 3

The District is currently preparing a Recycled Water Master Plan (RWMP) to develop and evaluate potential projects which will improve the system's performance and expand deliveries of recycled water. The recycled water supply for future demands on the east end of Wilbur Avenue may potentially be served by a new satellite treatment facility at the Bridgehead Pump Station.

8.4,
cont.

If you have any questions, or need further clarification, please contact me at (925) 756-1939.

Sincerely,



Patricia Chapman
Associate Engineer

PC:cg

cc: Ron Bernal, City of Antioch
Victor Carneglia, City of Antioch
Dean Eckerson, Principal Engineer, DDSD
Caroline Quinn, Engineering Services Director, DDSD
Amanda Roa, Environmental Compliance Engineer, DDSD
DEV.03-DEVDOC-818
Chron

Comment Letter 8: Delta Diablo Sanitation District

- 8.1 *The commenter states that the proposed MND included accurate information regarding the DDSD Wastewater Treatment Plant. The commenter goes on to provide additional information about an approved EIR for a project that would expand the capacity of the Plant. The commenter further notes that DDSD planning included the three subareas that this project would reorganize into the City and DDSD.*

The comment is noted. The City appreciates the clarifying information provided by the commenter and notes that this new information does not change any environmental effect noted in the proposed MND nor does it introduce any new environmental impact. The City further acknowledges supplemental comments from DDSD in a letter dated May 2, 2013, included here as **Appendix I**. These supplemental comments note that DDSD has been planning for the eventual annexation of these three subareas into its service area. The comments also clarify that DDSD treatment facilities will have adequate capacity to accommodate project-related incremental inflows under both dry- and wet-weather conditions.

- 8.2 *The commenter notes a clarification to Figure 6, specifically that the existing sewer line depicted in the vicinity of the Bridgehead Pump Station actually consists of two separate sewer lines. The commenter also notes minor labeling errors in the formal names of DDSD facilities in the project vicinity.*

The comment is noted. The City appreciates the clarifying information provided by the commenter and notes that this new information does not change any environmental effect noted in the proposed MND nor does it introduce any new environmental impact.

- 8.3 *The commenter states that Figure 7 (the proposed sewer plan) is consistent with City and District master plans for sewage flow routing.*

The comment regarding the accuracy of the proposed MND is noted. No further response is necessary.

- 8.4 *The commenter states that DDSD previously constructed a recycled water pipeline that has the potential to serve the proposed reorganization area.*

The comment is noted. Typical recycled water users include public parks, industrial facilities, farms and orchards, and other uses that require substantial volumes of non-potable water. Individual residences are typically not recycled water users. It should be noted that recycled water is considered non-potable and thus is piped to users through an entirely separate system from treated drinking water.

The City appreciates the information from DDS and will take such information into consideration if and when the City receives development applications that may feasibly make use of recycled water. In sum, this new information does not change any environmental effect noted in the proposed MND nor does it introduce any new environmental impact.

RECEIVED

FEB 28 2013

JENNY & JENNY, LLP
Attorneys at Law

CITY OF ANTIOCH
COMMUNITY DEVELOPMENT

Eminent Domain

Inverse Condemnation

Real Estate Law

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February 27, 2013

Mindy Gentry
Senior Planner
City of Antioch Community Development Department
City of Antioch
P.O. Box 5007
Antioch, CA 94531

Re: Northeast Antioch Reorganization Mitigated Negative Declaration

Dear Ms. Gentry:

I represent John C. Mitosinka and Carey Mitosinka of 1277 St. Clair Drive in Antioch. On behalf of my clients, I offer the following objections to the North East Antioch Reorganization Annexation.

I. THE LANDOWNERS ARE ENTITLED TO PROTEST PROCEEDINGS.

The owners of property located within proposed areas of annexation are generally permitted to vote on whether or not to annex. This gives them the opportunity to choose for themselves which jurisdiction, the city or county, they will be part of. Annexation voting occurs through what is known as "protest hearing proceedings." The landowners affected by the Northeast Antioch Reorganization Annexation are entitled to protest proceedings and a vote thereon. As clearly stated in LAFCO's Northeast Antioch Monthly Update dated September 12, 2012, attached hereto as Attachment 1:

Since the June update, City, County and LAFCO staff received Attorney General (AG) Opinion No. 10-902 relating to island annexations. The opinion concludes that LAFCO may not split a larger island into smaller segments of 150 acres or less in order to utilize the streamlined annexation procedures set forth in Government Code section 56372.3 and thereby avoid the protest proceedings that would otherwise be required.

9.1

A copy of Attorney General (AG) Opinion No. 10-902 is attached hereto as Attachment 2. In that Opinion, the AG discusses the annexation process. The AG defines an “island” as unincorporated property that is completely surrounded, or substantially surrounded, by the city to which annexation is proposed or completely surrounded by the city to which annexation is proposed and adjacent cities.

To reduce the cumulative environmental impacts of the Project, the City has broken up the 678 acre project into Subareas 1, 2a and 2b. Subarea 1 consists of 481 acres; Subarea 2a consists of 94 acres; and Subarea 2b consists of 103 acres. This is an improper method of breaking up the subject property into smaller islands which avoids the protest reviews. Dividing islands into smaller segments of 150 acres or less, avoiding the landowner/voter protest proceedings, is not permitted. Areas 2a and 2b do not qualify as islands and the landowners are entitled to protest proceedings. The three subareas must be considered a single area exceeding 150 acres, and therefore the provisions of Section 56375.3 are not permitted. LAFCO lacks discretion or authority to use streamlined procedures to annex an island that exceeds 150 acres in area. Thus, LAFCO lacks discretion or authority to use the streamlined procedures to annex subareas 2a and 2b without the protest procedures.

9.1,
cont.

The Attorney General concludes:

A Local Agency Formation Commission may not split up an unincorporated island that exceeds 150 acres into smaller segments of 150 acres or less in order to utilize the streamlined “island annexation” procedures set forth in Government Code section 56375.3 and thereby avoid the landowner/voter protest proceedings that would otherwise be required.

Subareas 2a and 2b must be considered as a part of the 678 acres and not broken into islands. Thus, the City and LAFCO must present an annexation application for the entire 678 acres, prezone the entire 678 acres, and consider the entire 678 acres in the appropriate CEQA document. To date this has not occurred as the 678 acres has been approached piecemeal, which is not permitted under the AG’s opinion, and is therefore illegal. Then, landowner protest and voting procedures must be permitted for the landowners of all 678 acres.

II. A MITIGATED NEGATIVE DECLARATION IS IMPROPER.

My clients object to the project being adopted by way of a Mitigated Negative Declaration rather than a formal Environmental Impact Report. To reduce the cumulative environmental impacts of the Project, the City has broken up the 678 acre project into Subareas 1, 2a and 2b. Subarea 1 consists of 481 acres; Subarea 2a consists of 94 acres; and Subarea 2b consists of 103 acres. This is an improper method to review such a project. By breaking the project into different sub-parts, the environmental impacts are lessened.

California law defines the "Project" as "the whole of an action." In *City of National City v. State of California* (1983) 140 Cal. App. 3d 598, the court defined a project. In footnote 2 on page 603, the *National City* court stated:

In determining what is a project within CEQA, California Administrative Code, title 14, section 15037 provides:

(a) Project means the whole of an action, which has a potential for resulting in a physical change in the environment, directly or ultimately, that is any of the following:

(1) An activity directly undertaken by any public agency including but not limited to public works construction and related activities, . . . '

More specifically, subdivision (c) states:

The term 'project' refers to the activity which is being approved and which may be subject to several discretionary approvals by governmental agencies. The term 'project' does not mean each separate governmental approval." (Emphasis added & some internal quotes omitted)

In *Burbank-Glendale-Pasadena Airport Authority v. Hensler* (1991) 233 Cal. App. 3d 577 the court stated (p. 592, emphasis added):

CEQA mandates that environmental considerations not become submerged by chopping a large project into many little ones, each with a potential impact on the environment, which cumulatively may have disastrous consequences. (City of Santee v. County of San Diego (1989) 214 Cal.App.3d 1438, 1452 [263 Cal.Rptr. 340].) CEQA attempts to avoid this result by defining the term "project" broadly. (Ibid.) A project under CEQA is the whole of an action which has a potential for resulting in a physical change in the environment, directly or ultimately, and includes the activity which is being approved and which may be subject to several discretionary approvals by governmental agencies. (McQueen v. Board of Directors (1988) 202 Cal.App.3d 1136, 1143 [249 Cal.Rptr. 439].)" (Emphasis added)

Thus, the "project" is defined by the environmental documents, and cannot "become submerged by chopping a large project into many little ones, each with a potential impact on the environment, which cumulatively may have disastrous consequences." This is exactly what the City of Antioch is doing in this annexation process.

9.1,
cont.

Mindy Gentry
February 27, 2013
Page Four

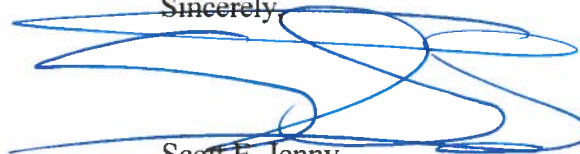
III. CONCLUSION.

For the foregoing reasons, my clients object to the Northeast Antioch Reorganization Project and Mitigated Negative Declaration. Please make this letter a part of the administrative record, and please copy me with future actions taken on this Project. Please respond in writing to the above intertwined comments regarding the AG's opinion and its relevance to the Northeast Antioch Annexation protest proceedings and the proposed project Mitigated Negative Declaration.

9.2

Thank you.

Sincerely,



Scott E. Jenny

/SEJ

cc: Clients
LAFCO

Comment Letter 9: Scott Jenny

- 9.1 *The commenter states that in an effort to “reduce cumulative environmental impacts of the Project” and to “avoid protest reviews” of potential annexations, the City has improperly divided the project area into three subareas. The commenter further states that both the City and the LAFCO must consider Subareas 2a and 2b along with Subarea 1 in a single 678-acre annexation/ reorganization area, whose environmental effects must, in the commenter’s opinion, be assessed in a “formal Environmental Impact Report.” The commenter cites what he asserts as relevant case law and an Attorney General Opinion supporting the above contentions.*

The commenter asserts that the three subareas should be considered one unincorporated “island” for purposes of review and consideration by the LAFCO and further asserts that the size of the project area was conceived as a means to avoid protest hearings. These assertions do not raise any issues relating to the adequacy of the initial study and proposed mitigated negative declaration, or any other CEQA issues. No changes to the proposed MND are necessary and no further comment is warranted.

The City respectfully but wholly disagrees with the commenter’s assertion that the project area has been improperly divided as a means to “piece-meal” or otherwise understate environmental impacts. In point of fact, the proposed MND considers the entirety of the project area (Subareas 1, 2a, and 2b) with regard to the proposed reorganization to the City and DDS. For just a few examples, the analyses in several sections of the proposed MND (including but not limited to Population and Housing, Public Services, and Recreation) properly consider the environmental effects of all three subareas being annexed to the City of Antioch. In doing so, the City has in no way, to use the words of the commenter, “lessened” the environmental impacts of the project. The commenter cites case law relevant to the proposition that a lead agency cannot break a project (“piece-meal”) into smaller components as a means of limiting the extent of environmental review. For the purposes of this CEQA document, however, the three Subareas comprise the entirety of the project area. This is the opposite of “piece-mealing”.

As noted in the project description (pages 3-9 of the proposed MND) the City proposes to extend infrastructure only to Subarea 2b. Accordingly, other analyses in the proposed MND are properly focused on the physical environmental impacts associated with this infrastructure extension. The project description notes that there is considerable uncertainty as to the timing and extent of infrastructure that may or may not be extended to the other subareas. Owing to this uncertainty, and the fact that the City is not proposing infrastructure improvements beyond those proposed for Subarea 2b, the MND properly omits detailed environmental analysis of physical infrastructure extension to these subareas. The City expects that any future infrastructure improvements beyond those proposed to serve Subarea 2b will most

likely be addressed as conditions of approval for future development projects sponsored by property owners/developers in Subareas 1 and 2a.

Notwithstanding, for informational purposes, the City notes that its original annexation application was only for Subarea 1. The City selected the boundaries of Subarea 1 based primarily on the fact that it consisted entirely of industrial uses, with no residential development, and was well defined geographically (bound by the San Joaquin River to the north and parcels fronting Wilbur Avenue on the south). In addition, property owners representing the majority of the assessed value within Subarea 1 agreed thru Out of Agency Service Agreements to support the annexation of Subarea 1 to the City.

At the time the City submitted the annexation application for Subarea 1 to LAFCO, the City conducted polling of property owners/residents within Subareas 2a and 2b to determine interest in annexation. This polling demonstrated that the vast majority of property owners/residents within Subareas 2a and 2b opposed annexation. Based on this polling, the City decided not to add to or modify its annexation application for Subarea 1.

Subsequently, LAFCO sent a letter to the City requesting that the City submit annexation applications for Subarea 2a and 2b, and indicated in the letter that LAFCO could condition the annexation of Subarea 1 on the annexation of Subareas 2a and 2b. The City complied with this request by LAFCO and submitted applications for Subareas 2a and 2b.

The question of protest hearings is not a CEQA issue, but a procedural issue.

- 9.2 *The commenter states that his clients, residents of Subarea 2b, object to the proposed project and MND and request written responses to his previous comments.*

The comment is noted. The City of Antioch will take this comment into consideration when evaluating the merits of the project. The comment letter as a whole is included in this document and thus in the administrative record for this project. The City has responded fully and in writing to the all of the commenter's assertions in comment 9.1 above.



Kristina Lawson
 Manatt, Phelps & Phillips, LLP
 Direct Dial: (415) 291-7555
 E-mail: KLawson@manatt.com

March 4, 2013

Client-Matter: 45715-030

**BY E-MAIL MGENTRY@CLANTIOCH.CA.US,
 FACSIMILE 925-779-7034 AND HAND DELIVERY**

Mindy Gentry
 Senior Planner
 Community Development Department
 City of Antioch
 P.O. Box 5007
 Antioch, CA 94531

**Re: Initial Study/Proposed Mitigated Negative Declaration - Northeast Antioch
 Area Reorganization**

Dear Ms. Gentry:

This law firm represents West Coast Home Builders, Inc. ("West Coast") in connection with the City-initiated Northeast Antioch Area Reorganization (the "Project"). Pursuant to section 15044 of the California Code of Regulations and all applicable law, on behalf of West Coast we submit the following preliminary comments on the recently released Initial Study/Proposed Mitigated Negative Declaration (the "2013 MND"). Because certain key Project documents have not yet been made available to the public, we reserve the right to provide additional comments at such time as the key Project documents are shared with the public. Once these key documents are provided for public review, the City must provide a new opportunity for the public to review and comment on the environmental document prepared in connection with the Project.

10.1

**1. The City Is Improperly Withholding Important Records Related To The
 Proposed Northeast Antioch Area Reorganization**

Both the Tax Transfer/Annexation Agreement and the Infrastructure Funding Agreement referenced in the 2013 MND are key components of the Project, and are germane to the public's review and consideration of the 2013 MND. According to the 2013 MND, these documents purportedly serve as the enabling mechanism for portions of the Project described in the 2013 MND. Notwithstanding that these documents have apparently been provided to the City's environmental consultant, Circlepoint, our requests to obtain copies of those documents have to date been denied by the City Attorney. (See Attachment 1, Letter from Lynn Tracy Nerland dated February 21, 2013.) The City's continued withholding of these documents is contrary to

Mindy Gentry
March 4, 2013
Page 2

the most fundamental purpose of the California Environmental Quality Act (“CEQA”; Pub. Resources Code, §§ 21000 et seq; 14 Cal. Code Regs., §§ 15000 et seq (the “CEQA Guidelines”) – public disclosure – and also violates the requirements of the California Public Records Act (Gov. Code, §§ 6250 et seq.). We note that the City Attorney’s February 21, 2013 correspondence provides no legal citation or basis for its withholding of documents, but represents that the requested documents have not been provided because “[t]hose Agreements have not been finalized...”

Pursuant to section 6254 of the Government Code, there is no universal disclosure exemption for documents that have not been finalized; rather, certain “preliminary drafts” may be considered exempt from disclosure only where “the public interest in withholding those records clearly outweighs the public interest in disclosure.” Here, the public interest clearly *requires* disclosure for the following reasons. First, the documents have apparently been provided to the City’s environmental consultant, as they appear to be summarized in the 2013 MND. (See 2013 MND, pp. 6-10.) By providing the documents to its environmental consultants, the City has already made these documents public and subject to disclosure. Second, the documents are listed as key Project components, which the 2013 MND purportedly evaluates. (2013 MND, p. 5.) And, third, the City has not provided the statutorily required justification for maintaining the confidentiality of the requested documents.¹ To justify nondisclosure, the City must “demonstrate a clear overbalance on the side of confidentiality.” (Michaelis, Montanari & Johnson v. Superior Court (2006) 38 Cal.4th 1065, 1071.)

10.1,
cont.

The public is entitled to see these documents for many reasons, but most pressing is the pending need to evaluate whether the 2013 MND complies with CEQA’s mandatory environmental review requirements. The City through a notice of intent has requested public comment, but at the same time is apparently attempting to limit the scope of that comment by withholding relevant information. **How can the public be expected to provide informed comments on the environmental effects of a secret Project?** By withholding the Tax Transfer/Annexation Agreement and the Infrastructure Funding Agreement, the City is committing a prejudicial abuse of discretion by violating both the Public Records Act and CEQA. (See Pub. Resources Code, § 21005(a) [“...[I]t is the policy of the state that noncompliance with the information disclosure provisions of this division which precludes relevant information from being presented to the public agency...may constitute a prejudicial abuse of discretion...regardless of whether a different outcome would have resulted if the public agency had complied with those provisions.”].)

¹ As set forth in section 6255(a) of the Government Code, in order to deny a public records request, the City is required to provide justification for a denial by “demonstrating that the record in question is exempt under express provisions of the chapter or that on the facts of the particular case the public interest served by not disclosing the record clearly outweighs the public interest served by disclosure of the record.”

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2. **Preliminary Comments on 2013 MND Based On Limited Information Available As Of March 4, 2013**

(a) **Relevant Background**

Last year, the City considered rezoning Area #1 of the Northeast Antioch Annexation Area. Over the course of several meetings in the spring of 2012, we submitted comments documenting the inadequacy of a 2010 Mitigated Negative Declaration that the City then proposed to rely upon for the proposed rezoning. In June of 2012 the City postponed the rezoning to allow time to retain an environmental consultant to “update the 2010 environmental document.” (See Staff Report to the Planning Commission for Consideration at the Meeting of February 20, 2013, p. 2.)

Based on our review of the environmental document released in early February of this year, we understand that the scope of the Project has been significantly expanded since we filed our extensive comments in 2012. According to the 2013 MND, the Project now includes the following components:

- Reorganization of three (3) subareas into the City of Antioch;
- Reorganization of three (3) subareas into the Delta Diablo Sanitation District;
- Provision of municipal services to all three (3) subareas;
- Construction and installation of municipal utility infrastructure (public water, storm drainage, and sewer system) to subarea 2b;
- Rezoning of all three (3) subareas;
- Adoption of an Infrastructure Funding Agreement between the City of Antioch and the County of Contra Costa;
- Adoption of a Tax Transfer Agreement between the City of Antioch and the County of Contra Costa.

Because of the extensive history of this Project, in accordance with the requirements of Government Code section 65009, Public Resources Code section 21177, and all applicable law, West Coast incorporates by reference as if set forth in full herein all its prior correspondence to the City in connection with the City’s review and consideration of the 2010 Mitigated Negative Declaration or any aspect of the proposed reorganization. We further request that the City preserve all electronic and other correspondence regarding the 2010 Mitigated Negative

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Declaration, the Northeast Antioch Area Reorganization, or the 2013 MND, in anticipation of preparation of the administrative record in this matter. (Pub. Resources Code, 21167.6(e).)

10.2,
cont.

(b) **Any CEQA Review Of The Project Is Premature Until Such Time As The Complete Project Is Ready For Public Disclosure and Review**

The 2013 MND is meaningless without a complete project. In other words, the public and the decisionmakers must be able to fully understand the project (as set forth above and contained in the project description section of the 2013 MND) in order to provide informed comments on the Project environmental review. As explained in section 2 of this letter, our request to obtain copies of the Infrastructure Funding Agreement and the Tax Transfer Agreement has to date been unlawfully denied by the City Attorney.

One of the basic purposes of CEQA is to “[i]nform governmental decision makers and the public about the potential significant environmental effects of proposed activities.” (CEQA Guidelines, § 15002(a)(1).) Further, CEQA establishes a mandatory duty for public agencies to avoid or minimize environmental damage where feasible. (CEQA Guidelines, § 15021.) Where a project could cause substantial adverse changes in the environment, the lead agency must respond to that information by: (1) changing a proposed project; (2) imposing conditions on the approval of the project; (3) adopting plans or ordinances to control a broader class of projects to avoid the adverse changes; (4) choosing an alternative way of meeting the same need; (5) disapproving the project; (6) finding that changes in, or alterations to, the project are not feasible; and (7) finding that the unavoidable, significant environmental damage is acceptable as provided in CEQA Guidelines section 15093. (CEQA Guidelines, § 15002(h).)

10.3

These mandatory legal requirements beg the questions: *How can the decision makers or the public evaluate the potential significant environmental effects when the terms of the Project documents are secret? What changes would be necessary to a secret project in order to avoid environmental damage? Is there a reasonable alternative to a secret project?* The City’s release of the 2013 MND before the Project documents makes answering the relevant questions impossible and ignores the mandatory duty of the City to solicit and respond to comments from those concerned with the Project. (CEQA Guidelines, § 15002(j).)

(c) **An EIR Must Be Prepared For The Proposed Northeast Antioch Area Reorganization**

Throughout the City’s review process for the Project, it has been made clear that the Project will have a variety of potentially significant environmental impacts that must be identified, analyzed, and mitigated in an Environmental Impact Report (“EIR”). We previously submitted substantial evidence to the City indicating that the Project will have impacts in the

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areas of aesthetics, agricultural resources, biological resources, geology and soils, hazards and hazardous materials, noise, population and housing, public services, and utilities and service systems. We note that none of our previous comments appear to be directly addressed in the 2013 MND.

As you know, CEQA provides a clear threshold for preparing an EIR in lieu of a negative declaration or a mitigated negative declaration. (*See e.g., Santa Teresa Citizen Action Group v. City of San Jose* (2003) 114 Cal.App.4th 689.) If a lead agency is presented with a fair argument that a project may have a significant effect on the environment, the lead agency is required to prepare an EIR even if other substantial evidence may suggest that the project will not have a significant effect on the environment. (CEQA Guidelines, § 15064(f)(1); *No Oil, Inc. v. City of Los Angeles* (1974) 13 Cal.3d 68.) The fair argument test imposes a low threshold for requiring the preparation of an EIR and reflects a preference for resolving doubts in favor of environmental review. (*Mejia v. City of Los Angeles* (2005) 130 Cal.App.4th 322, 332 [concluding that substantial evidence supported a fair argument that the project would have significant, unmitigated environmental impacts on animal wildlife and traffic and that a mitigated negative declaration was improper].) In other words, when there is any doubt, the lead agency must prepare an EIR. For the reasons set forth below, the City must prepare an EIR for the Northeast Antioch Area Reorganization.

10.4,
cont.

(i) **The Impacts of the DDSD Reorganization Are Not Identified, Analyzed, and Mitigated In The 2013 MND**

The project description states that the Project entails the reorganization of three subareas into both the City of Antioch and the Delta Diablo Sanitation District (“DDSD”). According to DDSD’s website, DDSD was formed in 1955 to protect the health of the public and the environment by collecting and effectively treating wastewater. Wastewater treated by the district is discharged into New York Slough, which is a section of the San Joaquin River.

The 2013 MND includes a summary conclusion that applicable water quality standards would be met by DDSD once it provides service to the three subareas. However, the 2013 MND provides no data or information to support its summary conclusion. No analysis of the current water quality status of the San Joaquin River delta is provided (see also Section 2(c)(iii) below), nor is an analysis of the quality of the wastewater expected to enter the DDSD treatment system upon reorganization. Further, we note that the 2013 MND discloses the permitted wastewater inflow capacity for the wastewater treatment plant for the Average Dry Weather Flow. The 2013 MND does not disclose, analyze, or provide mitigation for flow during wet months or other storm incidents. We note that a preliminary review of the public information available from the California Integrated Water Quality System indicates that DDSD has received notices of violation and has experienced sanitary sewer system overflows in the past year. Without a

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proper CEQA analysis of this information, the public has no way of knowing whether the extension of DDSO services into new areas could cause additional problems and corresponding significant environmental impacts. The 2013 MND also does not reference or incorporate the applicable sewer system management plan.

10.5,
cont.

Lastly, the 2013 MND does not include any discussion of extension of recycled water services to the area, notwithstanding that DDSO has a large scale recycled water program ongoing in the City of Antioch.

(ii) **The Program-Level Impacts Of Planned Development Must Be Identified, Analyzed, and Mitigated**

The underlying purpose of the Northeast Antioch Area Reorganization is to facilitate development and redevelopment of the northeast area of the City. (See, e.g., Northeast Antioch Annexation Feasibility Study, July 18, 2005; Industrial Development Opportunities and Selected General Fund Tax Revenues, Northeast Antioch Annexation Area, Keyser Marston Associates, Inc., August 2011.) Based on documents in the public record, without development in the reorganization area, the Project will not result in a net fiscal benefit to the City. In fact, it is the City's plan to expand existing industrial plants and develop entirely new industrial facilities in the reorganization area. (Northeast Antioch Annexation Feasibility Study, p. A-6.)

10.6

Because the purpose of the reorganization is to facilitate development, the potentially significant impacts of development in the reorganization area must be identified, analyzed, and mitigated. (*Orinda Ass'n v. Board of Supervisors* (1986) 182 Cal.App.3d 1145, 1171.) As we previously explained, the City cannot pretend that the Project will not facilitate future development in the reorganization area. At a minimum, the City must assess the development-related impacts on a program-level basis.

(1) **Greenhouse Gas Emissions Impacts**

For example, the greenhouse gas emissions analysis included in the 2013 MND is grossly deficient in that it considers only the construction-related greenhouse gas emissions of the Project. In light of the existing plans to expand industrial development in the reorganization area, the City must identify, analyze, and proposed mitigation for the Project. The City must develop or use an existing BAAQMD-endorsed or other accepted model to calculate the ongoing/operational greenhouse gas emissions that will be generated for the entirety of the Project.

10.7

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(iii) **The 2013 MND Fails To Identify, Analyze, And Mitigate Significant Biological Resources Impacts**

In connection with our review of the 2013 MND, West Coast retained Diane S. Moore, M.S., Principal Biologist at Moore Biological Consultants (hereinafter “Moore”) to evaluate whether 2013 MND adequately identifies, analyzes, and mitigates significant impacts to biological resources. Moore determined there are “serious omissions” in the August 2012 Biological Resources Report prepared by RCL Ecology. These serious omissions carry over to the analysis included in the 2013 MND. Consequently, the 2013 MND fails to identify, analyze, and mitigate potentially significant impacts to biological resources.

The search of the California Natural Diversity Database (“CNDDDB”) is grossly inadequate as it was undertaken in only a small geographic area immediately surrounding the site. It is an accepted industry best practice to conduct such searches on much larger geographic areas. For example, Caltrans requires a search of nine (9) USGS topographic quadrangles to establish a list of potentially occurring special-status species at project sites. In this case, the Project is located in the extreme southeast corner of the Antioch North quadrangle. Therefore, a search of that quadrangle and the adjacent Antioch South, Brentwood, and Jersey Island quadrangles is required. There are over 60 special-status species that have been reported to the CNDDDB in these quadrangles (a summary list is attached hereto as Attachment 2), all of which must be addressed in the 2013 MND.

The 2013 MND fails to report that the Project is located entirely within designated critical habitat for delta smelt. The 2013 MND also fails to report that the San Joaquin River (which runs along the north edge of the Project site) is designated critical habitat for Central Valley steelhead. The Project proposes significant infrastructure construction and development, including road paving and other activities that may increase or change existing storm water runoff patterns and adversely impact the identified critical habitat. The Project will also result in additional effluent discharges by DDS to New York Slough, a section of the San Joaquin River. These impacts, and any others to critical habitat, must be identified, analyzed, and mitigated.

Further, the 2013 MND fails to include a discussion of potential jurisdictional waters of the United States and wetlands. The San Joaquin River is a navigable jurisdictional water of the United States and there may be other jurisdictional waters or wetlands within the boundaries of the Project. Given that no analysis of these resources is included in the 2013, its summary conclusion that the Project would avoid impact to waters at wetlands is unsubstantiated and unsupported by substantial evidence.

10.8

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The Antioch Dunes National Wildlife Refuge is located within the boundaries of the Project. The 2013 MND's analysis of potential impacts to the refuge is inadequate in that it fails to evaluate the full range of potential impacts to the refuge that may result from the project. For example, increased human or vehicular traffic in or near the refuge may cause potentially significant impacts. In addition, storm water runoff caused by grading and/or infrastructure construction and development in the Project area may cause potentially significant impacts. These impacts must be identified, analyzed, and mitigated.

10.8,
cont.

In addition, the 2013 MND entirely fails to consider that the Project is located in one of California's most sensitive ecosystems – the Sacramento-San Joaquin River Delta. The delta has been a focal point of environmental concern for decades, and as a result is governed and regulated by a number of state and local agencies including the Delta Protection Commission. The part of the delta located along the north edge of the Project is within the "Primary Zone" of the delta, which is the core habitat important to delta smelt and numerous other special-status wildlife, fish, and plant species. (See Sacramento-San Joaquin Delta Map, attached hereto as Attachment 3.) The Project environmental review must include an analysis of delta resources, including a discussion of the requirements of the Primary Zone.

(iv) **Lack of Funding For The Project Will Result In Foreseeable Significant Physical Environmental Impacts**

As set forth above, the City is currently withholding the Infrastructure Funding Agreement, which purportedly sets forth the enabling mechanism for a key portion of the Project – extension of infrastructure and services to Subarea 2b. Until we have an opportunity to review the Infrastructure Funding Agreement, we cannot offer meaningful comment on the 2013 MND as we cannot determine whether the Project is properly funded, and correspondingly whether it is likely to make environmental conditions in the area better or worse.

10.9

With respect to the other subareas, Page B-3 of Appendix B (Plan for Services) to the 2013 MND states:

...it is not reasonable to assume the City will be funding and constructing the infrastructure improvements that will be needed to serve the reorganization Subareas (with the specific exception of Subarea 2b as discussed elsewhere in this document). The City is therefore assuming that the infrastructure improvements needed to serve each Subarea (with the exception of Subarea 2b) will be primarily funded by one of the two following mechanisms:

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- Future industrial/commercial development projects will be required as conditions of approval to construct the infrastructure extensions needed to provide services such as sewer, water, and storm drainage to their project...
- In conjunction with future development projects, another possibility is that land based financing districts, such as assessment districts, may be formed to fund and construct needed infrastructure improvements...

10.9,
cont.

The lack of funding for these other parts of the project means that the Project may sit idle for many years, and that none of the purported benefits of the Project will be achieved for many years, if at all. The environmental review for the Project must take into account the complete context of the Project, including a multi-year (possibly several decade) buildout of the Project.

(v) **The Project Proposal To Only Partially Install Infrastructure Will Result in Foreseeable Significant Environmental Impacts**

While the project description implies that the Project will solve pressing health issues in Subarea 2b by extending municipal services and infrastructure to the area, in reality the Project will solve no such problems, as it will not extend sewer or water lines to individual residences. The Project includes construction of “backbone” 8” water lines and 15” sewer lines, but does not include extension of lateral lines to reach individual residences. (See Staff Report to the Planning Commission for Consideration at the Meeting of February 20, 2013, dated February 13, 2013, p. 3.) The Project also does not include any funding of the mandatory sewer and water connection fees, or for the construction of the lateral lines to individual residences. (Id.)

10.10

Since the Project will not actually result in conversion of individual septic systems to municipal waste water service, or the conversion of individual wells to municipal treated water service, the environmental impacts of these circumstances must be analyzed. In addition, the Project environmental review must fully analyze construction of the service (lateral) lines. As currently drafted, the 2013 MND contains no substantial evidence to support a conclusion that the Project’s water and wastewater impacts would be less significant.

(vi) **The 2013 MND Fails To Identify Potential Hazardous Materials Sites**

The 2013 MND did not evaluate the entirety of the 678 acre reorganization area to determine whether any hazardous materials sites were located in the area.² According to page 47

10.11

² We note a typographical error on the Notice of Intent, which refers to Government Code section 65965.5 under the subheading “Hazardous Waste Sites.” This section does not exist in California’s Government Code. We believe the

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of the 2013 MND, the environmental consultant apparently consulted a Phase I Environmental Assessment (Appendix H to the 2013 MND) to determine whether any Cortese List sites were present in *Subarea 2b* of the proposed reorganization area. **No information whatsoever is included in the 2013 MND or Appendix H with respect to Subarea 1 or Subarea 2a, both of which appear to include Cortese List sites within or near their boundaries.**

10.11,
cont.

Specifically, the former Fulton Shipyard appears to be located immediately adjacent to Subarea 1. This site is listed on the Department of Toxic Substance Control's Hazardous Waste and Substances Site List and is known to contain sediment and soil contamination with heavy metals, petroleum, and tetrachloroethylene (PCE). A copy of a printout from the DTSC website is attached hereto as Attachment 5. Additional hazardous sites located at 2151 Wilbur Ave, 3201 Wilbur Ave., 2603 Wilbur Ave., 2301 Wilbur Ave., and at an unknown address on Wilbur Ave. (see Attachment 6) should also have been identified and analyzed in the 2013 MND due to the potential to create significant hazards to the public and the environment.

In addition, because the hazardous materials/substances sites were not properly identified, the Notice of Intent is deficient. The Notice of Intent does not identify any of the sites listed above as required by CEQA Guidelines section 15072(g)(5).

(vii) **The 2013 MND Does Not Identify, Analyze or Mitigate The Project's Significant Transportation and Traffic Impacts**

In connection with our review of the 2013 MND, West Coast retained Abrams Associates Traffic Engineering Inc. ("Abrams Associates") to analyze the potentially significant transportation and traffic impacts of the Project. Abrams Associates has identified the following deficiencies in the analysis contained in the 2013 MND.

10.12

Page 6 of the 2013 MND states that "*the City's proposed pre-zoning for this subarea would reduce the type and intensity of allowable land uses*". Reducing the intensity of the potential development changes the traffic forecasts for the area which should require a traffic analysis in an EIR for two specific reasons. First, assuming a reduction in the type and intensity of allowable land uses, it is possible that changes will be necessary to the currently planned roadway improvements for the area (i.e., currently planned projects may no longer be warranted based on the revised traffic forecasts). Second, there are \$29.5 million dollars worth of planned improvements to Wilbur Avenue in the vicinity of or within the reorganization area. These improvements are not currently funded and the forecasts for the future revenues needed to complete the improvements were based on the current zoning which would purportedly be

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decreased with the proposed Project. This could mean these improvements will ultimately be removed from the County Transportation Plan ("CTP") or never constructed due to lack of funding.

The CTP also assumes that all projects in the Comprehensive Transportation Project List would be completed by 2030. However, due to fluctuations in the economy and unanticipated problems with County funding it is likely that many of the improvements planned to accommodate future development in the reorganization area will never be constructed. Included as Attachment 7 is a March 2009 memo from a CCTA consultant that states the following about the CTP improvement list: *"Given the funding constraints that exist, coupled with the need for project specific environmental review, it seems unlikely that the extensive list of projects in the 2009 CTP could be completed in 21 years."* Given that it is now only 17 years away from 2030 and considering the recent economic downturn, it is even more unlikely that the CTP's improvements will be realized by 2030.

Further, the currently planned transportation improvements for the area are contained in the CTP. (See <http://www.ccta.net/EN/main/planning/countywideplan.html>.) These improvements are required in order to meet applicable level-of-service ("LOS") standards. However, the necessity for the improvements is based on outdated forecasts. The Contra Costa Transportation Authority last month approved a 2010 Decennial Update to the Countywide Travel Demand Model officially updating the previous model forecasts which were used as the basis for determining the 2009 CTP project list. Therefore, additional analysis is required to determine whether the 2009 CTP improvements remain adequate to maintain the LOS standard with the new model volumes.

Fundamentally, Abrams Associates has concluded that there have been too many changes to the transportation system in the area to rely on the CTP traffic analysis using data that is almost 8 years old. Page 2.1-10 of the CTP specifies that the forecasts were based on ABAG's "Projections 2005". The recently released model update is based on ABAG's "Projections 2009". Again, additional analysis is required in order to determine whether the 2009 CTP improvements are still adequate to maintain the LOS standard considering the new ABAG projections. In addition, travel patterns have been shifting significantly in the project vicinity with the opening of the SR 4 bypass and planning has continued on E-BART and the Hillcrest Station Area Specific Plan since the CTP was prepared. Additional changes in travel patterns will also occur as part of the Hillcrest Station Area Specific Plan because it includes realignment of existing roadways and construction of a new freeway interchange at Phillips Lane. In fact, Figure 6 of the attached memo also identifies an intersection right on the border of the annexation area (East 18th Street at Viera Avenue) as being a "major access point" to the Hillcrest/E-BART Specific Plan Area. The memo also notes that MTC still wants to see additional units added near the E-BART stations to meet their requirements. These would need

10.12,
cont.

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to be within walking distance so they would not be in the specific plan area. However, this highlights that the travel patterns and traffic forecasts for the area have been evolving significantly since the 2009 CTP.

10.12,
cont.

There is extensive evidence available from the Hillcrest Station Area Specific Plan process that shows the City has a goal of maximizing the development potential in the vicinity of the reorganization area now that construction of the E-BART station has been approved.


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For all of the reasons set forth herein and in our previous communications with the City, until such time as the City has provided the public and the decisionmakers with all relevant Project-related documents, and until a complete and proper Environmental Impact Report has been prepared (including a new public review and comment period), the proposed reorganization may not properly proceed.

Very truly yours,



Kristina Lawson

KXL:kl
Attachments

cc: West Coast Home Builders

ATTACHMENT 1



February 21, 2013

Ms. Kristina Lawson
Manatt, Phelps & Phillips, LLP
One Embarcadero Center, 30th Floor
San Francisco, CA 94111

Re: **Northeast Antioch Annexation: Public Records Act Request**

Dear Ms. Lawson:

The City of Antioch received your most recent Public Records Act request on behalf of Albert Seeno/West Coast Home Builders by email dated February 13, 2013.

Your email requested: "... copies of the Tax Transfer/Annexation Agreement and Infrastructure Funding Agreement referenced in the IS/MND". Those Agreements have not been finalized and thus there are no public records responsive to your request.

Sincerely yours,

LYNN TRACY NERLAND
City Attorney

c: Mayor and City Council Members
Jim Jakel, City Manager
Tina Wehrmeister, Community Development Director

ATTACHMENT 2

California Department of Fish and Game
Natural Diversity Database
North Antioch Specific Plan 4-Quad Search

Common Name/Scientific Name	Element Code	Federal Status	State Status	GRank	SRank	CDFG or CNPS
1 Alameda whipsnake <i>Masticophis lateralis euryxanthus</i>	ARADB21031	Threatened	Threatened	G4T2	S2	
2 Alkali Meadow	CTT45310CA			G3	S2.1	
3 Alkali Seep	CTT45320CA			G3	S2.1	
4 American badger <i>Taxidea taxus</i>	AMAJF04010			G5	S4	SC
5 Antioch Dunes anthicid beetle <i>Anthicus antiochensis</i>	IICOL49020			G1	S1	
6 Antioch Dunes buckwheat <i>Eriogonum nudum</i> var. <i>psychicola</i>	PDPGN0849Q			G5T1	S1	1B.1
7 Antioch Dunes evening-primrose <i>Oenothera deltoides</i> ssp. <i>howellii</i>	PDONA0C0B4	Endangered	Endangered	G5T1	S1	1B.1
8 Antioch Dunes halictid bee <i>Sphecodogastra antiochensis</i>	IIHYM78010			G1	S1	
9 Antioch andrenid bee <i>Perdita scitula antiochensis</i>	IIHYM01031			G1T1	S1	
10 Antioch efferian robberfly <i>Efferia antiochi</i>	IIDIP07010			G1G3	S1S3	
11 Antioch multilid wasp <i>Myrmosula pacifica</i>	IIHYM15010			GH	SH	
12 Antioch specid wasp <i>Philanthus nasalis</i>	IIHYM20010			G1	S1	
13 Blennosperma vernal pool andrenid bee <i>Andrena blennospermatis</i>	IIHYM35030			G2	S2	
14 Bolander's water-hemlock <i>Cicuta maculata</i> var. <i>bolanderi</i>	PDAPI0M051			G5T3T4	S2	2.1
15 Brewer's western flax <i>Hesperolinon breweri</i>	PDLIN01030			G2	S2	1B.2
16 Bridges' coast range shoulderband <i>Helminthoglypta nickliniana bridgesi</i>	IMGASC2362			G2T1	S1	
17 California black rail <i>Laterallus jamaicensis coturniculus</i>	ABNME03041		Threatened	G4T1	S1	
18 California linderiella <i>Linderiella occidentalis</i>	ICBRA06010			G3	S2S3	
19 California red-legged frog <i>Rana draytonii</i>	AAABH01022	Threatened		G4T2T3	S2S3	SC
20 California tiger salamander <i>Ambystoma californiense</i>	AAAAA01180	Threatened	Threatened	G2G3	S2S3	SC
21 Cismontane Alkali Marsh	CTT52310CA			G1	S1.1	
22 Coastal Brackish Marsh	CTT52200CA			G2	S2.1	
23 Coastal and Valley Freshwater Marsh	CTT52410CA			G3	S2.1	
24 Congdon's tarplant <i>Centromadia parryi</i> ssp. <i>congdonii</i>	PDAST4R0P1			G4T2	S2	1B.2
25 Contra Costa goldfields <i>Lasthenia conjugens</i>	PDAST5L040	Endangered		G1	S1	1B.1
26 Contra Costa wallflower <i>Erysimum capitatum</i> var. <i>angustatum</i>	PDBRA16052	Endangered	Endangered	G5T1	S1	1B.1

California Department of Fish and Game
Natural Diversity Database
North Antioch Specific Plan 4-Quad Search

Common Name/Scientific Name	Element Code	Federal Status	State Status	GRank	SRank	CDFG or CNPS
27 Delta mudwort <i>Limosella australis</i>	PDSCR10050			G4G5	S2	2.1
28 Delta smelt <i>Hypomesus transpacificus</i>	AFCHB01040	Threatened	Endangered	G1	S1	
29 Delta tule pea <i>Lathyrus jepsonii</i> var. <i>jepsonii</i>	PDFAB250D2			G5T2	S2.2	1B.2
30 Diablo helianthella <i>Helianthella castanea</i>	PDAST4M020			G2	S2	1B.2
31 Hall's bush-mallow <i>Malacothamnus hallii</i>	PDMAL0Q0F0			G2Q	S2	1B.2
32 Hoover's cryptantha <i>Cryptantha hooveri</i>	PDBOR0A190			GH	SH	1A
33 Hurd's metapogon robberfly <i>Metapogon hurdi</i>	IIDIP08010			G1G3	S1S3	
34 Keck's checkerbloom <i>Sidalcea keckii</i>	PDMAL110D0	Endangered		G1	S1	1B.1
35 Lange's metalmark butterfly <i>Apodemia mormo langei</i>	IILEPH7012	Endangered		G5T1	S1	
36 Mason's lilaeopsis <i>Lilaeopsis masonii</i>	PDAP119030		Rare	G2	S2	1B.1
37 Middlekauff's shieldback katydid <i>Idiostatus middlekauffi</i>	IHORT31010			G1G2	S1	
38 Mt. Diablo buckwheat <i>Eriogonum truncatum</i>	PDPGN085Z0			G2	S2	1B.1
39 Mt. Diablo fairy-lantern <i>Calochortus pulchellus</i>	PMLIL0D160			G2	S2	1B.2
40 Mt. Diablo manzanita <i>Arctostaphylos auriculata</i>	PDERI04040			G2	S2	1B.3
41 Sacramento perch <i>Archoplites interruptus</i>	AFCQB07010			G3	S1	SC
42 San Joaquin dune beetle <i>Coelus gracilis</i>	IICOL4A020			G1	S1	
43 San Joaquin kit fox <i>Vulpes macrotis mulica</i>	AMAJA03041	Endangered	Threatened	G4T2T3	S2S3	
44 San Joaquin pocket mouse <i>Perognathus inornatus inornatus</i>	AMAFD01061			G4T2T3	S2S3	
45 San Joaquin spearscale <i>Atriplex joaquinana</i>	PDCHE041F3			G2	S2	1B.2
46 Stabilized Interior Dunes	CTT23100CA			G1	S1.1	
47 Suisun Marsh aster <i>Symphyotrichum lentum</i>	PDASTE8470			G2	S2	1B.2
48 Suisun song sparrow <i>Melospiza melodia maxillaris</i>	ABPBXA301K			G5T2	S2	SC
49 Swainson's hawk <i>Buteo swainsoni</i>	ABNKC19070		Threatened	G5	S2	
50 alkali milk-vetch <i>Astragalus tener</i> var. <i>tener</i>	PDFAB0F8R1			G2T2	S2	1B.2
51 bank swallow <i>Riparia riparia</i>	ABPAU08010		Threatened	G5	S2S3	

California Department of Fish and Game
Natural Diversity Database
North Antioch Specific Plan 4-Quad Search

Common Name/Scientific Name	Element Code	Federal Status	State Status	GRank	SRank	CDFG or CNPS
52 bearded popcornflower <i>Plagiobothrys hystriculus</i>	PDBOR0V0H0			G1G2	S1S2	1B.1
53 big tarplant <i>Blepharizonia plumosa</i>	PDAST1C011			G1	S1	1B.1
54 brittlescale <i>Atriplex depressa</i>	PDCHE042L0			G2Q	S2.2	1B.2
55 burrowing owl <i>Athene cunicularia</i>	ABNSB10010			G4	S2	SC
56 caper-fruited tropidocarpum <i>Tropidocarpum capparideum</i>	PDBRA2R010			G1	S1.1	1B.1
57 chaparral ragwort <i>Senecio aphanactis</i>	PDAST8H060			G3?	S2	2.2
58 curved-foot hygrotus diving beetle <i>Hygrotus curvipes</i>	IICOL38030			G1	S1	
59 diamond-petaled California poppy <i>Eschscholzia rhombipetala</i>	PDPAP0A0D0			G1	S1	1B.1
60 double-crested cormorant <i>Phalacrocorax auritus</i>	ABNFD01020			G5	S3	
61 dwarf downingia <i>Downingia pusilla</i>	PDCAM060C0			G2	S2	2.2
62 eel-grass pondweed <i>Potamogeton zosteriformis</i>	PMPOT03160			G5	S2.2?	2.2
63 fragrant fritillary <i>Fritillaria liliacea</i>	PMLIL0V0C0			G2	S2	1B.2
64 giant garter snake <i>Thamnophis gigas</i>	ARADB36150	Threatened	Threatened	G2G3	S2S3	
65 great blue heron <i>Ardea herodias</i>	ABNGA04010			G5	S4	
66 hoary bat <i>Lasiurus cinereus</i>	AMACC05030			G5	S4?	
67 large-flowered fiddleneck <i>Amsinckia grandiflora</i>	PDBOR01050	Endangered	Endangered	G1	S1	1B.1
68 loggerhead shrike <i>Lanius ludovicianus</i>	ABPBR01030			G4	S4	SC
69 midvalley fairy shrimp <i>Branchinecta mesovallensis</i>	ICBRA03150			G2	S2	
70 molestan blister beetle <i>Lytta molesta</i>	IICOL4C030			G2	S2	
71 oval-leaved viburnum <i>Viburnum ellipticum</i>	PDCPR07080			G5	S2.3	2.3
72 pallid bat <i>Antrozous pallidus</i>	AMACC10010			G5	S3	SC
73 redheaded sphecoid wasp <i>Eucerceris ruficeps</i>	IIHYM18010			G1G3	S1S2	
74 round-leaved filaree <i>California macrophylla</i>	PDGER01070			G2	S2	1B.1
75 salt-marsh harvest mouse <i>Reithrodontomys raviventris</i>	AMAFF02040	Endangered	Endangered	G1G2	S1S2	

California Department of Fish and Game
 Natural Diversity Database
 North Antioch Specific Plan 4-Quad Search

Common Name/Scientific Name	Element Code	Federal Status	State Status	GRank	SRank	CDFG or CNPS
76 saltmarsh common yellowthroat <i>Geothlypis trichas sinuosa</i>	ABPBX1201A			G5T2	S2	SC
77 shining navarretia <i>Navarretia nigelliformis ssp. radians</i>	PDPLM0C0J2			G4T2	S2	1B.2
78 showy golden madia <i>Madia radiata</i>	PDAST650E0			G2	S2	1B.1
79 side-flowering skullcap <i>Scutellaria lateriflora</i>	PDLAM1U0Q0			G5	S1	2.2
80 silvery legless lizard <i>Anniella pulchra pulchra</i>	ARACC01012			G3G4T3T4 Q	S3	SC
81 slender silver moss <i>Anomobryum julaceum</i>	NBMUS80010			G4G5	S2	2.2
82 soft bird's-beak <i>Chloropyron molle ssp. molle</i>	PDSCR0J0D2	Endangered	Rare	G2T1	S1	1B.2
83 stinkbells <i>Fritillaria agrestis</i>	PMLILOV010			G3	S3.2	4.2
84 tricolored blackbird <i>Agelaius tricolor</i>	ABPBXB0020			G2G3	S2	SC
85 vernal pool fairy shrimp <i>Branchinecta lynchi</i>	ICBRA03030	Threatened		G3	S2S3	
86 vernal pool tadpole shrimp <i>Lepidurus packardii</i>	ICBRA10010	Endangered		G3	S2S3	
87 western pond turtle <i>Emys marmorata</i>	ARAAD02030			G3G4	S3	SC
88 western red bat <i>Lasiurus blossevillei</i>	AMACC05060			G5	S3?	SC
89 white-tailed kite <i>Elanus leucurus</i>	ABNKC06010			G5	S3	
90 woolly rose-mallow <i>Hibiscus lasiocarpus var. occidentalis</i>	PDMAL0H0R3			G4	S2.2	1B.2

U.S. Fish & Wildlife Service
Sacramento Fish & Wildlife Office
Federal Endangered and Threatened Species that Occur in
or may be Affected by Projects in the Counties and/or
U.S.G.S. 7 1/2 Minute Quads you requested

Document Number: 130227111219

Database Last Updated: September 18, 2011

Quad Lists

Listed Species

Invertebrates

- Apodemia mormo langei*
Lange's metalmark butterfly (E)
- Branchinecta conservatio*
Conservancy fairy shrimp (E)
- Branchinecta longiantenna*
longhorn fairy shrimp (E)
- Branchinecta lynchi*
Critical habitat, vernal pool fairy shrimp (X)
vernal pool fairy shrimp (T)
- Desmocerus californicus dimorphus*
valley elderberry longhorn beetle (T)
- Elaphrus viridis*
delta green ground beetle (T)
- Lepidurus packardii*
vernal pool tadpole shrimp (E)

Fish

- Acipenser medirostris*
green sturgeon (T) (NMFS)
- Hypomesus transpacificus*
Critical habitat, delta smelt (X)
delta smelt (T)
- Oncorhynchus mykiss*
Central Valley steelhead (T) (NMFS)
Critical habitat, Central Valley steelhead (X) (NMFS)
- Oncorhynchus tshawytscha*
Central Valley spring-run chinook salmon (T) (NMFS)
Critical Habitat, Central Valley spring-run chinook (X) (NMFS)
Critical habitat, winter-run chinook salmon (X) (NMFS)
winter-run chinook salmon, Sacramento River (E) (NMFS)

Amphibians

- Ambystoma californiense*
California tiger salamander, central population (T)

Rana draytonii

California red-legged frog (T)

Reptiles

Masticophis lateralis euryxanthus

Alameda whipsnake [=striped racer] (T)

Critical habitat, Alameda whipsnake (X)

Thamnophis gigas

giant garter snake (T)

Birds

Rallus longirostris obsoletus

California clapper rail (E)

Sterna antillarum (=Sterna, =albifrons) brownl

California least tern (E)

Mammals

Reithrodontomys raviventris

salt marsh harvest mouse (E)

Vulpes macrotis mutica

San Joaquin kit fox (E)

Plants

Amsinckia grandiflora

large-flowered fiddleneck (E)

Cordylanthus mollis ssp. mollis

soft bird's-beak (E)

Erysimum capitatum ssp. angustatum

Contra Costa wallflower (E)

Critical Habitat, Contra Costa wallflower (X)

Lasthenia conjugens

Contra Costa goldfields (E)

Neostapfia colusana

Colusa grass (T)

Oenothera deltoides ssp. howellii

Antioch Dunes evening-primrose (E)

Critical habitat, Antioch Dunes evening-primrose (X)

Sidalcea keckii

Keck's checker-mallow (=checkerbloom) (E)

Quads Containing Listed, Proposed or Candidate Species:

BRENTWOOD (463B)

ANTIOCH SOUTH (464A)

JERSEY ISLAND (480C)

ANTIOCH NORTH (481D)

County Lists

No county species lists requested.

Key:

(E) *Endangered* - Listed as being in danger of extinction.

(T) *Threatened* - Listed as likely to become endangered within the foreseeable future.

(P) *Proposed* - Officially proposed in the Federal Register for listing as endangered or threatened.

(NMFS) Species under the Jurisdiction of the National Oceanic & Atmospheric Administration Fisheries Service. Consult with them directly about these species.

Critical Habitat - Area essential to the conservation of a species.

(PX) *Proposed Critical Habitat* - The species is already listed. Critical habitat is being proposed for it.

(C) *Candidate* - Candidate to become a proposed species.

(V) Vacated by a court order. Not currently in effect. Being reviewed by the Service.

(X) *Critical Habitat* designated for this species

Important Information About Your Species List

How We Make Species Lists

We store information about endangered and threatened species lists by U.S. Geological Survey 7½ minute quads. The United States is divided into these quads, which are about the size of San Francisco.

The animals on your species list are ones that occur within, **or may be affected by** projects within, the quads covered by the list.

- Fish and other aquatic species appear on your list if they are in the same watershed as your quad or if water use in your quad might affect them.
- Amphibians will be on the list for a quad or county if pesticides applied in that area may be carried to their habitat by air currents.
- Birds are shown regardless of whether they are resident or migratory. Relevant birds on the county list should be considered regardless of whether they appear on a quad list.

Plants

Any plants on your list are ones that have actually been observed in the area covered by the list. Plants may exist in an area without ever having been detected there. You can find out what's in the surrounding quads through the California Native Plant Society's online Inventory of Rare and Endangered Plants.

Surveying

Some of the species on your list may not be affected by your project. A trained biologist and/or botanist, familiar with the habitat requirements of the species on your list, should determine whether they or habitats suitable for them may be affected by your project. We recommend that your surveys include any proposed and candidate species on your list. See our Protocol and Recovery Permits pages.

For plant surveys, we recommend using the Guidelines for Conducting and Reporting Botanical Inventories. The results of your surveys should be published in any environmental documents prepared for your project.

Your Responsibilities Under the Endangered Species Act

All animals identified as listed above are fully protected under the Endangered Species Act of 1973, as amended. Section 9 of the Act and its implementing regulations prohibit the take of a federally listed wildlife species. Take is defined by the Act as "to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect" any such animal.

Take may include significant habitat modification or degradation where it actually kills or injures wildlife by significantly impairing essential behavioral patterns, including breeding, feeding, or shelter (50 CFR §17.3).

Take incidental to an otherwise lawful activity may be authorized by one of two procedures:

- If a Federal agency is involved with the permitting, funding, or carrying out of a project that may result in take, then that agency must engage in a formal consultation with the Service.

During formal consultation, the Federal agency, the applicant and the Service work together to avoid or minimize the impact on listed species and their habitat. Such consultation would result in a biological opinion by the Service addressing the anticipated effect of the project on listed and proposed species. The opinion may authorize a limited level of incidental take.

- If no Federal agency is involved with the project, and federally listed species may be taken as part of the project, then you, the applicant, should apply for an incidental take permit. The Service may issue such a permit if you submit a satisfactory conservation plan for the species that would be affected by your project.

Should your survey determine that federally listed or proposed species occur in the area and are likely to be affected by the project, we recommend that you work with this office and the California Department of Fish and Game to develop a plan that minimizes the project's direct and indirect impacts to listed species and compensates for project-related loss of habitat. You should include the plan in any environmental documents you file.

Critical Habitat

When a species is listed as endangered or threatened, areas of habitat considered essential to its conservation may be designated as critical habitat. These areas may require special management considerations or protection. They provide needed space for growth and normal behavior; food, water, air, light, other nutritional or physiological requirements; cover or shelter; and sites for breeding, reproduction, rearing of offspring, germination or seed dispersal.

Although critical habitat may be designated on private or State lands, activities on these lands are not restricted unless there is Federal involvement in the activities or direct harm to listed wildlife.

If any species has proposed or designated critical habitat within a quad, there will be a separate line for this on the species list. Boundary descriptions of the critical habitat may be found in the Federal Register. The information is also reprinted in the Code of Federal Regulations (50 CFR 17.95). See our Map Room page.

Candidate Species

We recommend that you address impacts to candidate species. We put plants and animals on our candidate list when we have enough scientific information to eventually propose them for listing as threatened or endangered. By considering these species early in your planning process you may be able to avoid the problems that could develop if one of these candidates was listed before the end of your project.

Species of Concern

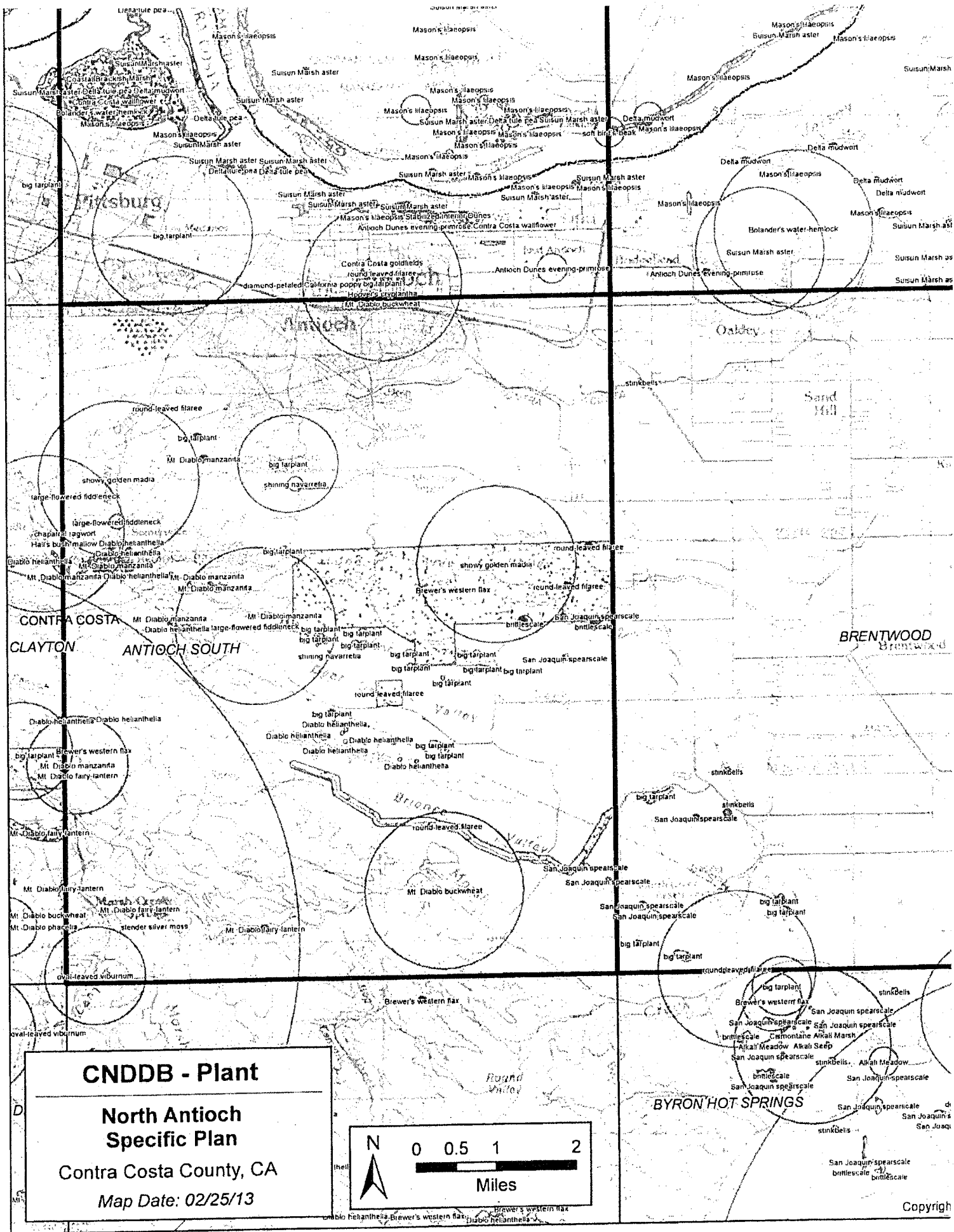
The Sacramento Fish & Wildlife Office no longer maintains a list of species of concern. However, various other agencies and organizations maintain lists of at-risk species. These lists provide essential information for land management planning and conservation efforts. More info

Wetlands

If your project will impact wetlands, riparian habitat, or other jurisdictional waters as defined by section 404 of the Clean Water Act and/or section 10 of the Rivers and Harbors Act, you will need to obtain a permit from the U.S. Army Corps of Engineers. Impacts to wetland habitats require site specific mitigation and monitoring. For questions regarding wetlands, please contact Mark Littlefield of this office at (916) 414-6520.

Updates

Our database is constantly updated as species are proposed, listed and delisted. If you address proposed and candidate species in your planning, this should not be a problem. However, we recommend that you get an updated list every 90 days. That would be May 28, 2013.

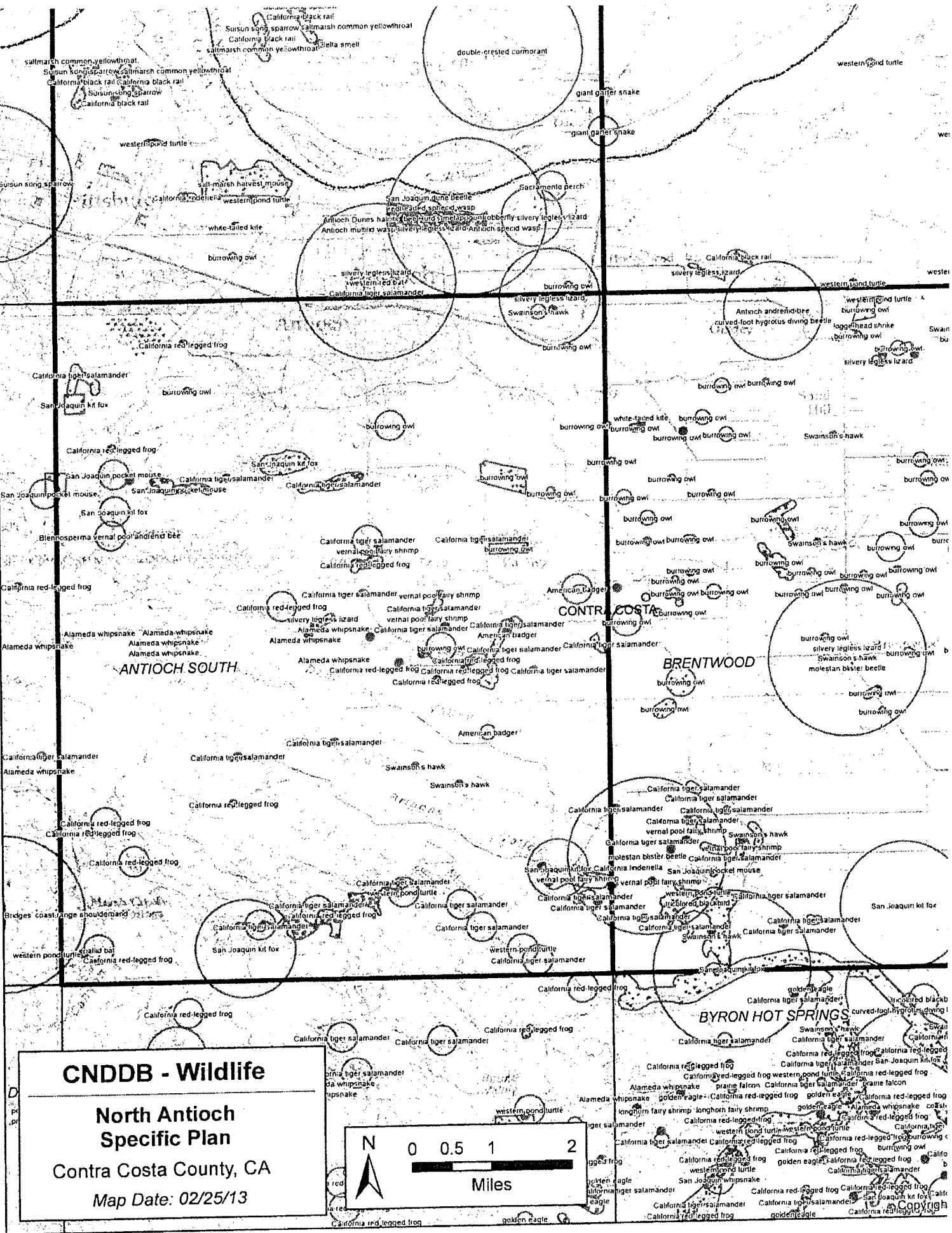
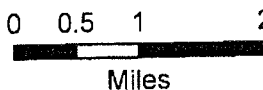


CNDDDB - Wildlife

North Antioch Specific Plan

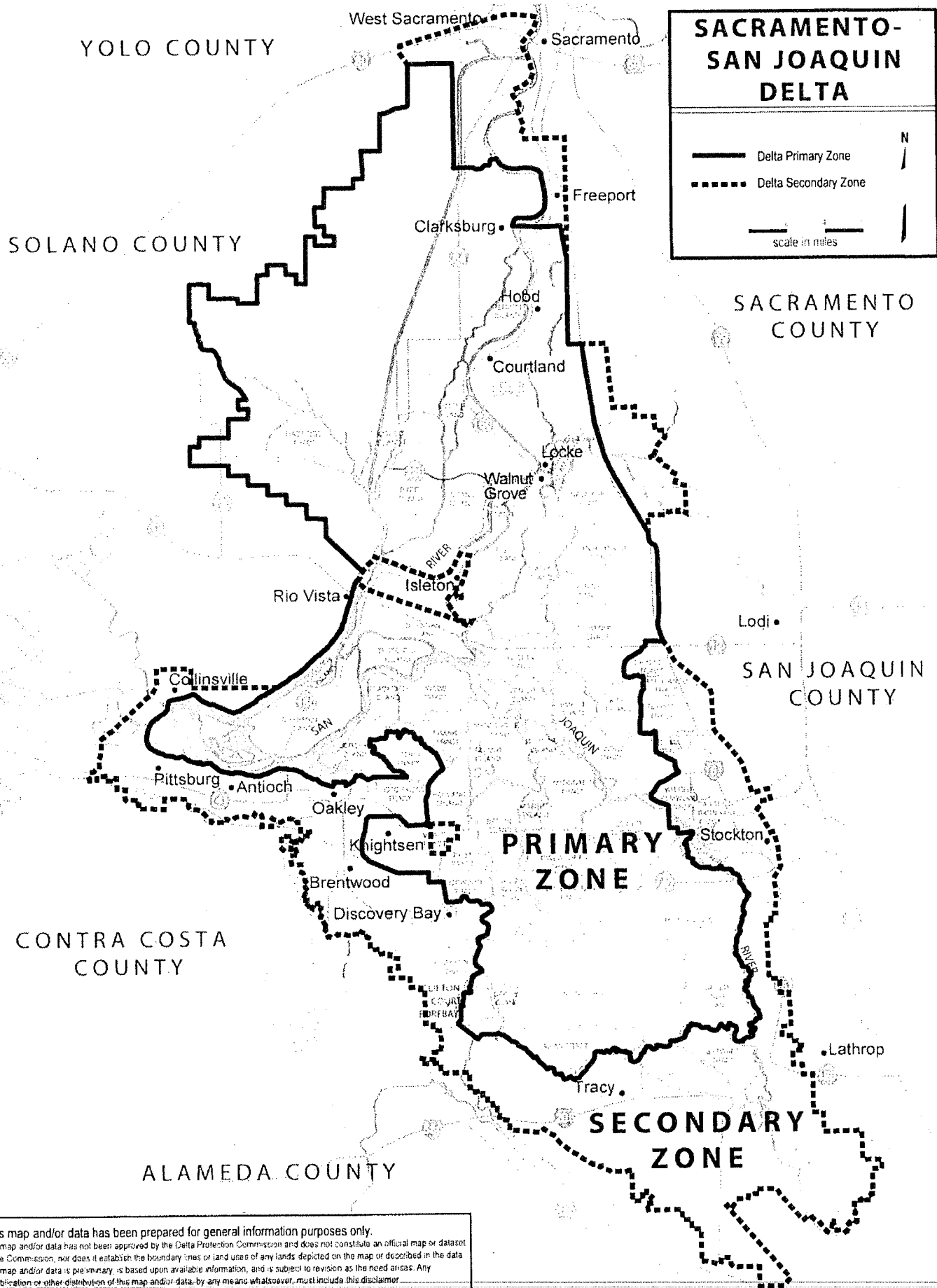
Contra Costa County, CA

Map Date: 02/25/13



Copyright

ATTACHMENT 3



This map and/or data has been prepared for general information purposes only. The map and/or data has not been approved by the Delta Protection Commission and does not constitute an official map or dataset of the Commission, nor does it establish the boundary lines or land uses of any lands depicted on the map or described in the data. The map and/or data is preliminary, is based upon available information, and is subject to revision as the need arises. Any republication or other distribution of this map and/or data, by any means whatsoever, must include this disclaimer.

ATTACHMENT 4

Westlaw

West's Ann.Cal.Gov.Code § 65962.5

Page 1

C

Effective: June 27, 2012

West's Annotated California Codes Currentness

Government Code (Refs & Annos)

Title 7. Planning and Land Use (Refs & Annos)

Division 1. Planning and Zoning (Refs & Annos)

Chapter 4.5. Review and Approval of Development Projects (Refs & Annos)

Article 6. Development Permits for Classes of Projects (Refs & Annos)

→→ § 65962.5. Lists of hazardous waste and substance facilities and sites, and public drinking water wells with organic contaminants; consolidation and distribution of information; use; fees; statement required for development projects

(a) The Department of Toxic Substances Control shall compile and update as appropriate, but at least annually, and shall submit to the Secretary for Environmental Protection, a list of all of the following:

(1) All hazardous waste facilities subject to corrective action pursuant to Section 25187.5 of the Health and Safety Code.

(2) All land designated as hazardous waste property or border zone property pursuant to former Article 11 (commencing with Section 25220) of Chapter 6.5 of Division 20 of the Health and Safety Code.

(3) All information received by the Department of Toxic Substances Control pursuant to Section 25242 of the Health and Safety Code on hazardous waste disposals on public land.

(4) All sites listed pursuant to Section 25356 of the Health and Safety Code.

(b) The State Department of Health Services shall compile and update as appropriate, but at least annually, and shall submit to the Secretary for Environmental Protection, a list of all public drinking water wells that contain detectable levels of organic contaminants and that are subject to water analysis pursuant to Section 116395 of the Health and Safety Code.

(c) The State Water Resources Control Board shall compile and update as appropriate, but at least annually, and shall submit to the Secretary for Environmental Protection, a list of all of the following:

(1) All underground storage tanks for which an unauthorized release report is filed pursuant to Section 25295 of the Health and Safety Code.

(2) All solid waste disposal facilities from which there is a migration of hazardous waste and for which a California re-

gional water quality control board has notified the Department of Toxic Substances Control pursuant to subdivision (e) of Section 13273 of the Water Code.

(3) All cease and desist orders issued after January 1, 1986, pursuant to Section 13301 of the Water Code, and all cleanup or abatement orders issued after January 1, 1986, pursuant to Section 13304 of the Water Code, that concern the discharge of wastes that are hazardous materials.

(d) The local enforcement agency, as designated pursuant to Section 18051 of Title 14 of the California Code of Regulations, shall compile as appropriate, but at least annually, and shall submit to the Department of Resources Recycling and Recovery, a list of all solid waste disposal facilities from which there is a known migration of hazardous waste. The Department of Resources Recycling and Recovery shall compile the local lists into a statewide list, which shall be submitted to the Secretary for Environmental Protection and shall be available to any person who requests the information.

(e) The Secretary for Environmental Protection shall consolidate the information submitted pursuant to this section and distribute it in a timely fashion to each city and county in which sites on the lists are located. The secretary shall distribute the information to any other person upon request. The secretary may charge a reasonable fee to persons requesting the information, other than cities, counties, or cities and counties, to cover the cost of developing, maintaining, and reproducing and distributing the information.

(f) Before a lead agency accepts as complete an application for any development project which will be used by any person, the applicant shall consult the lists sent to the appropriate city or county and shall submit a signed statement to the local agency indicating whether the project and any alternatives are located on a site that is included on any of the lists compiled pursuant to this section and shall specify any list. If the site is included on a list, and the list is not specified on the statement, the lead agency shall notify the applicant pursuant to Section 65943. The statement shall read as follows:

HAZARDOUS WASTE AND SUBSTANCES STATEMENT

The development project and any alternatives proposed in this application are contained on the lists compiled pursuant to Section 65962.5 of the Government Code. Accordingly, the project applicant is required to submit a signed statement that contains the following information:

Name of applicant:

Address:

Phone number:

Address of site (street name and number if available, and ZIP Code):

Local agency (city/county):

Assessor's book, page, and parcel number:

Specify any list pursuant to Section 65962.5 of the Government Code:

Regulatory identification number:

Date of list:

Applicant, Date

(g) The changes made to this section by the act amending this section, that takes effect January 1, 1992, apply only to projects for which applications have not been deemed complete on or before January 1, 1992, pursuant to Section 65943.

CREDIT(S)

(Added by Stats.1986, c. 1048, § 2, operative July 1, 1987. Amended by Stats.1990, c. 537 (A.B.3676), § 1; Gov.Reorg.Plan No. 1 of 1991, § 88, eff. July 17, 1991; Stats.1991, c. 1212 (A.B.869), § 1; Stats.1996, c. 1023 (S.B.1497), § 102, eff. Sept. 29, 1996; Stats.2012, c. 39 (S.B.1018), § 26, eff. June 27, 2012.)

HISTORICAL AND STATUTORY NOTES

2013 Electronic Pocket Part Update

2012 Legislation

For appropriation, legislative intent, cost reimbursement, and urgency effective provisions relating to Stats.2012, c. 39 (S.B.1018), see Historical and Statutory Notes under Education Code § 17210.

For Governor's reduction message regarding Stats.2012, c. 39 (S.B.1018), see Historical and Statutory Notes under Education Code § 17210.

2009 Main Volume

Effective date of Governor's Reorganization Plan No. 1 of 1991, dated May 17, 1991, see Government Code § 12080.5.

Legislative findings, declaration and intent relating to Stats.1996, c. 1023 (S.B.1497), see Historical and Statutory Notes under Business and Professions Code § 690.

Subordination of legislation by Stats.1996, c. 1023 (S.B.1497), see Historical and Statutory Notes under Business and Professions Code § 690.



CROSS REFERENCES

Applications for development projects, see Government Code § 65940 et seq.
 Department of Health Care Services, generally, see Health and Safety Code § 100100 et seq.
 Department of Toxic Substances Control, generally, see Health and Safety Code § 58000 et seq.
 Development project defined for purposes of this Chapter, see Government Code § 65928.
 Duties of lead agency, see Public Resources Code § 21092.6.
 Environmental quality,
 List of exempt classes of projects, see Public Resources Code § 21084.

Sustainable communities project, see Public Resources Code § 21155.1.
 Hazardous waste disposal land use, list of restrictions, see Health and Safety Code § 25220.
 Land Use and Revitalization, public information, implementation of requirements of section, see Health and Safety Code § 25395.117.
 Lead agency defined for purposes of this Chapter, see Government Code § 65929.
 Local agency defined for purposes of this Chapter, see Government Code § 65930.
 Project defined for purposes of this Chapter, see Government Code § 65931.
 State Department of Health Care Services, see Health and Safety Code § 100100 et seq.
 State Water Resources Control Board, see Water Code § 174 et seq.
 Street defined for purposes of this Title, see Government Code § 65002.

LIBRARY REFERENCES

2009 Main Volume

Environmental Law  415.
 Zoning and Planning  382.
 Westlaw Topic Nos. 149E, 414.
 C.J.S. Health and Environment § 170.
 C.J.S. Zoning and Land Planning §§ 195 to 197.

RESEARCH REFERENCES

Encyclopedias

CA Jur. 3d Building Regulations and Development § 28, Hazardous Waste and Substances List.

CA Jur. 3d Pollution and Conservation Laws § 188, Generally; Hazardous Substance Account.

CA Jur. 3d Pollution and Conservation Laws § 517, Categorical Exemptions.

CA Jur. 3d Pollution and Conservation Laws § 529, Who Prepares Report.

CA Jur. 3d Zoning and Other Land Controls § 324, Permits for Particular Projects.

Treatises and Practice Aids

Miller and Starr California Real Estate § 25A:8, Exempt Projects.

West's Ann. Cal. Gov. Code § 65962.5, CA GOVT § 65962.5

Current with all 2012 Reg.Sess. laws, Gov.Reorg.Plan No. 2 of 2011-2012, and all propositions on 2012 ballots.

West's Ann.Cal.Gov.Code § 65962.5

Page 5

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END OF DOCUMENT

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ATTACHMENT 5

DEPARTMENT OF TOXIC SUBSTANCES CONTROL

ENVIROSTOR**FULTON SHIPYARD (07440009)**SIGN UP FOR EMAIL ALERTS

307 FULTON SHIPYARD ROAD
 ANTIOCH, CA 94509
 CONTRA COSTA COUNTY
SITE TYPE: STATE RESPONSE OR NPL

PROJECT MANAGER:
SUPERVISOR:
OFFICE:

ALLAN FONE
 DANIEL MURPHY
 CLEANUP BERKELEY

Site Information

CLEANUP STATUS**ACTIVE AS OF 1/27/2005****SITE TYPE:** STATE RESPONSE OR NPL**NATIONAL PRIORITIES LIST:** NO**ACRES:** 10.4 ACRES**APN:** 065-010-002, 065-010-009**CLEANUP OVERSIGHT AGENCIES:**

DTSC - SITE CLEANUP PROGRAM - LEAD

ASSOCIATED GEOTRACKER PROJECTS

ENVIROSTOR ID:

07440009

SITE CODE:

201495

SPECIAL PROGRAM:DESIGNATION OF SINGLE AGENCY
RESPONSIBLE PARTY**FUNDING:**

11

ASSEMBLY DISTRICT:**SENATE DISTRICT:**

07

Regulatory Profile

PAST USE(S) THAT CAUSED CONTAMINATION

SHIPYARD - SHIP BUILDING/REPAIR

POTENTIAL CONTAMINANTS OF CONCERNMETALSPETROLEUM

TETRACHLOROETHYLENE (PCE)

POTENTIAL MEDIA AFFECTED

SEDIMENTS, SOIL

Site History

Fulton Shipyard operated a shipyard between 1918 and 1999. The property is bordered to the north by the San Joaquin River, to the east by a United States Fish and Wildlife Service refuge (Antioch Dunes National Wildlife Refuge), to the south by vacant undeveloped land, and to the west by a parking area and boat ramp. Fabrication and maintenance of tugboats, pleasure crafts, and manufacturing of crane equipment were the major onsite operations.

Currently Scheduled Activities Through 6/30/2013

<u>AREA NAME</u>	<u>SUB-AREA</u>	<u>DOCUMENT TYPE</u>	<u>DUE DATE</u>	<u>REVISED DATE</u>
PROJECT WIDE		Site Characterization Report	12/30/2012	

Future Activities

NOTE: THE DUE DATES OF FUTURE ACTIVITIES ARE SUBJECT TO CHANGE BASED ON THE PROGRESS OF CURRENTLY SCHEDULED ACTIVITIES

<u>AREA NAME</u>	<u>SUB-AREA</u>	<u>DOCUMENT TYPE</u>	<u>DUE DATE</u>
<u>Upland</u>		CEQA - Initial Study/ Neg. Declaration	2013
<u>Upland</u>		Fact Sheets	2013
<u>Upland</u>		Public Notice	2013
<u>Upland</u>		Removal Action Workplan	2013
<u>San Joaquin River</u>		Fact Sheets	2013
<u>San Joaquin River</u>		Public Notice	2013
<u>Upland</u>		Remedial Action Completion Report	2013
<u>Upland</u>		Operations and Maintenance Plan	2014
<u>San Joaquin River</u>		Remedial Action Plan	2014
<u>San Joaquin River</u>		CEQA - Initial Study/ Neg. Declaration	2014
<u>Upland</u>		Land Use Restriction	2014

ATTACHMENT 6

STATE WATER RESOURCES CONTROL BOARD

GEOTRACKER

PIONEER AMERICAS (FORMER KEMWATER & FORMER IMPERIAL WEST)
(SL205032990) - (MAP)

2151 WILBUR AVE
ANTIOCH, CA
CONTRA COSTA COUNTY
CLEANUP PROGRAM SITE

CLEANUP OVERSIGHT AGENCIES
CENTRAL VALLEY RWQCB (REGION 5S) (LEAD) - CASE #: SL205032990
CASEWORKER: NATHAN CASEBEER

Regulatory Profile

PRINTABLE CASE SUMMARY

CLEANUP STATUS - DEFINITIONS

OPEN - REMEDIATION AS OF 1/1/2002 - CLEANUP STATUS HISTORY

POTENTIAL CONTAMINANTS OF CONCERN

MAGNESIUM, CHLORIDE, IRON, MANGANESE,
METALS/HEAVY METALS, NITRATE, VOLATILE
ORGANIC COMPOUNDS

POTENTIAL MEDIA AFFECTED

OTHER GROUNDWATER (USES OTHER THAN
DRINKING WATER)

FILE LOCATION

REGIONAL BOARD

BENEFICIAL USE

SW - MUNICIPAL AND DOMESTIC SUPPLY

Site History

No site history available

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DEPARTMENT OF TOXIC SUBSTANCES CONTROL

ENVIROSTOR

CONTRA COSTA POWER PLANT (80001830)

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3201 WILBUR AVENUE
ANTIOCH, CA 945090000
CONTRA COSTA COUNTY
SITE TYPE: CORRECTIVE ACTION

PROJECT MANAGER:
SUPERVISOR:
OFFICE:
PUBLIC PARTICIPATION SPECIALIST:

TONY NATERA
DANIEL MURPHY
CLEANUP BERKELEY
RICHARD PERRY

Site Information

CLEANUP STATUS

ACTIVE AS OF 2/4/2010

SITE TYPE: CORRECTIVE ACTION

NATIONAL PRIORITIES LIST: NO

ACRES: 168.56 ACRES

APN: 051031014, 051031015, 051031016, 051031018, 051031019

CLEANUP OVERSIGHT AGENCIES:

DTSC - SITE CLEANUP PROGRAM

ENVIROSTOR ID: 80001830

SITE CODE: 200423

SPECIAL PROGRAM:

FUNDING:

ASSEMBLY DISTRICT: 11

SENATE DISTRICT: 07

Regulatory Profile

PAST USE(S) THAT CAUSED CONTAMINATION

ABOVE GROUND STORAGE TANKS, WASTE WATER PONDS

POTENTIAL CONTAMINANTS OF CONCERN

BENZO[A]PYRENE

METALS

PETROLEUM

POLYCHLORINATED BIPHENYLS (PCBS)

POLYNUCLEAR AROMATIC HYDROCARBONS (PAHS)

POTENTIAL MEDIA AFFECTED

CONTAMINATED SURFACE / STRUCTURE, OTHER
GROUNDWATER AFFECTED (USES OTHER THAN DRINKING
WATER), SEDIMENTS, SOIL, SURFACE WATER AFFECTED

Site History

The facility is located at 3201 and 3225 Wilbur Avenue in unincorporated Contra Costa County, California and it is the location of Mirant's Contra Costa Power Plant (CCPP), PG&E's Gateway Generating Station, a PG&E's Major Power Distribution station (switchyard) and support areas. The Facility engaged in hazardous waste management pursuant to a permit issued by DTSC on June 30, 1989. The Facility is identified by Contra Costa County Assessor's Parcel Numbers (APN) 051-031-015, 051-031-016 and 051-031-017. It is approximately 169 acres in size and is bordered by Wilbur Avenue to the south and the San Joaquin River to the north. PG&E who used to be the former owner and operator of the entire Facility, maintains ownership of Parcels 051-031-015 and 051-031-016. Mirant Delta LLC is the current owner and operator of Parcel 051-031-017, which is the location of the actual Contra Costa Power Plant. All three parcels continue to be "the facility" as far as corrective action pertains.

Currently Scheduled Activities Through 6/30/2013

<u>AREA NAME</u>	<u>SUB-AREA</u>	<u>DOCUMENT TYPE</u>	<u>DUE DATE</u>	<u>REVISED DATE</u>
PROJECT WIDE		Interim Measures Workplan	4/1/2013	
PROJECT WIDE		Human Exposure Controlled	4/15/2013	

Future Activities

NOTE: THE DUE DATES OF FUTURE ACTIVITIES ARE SUBJECT TO CHANGE BASED ON THE PROGRESS OF CURRENTLY SCHEDULED ACTIVITIES

<u>AREA NAME</u>	<u>SUB-AREA</u>	<u>DOCUMENT TYPE</u>	<u>DUE DATE</u>
PROJECT WIDE		RFI Workplan	2013
PROJECT WIDE		Groundwater Migration Controlled	2014
PROJECT WIDE		RFI Report	2014

DEPARTMENT OF TOXIC SUBSTANCES CONTROL

ENVIROSTOR**EAST MILL (07260003)**SIGN UP FOR EMAIL ALERTS

2603 WILBUR AVENUE
ANTIOCH, CA 94509
CONTRA COSTA COUNTY
SITE TYPE: VOLUNTARY CLEANUP

PROJECT MANAGER:
SUPERVISOR:
OFFICE:
PUBLIC PARTICIPATION SPECIALIST:

KATHARINE HILF
DANIEL MURPHY
CLEANUP BERKELEY
TAMMY PICKENS

Site Information

CLEANUP STATUS**ACTIVE AS OF 1/27/2004****SITE TYPE:** VOLUNTARY CLEANUP**NATIONAL PRIORITIES LIST:** NO**ACRES:** 80.11 ACRES**APN:** 051-031-005-5, 051031005**CLEANUP OVERSIGHT AGENCIES:**

RWQCB 5S - CENTRAL VALLEY

DTSC - SITE CLEANUP PROGRAM - LEAD

ASSOCIATED GEOTRACKER PROJECTS**ENVIROSTOR ID:**

07260003

SITE CODE:

201536

SPECIAL PROGRAM:

DESIGNATION OF SINGLE AGENCY

FUNDING:

SITE PROPONENT

ASSEMBLY DISTRICT:

11

SENATE DISTRICT:

07

Regulatory Profile

PAST USE(S) THAT CAUSED CONTAMINATION

MANUFACTURING - PAPER

POTENTIAL CONTAMINANTS OF CONCERN

ASBESTOS CONTAINING MATERIALS (ACM)

DIOXIN/FURANSLEADPETROLEUM

POLYCHLORINATED BIPHENYLS (PCBS)

POLYNUCLEAR AROMATIC HYDROCARBONS (PAHS)

POTENTIAL MEDIA AFFECTEDOTHER GROUNDWATER AFFECTED (USES OTHER THAN
DRINKING WATER), SOIL

Site History

The parcel was used for paper and pulp manufacturing that involved the Kraft bleach process from the late-1940s/early 1950s until the facility closed in the early 1990s. Since then, many of the structures have been demolished and/or decommissioned. Remaining structures include clarifiers, a fuel oil aboveground storage tank, a recovery boiler, high density tanks, and a pump house. The Site is bordered to the north by the San Joaquin River and to the west by the West Mill Site.

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DEPARTMENT OF TOXIC SUBSTANCES CONTROL

ENVIROSTOR**WEST MILL (07260002)**[SIGN UP FOR EMAIL ALERTS](#)

2301 WILBUR AVENUE
ANTIOCH, CA 94509
CONTRA COSTA COUNTY
SITE TYPE: VOLUNTARY CLEANUP

PROJECT MANAGER:
SUPERVISOR:
OFFICE:

KATHARINE HILF
DANIEL MURPHY
CLEANUP BERKELEY

Site Information

CLEANUP STATUS**CERTIFIED AS OF 6/29/2011****SITE TYPE:** VOLUNTARY CLEANUP**NATIONAL PRIORITIES LIST:** NO**ACRES:** 27.7 ACRES**APN:** 051-020-006-6, 051020006**CLEANUP OVERSIGHT AGENCIES:**

CONTRA COSTA COUNTY

RWQCB 5S - CENTRAL VALLEY

DTSC - SITE CLEANUP PROGRAM - LEAD

ENVIROSTOR ID:

07260002

SITE CODE:

201535

SPECIAL PROGRAM:

DESIGNATION OF SINGLE AGENCY

FUNDING:

SITE PROPONENT

ASSEMBLY DISTRICT:

11

SENATE DISTRICT:

07

Regulatory Profile

PAST USE(S) THAT CAUSED CONTAMINATION

MANUFACTURING - PAPER

POTENTIAL CONTAMINANTS OF CONCERN

POLYCHLORINATED BIPHENYLS (PCBS)

TPH-DIESEL

TPH-MOTOR OIL

POTENTIAL MEDIA AFFECTED

SOIL

Site History

The 27.7 acre-parcel is bordered to the north by the San Joaquin River and to the east by the former Gaylord East Mill. Cardboard liner was produced from recycled fiber from 1956 until September 2002, when all active operations were ceased. Equipment and structures located at the Site include a primary clarifier, two secondary clarifiers, a pulp mill, paper machine, steam boiler, machine maintenance shop and office building. Currently, only ongoing decommissioning and demolition activities are occurring. the site was certified on June 29, 2011.

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DEPARTMENT OF TOXIC SUBSTANCES CONTROL
ENVIROSTOR

INDUSTRIAL LOT WITH TANK (07990013)

[SIGN UP FOR EMAIL ALERTS](#)

WILBUR AVENUE
ANTIOCH, CA 94509
CONTRA COSTA COUNTY
SITE TYPE: VOLUNTARY CLEANUP

PROJECT MANAGER:
SUPERVISOR:
OFFICE:

[JANET NAITO](#)
BARBARA COOK
CLEANUP BERKELEY

Site Information

CLEANUP STATUS
CERTIFIED AS OF 1/30/2006

SITE TYPE: VOLUNTARY CLEANUP
NATIONAL PRIORITIES LIST: NO
ACRES: 3.78 ACRES
APN: 051-100-028-3
CLEANUP OVERSIGHT AGENCIES:
CONTRA COSTA COUNTY
RWQCB 5S - CENTRAL VALLEY
DTSC - SITE CLEANUP PROGRAM - LEAD

ENVIROSTOR ID: 07990013
SITE CODE: 201531
SPECIAL PROGRAM: DESIGNATION OF SINGLE AGENCY
FUNDING: SITE PROPONENT
ASSEMBLY DISTRICT: 11
SENATE DISTRICT: 07

Regulatory Profile

PAST USE(S) THAT CAUSED CONTAMINATION
MANUFACTURING - PAPER

POTENTIAL CONTAMINANTS OF CONCERN
TPH-DIESEL

POTENTIAL MEDIA AFFECTED
SOIL

Site History

The Site is located across Wilbur Avenue from and to the west of the former Gaylord East and West Mill Sites. The Site is reportedly zoned for industrial use and contains a permanently closed aboveground storage tank measuring around 48 feet high and 150 feet in diameter. The tank is surrounded by a 10-foot high earthen berm. The Site was reportedly undeveloped until the tank was installed in the mid- to late-1950s. The tank stored fuel oil (Bunker C) until it was drained in the late-1980s and its lines were closed. In August 2003, a small amount of residual product was removed and the tank was permanently closed. Stained soil and pooled oil were observed within the secondary containment.

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ATTACHMENT 7

MEMORANDUM

Date: March 24, 2009
To: Christina Atienza, WCCTAC
From: Julie Morgan, Fehr & Peers

5-B

Subject: Review of 2009 Countywide Comprehensive Transportation Plan EIR

WC09-2635

At your request, we have conducted a brief review of the *2009 Countywide Comprehensive Transportation Plan Environmental Impact Report (CTP EIR)*, prepared by the Contra Costa Transportation Authority (CCTA). Our review has focused on the key assumptions and findings of the transportation analysis presented in the EIR, with emphasis on the issues pertaining to west Contra Costa County.

Given the time available, this review is necessarily qualitative in nature. If the WCCTAC Board desires additional technical information, such as reviewing the CCTA travel demand model runs conducted for the study and producing model outputs on roadway congestion, transit mode share, or other metrics specifically for West County or other sub-areas, we would be happy to discuss options for developing that information.

Background on the CTP

The 2009 CTP describes CCTA's vision for Contra Costa's future transportation priorities, and lays out a series of goals and strategies for achieving that vision. The four major goals that the Plan emphasizes are as follows:

- Enhance the movement of people and goods on highways and arterial roads
- Manage the impacts of growth to sustain Contra Costa's economy and preserve its environment
- Expand safe, convenient and affordable alternatives to the single-occupant vehicle
- Maintain the transportation system

The 2009 CTP contains a series of strategies to achieve those goals, and includes a comprehensive list of current and planned transportation improvement projects that have been generated through the sub-regional Action Plan development process, the Congestion Management Plan, and the Regional Transportation Plan. The CTP project list is financially unconstrained, with estimated costs that total almost \$8 billion; inclusion of a project on the CTP project list is an important first step toward obtaining funding through a variety of sources, but it does not guarantee future funding or implementation. The costs of the CTP summarized by project type are shown in Table 1.2-1 of the CTP EIR. Approximately 60% of the project costs are associated with roadway, freeway or interchange improvements, about 37% of the costs are for transit improvements, and the remainder are for bicycle/pedestrian or smart growth projects.

The CTP project list that pertains to West County is attached to this memo for reference. Major West County projects that appear on the list include the seismic upgrade of the Richmond-San Rafael Bridge, parking structures at the Richmond BART station as part of the Richmond Transit Village, the I-80 Integrated Corridor Mobility (ICM) project, completing the SR 4 West freeway, upgrading Richmond Parkway, and providing enhanced express bus service throughout the area, among others.

The CTP EIR

The CTP EIR is a programmatic document intended to inform decision-makers of the potential impacts associated with implementation of the 2009 CTP. As a programmatic environmental review of a countywide plan, the document evaluates the countywide effects that would result if all of the projects in the 2009 CTP list were implemented by the year 2030. Inclusion in the 2009 CTP list does not mean that any individual project will move forward on a specific timeline; project-level environmental review would still be needed in order to assess the impacts of each individual project. Given the funding constraints that exist, coupled with the need for detailed project-specific environmental review, it seems unlikely that the extensive list of projects included in the 2009 CTP could be completed in only 21 years; however, evaluation of such a scenario does provide a means to evaluate the Plan as a whole and compare the countywide effects that could occur with or without the CTP.

Key Assumptions

The transportation analysis in the CTP EIR is based on a set of projections about where and how future land development will occur throughout the County. These projections were developed by the Association of Bay Area Governments (ABAG) in 2005 and extend out to the year 2030. The ABAG projections assume that a series of "smart growth" policies are in place throughout the nine-county Bay Area, such as focusing more growth toward the existing downtown areas and toward transit-accessible locations. Several of the land use policies pursued by jurisdictions in Contra Costa County, such as the urban limit line and coordinated growth management procedures, are examples of the types of smart growth policies envisioned by ABAG.

Table 1 shows the land use projections prepared by ABAG and used in the evaluation of the CTP. The data presented is for West County, as well as for the entire planning area (which includes all of Contra Costa County and the Alameda County portion of the Tri-Valley). As shown, West County is projected to grow more slowly than the planning area as a whole.

TABLE 1 GROWTH PROJECTIONS IN 2009 CTP		
	West County	Total CTP Area*
Households		
2007	88,000	445,000
2030	98,000	558,000
Growth	10,000	113,000
% Growth	11%	25%
Jobs		
2007	79,000	535,000
2030	105,000	770,000
Growth	26,000	235,000
% Growth	33%	44%
* Includes all of Contra Costa County and the Alameda County portion of the Tri-Valley. Source: 2009 Countywide Comprehensive Transportation Plan, Page 10.		

All of the scenarios evaluated in the CTP EIR use the same set of land use projections. The premise of the analysis is that the choices made by CCTA cannot significantly affect regional growth patterns, and therefore the land use projections are held constant in each scenario while the transportation assumptions vary. There may be differences of opinion about how transportation decisions affect land use patterns and vice versa; however, the approach of holding the land use projections constant is commonly used in many EIRs because it allows for an apples-to-apples comparison of the effects of different transportation planning scenarios. The CTP EIR did consider an alternative in which the land use projections would have been altered, using a database developed by ABAG that is built on local General Plans; after further review, it was determined that such an alternative would not be feasible because it would require significant local review and would not be ready in time for inclusion in the CTP EIR.

Measurement of Significant Impacts

The CTP EIR uses several metrics to evaluate the effects of the proposed CTP on the County's transportation system. The primary metric related to roadway performance attempts to capture the level of congestion on the County's roads by measuring the vehicle miles of travel (VMT) that occur at Level of Service (LOS) F. Associated metrics determine the total vehicle hours of travel (VHT) and the average speed at which vehicular travel occurs on different types of roads. Another set of metrics focuses on the usage of travel modes other than single-occupant vehicles by measuring transit mode share and the total amount of transit ridership.

Because the CTP EIR evaluates a long-term, countywide plan, the transportation impacts of the 2009 CTP are found to be necessarily cumulative in nature. Determination of whether an impact is significant is made by comparing the future (year 2030) condition to the existing condition.

Further, determination of whether the CTP's contribution to that impact is "cumulatively considerable" is accomplished by comparing the future condition with and without the proposed CTP.

Key Findings

In the measures of roadway performance, the CTP EIR finds that the future (year 2030) condition would experience very substantial increases in congestion as compared to the existing condition. For example, Table 2.1-5 in the CTP EIR summarizes the VMT at LOS F for the different analysis scenarios. During the PM peak hour, travelers on roads in Contra Costa County are expected to experience the following levels of congested conditions:

- ❖ Year 2007: 59,000 VMT at LOS F
- ❖ 2030 No Project: 715,000 VMT at LOS F
- ❖ 2030 Project: 585,000 VMT at LOS F

The 2030 No Project condition reflects a twelve-fold increase in peak hour congestion compared to existing conditions, while the 2030 Project case reflects a ten-fold increase. Both of these future conditions reflect increases in congestion that are orders of magnitude higher than the 20%-40% increase in population and jobs contained in the ABAG land use projections. The measures of VMT and average speed also indicate substantial growth in traffic congestion, although at less-dramatic levels of increase.

In the measures of alternative mode usage, the total amount of transit ridership in the County is projected to increase by 150% to 180% over existing conditions, with total transit activity increasing from 208,000 daily boardings and alightings currently up to 307,000-371,000 boardings and alightings in the future. The overall transit mode share is expected to increase from 3% today up to 4.2% in the future with implementation of the CTP. The mode share for those who drive alone is also projected to increase by about one percentage point, while the share of those who carpool is projected to decline by a percentage point (see Table 2.1-8 in the CTP EIR).

The CTP EIR finds that the future levels of traffic congestion projected through the EIR's analytical process represent a significant cumulative impact to the County's transportation system. Because the future levels of congestion were found to be lower with the implementation of the CTP than in the No Project case, the contribution of the proposed CTP to that impact was found to be not cumulatively considerable and therefore no mitigation was required.

The CTP EIR evaluates impacts on a countywide basis, and does not present separate findings for each sub-area. Chapter 2 of the CTP presents a brief discussion of the travel impacts in West County resulting from the anticipated growth, and concludes that in almost all areas of West County, the pace of traffic growth is expected to outstrip the amount of roadway capacity added to the system. The goals of the West County Action Plan attempt to address this situation by focusing on maintaining or increasing transit usage, enhancing bicycle and pedestrian connections, and maintaining the existing roadway infrastructure in good quality.

Please feel free to contact me with any questions about this information.

Comment Letter 10: Kristina Lawson

- 10.1 *The commenter states that the Tax Transfer and Infrastructure Funding Agreements are not available for public review.*

The comment is noted. The City notes that the terms of the Tax Transfer Agreement will stipulate how the City and the County will share tax revenue generated by properties in the project area. The City and the County continue to negotiate the terms of this agreement and a final version will be made public before the City Council takes any action on the agreement.

Because it is concerned only with the question of how revenue will be divided between political entities, if it were standing alone, the Tax Transfer Agreement would not result in physical environmental impacts and as such, would either be exempt from CEQA or would be “not a project” under CEQA.

Moreover, the City has disclosed the specific infrastructure improvements that would be funded by the Infrastructure Funding Agreement; the potential environmental effects of which are analyzed at length in the proposed Mitigated Negative Declaration.

The City further notes that the comment does not raise any issue regarding a significant environmental effect of the project or of the adequacy of the proposed mitigated negative declaration. Therefore, no further response is necessary.

- 10.2 *The commenter states that she made comments on an earlier environmental document and project, and that the City should preserve those comments for incorporation into the administrative record for the environmental review of this project.*

The comment is noted. To clarify, the City previously considered a geographically similar but otherwise different project concerning these unincorporated areas. The City took no action on the approval of that project.

As the commenter herself acknowledges at section 2(a) of her letter, the project under consideration today differs from the earlier project, in particular with regard to the specificity of infrastructure extension to Subarea 2b. Consequently, this is an entirely new project for which the City has prepared an entirely new environmental document. For all of these reasons, the City need not respond to any of the commenter’s remarks concerning the earlier project. Accordingly, the City will use its discretion in determining whether any of the cited correspondence related to the earlier project needs to be included in the administrative record for the current project.

- 10.3 *The commenter states that because the Tax Transfer Agreement is not available for public review is at odds with various portions of the CEQA Guidelines.*

Please refer to the response to comment 10.1.

- 10.4 *The commenter states that an EIR must be prepared for the project and cites to previously submitted comments for an earlier project.*

Please see the response to comment 10.2 above. Please also see the response to comment 10.6 below.

Overall, this comment makes general assertions about the adequacy of the current environmental document without citing to any specific deficiencies. The comment is noted and no further response is necessary.

- 10.5 *The commenter states that the proposed MND does not identify or analyze impacts of the project area being reorganized into the Delta Diablo Sanitation District (DDSD). Specifically, the commenter asserts that the MND does not provide adequate information regarding DDSD's capability of receiving additional wastewater from the properties to be annexed and whether DDSD can treat/discharge the incremental amount of wastewater without imperiling the water quality of the San Joaquin River.*

The commenter is directed to Comment 8 (Delta Diablo Sanitation District) and the City's responses to those comments. In short, the specific points within Comment 8 are clear that DDSD has anticipated the reorganization of the three subareas into its jurisdiction and has updated its plans for facility upgrades with this specific reorganization in mind. Comment 8.1 notes that the reorganization area was assumed in DDSD's 2010 Conveyance System Master Plan Update (incorporated herein by reference). Comment 8.1 further notes that DDSD's 2011 Treatment Plant Master Plan Update estimated potential future buildout capacity of the entire reorganization area - though it should be noted that the infrastructure extension associated with the project would add wastewater only from Subarea 2b.

Since for the purposes of this project, DDSD is a responsible agency under CEQA, the City shared the above comment with DDSD staff. DDSD duly supplemented its earlier comments on the proposed MND; a copy of DDSD's May 2, 2013 correspondence is included as **Appendix I**.

In DDSD's May 2, 2013 supplemental correspondence, DDSD specifically addresses the commenter's assertions regarding wet-weather capacity at the receiving DDSD facilities. DDSD engineer Patricia Chapman clarifies that DDSD planning documents provide for more than adequate wet-weather capacity relative to the proposed increment of inflow that the project would create. DDSD also specifically responds to the commenter's assertions regarding overflows of wastewater treatment, which the commenter implies are related to capacity constraints. DDSD notes that the one recorded incident downstream of the proposed reorganization area was related to a mechanical problem and had nothing to do with inadequate capacity.

Based on the foregoing, the City concludes that DDS facilities will have a more than adequate capacity to receive new inflows when the properties in Subarea 2b are connected to the municipal wastewater system and that no significant water quality impacts would occur due to any wastewater treatment plant capacity issue.

With regard to DDS's capability to provide recycled water, please see the City's response to DDS comment 8.4.

- 10.6 *The commenter asserts that the City's intent in the proposed project is to facilitate new increments of development in the northeast area of the City. To this end, the commenter asserts the City must prepare a program-level EIR to analyze prospective effects.*

As set forth in detail in the "prezoning" section of the project description within the proposed MND, the City's proposed rezoning would allow for an equal or lesser intensity of development than is currently permitted under County regulations. It should be noted that the development standards of the City's heavy industrial zoning designations are in fact more restrictive than the County's; the City's regulations call for smaller development footprints and lower building heights and greater setbacks.

More importantly, however, the project *does not include or allow* any specific development project in the proposed reorganization area, with the exception of the extension of infrastructure to serve Subarea 2b. Subarea 2b is largely built out with residential uses and is therefore an unlikely candidate for substantial new development. Further, it should be noted that if the proposed rezoning is established for one or more of the subareas, California Government Code "freezes" those land use regulations for two years. In the event the subareas are annexed to the City and, at least two years following such action a property owner proposes a development project at a greater intensity/density than pertinent regulations would permit, the project could require a zoning change and/or a general plan amendment, which would be subject to an appropriate level of environmental review. It would be highly speculative at this time for the City to make assumptions about the type and timing of development that may or may not be proposed for any portion or the entirety of the reorganization area.

Other aspects of this comment purport to describe certain legal requirements and legal authority. This portion of the comment is noted and no further response is necessary.

- 10.7 *The commenter states that the 2013 MND is insufficient in that it only considers construction-related greenhouse gas emissions from the project and that the analysis must include emissions associated with future development in the reorganization area.*

Please see the response to comment 10.6 above. The proposed MND analyzes the only known and assured greenhouse gas emissions impacts associated with the project as defined, which is to say the extension of infrastructure to serve Subarea 2b. The proposed MND duly examined the greenhouse gas emissions impacts of this action and concluded that impacts were less-than-significant.

The project does not allow for any increase in development intensity relative to what existing (County) regulations permit nor does it expressly permit the construction or operation of any such development. In the event that the area is reorganized into the City and one or more property owners propose new physical development, the City will make a separate CEQA determination regarding such development proposal(s), including, if necessary, an assessment of that specific project's potential to generate greenhouse gas emissions.

It should also be noted that any proposals for new or expanded power plants would be entirely outside the City's jurisdiction, and instead would be under the exclusive jurisdiction of the California Energy Commission (CEC). In considering new or expanded power plants, the CEC must comply with its own environmental review process, fundamentally similar to that of CEQA.

- 10.8 *The commenter states that the proposed MND fails to identify, analyze, and mitigate significant biological resources impacts.*

The City notes that the commenter asserts a fundamentally different scope of the project than is actually proposed by the City. As discussed in the responses to comments 10.6 and 10.7, the project does not allow for any specific new physical development beyond the extension of infrastructure to serve Subarea 2b. The proposed MND duly examined the biological resources impacts of this action and incorporated several mitigation measures relative to protected species that could be affected by the proposed infrastructure extension. The comment is predicated on the assumption that the project actually includes substantial expansions in allowable development. As noted in previous responses, the proposed project will maintain or slightly reduce the amount of allowable development relative to existing regulations and will not specifically permit any new physical development, beyond the aforementioned infrastructure extension to Subarea 2b.

- 10.9 *The commenter states that a purported lack of funding for the project would result in significant physical environmental impacts and that the scope of the environmental review must examine full build-out of the reorganization area.*

The City notes that the commenter provides an out-of-context citation to the Plan for Services and draws incorrect conclusions from that citation. As stated within the project description of the proposed MND (entirely consistent with the citation of the Plan for Services), the City has included only the extension of infrastructure to

Subarea 2b, as funding for those extensions will be provided through the Infrastructure Funding Agreement. The project description in the proposed MND notes that other infrastructure extensions (to Subareas 1 and 2a) would depend on the nature of specific development proposals for those areas. The proposed MND makes no claim of physical environmental benefits related to infrastructure extension to Subareas 1 or 2a, as such infrastructure extension is not part of the project and is considered speculative at best for reasons well-articulated within the project description. The beneficial effects noted in the proposed MND relate exclusively to the extension of infrastructure to Subarea 2b.

- 10.10 *The commenter asserts that the proposed claim of beneficial impacts related to the provision of wastewater collection and municipal potable water are premature insofar as the document does not specifically analyze the environmental impacts of lateral (individual) sewer and water connections.*

The City strongly disagrees with this assertion. The proposed MND does not include discussion or analysis of individual sewer/water laterals for the following reasons: there is no requirement in CEQA to analyze such connections (discussed further below) and because the construction of such connections on private property are beyond the legal authority of the City to assume. The new sewer and water lines will generally be built to the edge of the public right-of-way, which in most cases in Subarea 2b would be about 10 to 15 feet from existing homes. The final connections, therefore, will take place on private property. The City has been advised by its counsel that assuming the cost of improvements on private property would be tantamount to a gift of public funds, which conflicts with California law.²

It should also be noted that the CEQA Guidelines have specifically contemplated the question of utility connections. Amidst the several statutory exemptions included in the CEQA Guidelines, Guidelines Section 15268 (b)(4) states that “approval of individual utility service connections and disconnections” are actions “presumed by to ministerial” and thus statutorily exempt from CEQA.

Based on the foregoing, the City’s conclusions regarding the anticipated beneficial effects of the project are entirely reasonable. No further analysis or response to the comment is necessary.

² Please see Article 16, Section 6, of the California Constitution.

- 10.11 *The commenter states that hazardous waste sites located in Subareas 1 and 2a were not discussed within the proposed MND.*

The City does not dispute that the annexation area as a whole includes a number of hazardous waste sites, due largely to the fact that much of Area 1 had been developed with heavy industrial uses and the area is traversed by a railroad.

However, the proposed project does not have the potential to uncover buried hazardous waste/spill sites, except for the trenching and construction associated with the extension of infrastructure to serve Subarea 2b. As noted in the Hazards/Hazardous Materials section of the proposed MND and in the project description, this infrastructure extension work would occur within and in the areas immediately surrounding Subarea 2b, including portions of Wilbur Avenue. No other land would be disturbed as a result of the project, and as such, no environmental effect could occur relative to any hazardous waste site outside the aforementioned area of infrastructure extension.

As set forth in the proposed MND, the hazardous materials investigation more than adequately reviewed records and other published work in determining that many hazardous waste sites occur in the areas where trenching/ground disturbance would occur for infrastructure extension. Accordingly, the proposed MND incorporated mitigation requiring the preparation of and the City's adherence to the terms of a Phase II site investigation prior to the approval of any grading permits associated with the infrastructure extension. Owing to this mitigation and its timing, the City properly concluded that impacts related to hazardous materials are rendered less-than-significant.

The commenter further asserts a deficiency in the City's issued Notice of Intent for purported non-compliance with certain provisions of the CEQA Guidelines set forth at Section 15072(g). The City does not dispute that the annexation areas include sites on the so-called "Cortese List." The commenter's apparent implication is that the public has been deprived of a meaningful opportunity to understand and comment on potential physical environmental impacts of the proposed project. As discussed further below, the City rejects this assertion because the proposed MND fully and adequately discloses all pertinent health and safety issues.

CEQA Guidelines 15072(g)(5) states that a Notice of Intent must disclose the presence of any so-called "Cortese list" properties on the project site. As set forth on page 47 of the proposed MND, the only portion of the project area where ground disturbance is proposed (the areas proposed for utility extension to Subarea 2b) had a property on this list, but that the site was fully remediated and the case was closed in 1997. Therefore, in the Notice of Intent, the City properly stated that the project did not include any properties on the Cortese List.

Furthermore, the proposed MND incorporates mitigation measures related to other hazardous materials findings related to the extension of infrastructure to Subarea 2b. Adherence to these mitigation measures will ensure that health and safety impacts related to known hazardous materials contamination are adequately mitigated so as to protect public health.

The proposed MND further incorporated by reference extensive information from related environmental documents prepared for the California Energy Commission that characterize hazardous materials conditions in and near Subarea 1. It should be noted that the proposed MND is not “programmatic” and is in no way meant to allow or entitle any physical development with the sole exception of the infrastructure extensions to serve Subarea 2b. The project does not include any other physical disturbance. To the extent that future development applications propose such disturbance, the project(s) would be subject to further environmental review including all disclosure regulations related to CEQA Guidelines Section 15072(g)(5).

- 10.12 *The commenter states that the project will have significant transportation/traffic effects that were not discussed in the proposed MND.*

The commenter makes several arguments to support her contention that the traffic analysis of the proposed MND is deficient. First, the commenter states that because the project’s proposed rezoning would maintain or decrease allowable development intensity in the annexation area, there is the potential that currently planned (but unfunded) roadway improvements in the project vicinity may no longer be necessary.

The City rejects this comment as not relevant to the proposed project. The proposed rezoning would mirror existing County zoning, with one exception that the commenter cites, where the rezoning would allow for less development than under current regulations. The exception happens to be a portion of the area comprising the Antioch Dunes National Wildlife Refuge (ADNWR). As noted in the proposed MND, County zoning for this area (Heavy Industrial) is inconsistent with its County General Plan designations (Parks and Recreation and Heavy Industrial). The City’s proposed rezoning would correct this inconsistency. Strictly speaking, this would result in a decrease in allowable development intensity. The City does not believe that it would be reasonably foreseeable (if annexation were not to proceed) that any portion of the ADNWR would be developed with heavy industrial use despite existing County zoning given its Federal ownership and status as a National Wildlife Refuge. Therefore, the project would not yield future traffic levels so exceptionally below regional projections that new extensive analysis would be required.

Second, the commenter asserts that there have been “too many changes” to the transportation systems in the project vicinity for any agency to rely on previous forecasts. As part of this argument, the commenter, citing a purported transportation analysis expert, that there is considerable uncertainty whether projects identified in the County Transportation Plan would be in place by 2030 and that this would imperil the ability of the transportation system to accommodate some influx of development above and beyond what exists currently and what is allowed under current regulations. The commenter also asserts that the proponent of the proposed project has an obligation to confirm whether the above-described regional changes remain adequate to maintain pertinent level of service standards.

All of the arguments contained in this comments are based on the same false premise underlying comments 10.6 through 10.8, namely, that the project will allow or somehow entitle some increment of new development in the project area. As previously stated in the City’s responses to comments 10.6 through 10.8, this comment misstates the fundamental nature of the project. The project does not allow for any increment of new development that is not already permitted by existing (County) regulations. Moreover, there is always uncertainty whether projects listed in a regional transportation plan will ever be constructed. The commenter’s implication that regional projections must in effect be “double checked” by individual project applicants is an unreasonable burden, impracticable, and would set an unfortunate precedent. Therefore, the proposed MND is properly focused on the specific potential physical environmental effects of what the project will actually do: preserve or (slightly) reduce the level of allowable development through rezoning and extend infrastructure to serve Subarea 2b.

The commenter’s many related claims might have merit if and only if the project had proposed any substantial increase in allowable land uses or expressly permitted one or more specific developments. The project does neither of these things. Therefore, all of the assertions undergirding this comment are irrelevant to the proposed project.

Finally, the commenter cites the presence of “extensive evidence” in the Hillcrest Station Area Plan that purportedly reveals the City’s true intent for the Northeast Antioch Reorganization Area under review here. However, the commenter does not provide any specifics regarding the cited “extensive evidence,” because, as will be discussed below, the Hillcrest Station Area Plan and the project area are completely separate projects with very different existing and proposed physical characteristics.

First, the Hillcrest Station Area and the proposed reorganization area do not overlap at any boundaries. The Hillcrest Station Area Plan looks at increasing land use intensities and densities around the proposed e-BART station. Conceptual planning for the Hillcrest Area dates back to at least 2005, when BART, as project sponsor,

sought to engage the cities of Pittsburg, Antioch, Oakley, and Brentwood in a long-range visioning process that would facilitate transit oriented development around the proposed new stations in a manner consistent with expenditure policies of the Metropolitan Transportation Commission (MTC). These policies, including MTC Resolution 3434, require greater land use development intensities in areas proposed for new transit investments, be it BART, eBART, commuter ferries, or other services.

None of the goals or policies of the Hillcrest Station Area Plan establish any land use for the Northeast Antioch Reorganization Project Area. Greater intensity of development is indeed contemplated for the Hillcrest Station Area so that land uses within a ½ mile of the proposed new station are at densities/intensities high enough to be considered transit-supportive. But this has no bearing or relationship to the Northeast Antioch Reorganization Area, which does not benefit from the same transit proximity, is already largely developed, and is thus a highly unlikely candidate for land assembly and redevelopment (particularly with the recent demise of State-sanctioned redevelopment programs). Moreover, as noted in the response to comment 10.6 and restated numerous times previously, the proposed project would essentially maintain allowable land use levels within the reorganization area. Neither the proposed project nor the Hillcrest Station Area Plan would increase allowable land use levels in the reorganization area.

Based on the foregoing, the City finds no merit in the commenter's citation of "extensive evidence" from the Hillcrest Station Area Plan with regard to the proposed reorganization area.

Letter 11

March 1, 2013

Mindy Gentry
Senior Planner
City of Antioch Community Development
City of Antioch
P. O. Box 5007
Antioch, Ca 94531

RECEIVED

MAR 04 2013

CITY OF ANTIOCH
COMMUNITY DEVELOPMENT

Victor Carniglia
Consultant for the City of Antioch
P. O. Box 5007
Antioch, Ca 94531

City of Antioch Community Development Department

I am writing to protest the annexation of my property at [REDACTED] Antioch without having the right to vote against this annexation.

11.1

Thankyou

Marilyn Placial
[REDACTED]
[REDACTED]

Comment Letter 11: Marilyn Placial (written comment dated March 1, 2013)

- 11.1 *The commenter owns property in Subarea 2b and states that she is protesting the annexation of her property without a vote on the matter.*

The comment expressing opposition to the City's potential approval of the project is noted. However, the comment does not raise any issue regarding a significant environmental effect of the project or of the adequacy of the proposed mitigated negative declaration. Therefore, under CEQA, no further response is necessary.

With regard to assertion that the annexation should be subject to a popular vote, the City notes that the annexation process is subject to LAFCO regulations and procedures. These regulations and procedures, as well as pertinent State laws, determine whether a particular annexation/reorganization is subject to review or approval via popular vote.

This comment will be included in the record as the City of Antioch evaluates the merits of the project and as the LAFCO considers taking action on the reorganization requests.

which they don't want. He said that a lot of residents on Trembath and Sinclair have 1+ acre lots and that he would like to see "give and take" when they do improvements.

Ken Wentworth said that he lives on Trembath Lane, that he understands the City would receive one million dollars from GenOn to finish the annexation process.

Chairman said that he knew nothing about that.

Mr. Wentworth said that he happily moved to the County after living within the City limits, that he chose to live there, that he has a septic and a well and that he does not need the City's help. He said that he did spend time on Monday driving up Wilbur and found that some business owners don't know if they are in the County or the City, that none of the businesses knew about this hearing, that many of his neighbors did not receive any notice and that he does not want to spend his time notifying the neighbors.

CC Camiglia said that they rely on property owner lists prepared by the county assessor and that he will double check to verify that the list they have is the current one. He said that the notices go to the property owners, which may or may not be the person in the residence.

Chairman Baatrup said that the process is to notify the affected property owners and that staff will take another look to verify the accuracy of the notice lists.

Marilyn Placial asked if more notices would be sent out before the next meeting or should they go door to door. | 12.1

CC Carniglia said that notices will be sent out for the meeting next week and that the hearings identified in the presentation will also require notices.

CLOSED PUBLIC HEARING

Chairman Baatrup stated that there would be no action or decision tonight, that there will be a neighborhood meeting at the Bridghead Café for dialogue and that the Planning Commission could provide comments to staff on the environmental document, now or in writing separately.

CA Nerland said that either way was fine.

ORAL COMMUNICATIONS

None.

WRITTEN COMMUNICATIONS

None.

COMMITTEE REPORTS

Comment Letter 12: Marilyn Placial (oral comment from February 20, 2013)

- 12.1 *The commenter asked if the City would be sending additional notices regarding future meetings concerning the proposed project.*

As reflected in the meeting minutes, the commenter's oral question was answered orally by planning staff at the February 20, 2013 Planning Commission hearing. The question does not raise any issue regarding a significant environmental effect of the project or of the adequacy of the proposed mitigated negative declaration. Therefore, no further response is necessary.

Bill Worrell, lifetime resident of Antioch representing the Sportsman Yacht Club spoke in favor of the annexation, but stated that the marina (Area 2) does not want to be annexed. He said that the City has in the past had a poll of registered voters which did not pass. He said that their club which was formed in the early 30s has a main feature the ferryboat Sausalito, and that they are a family club with membership of local residents.

Karri Campbell representing Calpine and the Riverview Energy Center, said that they have heard about the requirement to utilize public utilities; however, their power plant is currently connected to Delta Diablo Sanitation but on a well and therefore would not be required to connect to City water.

CC Carniglia said that the City does have an ordinance in place with distance requirement mandating sewer hookups.

Mary Angel Tarango said that she has lived on Viera for almost 50 years, that everyone in that area has a septic and well and asked what is going to happen regarding hookups and taxes.

13.1

Chairman Baatrup said that he is not sure if that is an issue for the environmental document.

CC Carniglia said that the neighborhood meeting one week from today should provide answers.

Gerald Continente asked regarding Area 1, what kind of project is being proposed and for Area 2b what is the impact on ground water. He also wanted to know what kind of fee would be charged to hookup to services, and if the fee could be waived.

Chairman Baatrup said that no projects are proposed at this moment, that there is no development at this point and that this is a step in the annexation process and to bring utilities into Area 2b.

CC Carniglia said that part of this project is to install sewer and water in Area 2b to allow hookup which should improve the ground water situation and that the overall environmental effect of such hookups would be positive.

Chairman Baatrup said that the environmental document does address water and sewer for those parts of area, and the speaker may want to review the document. He said that more information can be obtained by attending the neighborhood meeting or following up with staff.

CA Nerland referenced Section XVII which starts on page 73 of the environmental document and talks about environmental impacts.

Douglas Tokes spoke to say that he lives on Trembath Lane, that he is on a two acre parcel, that he has no desire to hookup to sewer but would like to hook up to water. He said that he was also concerned about the possibility of extending the road through,

Comment Letter 13: Mary Angel Tarango

- 13.1 *The commenter stated that she is a resident of Viera Avenue and asked about financial/ tax implications for property owners if the project were to be approved.*

As reflected in the meeting minutes of the February 20, 2013 Planning Commission public hearing at which the above oral comment was recorded, the question does not raise or relate to any issue regarding a significant environmental effect of the project or of the adequacy of the proposed mitigated negative declaration. Therefore, no further response is necessary.

Bill Worrell, lifetime resident of Antioch representing the Sportsman Yacht Club spoke in favor of the annexation, but stated that the marina (Area 2) does not want to be annexed. He said that the City has in the past had a poll of registered voters which did not pass. He said that their club which was formed in the early 30s has a main feature the ferryboat Sausalito, and that they are a family club with membership of local residents.

Karri Campbell representing Calpine and the Riverview Energy Center, said that they have heard about the requirement to utilize public utilities; however, their power plant is currently connected to Delta Diablo Sanitation but on a well and therefore would not be required to connect to City water.

CC Carniglia said that the City does have an ordinance in place with distance requirement mandating sewer hookups.

Mary Angel Tarango said that she has lived on Viera for almost 50 years, that everyone in that area has a septic and well and asked what is going to happen regarding hookups and taxes.

Chairman Baatrup said that he is not sure if that is an issue for the environmental document.

CC Carniglia said that the neighborhood meeting one week from today should provide answers.

Gerald Continente asked regarding Area 1, what kind of project is being proposed and for Area 2b what is the impact on ground water. He also wanted to know what kind of fee would be charged to hookup to services, and if the fee could be waived.

Chairman Baatrup said that no projects are proposed at this moment, that there is no development at this point and that this is a step in the annexation process and to bring utilities into Area 2b.

CC Carniglia said that part of this project is to install sewer and water in Area 2b to allow hookup which should improve the ground water situation and that the overall environmental effect of such hookups would be positive.

Chairman Baatrup said that the environmental document does address water and sewer for those parts of area, and the speaker may want to review the document. He said that more information can be obtained by attending the neighborhood meeting or following up with staff.

CA Nerland referenced Section XVII which starts on page 73 of the environmental document and talks about environmental impacts.

Douglas Tokes spoke to say that he lives on Trembath Lane, that he is on a two acre parcel, that he has no desire to hookup to sewer but would like to hook up to water. He said that he was also concerned about the possibility of extending the road through,

which they don't want. He said that a lot of residents on Trembath and Sinclair have 1+ acre lots and that he would like to see "give and take" when they do improvements.

14.1,
cont.

Ken Wentworth said that he lives on Trembath Lane, that he understands the City would receive one million dollars from GenOn to finish the annexation process.

Chairman said that he knew nothing about that.

Mr. Wentworth said that he happily moved to the County after living within the City limits, that he chose to live there, that he has a septic and a well and that he does not need the City's help. He said that he did spend time on Monday driving up Wilbur and found that some business owners don't know if they are in the County or the City, that none of the businesses knew about this hearing, that many of his neighbors did not receive any notice and that he does not want to spend his time notifying the neighbors.

CC Camiglia said that they rely on property owner lists prepared by the county assessor and that he will double check to verify that the list they have is the current one. He said that the notices go to the property owners, which may or may not be the person in the residence.

Chairman Baatrup said that the process is to notify the affected property owners and that staff will take another look to verify the accuracy of the notice lists.

Marilyn Placial asked if more notices would be sent out before the next meeting or should they go door to door.

CC Camiglia said that notices will be sent out for the meeting next week and that the hearings identified in the presentation will also require notices.

CLOSED PUBLIC HEARING

Chairman Baatrup stated that there would be no action or decision tonight, that there will be a neighborhood meeting at the Bridghead Café for dialogue and that the Planning Commission could provide comments to staff on the environmental document, now or in writing separately.

CA Nerland said that either way was fine.

ORAL COMMUNICATIONS

None.

WRITTEN COMMUNICATIONS

None.

COMMITTEE REPORTS

Comment Letter 14: Douglas Tokes

- 14.1 *The commenter stated that he lives on a property on Trembath Lane (within Subarea 2b) and that he approves of the extension of municipal water to his property but opposes both the extension of wastewater infrastructure and the roadway improvements proposed to serve Subarea 2b.*

The comment expressing partial approval and partial opposition to approval of the project is noted. However, the comment does not raise any issue regarding a significant environmental effect of the project or of the adequacy of the proposed mitigated negative declaration. Therefore, under CEQA, no further response is necessary.

This comment will be included in the record as the City of Antioch evaluates the merits of the project.

The City of Antioch will take this comment into consideration when evaluating the merits of the project. However, the comment does not raise any issue regarding a significant environmental effect of the project or of the adequacy of the proposed mitigated negative declaration. Therefore, no further response is necessary.

Bill Worrell, lifetime resident of Antioch representing the Sportsman Yacht Club spoke in favor of the annexation, but stated that the marina (Area 2) does not want to be annexed. He said that the City has in the past had a poll of registered voters which did not pass. He said that their club which was formed in the early 30s has a main feature the ferryboat Sausalito, and that they are a family club with membership of local residents.

15.1

Karri Campbell representing Calpine and the Riverview Energy Center, said that they have heard about the requirement to utilize public utilities; however, their power plant is currently connected to Delta Diablo Sanitation but on a well and therefore would not be required to connect to City water.

CC Carniglia said that the City does have an ordinance in place with distance requirement mandating sewer hookups.

Mary Angel Tarango said that she has lived on Viera for almost 50 years, that everyone in that area has a septic and well and asked what is going to happen regarding hookups and taxes.

Chairman Baatrup said that he is not sure if that is an issue for the environmental document.

CC Carniglia said that the neighborhood meeting one week from today should provide answers.

Gerald Continente asked regarding Area 1, what kind of project is being proposed and for Area 2b what is the impact on ground water. He also wanted to know what kind of fee would be charged to hookup to services, and if the fee could be waived.

Chairman Baatrup said that no projects are proposed at this moment, that there is no development at this point and that this is a step in the annexation process and to bring utilities into Area 2b.

CC Carniglia said that part of this project is to install sewer and water in Area 2b to allow hookup which should improve the ground water situation and that the overall environmental effect of such hookups would be positive.

Chairman Baatrup said that the environmental document does address water and sewer for those parts of area, and the speaker may want to review the document. He said that more information can be obtained by attending the neighborhood meeting or following up with staff.

CA Nerland referenced Section XVII which starts on page 73 of the environmental document and talks about environmental impacts.

Douglas Tokes spoke to say that he lives on Trembath Lane, that he is on a two acre parcel, that he has no desire to hookup to sewer but would like to hook up to water. He said that he was also concerned about the possibility of extending the road through,

Comment Letter 15: Bill Worrell

- 15.1 *The commenter stated that he represents the Sportsman Yacht Club (within Subarea 2a). He stated that the Club is in favor of other aspects of the annexation but is opposed to annexation of the Marina (Subarea 2a).*

The comment expressing partial approval and partial opposition to approval of the project is noted. However, the comment does not raise any issue regarding a significant environmental effect of the project or of the adequacy of the proposed mitigated negative declaration. Therefore, under CEQA, no further response is necessary.

This comment will be included in the record as the City of Antioch evaluates the merits of the project.

Letter 16

From: Brenda Wentworth [REDACTED]
Sent: Sunday, March 03, 2013 6:13 PM
To: Gentry, Mindy
Subject: Annexation without representation

Ms. Gentry,

By now I am sure you are aware of my position concerning your proposed annexation. I am admittedly opposed! What saddens me is the extent in which your department and City officials are willing to go **on ignoring the will of the people**. Past attempts on your part have failed [we voted NO!

Changing the rules by creating boundaries that serve your purpose, are booth underhanded and I believe illegal. Taking away our right to vote by arbitrary boundaries, and putting us on the fast track is self-serving and shameful. This is nothing more than an old fashion land grab.

The City of Antioch has a long history of poor leadership & backroom deals, no wonder most people I speak to have no faith or trust in City Hall.

We are not the answer to your fiscal problems. Poor leadership spread out over many years has resulted in many problems. Selling us out for your fiscal gain is betrayal. We are not the problem here, nor are we the solution.

One Million dollars, to way your opinion is purely "blood money". It is clear to me that the "Will of the people" only exists as long as it is convenient to you.

The facts are simple, we are in your way. You have made it painfully clear that we will pay the expensive hook-up fees, won't you share your million dollars with us? We pay & loose our properly rights while the City reaps the millions.

I moved out of the city once, I hope I won't have to move again.

NO ANNEXATION WITHOUT REPRESENTATION!

Ken Wentworth
[REDACTED]
[REDACTED]

16.1

Comment Letter 16: Ken Wentworth (written comments dated March 3, 2013)

16.1 *The commenter states that he is opposed to the project.*

The comment expressing opposition to the City's potential approval of the project is noted. However, the comment does not raise any issue regarding a significant environmental effect of the project or of the adequacy of the proposed mitigated negative declaration. Therefore, under CEQA, no further response is necessary.

This comment will be included in the record as the City of Antioch evaluates the merits of the project.

which they don't want. He said that a lot of residents on Trembath and Sinclair have 1+ acre lots and that he would like to see "give and take" when they do improvements.

Ken Wentworth said that he lives on Trembath Lane, that he understands the City would receive one million dollars from GenOn to finish the annexation process.

17.1

Chairman said that he knew nothing about that.

Mr. Wentworth said that he happily moved to the County after living within the City limits, that he chose to live there, that he has a septic and a well and that he does not need the City's help. He said that he did spend time on Monday driving up Wilbur and found that some business owners don't know if they are in the County or the City, that none of the businesses knew about this hearing, that many of his neighbors did not receive any notice and that he does not want to spend his time notifying the neighbors.

17.1,
cont.

CC Camiglia said that they rely on property owner lists prepared by the county assessor and that he will double check to verify that the list they have is the current one. He said that the notices go to the property owners, which may or may not be the person in the residence.

Chairman Baatrup said that the process is to notify the affected property owners and that staff will take another look to verify the accuracy of the notice lists.

Marilyn Placial asked if more notices would be sent out before the next meeting or should they go door to door.

CC Carniglia said that notices will be sent out for the meeting next week and that the hearings identified in the presentation will also require notices.

CLOSED PUBLIC HEARING

Chairman Baatrup stated that there would be no action or decision tonight, that there will be a neighborhood meeting at the Bridghead Café for dialogue and that the Planning Commission could provide comments to staff on the environmental document, now or in writing separately.

CA Nerland said that either way was fine.

ORAL COMMUNICATIONS

None.

WRITTEN COMMUNICATIONS

None.

COMMITTEE REPORTS

Comment Letter 17: Ken Wentworth (oral comments from February 20, 2013)

- 17.1 *The commenter stated his understanding of fiscal issues related to the proposed project, that people he talked to in the project area were unaware of the hearing, and expressed his opposition to the project.*

As reflected in the meeting minutes from the February 20, 2013 Planning Commission meeting, the first two portions of the comment were responded to orally.

The comment expressing opposition to the City's potential approval of the project is noted. However, the comment does not raise any issue regarding a significant environmental effect of the project or of the adequacy of the proposed mitigated negative declaration. Therefore, under CEQA, no further response is necessary.

This comment will be included in the record as the City of Antioch evaluates the merits of the project.

SECTION 2 – REVISED INITIAL STUDY

Northeast Antioch Area Reorganization Initial Study and Proposed Mitigated Negative Declaration

Project Description

1. ***Project Title:*** Northeast Antioch Area Reorganization
2. ***Lead Agency Name and Address:*** City of Antioch, Community Development Department, Planning Division, 3rd and H Streets, P.O. Box 5007, Antioch, CA 94531
3. ***Contact Person and Phone Number:*** Mindy Gentry, Senior Planner (925) 779-6133
4. ***Project Location and Existing Land Uses:***

Three subareas in Contra Costa County are being considered for reorganization (annexation or incorporation) into the City of Antioch (City) and the Delta Diablo Sanitation District (DDSD). The three subareas (referred to in this study as Subareas 1, 2a, and 2b) are located generally south of the Sacramento County line along the San Joaquin River in the vicinity of Wilbur Avenue, west of the City of Oakley, north and east of the boundaries of the City of Antioch. All three subareas are located in unincorporated Contra Costa County and all are also within the City of Antioch's sphere of influence.

Figure 1 shows the project location within the region as well as the three subareas.

Subarea 1 is an approximately 481 acre area predominantly occupied by heavy industrial uses. Subarea 1 also includes portions of the Antioch Dunes National Wildlife Refuge (ADNWR), a resource conservation area generally not open for public access. Subarea 1 is located south of the San Joaquin River, west of State Route 160 (SR 160) and north of the Burlington Northern Santa Fe (BNSF) railroad.

Subarea 2a is a 94 acre area located east of Subarea 1, north of Wilbur Avenue, and West of SR 160 and the Antioch Bridge. Subarea 2a is currently occupied by predominantly marina, commercial, and storage uses, with incidental residential uses (estimated to include 5 dwelling units).

Subarea 2b is about 103 acres in area south of Wilbur Avenue and north of East 18th Street, roughly centered on Viera Avenue. Subarea 2b contains 120 existing residential units, nearly all of which obtain water from individual domestic wells and dispose of wastewater in individual domestic septic systems. The streets in the subarea are in poor condition and lack storm water drainage systems, as they are largely gravel and dirt roads. The subarea also includes limited commercial and industrial areas, a cemetery, and some lands in agricultural use (grapes).

5. *Surrounding Land Uses*

As shown in **Figure 1**, the northern edges of Subareas 1 and 2a are bounded by the San Joaquin River. Lands south of Subarea 1 but west of Subarea 2b are all within the city limits of the City of Antioch. These areas are currently developed with a mix of industrial/commercial and residential uses.

Lands south of Subarea 1 and east of Subarea 2b are also in the Antioch city limits. Uses here include agricultural, institutional, and commercial between the BNSF railroad to the north and East 18th Street to the south.

Lands east of Subarea 2a are within the limits of the City of Oakley. These areas are currently in recreational and aquatic related uses.

6. *Project Sponsor's Name and Address:*

City of Antioch
Community Development Department
PO Box 5007
Antioch, CA 94531-5007

7. *Contra Costa County General Plan Designations:*

Figure 2 shows County General Plan land use designations:

Subarea 1: Heavy Industrial (HI) and Parks and Recreation (PR).

Subarea 2a: Heavy Industrial (HI) and Delta Recreation and Resources (DR).

Subarea 2b: Several designations, including Heavy Industrial (HI), Open Space (OS), Public and Semi-Public (PS), Single-Family Residential High-Density (SH), and Single-Family Residential Medium-Density (SM).

8. *Contra Costa County Zoning Designations:*

Figure 3 shows County zoning designations:

Subarea 1: Heavy Industrial

Subarea 2a: Heavy Industrial

Subarea 2b: Several designations, including: R-10 Single Family Residential, D-1 Two-Family Residential, A-2 General Agriculture, R-40 Single Family Residential, C-M Controlled Manufacturing, LI Light Industrial

9. *City of Antioch General Plan Designations:*

As Subareas 1, 2a, and 2b are within the City of Antioch's sphere of influence, the City has assigned each a land use designation within its General Plan. **Figure 4** shows these designations. As the lands are currently within the jurisdiction of Contra Costa County, the City's assignment of General Plan designations are advisory.

Subarea 1: Eastern Waterfront Employment Area; designations include General Industrial, Rail-Served Industrial, and Open Space.

Subarea 2a: Eastern Waterfront Employment Area: designations include Marina/Support Uses and Commercial.

Subarea 2b: Medium Low Density Residential; Medium Density Residential; Open Space; Business Park.

10. *Description of Project:*

The project entails the reorganization of the three subareas into both the City of Antioch and the Delta Diablo Sanitation District (DDSD). This document uses the term "reorganization," as is the statutory term used to describe a single application for Contra Costa Local Agency Formation Commission (LAFCO) action involving two or more boundary changes. A single boundary change is considered an "annexation". Here each application filed by the City of Antioch for each subarea involves the annexation of that Subarea to both the City of Antioch and DDSD. Consequently, each application is considered to be a request for "reorganization".

Background: The three subareas have been within the City's sphere of influence for over 30 years. The City's 2003 General Plan shows these subareas generally within the "Eastern Waterfront Employment Focus Area." Starting in 2005, the City began a concerted effort to reorganize portions of this Focus Area. A 2005 Strategic Plan examined background issues related to the possible reorganization of Subareas 1, 2a, and 2b into the City and the DDSD (**Appendix A**). In July 2007, the City formally initiated reorganization efforts, leading to preparation of an application to LAFCO and a draft Negative Declaration. While the City adopted the Negative Declaration in March 2008, the reorganization application did not move forward with LAFCO, due largely to the need for a Tax Transfer Agreement between the City and the County. In May 2012, the Executive Director of LAFCO sent the City a letter requesting that the City submit annexation/reorganization applications for Subareas 2a

and 2b, in addition to the annexation application the City had already submitted for Subarea 1. On June 12, 2012, the Antioch City Council directed City staff to submit annexation/reorganization applications for Subareas 2a and 2b as requested by LAFCO. The City subsequently submitted those applications to LAFCO.

The City is now proposing the reorganization of each of the three subareas. The actual reorganization of these subareas is expected to be considered as separate LAFCO applications; this environmental document examines the potential effects of the reorganization of all three subareas, including the provision of municipal services (public safety, recreation, etc.) to all the subareas upon reorganization. The extension of municipal utility infrastructure (public water, storm drainage, and sewer system) specifically to Subarea 2b is also included and discussed further below.¹

Given the current almost complete lack of sewer and potable water service to Subarea 2b, coupled with the age of the existing private septic systems and wells within Subarea 2b, and the fact that few of the existing drinking water wells with Subarea 2b meet County Health's minimum separation requirements from existing septic fields, the City has developed a detailed plan for the extension of water, sewer, and storm drainage utility infrastructure to specifically serve Subarea 2b. The City intends to install such infrastructure following the reorganization of Subarea 2b, with the cost of the needed infrastructure to be jointly funded by the City and the County, pursuant to an Infrastructure Agreement between the two parties.

Accordingly, this document evaluates the environmental effects of constructing and operating the anticipated sewer, water, and storm drainage infrastructure within Subarea 2b as a direct consequence of the reorganization process for Subarea 2b, into both the City and DDS, rezoning as well as the City's entering into an Infrastructure Funding Agreement between the County and the City.

The City has no intention or plans as part of the annexation to fund the construction of infrastructure within Subareas 1 and 2a, other than infrastructure connections through these subareas that would be needed to serve Subarea 2b. While there is a pressing public health need to address the lack of potable water supply and sanitary sewer within Subarea 2b there is not a similar pressing public health issue within Subareas 1 and 2a. The City has not prepared similarly detailed infrastructure extension plans for Subareas 1 and 2a. If and when

¹ As a condition of approval of a reorganization application, LAFCO will require all service providers to document intent to serve the subject properties.

new infrastructure is proposed to be implemented within Subareas 1 and 2a at some future point in time, it would most likely be associated with a proposed future development project or in the context of the formation of land based infrastructure financing by property owners in the subarea.

As a result, there is considerable uncertainty as to 1) the type of infrastructure that would be needed to support unknown future development projects within Subareas 1 and 2a; 2) the timing of when such infrastructure would be needed within those subareas; and 3) the party/parties financial responsible for the extension of such infrastructure (private developer, partnership, etc.). Accordingly, environmental review of any infrastructure proposed for installation at some future date within Subareas 1 and 2a would be premature at this time, and would be undertaken within the context of any such future development application and/or in conjunction with a process to establish an infrastructure funding mechanism.

Detailed Project Components

The proposed reorganization requires a series of procedural actions by the City of Antioch and the Contra Costa LAFCO, some of which can be reasonably foreseen to have direct physical environmental consequences. The Initial Study evaluates the potential environmental effects of the following specific actions related to this process, each of which is described in further detail below.

1. Rezoning of each subarea by the City of Antioch
2. The City's entering into a Tax Transfer Agreement and an Infrastructure Funding Agreement with Contra Costa County (Reorganization/Annexation Approvals by the LAFCO for the City of Antioch and DDSD.

Rezoning

Per LAFCO requirements, lands proposed for annexation or reorganization into a City must first be assigned a "rezoning" by the City into which the lands would be annexed/reorganized.

The City proposes rezoning that would effectively perpetuate existing County zoning within Subareas 2a and 2b, with some modifications to County zoning that would increase the ultimate zoning conformity of existing uses, lots, and structures. For Subarea 1, the City's proposed rezoning would better reflect existing land uses than the current County zoning. **Figure 5** shows the City's proposed rezoning, described in detail below.

Subarea 1: County zoning for this entire subarea is “Heavy Industrial” including the area comprising the Antioch Dunes National Wildlife Refuge (ADNWR). As depicted in **Figure 5**, the City proposes ~~two~~ **three** prezoning districts within Subarea 1:

- **ADNWR:** The City proposes prezoning the ADNWR areas as “Open Space.”
- ~~**Lands backing up to Santa Fe Avenue:** “M-1 Light Industrial”~~ Relative to existing County zoning of “Heavy Industrial,” the City’s proposed prezoning for this subarea would reduce the type and intensity of allowable land uses on this subarea given the proximity to existing residential uses.
- **Remainder of Subarea 1:** “M-2 Heavy Industrial District,” which is consistent with existing County zoning for the subarea.

Subarea 2a: The City proposes prezoning Subarea 2a with the “Waterfront” zoning designation, which is largely equivalent to the existing County zoning. For Subarea 2a, prezoning the City’s Waterfront Designation would be tailored to be equivalent to the County’s existing zoning for the subarea in terms of allowable land use types, development intensities, and development standards.

Subarea 2b: The City recognizes that many residential properties in this subarea are inconsistent with the City’s standard residential zoning requirements (including but not limited to lot size, setbacks, minimum street frontage, etc.). Prezoning the residential portions of the subarea with a “Study (S)” zoning designation will allow the City to subsequently develop a zoning category specifically applicable to Subarea 2b that will address any public health and safety issues while minimizing the number of “non-conforming” uses and structures within Subarea 2b. Until the specific zoning requirements are formulated as part of the “Study Zone” process, the City will utilize the existing County zoning requirements that currently apply to Subarea 2b.

In short, the proposed prezonings either perpetuate existing allowable land uses and intensities or reduce development potential relative to existing regulations.

Tax Transfer(s)

The Tax Transfer/Annexation Agreement(s) will stipulate financial terms between the City and the County. When lands are annexed or reorganized from a county into a city, the receiving city is typically entitled to a share of property taxes related to the subject parcels.

In addition, the receiving city is obligated to provide the subject parcels with city services, thereby relieving the County of providing such services. As of the date of the preparation of this environmental document, a tentative agreement has been reached between the City and County on the terms of distributing the tax revenue from the three reorganization areas.

Infrastructure Funding Agreement for Subarea 2b:

With respect to Subarea 2b, the Infrastructure Funding Agreement between the City and the County provides for the City to construct infrastructure that will address known health and safety concerns within that subarea. As noted previously, the City anticipates that this infrastructure will be jointly funded by the City and the County. Therefore, a detailed plan has been prepared for installing this infrastructure, and has been included as **Appendix B**.

With no existing potable water or sewer infrastructure in place in Subarea 2b, properties rely on groundwater wells for potable water and utilize septic systems to dispose of wastewater. Septic systems typically entail leaching of wastewater into the ground and thus are more commonly utilized in low-density, large lot, rural areas. The density and small lot sizes of Subarea 2b are such that there is substantial concern for cross-contamination between septic systems and groundwater wells, posing public health concerns. Reorganization into the City and DDSB would enable implementation of the City's proposed infrastructure plan for Subarea 2b, which in turn would allow for municipal waste water service to replace individual septic systems; and for municipal treated water to replace individual wells.

As part of the Infrastructure Funding Agreement, the City will accept the obligation to construct and operate municipal water, wastewater, and storm drain systems/services to Subarea 2b. To this end, this environmental document includes information regarding the construction and operation of such infrastructure within Subarea 2b. Overall, the introduction of potable water and wastewater infrastructure to this subarea will have significant beneficial environmental and public health effects. Nevertheless, infrastructure installation will require some construction activity, with potential for short-term construction-related environmental effects. This document analyzes and discloses such effects. Additionally, the road network in Subareas 2b is in poor condition and lacks proper storm water drainage systems; roads here are largely comprised of gravel and dirt surfacing. Some road improvements, primarily involving resurfacing, are proposed for Subarea 2b as part of the infrastructure plan for Subarea 2b in conjunction with the extension of sewer and water lines. The project does not propose the addition of streetlights to roads that will be resurfaced.

For reasons previously noted, there is not a level of precision and certainty about extension of utility infrastructure to serve Subareas 1 and 2a such that meaningful construction-related environmental analysis can be conducted. There are a number of possibilities on how such infrastructure could be designed in the future and there is significant uncertainty as to where such infrastructure might be located, when it might be installed, and who would be responsible for funding and installation (e.g. whether such infrastructure would be installed by a private developer as part of a larger subsequent project or as a result of the implementation of a land based financing program). The possibility also exists that no significant infrastructure improvements would be made to Subareas 1 and 2a.

At present, Subarea 1 includes an existing natural gas power generation facility operated by Pacific Gas & Electric, known as the Gateway Generation Facility. Also within Subarea 1, a second power plant (GenOn Marsh Landing) is under construction as of the fall of 2012. This second facility is expected to be completed in the summer of 2013. The construction and operation of these facilities are subject to the exclusive jurisdiction of the California Energy Commission (CEC). The CEC employs an environmental review process substantially similar to CEQA. All such review work for the GenOn Marsh Landing facility was completed by the CEC in August 2010.² In the past, the PG&E Gateway Facility has received City Services pursuant to an Out of Agency Service Agreement as authorized by LAFCO in 2008. If the proposed reorganization is not completed in time to serve the GenOn Marsh Landing Facility, the City would provide services to that facility pursuant to the previously approved Out of Agency Services Agreement as authorized by LAFCO in 2011. Completion of the proposed reorganization of Subarea 1 would make these Out of Agency Service Agreement no longer necessary for both PG&E and GenOn. If and when other new land uses are proposed for Subareas 1 or 2a such that additional infrastructure extensions are required, a more detailed plan would be developed and may require further environmental review.

Figure 6 shows existing water, sewer, and storm drainage utilities in the project area.

Figure 7 shows detail of the proposed water, sewer, and storm drainage improvements for Subarea 2b.

In order to serve Subarea 2b, the City proposes to construct 8" water lines along several streets, including Trembath Lane, St. Clare Drive, Wymore Way, Stewart Lane, Vine Lane,

² California Energy Commission. 2010. Marsh Landing Generating Station Staff Report.

Bown Lane, Walnut Avenue, and Santa Fe Avenue. These new 8" lines would be connected to and thus receive potable water from existing City water mains that run beneath Viera Avenue, East 18th Street, and Lipton Street.

Existing City sewer mains in the vicinity of Subarea 2b are much more limited. At present, existing sewer mains run along Lipton Street and Wilbur Avenue. The Wilbur Avenue sewer line currently ends near the driveway into the Gateway Generating Station; the infrastructure plan for Subarea 2b involves constructing a new 15" sewer line along Wilbur Avenue from Viera Avenue to the existing terminus at the Gateway driveway.

Within Subarea 2b, existing City storm drain lines in the vicinity run across East 18th Street and Wilbur Avenues, as well as along Trembath Lane. New storm drainage lines are proposed for St. Clare Drive, Viera Avenue, Santa Fe Avenue, Bown Lane, Walnut Avenue, Vine Lane, and Stewart Lane.

The timing for the installation of utility infrastructure for Subarea 2b will be subject to the provisions of the Infrastructure Funding Agreement with the County. The Initial Study assumes that 8 months are needed for construction, as the shortest reasonable timeframe in which all construction could be completed.³

Figure 8 shows the proposed plans and utility cross sections to serve Subarea 2b.

Appendix C contains the cost estimates for Subarea 2b improvements.

The City also prepared a Fiscal Analysis, studying the cost of the proposed infrastructure improvements relative to anticipated tax revenues associated with the subject properties. The summary of this study is included as **Appendix D**. The study concludes that while anticipated tax revenues for Subareas 1, 2a, and 2b would significantly exceed the ongoing cost of providing City services, substantial investment would be required to make the necessary infrastructure improvements and service extensions to Subarea 2b.

For the reasons articulated above, this analysis assumes the physical extension of infrastructure only to Subarea 2b. Nevertheless for informational purposes, this analysis examines water supply and wastewater treatment capacity for all three subareas, based on current information

³ For purposes of review of environmental impacts, assumption of the shortest reasonable timeframe constitutes a "worst-case," conservative scenario insofar as air pollutant concentrations would be at maximum levels. If a longer timeframe were assumed for the same amount of construction, air pollutant concentrations would be more spread out overtime and would thus understate environmental impacts.

Following reorganization, each of the three subareas comprising the project area would receive other municipal services from the City similar to any other area of the City. Such services include police response, road maintenance, parks/recreation, etc. The project's potential environmental impacts related to the provision of these municipal services are addressed in this document.

LAFCO Approval

LAFCO is an independent agency with discretion to approve or disapprove, with or without amendment, wholly, partially, or conditionally, changes of organization or reorganization. LAFCO is required to consider a variety of factors when evaluating a project, including, but not limited to, the proposed project's potential impacts on agricultural land and open space, the provision of municipal services, the available supply of water, adequate and proximate affordable housing, and other factors.

LAFCO's actions and decisions are guided by its own locally adopted policies and statutory requirements and procedures as set forth in the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 ("CKH", California Government Code §56000 et seq.). The CKH charge LAFCO with encouraging the orderly formation of local governments and other public agencies and the logical and efficient extension of municipal services. As a Responsible Agency, under CEQA, LAFCO will rely on the City's environmental document in its consideration of the City's proposed reorganization.

11. Requested Actions:

Table 1 lists the approvals associated with the proposed project

Table 1 Project Approvals

Agency/Provider	Permit/Approval
City of Antioch	Adoption of Mitigated Negative Declaration Approval of Pre-Zoning(s)
Delta Diablo Sanitation District	Provision of "Intent to Serve" Statement(s)
City of Antioch and Contra Costa County	Tax Transfer and Infrastructure Funding Agreement(s)
Contra Costa Local Agency Formation Commission	Approval of Reorganization(s)

Source: Circlepoint, 2012.

Environmental Factors Potentially Affected

The environmental factors checked below would be potentially affected by the project, involving at least one impact that is a “Potentially Significant Impact” as indicated by the checklist on the following pages. Mitigation measures have been provided for each potential significant impact, reducing all to a less than significant level.

- | | |
|--|---|
| <input type="checkbox"/> Aesthetics | <input type="checkbox"/> Agricultural Resources |
| <input checked="" type="checkbox"/> Air Quality | <input checked="" type="checkbox"/> Biological Resources |
| <input checked="" type="checkbox"/> Cultural Resources | <input type="checkbox"/> Geology & Soils |
| <input type="checkbox"/> Greenhouse Gas Emissions | <input checked="" type="checkbox"/> Hazards & Hazardous Materials |
| <input type="checkbox"/> Hydrology & Water Quality | <input type="checkbox"/> Land Use & Planning |
| <input type="checkbox"/> Mineral Resources | <input checked="" type="checkbox"/> Noise |
| <input type="checkbox"/> Population & Housing | <input type="checkbox"/> Public Services |
| <input type="checkbox"/> Recreation | <input type="checkbox"/> Transportation & Circulation |
| <input type="checkbox"/> Utilities & Service Systems | <input type="checkbox"/> Mandatory Findings of Significance |

Determination

On the basis of this initial evaluation:

I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared. ☐

I find that the proposed project COULD have a significant effect on the environment, but mitigations identified in this Initial Study will reduce these impacts to a less than significant level, and a MITIGATED NEGATIVE DECLARATION will be prepared. ☒

I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required. ☐

I find that the proposed project MAY have a significant effect(s) on the environment, but at least one effect has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets, if the effect is a "potentially significant impact" or "potentially significant unless mitigated." An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed. ☐

I find that although the proposed project could have a significant effect on the environment, there WILL NOT be a significant effect in this case because all potentially significant effects (a) have been analyzed adequately in an earlier EIR pursuant to applicable standards and (b) have been avoided or mitigates pursuant to that earlier EIR, including revisions or mitigation measures that are imposed upon the proposed project. ☐



Mindy Gentry
Senior Planner

1/10/13
Date

INITIAL STUDY: ENVIRONMENTAL IMPACT CHECKLIST

I. Aesthetics

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Substantially damage scenic resources, including but not limited to: trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

a) Have a substantial adverse effect on a scenic vista?

Less Than Significant Impact. The City of Antioch General Plan (General Plan) states that important visual resources in the community include views of Mt. Diablo, ridgelines, and the San Joaquin River. There are existing intermittent views of Mt. Diablo and the San Joaquin River from various locations in the project area.

The only project component with any ability to even temporarily affect scenic vistas/views is the extension of infrastructure to serve Subarea 2b. Once installed, all such infrastructure would be located underground or immediately at grade, so when construction is complete, there would be no permanent interference with any existing scenic views. Therefore, the project's impact would be less-than-significant; no mitigation is required.

b) Substantially damage scenic resources, including but not limited to: trees, rock outcroppings, and historic buildings within a state scenic highway?

No Impact. According to the California Department of Transportation (Caltrans), there are no state or county designated scenic highways in the City or in eastern Contra Costa County as a whole. Moreover, there are no rock outcroppings or historic buildings in the vicinity of the project site. Therefore, the project would result in no impact to any scenic resources within a state scenic highway. No mitigation is required.

c) Substantially degrade the existing visual character or quality of the site and its surroundings?

Less Than Significant Impact. The existing visual character of the project area varies by subarea and is heavily influenced by the industrial land uses within each subarea. The only physical component of the project with the potential to alter existing visual character is the extension of at- or below-grade infrastructure to Subarea 2b, plus road resurfacing on selected streets in Subarea 2b. Once completed, the infrastructure would be out of public view, except for storm drain catch basins and new manholes/other access points to newly installed, below-grade water, sewer, and storm drain pipes. Such catch basins and access points would have a negligible impact upon visual character/quality. The proposed road resurfacing would somewhat modify the visual character on affected streets, but such effects could reasonably not be construed as a substantial degradation of visual quality. Overall, project impacts would be less-than-significant; no mitigation is required.

d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?

No Impact. The project will include below-grade infrastructure improvements and limited road resurfacing. While many of the City's existing roads have streetlights in place, the project does not propose the addition of streetlights. As a result, the project does not introduce or propose any new lighting features that would cause a glare or change nighttime/daytime views. Impacts of the project would be less-than-significant. No mitigation is required.

II. Agricultural and Forest Resources

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland) to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with existing zoning for agricultural use, or with a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 1220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in the loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Involve other changes in the existing environment which due to their location or nature, could individually or cumulatively result in loss of Farmland to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland) to non-agricultural use?

No Impact. The California Department of Conservation maintains the Farmland Mapping and Monitoring Program (FMMP), which produces maps and other data showing California's agricultural resources. The FMMP maps show Prime Farmland, Unique Farmland, and Farmland of Statewide Importance, based on ratings that take into account soil quality and irrigation status, using soil survey data from the U.S. Department of Agriculture (USDA), Natural Resources Conservation Service (NRCS).

Under CEQA, conversion of Prime Farmland, Unique Farmland, or Farmland of Statewide Importance is considered a significant impact.

The project site contains approximately 28.6 acres of Farmland of Statewide Importance, as shown in **Figure 9**.⁴ Of the total 28.6 acres of Farmland of Statewide Importance, 21.5 acres are within Subarea 1 and 7.1 acres are within Subarea 2b. As of October 2012, all of these lands are in agricultural use. Subarea 2a is fully developed with other uses and has no lands in agricultural use or designated as farmlands. (The project site also contains approximately 26.2 acres of Farmland of Local Importance, which is not considered a protected category of agricultural lands under CEQA).

Additional consideration of agricultural lands pursuant to LAFCO regulations

LAFCO defines prime agricultural land as *land that has not been developed for a use other than an agricultural use* and that meets any of the following qualifications (*emphasis added*):

- a) Land that qualifies, if irrigated, for rating as class I or class II in the USDA NRCS land use capability classification, whether or not land is actually irrigated, provided that irrigation is feasible;⁵
- b) Land that qualifies for rating 80 through 100 on the Storie Index Rating;
- c) Land that supports livestock used for the production of food and fiber and that has an annual carrying capacity equivalent to at least one animal unit per acre as defined by the USDA;
- d) Land planted with fruit or nut-bearing trees, vines, bushes, or crops that have a nonbearing period of less than five years and that will return during the commercial bearing period on an annual basis from the production of unprocessed agricultural plant production not less than four hundred dollars (\$400) per acre.
- e) Land that has returned from the production of unprocessed agricultural plant products an annual gross value of not less than four hundred dollars (\$400) per acre for three of the previous five calendar years.

It is assumed that all of the Farmland of Statewide Importance (28.6 acres) as well as the Farmland of Local Importance (26.2 acres) meet at least one of the criteria above.

Therefore, LAFCO would consider these lands to be Prime Farmland.

⁴ California Department of Conservation. Contra Costa County Important Farmland 2010. Accessed <ftp://ftp.consrv.ca.gov/pub/dlrp/FMMP/pdf/2010/con10.pdf>

⁵ Irrigation is not currently considered feasible insofar as apart from groundwater, there is not a reliable water supply available for irrigation.

Analysis

No aspect of the project would change any existing agricultural use. Section 5-3809 of the Antioch Municipal Code allows for pre-existing agricultural uses to be continued when a new land use designation (such as the proposed rezoning) is imposed.

As no aspect of the project would ~~not~~ include any change to existing land use on the ground, the project would not result in the conversion of any protected Farmland to any non-agricultural uses. All of the lands currently in agricultural use would remain in agricultural production following the reorganization and the provision of infrastructure within Subarea 2b. No farmland impact would occur and no mitigation is required.

b) Conflict with existing zoning for agricultural use, or with a Williamson Act contract?

No Impact. No portion of the project site is under a Williamson Act contract. Existing County zoning for approximately 16.4 acres of Subarea 2b is agricultural (A-2). Implementation of the proposed project would pre-zone Subarea 2b with an “S” Study zone consistent with the existing current County zoning designations. This designation would allow the City to maintain the County’s existing zoning regulations for this subarea, including land use, density, and height. Therefore, the project would maintain existing agricultural zoning. No mitigation is required.

c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 1220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?

and

d) Result in the loss of forest land or conversion of forest land to non-forest use?

No Impact. The project area is not located in an area zoned for forest land, timberland, or timberland production. As such, the proposed project does not require forest land, timberland, or timberland production to be rezoned. Accordingly, the project would not directly or indirectly convert forest land to any other land use because no such forest lands exist in the project area. There is no impact and no mitigation is required.

e) Involve other changes in the existing environment which due to their location or nature, could individually or cumulatively result in loss of Farmland to non-agricultural use?

Less Than Significant Impact. The project area includes lands designated as Farmland of Statewide Importance (or, under LAFCO criteria, Prime Farmland). As noted above, the project would not result in any change to any existing land use. Antioch Municipal Code Section 5-3809 allows for the continuation of existing agricultural uses on a site when that

site's zoning designation may be changed. Moreover, through the project's rezoning, the City would perpetuate existing County zoning allowable land uses. Portions of Subarea 2b would thus retain an agricultural zoning designation. In addition, the majority of the land currently in agricultural use consists of grapevines located within easements and rights of way owned by PG&E, which practically cannot be occupied by permanent structures.

Given the existing site conditions, the project's proposed retention of agricultural zoning designations, and the stipulations within the proposed rezoning for any change of use, the project's potential to hasten conversion of agricultural lands would be considered minimal and impacts thus less-than-significant. No mitigation is required.

III. Air Quality

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
a) Conflict with or obstruct implementation of the applicable air quality plan	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

a) Conflict with or obstruct implementation of the applicable air quality plan?

Less than Significant Impact: The Bay Area Air Quality Management District's (BAAQMD) Clean Air Plan (CAP) was adopted in September 2010 and is the current CAP under the federal Clean Air Act for the Bay Area.⁶ The Basin is designated as non-attainment for State and Federal standards for ozone, and State standards for PM₁₀ (particulate matter less than ten microns in size) and PM_{2.5} (fine particulate matter). The CAP explains how the air basin will achieve compliance with the California Ambient Air Quality Standards (CAAQS) for ozone (1-hour and 8-hour concentrations).

⁶ Bay Area Air Quality Management District Clean Air Plan. 2010.
<http://www.baaqmd.gov/Divisions/Planning-and-Research/Plans/Clean-Air-Plans.aspx>

A project would conflict with or obstruct implementation of the CAP if it is inconsistent with the regional growth assumptions, in terms of population, employment, or regional growth in Vehicle Miles Traveled (VMT).

The proposed project would not result in any direct or indirect population growth or any increase in emissions. The reorganization and rezoning aspects of the project are procedural actions and would not result in any new development or any change in allowable development that could have an air quality impact. In addition, given that the proposed rezoning would perpetuate or reduce allowable land uses and intensities relative to current County regulations, (except for the proposed “Open Space” rezoning in Subarea 1 that would replace the County’s “Heavy Industrial” zoning,) the infrastructure improvements proposed for Subarea 2b would have negligible potential to increase area population, employment, or regional growth to such an extent that any conflict with the CAP would occur. Furthermore, Subarea 2b is largely “built-out” already with limited development potential. The extension of infrastructure will do little to change the existing conditions. Project impacts to the CAP would therefore be less-than-significant; no mitigation is required.

b) Violate any air quality standard or contribute substantially to any projected air quality violation?

and

c) Result in a cumulatively considerable net increase of any criteria pollutant?

Potentially Significant Unless Mitigation Incorporated: The only project component with potential to result in any emissions is the physical extension of infrastructure and road resurfacing to serve Subarea 2b. All other project components are procedural and would not result in air quality impacts.

The infrastructure improvements to Subarea 2b will entail the use of heavy equipment (front-end loader and excavator) to dig trenches within existing rights-of-way to lay new distribution/conveyance pipes, and connect same to existing mains near or proximate to the project area. Because infrastructure improvements serving Subarea 2b would require partial closure of affected streets, the work would be gradual so as not to excessively disrupt accessibility to the area. As such, heavy construction activity would be limited on a day-to-day and week-to-week basis such that substantial daily emissions of air pollutants would be highly unlikely to occur.

A quantitative air quality and greenhouse gas emission analysis was conducted to assess the extent of potential construction emission impacts and is included as **Appendix E**. The quantitative air quality and greenhouse gas emission analysis uses the thresholds and methodologies from BAAQMD’s May 2011 CEQA Air Quality Guidelines to determine the potential impacts of the project on the existing environment.

In June 2010, the BAAQMD Board of Directors adopted new CEQA thresholds of significance as part of a larger BAAQMD CEQA Guidelines document. In subsequent litigation, the BAAQMD CEQA Guidelines were determined to be a project under CEQA; BAAQMD was duly ordered to rescind these Guidelines pending completion of environmental review per CEQA. The preparers of the Air Quality and Greenhouse Gas Emission Assessment have reviewed the evidence used to formulate the BAAQMD CEQA Guidelines including BAAQMD's May 2010 staff report recommending the adoption of the thresholds and its attachments, and conclude that substantial evidence supports the use of BAAQMD's 2010 thresholds of significance as thresholds of significance for air quality and greenhouse gas impacts in this Initial Study.⁷

As discussed in the project description, timing of construction to serve Subarea 2b is subject to the terms of the City's Infrastructure Funding Agreement with the County. As a result, the quantitative air quality and greenhouse gas emission analysis considered a shortest reasonable timeframe scenario of 8 months to complete construction. This is considered a "worst-case", conservative scenario as air pollutant concentrations would be at maximum levels. Construction would likely take place over a longer timeframe, thus spreading out the concentration of potential impacts. The analysis assessed the total and daily average emissions for both construction equipment and exhaust emissions from vehicles used to haul and transport materials. The findings are presented in **Table 2**.

Table 2 Daily and Annual Emissions from Construction

Scenario	Emissions – Total Tons Per Component			
	ROG	NO _x	PM ₁₀ (Exhaust)	PM _{2.5} (Exhaust)
Project Construction (lbs./day)	0.8	5.9	0.3	0.3
<i>BAAQMD Threshold (lbs./day)</i>	<i>54</i>	<i>54</i>	<i>-</i>	<i>-</i>
Exceed Threshold?	No	No	No	No
Project Construction (tons/year)	0.1	0.5	<0.1	<0.1
<i>Federal Conformity Threshold</i>	<i>100</i>	<i>100</i>	<i>-</i>	<i>100</i>
Exceed Threshold?	No	No	No	No

Source: BAAQMD, 2010, Illingworth & Rodkin, Inc., 2012

⁷ BAAQMD's CEQA Guidelines and May 2010 staff report are available for review at <<http://www.baaqmd.gov/Divisions/Planning-and-Research/CEQA-GUIDELINES.aspx>>.

Average daily emissions and total emissions for the entire construction period are below the average daily BAAQMD thresholds and the federal conformity thresholds. The construction emissions associated with project would not violate regional and/or federal air quality standards and there would be no considerable net increase of any criteria pollutants or O₃ precursors.

The proposed road resurfacing within Subarea 2b would act to reduce emissions, insofar as existing unpaved roadways can be a source of particulate matter (dust). However, proposed construction activities do have the potential to temporarily increase dust. The BAAQMD's CEQA Guidelines identify a number of best management practices (BMPs) that were promulgated to reduce the potential for any type of construction project to generate substantial levels of dust. **Mitigation Measure AQ-1** includes these best management practices.

Mitigation Measure AQ 1: The City shall incorporate into project grading plans the following measures as recommended by BAAQMD to reduce the air quality impacts of particulate matter (PM₁₀ and PM_{2.5}) associated with grading and new construction:

- All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered a minimum of two times per day;
- All haul trucks transporting soil, sand, or other loose material off-site shall be covered;
- All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. No dry power sweeping shall be performed (i.e., prohibited);
- All vehicle speeds on unpaved roads shall be limited to 15 mph;
- All roadways, driveways, and sidewalks to be paved shall be completed as soon as feasible. Building pads shall be laid as soon as feasible after grading unless seeding or soil binders are used;
- Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to two minutes. Clear signage shall be provided for construction workers at all access points;
- All construction equipment and haul trucks shall be maintained and properly tuned in accordance with manufacturer's specifications. All construction equipment and haul trucks shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.⁸

⁸ While some of these measures do not pertain strictly to fugitive dust, they are nonetheless included in the *BAAQMD CEQA Guidelines* (page 8-4) list of BMPs related to construction.

- A publicly visible sign shall be posted with the telephone number of the Construction Manager and BAAQMD to report dust complaints. This person shall respond and take corrective action within 48 hours. The BAAQMD complaint line telephone number shall also be visible to ensure compliance with applicable regulations.
- All exposed surfaces shall be watered at a frequency adequate to maintain minimum soil moisture of 12 percent. Moisture content can be verified by lab samples or moisture probe.
- All excavation, grading, and/or demolition activities shall be suspended when average wind speeds exceed 20 mph on an hourly average. The average wind speed determination shall be on a 15 minute average, taken over 4 consecutive 15-minute periods at the nearest meteorological station or by wind instrument on site.
- Minimizing the idling time of diesel powered construction equipment to two minutes.
- The project shall develop a plan demonstrating that the off-road equipment (more than 50 horsepower) to be used in the construction project (i.e., owned, leased, and subcontractor vehicles) would achieve a project wide fleet-average 20 percent NO_x reduction and 45 percent PM reduction compared to the most recent ARB fleet average. Acceptable options for reducing emissions include the use of late model engines, low-emission diesel products, alternative fuels, engine retrofit technology, after treatment products, add-on devices such as particulate filters, and/or other options as such become available.
- Requiring that all construction equipment, diesel trucks, and generators be equipped with Best Available Control Technology for emission reductions of NO_x and PM.
- Requiring that all contractors use equipment that meets CARB's most recent certification standard for off-road heavy-duty diesel engines.

Significance after mitigation: Adherence to **Mitigation Measure AQ-1** would reduce the potential for the project to result in substantial dust emissions to a less-than-significant level. As there would be no significant project-level effect, BAAQMD guidance indicates that the project would not have any cumulatively considerable impact.

d) Expose sensitive receptors to substantial pollutant concentrations?

Less Than Significant Impact. The proposed infrastructure improvements to serve Subarea 2b include construction within a residential area to lay the underground pipelines to support connection to municipal sewer, water, and storm drain systems. Residents in and near the area would be considered sensitive receptors. However, the construction would be temporary and would thus not constitute any long-term source of exposure to substantial

quantities of air pollutants. As indicated in **B and C** above, all construction-related air quality impacts would be well below the average daily BAAQMD thresholds and the federal conformity thresholds. Moreover, the nature of the type of construction for this project minimizes the potential for substantial local pollutant concentrations: once new underground pipeline has been placed for a segment, the construction activities would shift. As a result of the short duration of construction in one specific place and the temporary conditions, exposure of substantial pollutant concentrations to sensitive receptors is a less-than-significant impact. No mitigation is required.

e) Create objectionable odors affecting a substantial number of people?

Less Than Significant Impact. No aspect of the project includes long-term creation of any objectionable odors. Construction (the placement of new pipelines to serve Subarea 2b) could result in temporary odors related to construction equipment, but given the limited duration of construction, such impacts are not considered substantial or significant. In addition, the project would facilitate the eventual phasing out of private septic tank use for properties within Subarea 2b. Over the long-term, this would be a beneficial improvement that could reduce odors in the project area resulting from any existing malfunctioning septic systems. Therefore, the proposed project would result in a less-than-significant impact in creating objectionable odors. No mitigation is required.

IV. Biological Resources

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as candidate, sensitive, or special status species in local or regional plans, policies, regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Have a substantial adverse impact on federally protected wetlands as defined by Section 404 of the Clean Water Act (including but not limited to: marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with an established resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Conservation Community Plan, or other approved local, Regional, or state habitat Conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Information for this section has been drawn in part from a biological resources assessment report prepared by RCL Ecology (biology report). The biology report is included here as **Appendix F**.

- a) **Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as candidate, sensitive, or special status species in local or regional plans, policies, regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?**

Potentially Significant Unless Mitigation Incorporated. The biology report identifies several special-status species, defined as species listed as endangered, threatened, or candidates for listing by the U.S. Fish and Wildlife Service, the California Department of Fish & Game, and the California Native Plant Society, within or near the three subareas comprising the project area.

The biology report indicated the potential for three special-status plants to occur in the project area. All of these are endemic to the ADNWR, which comprises portions of Subarea 1. According to the biology report, none of these plants were found during field visits to the ADNWR. Additionally, the project proposes no ground disturbance for Subarea 1. Owing to these factors, the project would have no impact on the special-status plant species.

The biology report indicated several special-status wildlife species with potential to occur in the project area. These include:

- Lange's Metalmark Butterfly (*Apodemia mormo-langei*)
- Silvery Legless Lizard (*Anniella pulchra pulchra*)
- Western Burrowing Owl (*Athene cunicularia*)
- Swainson's Hawk (*Buteo swainsoni*)
- Cooper's Hawk (*Accipiter cooperii*)
- Red-Tailed Hawk (*Buteo jamaicensis*)
- White-Tailed Kite (*Elanus leucurus*)

The project's potential to adversely affect these species is discussed below.

Lange's Metalmark Butterfly

The federally listed endangered Lange's metalmark butterfly is dependent on the presence of its host plant, the Antioch Dunes Buckwheat, for reproduction and other endemic plants that furnish nectar. Since such plants were not found during the reconnaissance surveys, the Lange's Metalmark Butterfly was deemed absent from the project area; the project would therefore have no impact on this species.

Silvery Legless Lizard

The species occur primarily in areas with sandy or loose loamy soils such as under sparse vegetation of beaches, chaparral, or pine-oak woodland; or near sycamores, cottonwoods, or oaks that grow on stream terraces and are highly sensitive to disturbances such as sand mining or agricultural disking. According to the biology report, the species are presumed absent from the project area because no occurrence was encountered during the reconnaissance surveys.

Other Protected Species

The biology report concluded that the project could have potential effects upon all other protected species listed above. Although the reorganization aspects of the project would not have any physical environmental component that could affect any biological resources, construction of the proposed infrastructure improvements to serve Subarea 2b could affect these remaining protected species. Most of this construction would take place within right-of-way areas that are either paved or have a packed-earth character – and would thus be inhospitable to any significant biological resources.

Mitigation Measure BIO-1: Western Burrowing Owl: Prior to the start of the breeding season (February 1), a USFWS/CDFG-approved biologist will conduct preconstruction surveys of the project area to determine the presence of burrowing owls. If present, the birds will be evicted from the site using passive relocation techniques. The site will then be continuously monitored until the start of construction in order to ensure that owls do not reoccupy the area. All surveys and passive relocation will be carried out in accordance with CDFG survey guidelines (California Department of Fish and Game 1993). Passive relocation procedures include installing one-way doors in burrow entrances. These doors should be in place for 48 hours prior to excavation. The project area should be monitored daily for 1 week to confirm that the owl has abandoned the burrow. Whenever possible, burrows will be excavated using hand tools and refilled to prevent reoccupation (California Department of Fish and Game 1995). Plastic tubing or a similar structure will be inserted in the tunnels during excavation to maintain an escape route for any owls inside the burrow.

Mitigation Measure BIO-2: Swainson's Hawk: The Swainson's hawk is a State listed threatened migratory bird known to have nested approximately one (1) mile south of the area. Some of the larger trees along the proposed pipeline routes are of suitable-size for nesting for the species.

During the nesting season (March 1-September 15), a qualified biologist shall conduct a preconstruction survey no more than 14 days prior to ground disturbance, to establish whether Swainson's hawk nests within 0.25-mile of the project area are occupied. If potentially occupied nests exist within 0.25 mile of the project area, then their occupancy will be determined by observation from public roads or by observations of Swainson's hawk activity (e.g., foraging) near the project area. If active Swainson's hawk nests are

identified during these pre-construction surveys, no construction activities shall occur during the nesting season within 0.25-mile of occupied nests or nests under construction, unless CDFG/USFWS agree to a smaller buffer based on environmental conditions such as steep topography or dense vegetation. If the biologist determines that the young have fledged prior to September 15, construction activities can proceed normally.

Mitigation Measure BIO-3: Other protected raptors (Cooper's Hawk, Red-Tailed Hawk, and White-Tailed Kite): If project construction is scheduled to begin during the breeding season (February 1- August 31), preconstruction tree surveys will be conducted within the project area and a 300-foot buffer, by a qualified biologist no more than two weeks prior to equipment or material staging, or surface-disturbing activities. If no active nests are found within the project footprint and a 300-foot buffer, no further mitigation is necessary.

If active nests (i.e. nests in the egg laying, incubating, nestling or fledgling stages) are found within 300 feet of the project footprint, non-disturbance buffers should be established at a distance sufficient to minimize disturbance based on the nest location, topography, cover, the nesting pair's tolerance to disturbance and duration of potential disturbance. No work should occur within the non-disturbance buffers until the young have fledged as determined by a qualified biologist. Buffer size should be determined in cooperation with the California Department of Fish and Game and the U. S. Fish and Wildlife Service. If buffers are established and it is determined that project activities are resulting in nest disturbance, work should cease immediately and the California Department of Fish and Game and the U.S. Fish and Wildlife Service should be contacted for further guidance.

Significance after mitigation: Implementation of **Mitigation Measures BIO-1 through BIO-3** would reduce the project's potential impacts to protected species to a less-than significant level.

- b) **Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?**
and
- c) **Have a substantial adverse impact on federally protected wetlands as defined by Section 404 of the Clean Water Act (including but not limited to: marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?**

Less than Significant Impact. Jurisdictional wetlands and waters do not exist within the project area boundaries or where physical improvements would occur. As a result, construction associated with Subarea 2b infrastructure improvements would not impact these resources. Additionally, Subarea 1 contains a portion of the ADNWR that is currently zoned by the County as “Heavy Industrial.” The City proposes to prezone this area as “Open Space”, which is considered a beneficial effect of the project. As the project would avoid impact to waters and wetlands, permits from the U.S. Army Corps of Engineers (USACE) 404 (fill of waters and wetlands); RWQCB 401 (Water Quality Certification), and CDFG 1603 (Streambed Alteration Agreement) would not be required.

However, the project will need to comply with the National Pollution Discharge Elimination System (NPDES) permit requirements of the California State Water Resources Control Board and the requirement for preparation of a Storm Water Pollution Prevention Plan (SWPPP) as required by the RWQCB under the Contra Costa County Stormwater Management Plan (CCCSWMP) Section C-3). **Section IX, Hydrology and Water Quality**, contains a more detailed discussion of the NPDES requirements.

d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with an established resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?

Less Than Significant Impact. The project area is surrounded by industrial and otherwise developed lands to the south and west as well as heavily traveled thoroughfares, which preclude major wildlife movement. The BNSF railroad bisects Subarea 1 and Subarea 2b, State Route 4 is less than 1 mile south of the project site, and State Route 160 borders Subarea 2a to the east. Existing wildlife movement opportunities are therefore heavily constrained under existing conditions.

The San Joaquin River is located immediately to the north of Subarea 1 and 2a; the river provides an important movement corridor for fish. However, the biology report notes that vital pathways for migratory wildlife travel or routes between favored feeding and breeding corridors do not exist in the project area. Moreover, the proposed physical project improvements would not result in any disturbance to this waterway. As a result, the project’s impacts would be less-than-significant; no mitigation is required.

e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?

Potentially Significant Unless Mitigation Incorporated. The project site contains trees along public right-of-way (ROW) that may need to be removed to extend utility infrastructure to Subarea 2b. However, these activities would affect already disturbed areas consisting of road shoulders, pavement, urban residential and commercial properties, vineyards, and ruderal, non-native annual grassland, and habitations without any wetlands.

Once the unincorporated areas of Contra Costa County are annexed to the City of Antioch, these trees would be protected by City ordinances and thus subject to City regulations and permitting, as stated in the City of Antioch tree ordinance at Title 9, Chapter 5, Article 12, City of Antioch, 2008. **Mitigation Measure BIO-4** incorporates additional tree protective measures.

Mitigation Measure BIO-4: Regulated Trees

After staking of the utility alignment if any existing trees are located within that alignment then an International Association of Arboriculture (ISA) Certified Arborist shall conduct a tree survey to determine which, if any of the trees to be removed are subject to the City tree ordinance. If regulated trees are found they will be marked with round numbered aluminum tags and tallied as to their species, diameter at breast height (DBH) and condition.

Significance after mitigation: Mitigation Measure BIO-4 would reduce potential impacts to a less-than significant level.

f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Conservation Community Plan, or other approved local, Regional, or state habitat Conservation plan?

No Impact. All three subareas are within the boundaries of the East Contra Costa County Habitat Conservation Plan/Natural Community Conservation Plan (Plan); the City of Antioch is not a participant in the Plan and is not bound to Plan requirements.⁹

With the exception of Subarea 1 – where the project proposes no physical disturbance and includes portions protected by the ADNWR – the project area is comprised of urbanized, industrial, or agricultural land uses and is thus not considered under the HCP to have substantial biological resource value.

The avoidance and minimization requirements applied to this project will be at least as stringent to those in the Habitat Conservation Plan/Natural Community Conservation Plan. Therefore, the project would not result in conflict with any habitat conservation plan or natural community conservation plan. No mitigation is required.

⁹ East Contra Costa County Habitat Conservation Plan Association. October 2006. The Final East Contra Costa County Habitat Conservation Plan/Natural Conservation Plan.

V. Cultural Resources

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource, pursuant to Section 15064.5?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Directly or indirectly destroy a unique paleontological resource, site, or unique geologic feature?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Qualified architectural historians and archaeologists at William Self Associates (WSA) prepared a Cultural Resources Assessment Report (cultural report) to evaluate the project's potential impacts to cultural resources. The cultural report also reflects consultation with Native Americans regarding the potential for the project to affect prehistoric cultural resources. **Appendix G** includes this report.

a) and b) Cause a substantial adverse change in the significance of a historical resource or of an archaeological resource, as defined in Section 15064.5?

Potentially Significant Unless Mitigation Incorporated. The cultural report summarizes research conducted in association with the project. Researchers looked at all areas potentially affected by the extension of infrastructure to Subarea 2b, as these are the only lands where a direct physical change to the environment would occur as part of the project.

There are two known cultural resources within the project area boundaries and two known cultural resources within a 1/4-mile radius of the project area boundaries. Of the two recorded resources within the project area, one is a previously recorded archaeological site

that contains a scatter of artifacts. The site has been impacted by previous construction but has not formally been evaluated for the California Register of Historical Resources (CRHR). The other previously recorded cultural resource in the project area is the Contra Costa Las Positas electrical transmission line. This historic architectural resource was previously found not eligible for the CRHR.

The two cultural resources that are located within ¼-mile radius of the project area are the Atchison, Topeka, and Santa Fe Railroad and the Contra Costa Powerplant Substation. These resources were both previously deemed not eligible for the CRHR.

The cultural report takes soil type, proximity to water resources, and other factors into consideration to determine the potential sensitivity of the project area to contain undiscovered or unrecorded archaeological resources. The cultural report therefore includes “sensitivity maps” indicating which portions of the project area are less or more likely to contain archaeological resources based on these physical factors. Higher sensitivity locations in the project area include the cemetery, the area around aforementioned historical artifact scatter, and individual parcels developed prior to 1945. Other areas of the project area have moderate, moderate to low, or low sensitivity. Refer to Figure 12 within the cultural report (**Appendix G**).

These maps indicate that some of the new water and sewer line infrastructure proposed along Trembath Lane to serve Subarea 2b is located in areas with moderate to high sensitivity for thus unknown and unrecorded resources. Due to the potential sensitivity of the area, mitigation is included to ensure that any cultural resources encountered during construction are avoided and effects are minimized.

Mitigation Measure CUL-1: Previously Recorded Archaeological Resources: As discussed, there is a known archaeological resource within the project area. The resource has not been formally evaluated for its potential eligibility to the CRHR. At this time it is understood that the project can avoid this resource. A qualified archaeologist will mark off a buffer area to avoid potential impact to this resource from project-related construction activities. The resource shall be located and flagged prior to the beginning of work so that it may be avoided during extension of utility infrastructure in this area.

In the event that ground-disturbing activities must be conducted within this area, prior to any such activities, the City shall conduct a formal site evaluation to assess whether the resource is potentially eligible for listing in the CRHR. If the resource is found eligible and cannot be avoided, project impacts shall be mitigated in accordance with the recommendations of the Principal Investigator and CEQA Guidelines Section 15126.4 (b)(3)(C) which require development and implementation of a data recovery plan that would include recommendations for the treatment of materials comprising the resource.

Mitigation Measure CUL-2: Monitoring of High Sensitivity Areas: Portions of the proposed infrastructure extension would take place in areas deemed to have moderate to high potential for as yet discovered archaeological resources. If present, prehistoric archaeological deposits may extend below the level that was disturbed as part of earlier road building.

Given the sensitivity of this area for potential resources and based on the consultation with affected Native American tribal representatives, all project-related excavation along Trembath Lane between East 18th Street and Mike Yorba Way shall be conducted in the presence of a qualified archaeological monitor. A Bay Area Miwok Native American monitor shall also be present when an archaeological monitor is present.

Whether or not significant archaeological resources are encountered during archaeological monitoring, the archaeological monitor shall submit a written report of the results of the monitoring program to the City of Antioch.

Mitigation Measure CUL-3: Procedure for Addressing Previously Undiscovered Archaeological Resources: If an intact archaeological deposit is encountered during excavation, all soil disturbing activities in the vicinity of the deposit shall cease immediately. The archaeological monitor shall be empowered to temporarily redirect excavation activities and equipment until such time that the resource can be evaluated for its eligibility to the CRHR by a qualified archaeologist and appropriate action taken as determined necessary by the lead agency. If the resource is recommended to be non-significant, avoidance is not necessary. If the resource is recommended as potentially significant or eligible to the CRHR, it will be avoided. If avoidance is not feasible, project impacts will be mitigated in accordance with the recommendations of the Principal Investigator and CEQA Guidelines §15126.4 (b)(3)(C), which require development and implementation of a data recovery plan that would include recommendations for the treatment of the discovered archaeological materials. The data recovery plan would be submitted to the City of Antioch for review and approval. Upon approval and completion of the data recovery program, project construction activity within the area of the find may resume, and the archaeologist will prepare a report documenting the methods and findings. The report will be submitted to the City of Antioch. Once the report is reviewed and approved by the City of Antioch, a copy of the report will be submitted to the NWIC.

Significance after Mitigation: With adherence to **Mitigation Measures CUL-1, CUL-2, and CUL-3**, the project would either fully avoid impacts to eligible cultural resources or would include appropriate protocols for treatment that would minimize effects to such resources, ultimately reducing the project's impact upon archaeological resources below a level of significance.

c) Directly or indirectly destroy a unique paleontological resource, site, or unique geologic features?

Potentially Significant Unless Mitigation Incorporated. According to the EIR for the City's General Plan, numerous paleontological resources have been recorded within the City limits, particularly near the San Joaquin River. Although the project site is not located directly within the City limits until officially annexed, its proximity to the City and to the San Joaquin River is relevant for this discussion. The type of construction required would generally entail only surface-level earth layers (rarely exceeding 15 feet in depth) and thus would be highly unlikely to reach deeper geologic layers where paleontological resources are most typically located. Notwithstanding, the potential to encounter unknown paleontological resources on the project site during construction still exists and is considered potentially significant.

Mitigation Measure CUL-4: In the event that paleontological resources are encountered during any phase of project construction, all soil-disturbing activity within 100 feet of the find shall be temporarily halted until a qualified paleontologist can assess the significance of the find and provide proper management recommendations. The City shall incorporate all feasible recommendations into the project.

Significance after Mitigation: Mitigation Measure CUL-4 would reduce the potential for project impacts to paleontological resources to a less-than-significant level.

d) Disturb any human remains, including those interred outside of formal cemeteries?

Potentially Significant Unless Mitigation Incorporated. Ground disturbing activities associated with construction to extend infrastructure to Subarea 2b could disturb human remains, including those buried outside of formal cemeteries. The type of construction required would disturb surface-level earth layers (typically up to 15 feet in depth) which are less likely to contain sensitive materials. However, the potential to uncover Native American human remains exists in locations throughout California. In the event that Native American human remains or funerary objects are discovered, the following measure addresses potential effects.

Mitigation Measure CUL-5: California Health and Safety Code Section 7050.5(b) states in the event of discovery or recognition of any human remains in any location other than a dedicated cemetery, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains until the coroner of the county in which the human remains are discovered has determined, in accordance with Chapter 10 (commencing with Section 27460) of Part 3 of Division 2 of

Title 3 of the Government Code, that the remains are not subject to the provisions of Section 27491 of the Government Code or any other related provisions of law concerning investigation of the circumstances, manner and cause of death, and the recommendations concerning treatment and disposition of the human remains have been made to the person responsible for the excavation, or to his or her authorized representative, in the manner provided in Public Resources Code Section 5097.98.

Significance after Mitigation: Mitigation Measure CUL-5 would reduce potential impacts to previously unrecorded human remains to a less-than-significant level.

VI. Geology and Soils

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
a) Expose people or structures to potential substantial adverse effects including the risk of loss, injury or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iv) Landslide?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Would the project result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Be located on expansive soil, as defined in table 18-1b of the Uniform Building Code (1994), creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

- a) **Expose people or structures to potential substantial adverse effects including the risk of loss, injury or death involving:**
- i) **Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault?**

Less Than Significant Impact. No evidence of active or recent faulting has been observed on the project site; no active faults or Earthquake Fault Zones (Alquist-Priolo Special Studies Zones) are located on the project site or within the City.¹⁰ However, the San Francisco Bay region is considered to be seismically active and subject to the effects of future earthquakes. Four major, historically active faults are located within 30 miles of the project site:

- Hayward Fault (approximately 26 miles west);
- Calaveras fault (approximately 17 miles southwest);
- Concord-Green Valley fault (approximately 13 miles west);
- Marsh Creek-Greenville fault (7 miles southwest).

The San Andreas Fault, which is the largest regional fault, is located approximately 45 miles west of the City. Owing to the project area's distance from a known earthquake fault and from any Alquist-Priolo Earthquake Fault Zone, the project would entail a less-than-significant risk associated with fault rupture. However, the project area is within the seismically active San Francisco Bay Area and is susceptible to several other geologic and seismic hazards, detailed below.

ii) Strong seismic ground shaking?

Less Than Significant Impact. The project site will likely experience ground shaking similar to other areas in the seismically active San Francisco Bay Area region. Earthquakes along several active faults in the region, as discussed above, could result in moderate to strong ground shaking at the project site. The intensity of earthquake ground motions would depend on the characteristics of the generating fault, distance to the fault and rupture zone, earthquake magnitude, earthquake duration, and site-specific geologic conditions.

Because the entire City of Antioch and its current sphere of influence are in relative proximity to historically active faults, there is the potential for development anywhere within the sphere to be subject to strong seismic ground shaking. Accordingly, the City of Antioch General Plan requires geotechnical reports to be prepared for proposed new developments and for pertinent findings and recommendations of the reports to be incorporated into

¹⁰ City of Antioch. (July 2003). *City of Antioch General Plan Update EIR*, pg. 4.5-16

project plans.¹¹ The proposed infrastructure improvements for Subarea 2b would fall within this requirement. These improvements are the only aspect of the project with the potential to result in a physical environmental effect related to geology and soil. Adherence to the conditions of geotechnical reports for the proposed infrastructure improvements will ensure that risks associated with ground shaking are reduced to a less-than-significant level. No further mitigation is required.

iii) Seismic-related ground failure, including liquefaction?

Less Than Significant Impact. Liquefaction is a phenomenon in which saturated soils lose their strength and stiffness as a result of seismic-related ground shaking.¹² According to the City's General Plan EIR, the project site is mostly located within an area that is considered a "Moderate" area of susceptibility to liquefaction, with a limited portion of Subarea 1 and Subarea 2a designated as a "High" area susceptible to liquefaction near the San Joaquin River.¹³ Because the project site is located in an area with moderate to high susceptibility to liquefaction, there is the potential for development to be prone to its effects. The infrastructure improvements proposed to serve Subarea 2b comprise the only aspect of the project with any potential to be affected by liquefaction because it entails a physical change to the environment. Other project components are procedural and would have no impact.

The General Plan requires proposed projects within a potential liquefaction hazard area to incorporate appropriate measures to minimize the effects.¹⁴ The City requires that such measures be submitted to the Building Division for review prior to the approval of the building permit. Adherence to these General Plan requirements will ensure that risks associated with liquefaction are reduced to a less-than-significant level. No further mitigation is required.

iv) Landslides?

Less Than Significant Impact. The EIR for the City's General Plan classifies the stability of soil by the slope percentage of the land and whether it is underlain by landslide deposits. The majority of the project site consists of flat or gently sloping land within areas that are considered "Very Stable," with a 0 to 5 percent slope, "Generally Stable," with a 5 to 15

¹¹ City of Antioch. General Plan Policy 11.3.2a

¹² Saturated soils are soils in which the space between individual soil particles is completely filled with water.

¹³ City of Antioch. (July 2003). *City of Antioch General Plan Update EIR*. (Figure 4.5.4)

¹⁴ City of Antioch. General Plan Policy 11.3.2l

percent slope, and “Generally to Marginally Stable,” with areas of greater than 15 percent slope. None of these areas are underlain by landslide deposits or bedrock units susceptible to landsliding.¹⁵

The infrastructure proposed for Subarea 2b would be located in an area not prone to landslide risk. Other elements of the project are procedural actions which would not entail any substantial landslide risk. Because the proposed infrastructure improvements would be underground and also located in a flat to gently sloping area, susceptibility to landslide is considered less-than-significant and no mitigation is required.

b) Would the project result in substantial soil erosion or the loss of topsoil?

Less Than Significant Impact. The proposed extension of infrastructure to serve Subarea 2b requires grading and trenching that could result in erosion or loss of top soil. Other components of the project are procedural actions that would not entail any risk of soil erosion.

The General Plan requires new development to provide erosion and sedimentation control measures to lessen impacts.¹⁶ As further discussed in **Section IX, Hydrology and Water Quality**, compliance with erosion control measures, as required by the National Pollutant Discharge Elimination System program and included by the City as standard conditions of project approvals, would address potential impacts related to soil erosion. Adherence to these measures would reduce soil erosion/loss of topsoil risks to a less-than-significant level. No further mitigation is required.

**c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?
and**

d) Be located on expansive soil, as defined in table 18-1b of the Uniform Building Code (1994), creating substantial risks to life or property?

Less Than Significant Impact. The project would extend underground utility infrastructure to Subarea 2b. The quality of the soil in this region is considered poor for construction purposes, which can make installation and construction more costly to implement. However, the soil is adequate to support the installed infrastructure associated

¹⁵ City of Antioch. (July 2003). *City of Antioch General Plan Update EIR*. (Figure 4.5.5)

¹⁶ City of Antioch. General Plan Policy 8.7.2e

with the project design. In terms of subsidence and strength, the soil would be able to uphold the proposed improvements in Subarea 2b.¹⁷ Other components of the project are procedural actions that would not entail any risk associated with unstable or expansive soils. As a result, the impact would be less than significant and no mitigation is required.

e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?

Less Than Significant Impact. No aspect of the project would entail any new use of septic tanks or alternative waste water disposal systems. A primary project objective involves connecting the residential properties within Subarea 2b (most of which utilize septic tanks without adequate separation from potable water wells) to the municipal wastewater system. Overall, the project would result in dramatically less use of septic tanks than under existing conditions. As a matter of public health, this would result in a clearly beneficial impact. No mitigation is required.

¹⁷ Personal Communication with Project Engineer Andrea Bellanca; Principal, Carlson, Barbee & Gibson; November 19, 2012.

VII. Greenhouse Gas Emissions

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?

Less than Significant Impact. The extension of infrastructure to Subarea 2b would entail construction activities involving heavy equipment that would generate greenhouse gases. A quantitative air quality and greenhouse gas emission analysis was conducted to assess the extent of potential construction emission impacts and is included as **Appendix E**. The analysis provides an estimate of carbon dioxide emissions (CO₂), the primary greenhouse gas emitted from construction equipment and vehicles used to haul and transport materials. The results are listed in **Table 3** below.

BAAQMD Guidance (1999 and 2012) does not include any screening criteria or thresholds of significance for construction-related greenhouse gas emissions. The annual metric tons of CO₂ emissions from the project were assessed and found to be well below the BAAQMD's threshold for *operational*-period emissions. Owing to this, the impact would be less-than-significant and no mitigation is required.

Table 3 Annual GHG Emissions from Construction

Scenario	Emissions – Total Tons Per Component
	CO ₂
Project Construction (metric tons/year)	60
<i>BAAQMD Threshold (metric tons/year)</i>	<i>1,100**</i>
Exceed Threshold?	No

Source: BAAQMD, 2010, Illingworth & Rodkin, Inc., 2012

Notes: **Threshold applies to operational emissions; all project emissions are related to *construction*-period activities.

b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?

No Impact. The 2011 City of Antioch Municipal Climate Action Plan (MCAP) indicates carbon reduction targets for the next 40 years with baseline (business as usual) emission level from 2005 of 7,775 MTCO₂e.¹⁸ The City will work to reduce emissions, in line with AB 32 (California Global Warming Solutions Act) GHG reduction mandate, by 80 percent below 2005 levels by 2050.

As indicated in **Table 3**, the annual metric tons of CO₂ emissions as a result of the project are well below the applicable threshold. As a result, the project would not conflict with initiatives set forth in the MCAP, nor would it interfere with any plan or regulation intended to reduce GHG emissions. Therefore, no impacts would occur and no mitigation is required.

¹⁸ City of Antioch. (2011) An Initiative to Reduce Municipal Greenhouse Gas Emissions. Accessed August 23, 2012 from <http://antiochclimateaction.org/Antioch%20MCAP-FINAL%20DRAFT.pdf>

VIII. Hazards and Hazardous Materials

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less than Significant Impact	No Impact
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h) Expose people or structures to the risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Information in this section was drawn from two main source documents. First, a Phase I Environmental Site Assessment (ESA) (**Appendix H**) was conducted for Subarea 2b. Second, the California Energy Commission's (CEC's) Staff Assessment (SA; similar to an EIR) of the proposed Marsh Landing Generation Station (located within Subarea 1).

a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?

Less Than Significant Impact. Extension of infrastructure to serve Subarea 2b will require the temporary use of potentially hazardous materials, such as fuels and solvents required to operate earth-moving equipment and conduct grading activities. The project would not involve the routine use, transport, or disposal of hazardous materials as part of its operations because once construction is complete, such fuels and solvents would no longer be needed. Furthermore, the use of these hazardous materials is controlled by federal and state regulations.

The septic systems that currently exist within Subarea 2b require periodic pumping and transport of accumulated hazardous wastewater to avoid potential build-up or address overflow conditions. The utility infrastructure installed as part of the project would eliminate existing septic systems and therefore provide a beneficial effect in reducing the routine transport of hazardous wastewater.

Construction also requires excavation of soils that could contain hazardous materials. This matter is addressed under item b) and **Mitigation Measure HAZ-1** below. Given the nature of the project and with adherence to **Mitigation Measure HAZ-1**, the project would not create a significant impact or hazard to the public or the environment associated with hazardous materials.

b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?

Potentially Significant Unless Mitigation Incorporated. The project will entail the excavation of soils known or suspected to contain hazardous materials. Unless appropriate precautions are in place, excavation of such areas could pose a risk to construction workers and other people in the vicinity.

Appendix H identified evidence of four potentially hazardous materials sites in and within ¼ mile of Subarea 2b that could potentially affect groundwater and soil.

- The Holy Cross Cemetery on the site was listed with a historic underground storage tank (UST) of gasoline, but with no release was ever reported. The facility contains a hazardous materials management plan.
- The New Holy Cross Cemetery, located offsite and south of the Holy Cross Cemetery at 2200 East 18th Street, is upgradient of the project site and could have resulted in groundwater contamination due to increased concentrations of organic substances, inorganic substances, and embalming fluid chemicals associated with the presence of human remains.
- The Oak View Memorial Park (south of the project site at 2500 East 18th Street) is also located upgradient of the project site and could have resulted in groundwater contamination due to increased concentrations of organic substances, inorganic substances, and embalming fluid chemicals associated with presence of human remains.
- The presence of power lines crossing the site and power line towers is prevalent on the site. While the project site is not listed on the PCB Activity Database System list or PCB Transformer Registration Database, historical power lines installed near the cemetery and potential presence of transformers containing Polychlorinated Biphenyls (PCBs) are considered.

In addition to **Appendix H**, the Staff Assessment for the Marsh Landing Generation Station included investigation of soils along Wilbur Avenue, insofar as the Marsh Landing project required installation of new utility lines along the Wilbur Avenue project frontage. The Staff Assessment looked at a total 27 acre project site, including portions of Subarea 1, 2a, and 2b. Information in the Staff Assessment was based on two Phase I ESAs. These reports

identified three areas to the east of the fuel oil tanks in Subarea 1, north of Wilbur Avenue, that contain petroleum hydrocarbons or arsenic in the soil. Additionally, the existing PG&E switchyard, located north of Wilbur Avenue in Subarea 1, may have soil contaminated with dielectric fluids containing polychlorinated biphenyls (PCBs) from the switchyard equipment. The Wilbur Avenue ROW itself was not found to contain any substantial areas of contamination. However, the Staff Assessment included mitigation for all activity related to the Marsh Landing Project. The mitigation requires consultation with qualified professionals to ensure the appropriate disposition of any contaminated soils that are disturbed as part of the project.

Given the overall potential for contaminated soils or groundwater to occur in association with the extension of infrastructure to Subarea 2b, mitigation is required to ensure safe handling and disposal of any contaminated soils encountered during construction.

Mitigation Measure HAZ-1: Prior to the issuance of a grading permit and before any substantial ground disturbances, a Phase II ESA shall be conducted by a licensed professional to determine the potential presence of metals, and organic compounds in soil and groundwater underlying the project site. If contaminants are identified in subsurface soils and/or groundwater, the Phase II ESA shall screen the identified contaminant concentrations relative to applicable environmental screening levels developed by the Regional Water Quality Control Board and the Department of Toxic Substances Control for residential use and construction worker health and safety. If contaminant concentrations are above the applicable screening levels, the Phase II report shall make recommendations for remedial actions for the protection of public health and the environment. If the Phase II ESA recommends remedial action (which may include but not be limited to soil and/or groundwater removal or treatment, site-specific soil and groundwater management plan, site-specific health and safety plan, and a risk management plan), the project sponsor shall consult with the appropriate local, state, or federal environmental regulatory agencies to ensure sufficient minimization of risk to human health and the environment, both during and after construction, posed by soil contamination and/or groundwater contamination. The project sponsor shall obtain and submit written approval documentation for any remedial action, if required by a local, state, or federal environmental regulatory agency prior to project occupancy.

Significance after Mitigation: Adherence to **Mitigation Measure HAZ-1** would reduce the potential impact to a less-than-significant level as it sets forth appropriate protocols to ensure safe handling and disposal of any contaminated materials encountered.

c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?

Less Than Significant Impact. Cornerstone Christian School and Shining Star Christian Academy are located within one-quarter mile of Subarea 2b. The only aspect of the project with the potential to emit emissions/handle hazardous materials is the extension of utility infrastructure to serve Subarea 2b. As noted above, soils in the area to be excavated for infrastructure extension may include contaminants. **Mitigation Measure HAZ-1** includes measures designed to ensure the safe handling and disposal of such materials such that they would not pose any hazard to people in the vicinity.

Construction equipment used in the installation process would entail usage of fuels, solvents, and other common but potentially hazardous substances. Numerous federal and state regulations govern the use and safe handling of such substances, such that their temporary usage as part of infrastructure extension would not pose any significant risk to people in the project vicinity. The impact would be less-than-significant. No further mitigation is required.

d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and as a result, would it create a significant hazard to the public or the environment?

Less Than Significant Impact. A Phase I ESA for Subarea 2b identified one property noted on the so-called “Cortese” list of hazardous materials sites.¹⁹ Lauritzen Yacht Harbor/Lloyd’s Holiday Harbor, located on Vine Lane just east of Viera Avenue, was reported to have had a release of gasoline to soil from an underground storage tank UST. The release was reported to have affected soils. Remediation is complete and the case was closed in December 1997 with no further follow up required. As the proposed area of disturbance (Subarea 2b and immediately adjacent areas) does not include any other properties located on the Cortese list, the project’s impact would be less-than-significant. No mitigation is required.

e) and f) Proximity to Airport/Private Airstrip?

No Impact. The closest public use airports to the project site are Byron Airport and Buchanan Field. Byron Airport is located about 14.5 miles to the southeast; Buchanan Field is about 15 miles to the west. The closest private airstrip to the project site is the Funny

¹⁹ The Phase I ESA indicated one property “Cortese” list of hazardous material sites. The CEC’s determination for the Marsh Landing Generation Station did not indicate the presence of any “Cortese” list property.

Farm Airport, located 8 miles to the east, beyond the City of Brentwood. The distance from airports and private airstrips ensures that the project would not be adversely affected by airport operations. No mitigation is required.

g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?

Less Than Significant Impact. The project site is currently under the jurisdiction of the Contra Costa County Fire Prevention District (CCCFPD), which serves extensive areas within both unincorporated and incorporated Contra Costa County. The project would require temporary construction to install utility lines to Subarea 2b. The proposed changes would not alter the existing emergency access or evacuation plans to the site because no permanent changes will be made to the regional street network and the project only requires temporary use of the streets. In fact, some existing dirt and gravel streets in Subarea 2b would be resurfaced with asphalt as part of the project, which would foreseeably improve conditions for emergency service providers and evacuation planning. The CCCFPD would continue to utilize emergency access with the current street network therefore would result in a less-than-significant impact. No mitigation is required.

h) Expose people or structures to the risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?

No Impact. The project site is surrounded by industrial uses, residential development, agricultural uses, and open space areas, and is not located in the vicinity of areas that could be characterized as wildland or the urban/wildland interface. No impact would occur and no mitigation is required.

IX. Hydrology and Water Quality

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
a) Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Substantially alter the existing drainage patterns of the site or area including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on-or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted run-off?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less than Significant Impact	No Impact
g) Place housing within a 100-year flood hazard area as mapped on a Federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
j) Inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

a) and f) Impacts to water quality?

Less Than Significant Impact. Facilities located in the project area, particularly within Subarea 2b, either utilize septic tanks or do not have a registered septic utility. Many of these existing septic tanks are believed to be old and thus vulnerable to failure. The Contra Costa Environmental Health Division reviewed the conditions, specifically on properties within Subarea 2b, and noted that 50 to 75 percent of the septic systems were on the verge of failing, and that 100 percent of the septic systems did not meet County requirements for minimum lot size and the minimum distance between the septic field and potable water wells.²⁰ The project would replace the existing septic tank systems in Subarea 2b with underground utility lines that connect to the municipal sanitary sewer system.

The new water distribution system/facilities would be designed, constructed, operated, and maintained to conform to all pertinent state and federal requirements for water treatment and discharge, thus no impacts to water treatment and discharge would be anticipated. The City of Antioch is within the Delta Diablo Sanitation District (DDSD) service boundaries. DDSD would provide wastewater treatment to the project area upon reorganization. The National Pollutant Discharge Elimination System (NPDES) permit for the DDSD Wastewater Treatment Plant currently allows for an average dry-weather flow of 16.5 mgd.

²⁰ Contra Costa County Local Agency Formation Commission. December 2007. *Water and Wastewater Services Municipal Services Review for East Contra Costa County*.

In 2011, the DDS D treated an average of 13.2 mgd.²¹ The current NPDES permit allows for an increase in permitted capacity of the treatment plant, subject to certain conditions. The City and DDS D have been planning for population increases of approximately 1 percent annually through 2025 in their respective service areas; the addition of service to Subarea 2b would fall within the anticipated population increase. Therefore, DDS D would continue to be able to meet pertinent water quality standards. Moreover, as connections to services are implemented, it is reasonable to assume that the impact on water quality would be beneficial because the existing septic systems would be replaced with facility connections to wastewater systems. Consequently, the project would reduce the potential for contamination of groundwater and would therefore result in a beneficial impact. The impact is therefore considered less-than-significant and no mitigation is required.

b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted?

Less Than Significant Impact. The project entails the extension of existing municipal water mains to provide potable water to people living/working in Subarea 2b. At present, Subarea 2b contains over one hundred residential units and several commercial industrial properties that obtain potable water from individual wells. The project would provide municipal water to service these users and thus result in a reduction in the amount of groundwater drawn by these wells. It is therefore reasonable to conclude that project impacts relative to groundwater depletion would be beneficial.

c), d), and e) Impacts to drainage patterns?

Less Than Significant Impact. The project area currently lacks any formal system to control stormwater. Stormwater falling on streets within Subarea 2b either pools or runs off in an unregulated manner, as the road network is largely comprised of gravel and dirt materials. This poses substantial potential for several related undesirable environmental effects, including but not limited to increased pollutant loads in area waterways and vector control issues.

The project includes the extension of stormwater drainage facilities within Subarea 2b. The City will perform limited road resurfacing to public streets in conjunction with the extension of the sewer and water lines. This is the only component of the project with any potential to result in any effect to area drainage patterns; all other project components are procedural actions and will not affect surface drainage. The extension and operation of stormwater collection system will beneficially affect drainage patterns in Subarea 2b.

²¹ City of Antioch: Roddy Ranch Project Recirculated Draft EIR; August 2012.

The General Plan EIR noted that potential impacts to water quality from erosion related to future build-out would be reduced to a less-than-significant level through the adherence to General Plan policies that require erosion and sedimentation control and BMPs.

Improvement projects disturbing 1 acre or more of land during construction are required by the RWQCB to file a NOI to be covered under the State NPDES General Construction Permit for discharges of stormwater associated with construction activity. A qualifying project sponsor must propose control measures that are consistent with the State General Construction Permit. A SWMP must be developed and implemented for each site covered by the General Permit. A SWMP must include BMPs designed to reduce potential impacts to surface water quality through the construction and life of the project. In meeting the requirement of the NPDES program, the following SWMP standards must be met:

- A NOI shall be prepared and submitted to the State Water Resources Control Board prior to rough grading that conforms with the State General Permit for stormwater discharge during construction under the NPDES. The NOI shall be attached to the SWMP and kept onsite during development.
- During project construction, all exposed soil and other fill shall be permanently stabilized at the earliest date practicable. All standards and BMPs outlined in the project SWMP shall be followed and, additionally, BMPs shall be enhanced as necessary to maintain the project in compliance with the Construction General Permit.
- The SWMP shall include interceptors/barriers at natural channels and storm drain inlets to prevent temporary construction-related erosion from entering into permanent drainage systems. These inlet protection BMPs shall be in place and maintained all year until construction completion.
- A Sampling and Analysis Plan shall be included in the SWMP. The Sampling and Analysis Plan shall be instituted for pollutants that are not visually detectable in stormwater discharges, if contaminants are stored or used on the construction site and not properly contained, or if a spill occurs.
- The requirements of the Construction General Permit are to be implemented on a year-round basis, not just during the winter season. BMPs should be implemented at an appropriate level and in a manner that provides appropriate levels of pollutant control, including those pollutants generated during building construction.
- Construction site monitoring shall be performed prior to and after storm events and at least once each 24-hour period during extended storm events. Implementation of the mitigations recommended specifically for the project will ensure that the effects of construction on water quality are mitigated through review and placement of SWMP requirements on new development. Impacts to water quality would thereby be reduced to less-than-significant levels.

The City applies these State requirements to both public and private projects to ensure that potential construction period erosion and resultant water quality impacts are avoided or reduced. Potential construction-related drainage erosion impacts are therefore considered to be less than significant. No mitigation is required.

g), h), and i) Flooding or other hazards?

Less Than Significant Impact. According to maps prepared by the Federal Emergency Management Agency (FEMA), the portions of Subareas 1 and 2a immediately adjacent to the San Joaquin River are within a 100-year flood hazard zone.²² All other portions of the project area are outside any 100-year flood hazard zone. The Contra Loma Dam is the closest dam to the project site. The City-wide inundation map for the failure of Contra Loma Dam and Dike No. 2 indicates that the project area is not located in the areas that would be impacted by this dam failure.²³

The project is comprised of a combination of procedural actions as well as the extension and operation of infrastructure improvements within Subarea 2b. The project does not include or propose any new buildings or structures within an identified area of heightened flood risk.

Given the proximity of the project area to the San Joaquin River, the City has also considered the potential for the project to be affected by sea level rise. The Bay Conservation and Development Commission (BCDC) has published reports considering several sea-level rise scenarios. The City of Antioch is outside the BCDC's jurisdictional area, but the agency's mapping indicates some degree of sea level rise would be anticipated in low lying areas along the San Joaquin River waterfront in the adjacent cities of Pittsburg and Oakley. However, the project itself would not entail the placement of any new housing or structures and thus would not constitute any increase of potential exposure to sea level rise. Moreover, impacts of sea level rise have not been embodied within the CEQA Guidelines and are perhaps most appropriately considered effects of the environment upon the project – rather than a project's effect on the environment.

In all, the project would result in a less-than-significant impact related to increased flood risk. No mitigation is required.

²² Federal Emergency Management Agency. (June 16, 2009). *Federal Insurance Rate Map No.06013C0143F, No.06013C0144F, Contra Costa County*.

²³ City of Antioch. (November 2003). *City of Antioch General Plan*. (Figure 4.7.3).

j) Inundation by seiche, tsunami, or mudflow?

Less Than Significant Impact. Given the nature and location of the project site, there is little to no risk of any of these hazards. The project site is located over 40 miles from the Pacific Ocean. Tsunamis typically affect coastlines and areas up to ¼ mile inland. Due to the project's distance from the coast, potential impacts related to a tsunami are minimal. As the project site is several miles from steep slopes, the possibility of inundation by landslides or volcanic mudflows is remote. Although the project area is proximate to the San Joaquin River, the project's physical improvements are comprised of underground utility infrastructure; the project would not increase any exposure people or structures to any substantial risk of seiche. In all, project impacts would be less-than-significant. No mitigation is required.

X. Land Use and Planning

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

a) Physically divide an established community?

No Impact. The project site is mainly bordered by land under the City of Antioch's jurisdiction. Implementation of the proposed project would remove the political distinctions currently existing between the project area and the surrounding City of Antioch. The project would resurface several existing dirt and gravel streets in Subarea 2b with asphalt, making them more physically consistent with the nearby City streets. The project includes no physical changes that would divide any established community. No mitigation is required.

b) Conflict with relevant land use plan, policy, or regulation?

Less than Significant Impact. Subareas 1, 2a, and 2b are located in unincorporated Contra Costa County, and are also located within the City's SOI; therefore, both the County and City have adopted similar land use designations for these lands.

Prezoning

Per LAFCO requirements as discussed in the Detailed Project Components, lands proposed for annexation into a City must first be assigned a "prezoning" by the City into which the lands would be annexed/reorganized.

The City proposes rezoning that would effectively perpetuate existing County zoning within Subareas 2a and 2b, with some modifications to County zoning that would increase the ultimate zoning conformity of existing lots and structures. For Subarea 1, the City's proposed rezoning would better reflect existing land uses. As discussed, **Figure 5** shows the City's proposed pre-zoning, which is described in detail in the Project Description.

General Plan: In 2003, the City Council adopted General Plan land use designations for the project area as part of the General Plan update. The proposed pre-zoning would be consistent with the current General Plan land use designations for the project site.

LAFCO: LAFCO policies discourage the creation or perpetuation of unincorporated "islands" surrounded by incorporated cities. The reorganization of Subareas 1, 2a, and 2b and the infrastructure extension to Subarea 2b would unify the area into the City's jurisdiction, and would thus eradicate three contiguous unincorporated areas in eastern Contra Costa County.

Furthermore, LAFCO policies and the City's General Plan include a requirement that areas to be annexed (or reorganized) must first be pre-zoned by the receiving City. As noted above, the City intends to pre-zone all areas to be consistent with existing City General Plan designations for the subareas.

The only change to the current land use associated with the project would be a formal adoption of the City's proposed rezoning and a 2-year freeze on rezoning of that property after completion of the reorganization, pursuant to Government Code §56375. Thus, the project would not conflict with any existing land use plans or policies. No mitigation is required.

c) Conflict with any applicable habitat conservation plan?

No Impact. All three subareas are within the boundaries of the East Contra Costa County Habitat Conservation Plan/Natural Community Conservation Plan (Plan); the City of Antioch was not a participant in the Plan and is not bound to Plan requirements.

With the exception of Subarea 1 – where the project proposes no physical disturbance and includes portions protected by the ADNWR – the project area is comprised of either urbanized, industrial, or agricultural land uses and is thus not considered under the HCP to have substantial biological resource value.

However, the avoidance and minimization requirements applied to this project will be at least as stringent to those in the outline in the Plan. Therefore, the project would not result in conflict with any habitat conservation plan or natural community conservation plan. No mitigation is required.

XI. Mineral Resources

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

a) and b) Result in the loss of availability of a known mineral resource and/or the availability of a locally important mineral resource recovery site?

No Impact. According to the Contra Costa County General Plan, no portion of the project site is classified or designated within a mineral resource zone. Furthermore, the City's General Plan EIR states that none of the urbanized areas identified in the General Plan (which includes sphere of influence areas) contain mineral resources that would be of value to the region and residents of the state. In sum, the proposed project would have no impact to mineral resources. No mitigation is required.

XII. Noise

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
a) Result in exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of the other agencies?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Result in exposure of persons to or generation of excessive ground borne vibration or ground borne noise levels?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project located within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

a), b), c), and d) Impacts related to temporary and permanent noise levels, ground borne noise levels and ground borne vibration levels?

Potentially Significant Unless Mitigation Incorporated: Physical changes would occur where utility infrastructure would be extended to properties in Subarea 2b. Such extensions have the potential to increase noise levels during active construction periods. Once construction is complete, associated noise impacts would cease. As a result, implementation of the project would not create new permanent sources of noise. All other project components are procedural actions that would not result in noise impacts.

Noise impacts from construction will depend on the noise generated by various pieces of construction equipment, the timing and duration of noise generating activities, and the distance between construction noise sources and noise sensitive receptors. Where noise from construction activities exceeds 60 dBA Leq and exceeds the ambient noise environment by at least 5 dBA at noise-sensitive uses in the project vicinity for a period of more than one construction season, the impact would be considered significant.

Grading and installation activities generate considerable amounts of noise, especially when heavy equipment is used. **Table 4** depicts the range of noise levels generated by specific pieces of construction equipment at a distance of 50 feet.

Table 4 Construction Equipment 50-foot Noise Emission Limits

Equipment Category	Lmax Level (dBA) ^{1,2}	Impact/Continuous
Arc Welder	73	Continuous
Auger Drill Rig	85	Continuous
Backhoe	80	Continuous
Bar Bender	80	Continuous
Boring Jack Power Unit	80	Continuous
Chain Saw	85	Continuous
Compressor ³	70	Continuous
Compressor (other)	80	Continuous
Concrete Mixer	85	Continuous
Concrete Pump	82	Continuous
Concrete Saw	90	Continuous
Concrete Vibrator	80	Continuous
Crane	85	Continuous
Dozer	85	Continuous
Excavator	85	Continuous

Equipment Category	Lmax Level (dBA) ^{1,2}	Impact/Continuous
Front End Loader	80	Continuous
Generator	82	Continuous
Generator (25 KVA or less)	70	Continuous
Gradall	85	Continuous
Grader	85	Continuous
Grinder Saw	85	Continuous
Horizontal Boring Hydro Jack	80	Continuous
Hydra Break Ram	90	Impact
Impact Pile Driver	105	Impact
Insitu Soil Sampling Rig	84	Continuous
Jackhammer	85	Impact
Mounted Impact Hammer (hoe ram)	90	Impact
Paver	85	Continuous
Pneumatic Tools	85	Continuous
Pumps	77	Continuous
Rock Drill	85	Continuous
Scraper	85	Continuous
Slurry Trenching Machine	82	Continuous
Soil Mix Drill Rig	80	Continuous
Street Sweeper	80	Continuous
Tractor	84	Continuous
Truck (dump, delivery)	84	Continuous
Vacuum Excavator Truck (vac-truck)	85	Continuous
Vibratory Compactor	80	Continuous
Vibratory Pile Driver	95	Continuous
Other equipment w/ engines larger than 5 HP	85	Continuous

Source: Illingworth & Rodkin, 2009

Notes: ¹ Measured at 50 feet from the construction equipment, with a “slow” (1 sec.) time constant.

² Noise limits apply to total noise emitted from equipment and associated components operating at full power while engaged in its intended operation.

³ Portable air compressor rated at 75 cfm or greater and that operated at greater than 50 psi.

Construction noise impacts primarily result when construction activities occur during noise-sensitive times of the day (early morning, evening, weekend, or nighttime hours), the construction occurs in areas immediately adjoining noise sensitive land uses, or when construction periods are of extended duration. Limiting the hours when construction can occur to daytime hours is often a simple method to reduce the potential for noise impacts. The City currently has programs that prohibit construction from occurring during noise sensitive times of the day. In areas immediately adjacent to construction, utilizing “quiet” construction equipment can also reduce the potential for noise impacts. Noise barrier construction will not be included in the project design as project-related construction is temporary and would not need noise barriers to reduce long-lasting noise impacts. Furthermore, the use of noise barriers is not practical or feasible because the project will occur within the public right-of-way.

Mitigation Measure NOISE-1: Prior to the issuance of grading or building permits, as well as on-going through project construction, the City shall ensure that construction teams adhere to the following construction noise control measures:

- Restrict noise-generating activities at the construction site or in areas adjacent to the construction site between the hours of 7:00 AM to 7:00 PM daily (except Saturday, Sunday and holidays when work is prohibited prior to 9:00 AM and after 7:00 PM).
- Equip all internal combustion engine driven equipment with intake and exhaust mufflers that are in good condition and appropriate for the equipment.
- Unnecessary idling of internal combustion engines is strictly prohibited.
- Utilize "quiet" air compressors and other stationary noise sources where technology exists.
- Control noise from construction workers' radios to a point that they are not audible at existing residences.

Significance after Mitigation: **Mitigation Measure NOISE-1** includes all feasible measures to reduce potential impacts related to construction period noise. Given these measures and the relatively short duration of the construction period, all short-term impacts would be considered less-than-significant. No further mitigation is required.

e) and f) Located within an airport land use plan/vicinity of a private airstrip?

No Impact. The project area is not located within an airport land use plan, within two miles of an airport, or within the vicinity of any private airstrip. The closest public use airports to the project site are Byron Airport and Buchanan Field. Byron Airport is located about 14.5 miles to the southeast and Buchanan Field is about 15 miles to the west. The nearest private airstrip, Funny Farm Airport, is located 8 miles to the southeast. Due to the project's distance from and the flight path orientation of these airports, there is no impact with regard to the noise impacts from aircraft noise sources. No mitigation is required.

XIII. Population and Housing

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
a) Induce substantial population growth in an area, either directly, (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

a) Induce substantial population growth?

Less Than Significant Impact. Although the project would directly extend infrastructure to Subarea 2b and would allow for the future possible extension of infrastructure to Subareas 1 and 2a, the project would not directly or indirectly induce substantial population growth for the reasons discussed below.

Subarea 2b is largely built out, containing over one hundred residential units. The project would provide adequate infrastructure to connect existing residential units to municipal systems and services. The project would not result in substantive changes in allowable land use types and intensities. The proposed rezoning would essentially retain both existing and allowable land uses and would be set up to conform to the existing development densities/intensities.

For Subarea 1, even if infrastructure were to be extended here in the future, the area does not include any land that would host any substantial complement of residential development. The project would retain the current industrial zoning for most of Subarea 1, consistent with existing power plant and other industrial uses. The project would further implement Open Space zoning for other portions of Subarea 1; such zoning precludes residential development.

Subarea 2a is largely built out with marina, industrial, and storage uses as well as 5 residential units. Project rezoning would retain these allowable land uses.

Any new residential development in Subareas 1 and 2a is highly unlikely as such uses would conflict with the City's General Plan designations and rezonings for the subareas. In the unlikely event of a proposal for residential development in either of these areas, further environmental review would be required to identify any significant effects, including effects related to population increase.

Overall, the project would have no foreseeable potential to induce substantial population growth. The impact would be less-than-significant. No mitigation is required.

b) and c) Displace housing or people?

No Impact. The only aspect of the project with any immediate physical environmental effect is the proposed extension of utility infrastructure to serve Subarea 2b. The proposed new infrastructure would largely occur within existing rights-of-way. Extension of this infrastructure would require no taking of property and no displacement of housing. Therefore, the project could not displace any people or housing. No mitigation is required.

XIV. Public Services

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
i) Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ii) Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii) Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iv) Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
v) Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

- a) **Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:**

i) Fire protection impacts?

No Impact. The Contra Costa County Fire Protection District (CCCYPD) currently provides fire and emergency services to residents of the City as well as other incorporated and unincorporated areas of the County. The CCCYPD already provides services to the project site. The proposed project would not result in any changes to fire and emergency service provision. Therefore, no impact to fire services would occur. No mitigation is required.²⁴

ii) Police protection impacts?

Less Than Significant Impact. The project site is located in the City's SOI and is surrounded on 2 sides by the City of Antioch and/or near other areas currently served by the Antioch Police Department (APD). The project would allow Subareas 1, 2a, and 2b to receive police protection from the APD. The Antioch General Plan establishes a response time goal of 7 to 8 minutes for "Priority 1" (emergency) calls. As of 2012, the APD reports that the average response time is 11 minutes due to lack of staffing.

The current police per capita ratio is 0.84 to 1,000 residents. Adoption of the project would add an estimated 320 residents from Subareas 2a and 2b to the City, (and would also add Subarea 1, which contains no residents). This addition generates a need for approximately 0.5 new officers. According to the Antioch Police Department, the minor increase in the City's population, related to the annexation of the three subareas, would not significantly impact or worsen the ratio of police staff to population or adversely affect response times.²⁵ The City's police facilities are adequate to accommodate the current total of staff and the incremental increase in staffing that may be implemented as a result of the project. Therefore, the project would not require physical expansion of police facilities. In addition, the projected revenue accruing to the City from the reorganization of Subareas 1, 2a, and 2b, as projected in **Appendix D**, would significantly exceed the incremental cost to the City of increasing its Public Safety staffing.

An adverse impact under CEQA would occur only if a project were to result in the need for new or physically altered facilities related to public services, and only if the expansion of these facilities caused a significant environmental effect. Non-compliance with a service level ratio is not by itself an adverse impact under CEQA. Since the project would not require new or physically altered facilities to accommodate the additional 320 residents in the APD service area, the impact is less-than-significant and no mitigation is required.

²⁴ The Contra Costa County Fire Protection District indicated the potential need to close 8-10 stations due to budget constraints if funding was not increased. The November 2012 election included Ballot Measure Q or the "Contra Costa Fire Protection District Parcel Tax." This measure did not pass. In January 2013, CCCYPD closed three of its stations owing to funding difficulties. The stations slated for closure are Station 4 in South Walnut Creek, Station 16 in Lafayette, and Station 12 in the Mountain View area of Martinez. None of these provide primary or secondary service to the City of Antioch.

²⁵ Allan Cantando, Chief of Police, Antioch Police Department. Personal Communication, November 28, 2012.

iii) School impacts?

No Impact. School-age children that currently live in Subareas 2a and 2b already attend schools within the Antioch Unified School District. Once these subareas are annexed to the City of Antioch, school enrollment levels will not increase. There are no residential uses located within Subarea 1. The project does not include land use changes in any of the subareas that would allow for increased residential development.

In the event future residential development occurs, it will be subject to applicable CEQA environmental review requirements. Depending on the size of such projects, identified school impacts may require mitigation through the payment of impact fees (such as SB 50 impact fees) and/or other available financing mechanisms, such as the institution of a Mello-Roos financing district. Overall, because the project would not foreseeably increase school age population there would be no impact on schools.

iv) and v) Park and other public facility impacts?

Less Than Significant Impact. The project would incorporate all three subareas into the City, increasing the City's population by about 320 people. There are no existing public park/recreation facilities within any of the three subareas. Theoretically, the project would increase demand on City parks and other public facilities. However, Subareas 2a and 2b are unincorporated "islands" largely surrounded by the City of Antioch; nothing currently prohibits existing subarea residents from using nearby City of Antioch park facilities. As a result, residents of these subareas very likely already use City of Antioch park and recreational facilities. Therefore, the annexation of the subareas would not foreseeably or substantially alter the propensity of subarea residents to use City of Antioch park and recreation facilities.

Even if all residents of the subareas were to be considered "new" users of City's park and recreational facilities, the total increase in users is modest. Thus it would be highly unlikely that the incremental increase in population could foreseeably result in any measurable increase in park usage and certainly not one at a level that would accelerate degradation of such facilities. Implementation of the project would therefore not create significant additional demand on existing parks and other public facilities near the project site such that construction or expansion of new facilities would be required. The project impact is less-than-significant; no mitigation is required.

XV. Recreation

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
a) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

a) Increase use of existing facilities?

Less Than Significant Impact. The project would incorporate all three subareas into the City, increasing the City's population by about 320 people. There are no existing public park/recreation facilities within any of the three subareas.²⁶ Theoretically, the project would increase demand on City parks and other public facilities. However, Subareas 2a and 2b are unincorporated "islands" largely surrounded by the City of Antioch; nothing currently prohibits existing subarea residents from using nearby City of Antioch park facilities. As a result, residents of these subareas very likely already use City of Antioch park and recreational facilities. Therefore, the annexation of the subareas would not foreseeably or substantially alter the propensity of subarea residents to use City of Antioch park and recreation facilities.

Moreover, the project would only increase population by 320 people; it would be highly unlikely that the incremental increase in population could foreseeably result in any measurable increase in park usage and certainly not one at a level that would accelerate

²⁶ The Antioch Dunes National Wildlife Refuge, a portion of which is within Subarea 1, is a biological resource conservation area and is not accessible for casual park or recreational usage.

degradation of such facilities. Implementation of the project would therefore not create significant additional demand on existing parks and other public facilities near the project site such that construction or expansion of new facilities would be required. The project impact is less-than-significant; no mitigation is required.

b) Include/require construction of new facilities?

Less Than Significant Impact. As noted above, the project would increase City population by only 320 residents. The additional residents would not create significant additional demand on existing parks and other public facilities near the project site that would require construction or expansion of City park and recreational facilities. Since the project does not include any new recreational facilities and the project's incremental increase in population is not at a level that any new facility would be needed, the impact would be less-than-significant. No mitigation is required.

XVI. Transportation and Traffic

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially increase hazards to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Conflict with adopted policies, plans or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

- a) **Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?**

and
- b) **Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?**

Less Than Significant Impact. The City utilizes level of service standards to evaluate the performance of the circulation system. Although the project would extend infrastructure to Subarea 2b, the project would retain existing land use densities and intensities and thus would not induce population or employment growth in the area over what is currently allowed under the County General Plan and Zoning Designations. Furthermore, the project does not include proposed development that would change or increase population in the area. Accordingly, the project would have no foreseeable potential to result in any substantial increase in traffic on area roadways or circulation system.

The extension of utility infrastructure to Subarea 2b would require construction within existing roadways. Roadways would continue to be operable during the construction period as a result of required construction staging. In addition, some existing unpaved roadways in Subarea 2b would be resurfaced with asphalt. However, neither the construction nor the resurfacing would foreseeably worsen traffic levels on affected streets to such an extent that level of service would change.

Overall, the nature of the project is such that it could not adversely affect level of service standards and would not substantially conflict with the applicable measure of effectiveness. Project related traffic effects would be less-than-significant. No mitigation is required.

- c) **Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?**

No Impact. The project area is not located within an airport land use plan. The closest public use airports to the project site are Byron Airport and Buchanan Field. Byron Airport is located about 14.5 miles to the southeast; Buchanan Field is about 15 miles to the west. Owing to this distance, implementation of the project would have no impact on air traffic patterns. No mitigation is required.

d) Substantially increase hazards to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?

Less Than Significant Impact. The only project aspect with the potential to result in physical environmental effects is the extension/installation of infrastructure to serve Subarea 2b, largely within right-of-way areas.

While infrastructure extension would by necessity involve construction within existing roadways and would also include resurfacing of some unpaved roadways, neither of these aspects would constitute any substantial increase in hazards. Moreover, the project would not substantially change any allowable land use type or intensities. All proposed infrastructure improvements would be located at or immediately below grade and would thus not create any transportation hazard. Proposed road resurfacing and storm drainage improvements would reduce the potential for ponding or flooding of area streets, thus reducing transportation related hazards from existing conditions. Overall, project impacts would be less-than-significant. No mitigation is required.

e) Result in inadequate emergency access?

Less Than Significant Impact. The project would require temporary construction within public ROW of Subarea 2b and sections of Subareas 1 and 2a, but would not change the existing emergency access to the site as no permanent changes to the regional street system would occur. In fact, some existing dirt and gravel streets in Subarea 2b would be resurfaced with asphalt as part of the project, which may actually improve conditions for emergency service providers. Other components of the project are procedural and would not require physical changes or impacts to be analyzed. As noted above, congestion levels would remain the same because no trips would be added as a result of the project. The CCCFPD would continue to utilize emergency access with the current street network therefore would result in a less-than-significant impact. No mitigation is required.

f) Conflict with adopted policies, plans or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?

Less Than Significant Impact. City of Antioch General Plan policies 7.4.2 (a through f) promote the creation of alternative transportation facilities within the City to maintain safety, mobility, and accessibility for pedestrians and bicyclists. Specifically, policies 7.4.2a, 7.4.2d, and 7.4.2f require roadway designs to integrate adequate bicycle and pedestrian facilities.

Three Tri-Delta transit bus routes (383, 391, and 393) currently traverse East 18th Street, immediately south of Subarea 2b. The project would not include any features that would permanently alter any of these stops or bus service along East 18th Street or elsewhere.

Upon annexation, all public streets in all three subareas would become City streets and thus subject to pertinent City policies. The project includes resurfacing of some selected streets within Subarea 2b, which would have a beneficial impact in terms of improving the quality of streets for use by bicyclists. The project does not include the provision of sidewalks, bike lanes, or other similar roadway improvements. Over time and as funding is available, the City may consider bringing some of the annexed streets up to City standards, but the Plan for Services currently has no provision to do so. While this presents a departure from the City's standards, the quality of street conditions will improve from existing conditions and become safer for recreational purposes from project resurfacing efforts.

In all, the project would not result in any substantial policy conflict regarding alternative transportation such that an adverse physical environmental effect would occur. Project impacts would be less than significant; no mitigation is required.

XVII. Utilities and Service Systems

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Comply with federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

a), b), and e) Wastewater impacts?

Less Than Significant Impact. The project would allow for the replacement of individual septic systems on primarily residential properties by extending municipal wastewater collection infrastructure (and thus wastewater collection and treatment service) to Subarea 2b. At present, Subarea 2b is largely built out, containing about 120 single-family houses and other incidental uses, none of which are served by any municipal wastewater collection and treatment system. The properties in Subarea 2b dispose of wastewater via individual septic systems, most of which are located in proximity to individual potable water wells. This situation thus presents the need to add utility services as a matter of protecting public health.

At present, the entire City of Antioch (but not all of the City's sphere of influence area) is within the service boundaries of the Delta Diablo Sanitation District (DDSD). The reorganization would result in the three subareas becoming part of the City as well as the DDSD service area. DDSD would provide wastewater treatment to Subarea 2b following the reorganization and the extension of infrastructure to the Subarea.

The DDSD Water Pollution Control Facility (WPCF), located near the border of Antioch and Pittsburg, is a wastewater treatment plant with a rated average dry weather flow (ADWF) capacity of 16.5 mgd. The plant processes wastewater collected from locations including the City of Antioch.²⁷ DDSD conveys wastewater from the City to its Bridgehead and Antioch pump stations, located in southeast Antioch and at Fulton Shipyard Road, respectively. The City owns and maintains the sewer collection system within the City that connects to DDSD's trunk sewer lines.

Because the project would not increase land use intensity over existing or allowable levels, the project would not have the potential to increase the total amount of wastewater generated in the subareas. However, by extending wastewater infrastructure to Subarea 2b, the total amount of wastewater *entering the collection and treatment system* would increase relative to existing conditions. At present, all such wastewater is directed into individual septic systems.

The permitted wastewater inflow capacity for the DDSD WPCF is an Average Dry Weather Flow of 16.5 million gallons per day. In 2012, the actual amount of wastewater treated at the WPCF was 12.7 million gallons per day, almost 4 million gallons below the WPCF's maximum capacity.²⁸

As shown in **Table 5**, the project would add 28,600 gallons per day (0.0286 million gallons per day) of wastewater to the WPCF.

²⁷ City of Antioch; Final Urban Water Management Plan (2010).

²⁸ Personal Communication with Amanda Roa; Environmental Compliance Engineer, Delta Diablo Sanitation District; January 22, 2013.

Table 5 Estimated Project Wastewater Generation

Land Use Category	Unit Flow Factor in Gallons Per Day (gpd)	Project Units	Total Project Wastewater Generation
Single Family Residential	220 gpd/Residential Unit	130 Single Family Units ¹	28,600 gpd
<i>Total</i>			<i>0.0286 million gpd</i>

Source: Conveyance System Master Plan Technical Memorandum C-5, DDS, 2004.

¹ Subarea 2b includes 120 single family residential units. A section of Subarea 2b has a designated land use of “heavy industrial.” Based on field reconnaissance and a review of County Assessor records, the areas designated for industrial use appear to have some combination of residential and commercial uses, including outdoor staging/storage of materials and vehicles. To provide a more conservative basis for this analysis, the Table above assumes the combined residential/commercial uses in the area designated “heavy industrial” has a functional equivalent of 10 residential uses. Thus the existing 120 units plus the estimated 10 additional units comprise the total of 130 units noted above.

DDS regularly reviews its system to determine maintenance and expansion needs. DDS projections change every few years based on proposed and approved projects. The proposed reorganization would add the Subareas to the DDS service area.

Due to the fact that estimated wastewater flows resulting from the project, when added to existing flow levels, would be well within the available capacity of the DDS WPCF, no new wastewater treatment facilities would be required and there would be no foreseeable exceedance of any wastewater treatment requirement. Therefore, project impacts would be less-than-significant. No mitigation is required.

c) Stormwater facility impacts?

Less Than Significant Impact. The project includes extension of stormwater collection infrastructure to Subarea 2b primarily to address “problem areas” that are subject to flooding under mild to moderate rainfall. Subareas 1, 2a, and 2b currently lack any formal system to control stormwater runoff and the addition of stormwater drainage infrastructure to Subarea 2b would begin to address and manage this need. Elsewhere in the City of Antioch, existing stormwater lines discharge to channels maintained by the City and the Flood Control District who hold a NPDES permit to release stormwater from the channels into the San Joaquin River. Notably, the Flood Control District exercises jurisdiction over the entire County, including incorporated cities and unincorporated areas.

The project’s proposed extension of stormwater collection facilities to Subarea 2b would incrementally increase the amount of stormwater entering City and Flood Control District facilities and discharging into the San Joaquin River. Given the relatively small size of

Subarea 2b, the incremental addition is not considered significant. Moreover, the project would result in beneficial environmental effects. Expansion of stormwater collection facilities to Subarea 2b would reduce undesirable environmental effects associated with uncontrolled stormwater, such as an increase in pollutant load in the area waterways and vector control issues. To that end, the proposed construction of stormwater collection and discharge facilities in Subarea 2b would allow for proper and planned drainage of stormwater and thus benefit current drainage patterns. The impact is less-than-significant. No mitigation is required.

d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?

Less than Significant Impact. The project would extend potable water lines to Subarea 2b to allow for the provision of treated water to users in Subarea 2b. At present, properties in Subarea 2b generally obtain water from individual on-site wells.

Although the project would increase the demand on the municipal water supply, the increased demands on water supply have been previously accounted for in the City's 2010 Urban Water Management Plan (UWMP). This plan is updated every 5 years, examining water demand through the year 2030.²⁹

The UWMP shows Subareas 1, 2a, and 2b are located within pressure Zone II, which serves primarily residential and commercial users within the City. UWMP assumes some new industrial uses in Zones I & II. Residential uses were assumed to exist in most other areas of the UWMP. Since Subareas 1, 2a, and 2b are located within the City's Sphere of Influence, the UWMP included these areas in the growth assumptions for its projections of new water demand through 2030.

Although most properties in Subareas 1, 2a, and 2b have wells or other sources of non-municipal water, the UWMP projected municipal water usage in these areas to be consistent with zoning. The UWMP shows Subareas 1 and 2a with an industrial zoning classification in Figure 2-2; Subarea 2b is shown to have residential zoning.

Per the UWMP, the City has sufficient water supplies available to serve the project from existing entitlements and resources through at least the year 2030. Therefore, the project's impacts relative to water supply would be less-than-significant. No mitigation is required.

²⁹City of Antioch; Final Urban Water Management Plan (2010).

f) and g) Landfill and solid waste impacts?

No Impact. Currently, solid waste from the project area is collected and taken to the Keller Canyon Landfill in Pittsburg, CA. The Keller Canyon Landfill is permitted to accept 3,500 tons of waste per day and a lifespan at 68 additional years is estimated before it reaches capacity.³⁰ This projection accounts for growth in Contra Costa County based in part on General Plans prepared by cities and the county in addition to other proprietary sources.

While the project would incorporate the three subareas into the City limits, the fact that the project would not change existing or allowable land uses means that there would be no net increase in waste generation or the amount of waste being sent to area landfills. Therefore, the project would have no impact relative to solid waste/landfill capacity. No mitigation is required.

³⁰ City of Antioch: Roddy Ranch Project Recirculated Draft EIR; August 2012.

XVIII. Mandatory Findings of Significance

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less than Significant Impact	No Impact
Does the project:				
a) Have the potential to degrade quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

- a) Have the potential to degrade quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?**

Less than Significant Impact. The only physical improvements associated with the project entail the extension of municipal infrastructure to serve Subarea 2b and the paving of existing unpaved roads. These improvements would occur almost entirely within right-of-way areas traversing a currently urbanized area. As shown in previous sections of this document, mitigation measures have been incorporated that would reduce all of the project's biological and cultural resources effects to a less-than-significant level. Therefore, the project would not have any significant potential to degrade the quality of the environment; affect habitat, fish, and wildlife species; or cultural resources.

- b) Have impacts that are individually limited, but cumulatively considerable?**
(“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?

Less than Significant Impact. As documented throughout this analysis, the proposed project would not result in any significant physical impacts. The City included all three subareas as part of the City's sphere of influence in its last General Plan Update (2003). The associated certified General Plan EIR further assumed the likely future annexation of the three subareas.

The proposed reorganization was included in the overall assumptions in the City's SOI and the impacts of buildout of the City was disclosed and analyzed as part of the General Plan and General Plan EIR. Therefore the project would not result in any cumulatively considerable impacts that were not already identified in the General Plan EIR.

- c) Have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?**

Less than Significant Impact. A key intent of the project is to provide infrastructure improvements to Subarea 2b to help resolve identified public health concerns associated with existing patterns of potable water wells in close proximity to numerous individual septic systems. Overall, the extension of potable water and wastewater collection service to Subarea 2b would have a positive effect on human health. The actual construction involved in extending infrastructure to Subarea 2b would have some minor short term effects, such as air quality and noise effects that could affect human beings. However, as noted earlier within this document, none of these effects would be significant or substantially adverse.

The following studies and reports were prepared specifically for the project and are included as appendices to this initial study.

Appendix A: Northeast Antioch Annexation Feasibility Study: Strategic Plan for Phased Annexation. January 2005. Richard, T. Loewke, AICP.

Appendix B: Plan for Providing Services. 2012. City of Antioch.

Appendix C: Cost Estimate for Infrastructure Improvements, Subarea 2b. November 2011. Carlson, Barbee & Gibson, Inc.

Appendix D: The Fiscal Impacts of the Northeast Antioch Annexation. January 2009. Gruen Gruen & Associates.

Appendix E: Air Quality and Greenhouse Gas Emissions Assessment. November 2012. Illingworth & Rodkin, Inc.

Appendix F: Biological Resources Assessment. August 2012. RCL Ecology.

Appendix G: Cultural Resources Assessment Report. July 2012. William Self Associates, Inc.

Appendix H: Phase I Environmental Site Assessment. July 2012. Baseline Environmental Consulting.

Appendix I: Supplement to March 4, 2013 comments. May 2013. Delta Diablo Sanitation District.

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